STATUTES OF CALIFORNIA

FIFTIETH SESSION OF THE LEGISLATURE,

1933.

Began on Monday, January second, and adjourned on Wednesday, July twenty-sixth, nineteen hundred thirty-three.

STATUTES OF CALIFORNIA

PASSED AT THE

FIFTIETH SESSION OF THE LEGISLATURE

CHAPTER 1.

An act making an appropriation to pay the expenses of electors of President and Vice President of the United States of America.

[Approved by the Governor January 9, 1933. In effect immediately.]

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

Appropriation Presidential electors

SECTION 1 The sum of one thousand five hundred thirty-four dollars and twenty cents, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to pay the per diem and mileage of electors of President and Vice President of the United States of America for the year 1933.

Current expenses

SEC. 2. This act, inasmuch as it provides for an appropriation for the current expenses of the State, shall, under the provisions of section 1, of article four of the Constitution, take effect immediately.

CHAPTER 2.

An act to provide for the payment of indemnities to owners of live stock or property, taken, destroyed or otherwise disposed of pursuant to any law of the State for the control, prevention or eradication of disease in live stock, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1933. In effect immediately.]

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

Payment for live stock destroyed by State

SECTION 1. The Department of Agriculture may pay from any money available for the support of the department all sums due or to become due from the State to owners of live stock or property, taken, destroyed or otherwise disposed of pursuant to any statute of the State relating to the control, prevention or eradication of disease in live stock.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the Constitution, and shall therefore go into effect immediately. The facts constituting the necessity are as follows: The control, prevention and eradication of disease in live stock is essential to the public health and welfare, and to effect such control it is necessary that certain live stock and property be taken, destroyed or otherwise disposed of. Unless this act takes immediate effect this necessary taking, destruction or disposal of animals and property can not be compensated for.

CHAPTER 3.

An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 18, 1933. In effect immediately.]

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

Appropriation Deficiency legislative printing

SECTION 1. The sum of one hundred fifty thousand ($150,000.00) dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to meet a deficiency in the appropriation for legislative printing, binding, etc. The sum herein appropriated shall be available for legislative printing, binding, etc., incurred in connection with the fiftieth session of the Legislature, or any special session.

Current expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State it is hereby declared an urgency measure and shall under the provisions of section 1 of Article IV of the Constitution take effect immediately.

CHAPTER 4.

Stats 1931, p 483, amended

An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal

investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal title sixteen of part four of division one of the Civil Code, chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, by amending sections numbered 6.02, 9.02, 9.11, 13.01, 15.03 and 15.17 thereof; declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1933. In effect immediately.]

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

SECTION 1. Section 6.02 of an act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal title sixteen of part four of division one of the Civil Code, chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, is hereby amended to read as follows:

Stats 1931, p 183
See Stats 1933, Chs 31 and 431

Limitation on withdrawals.

Sec. 6.02. Limitation on Withdrawals. The term "matured withdrawal claims," as used in this article, shall include each and all of the following, to wit, (1) the value of all shares or investment certificates or parts thereof, in respect of which valid notices of intention to withdraw shall be on file, matured and unpaid, including notices of intention to withdraw by defaulting shareholders pursuant to section 3.05 of this act, as well as notices of withdrawal generally pursuant to section 6.01 of this act; (2) the value of all shares which shall have matured pursuant to section 3.03 of this act and which shall be unpaid; (3) the value of all investment certificates in respect of which the holders, pursuant to section 5.07 of this act but subject to section 6.02 of this act, shall be entitled to receive the redemption price, but which shall be unpaid; and (4) the value of all definite term investment certificates which shall have reached the expressed date of their maturity but which shall be unpaid.

Preferences

Regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be secondary and subsequent to the right of such association to pay, and to provide reasonable reserves for the payment of, the following: taxes, assessments, insurance and other sums necessary to protect and preserve its properties and its interest in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association, otherwise than through the issuance of investment certificates; interest on investment certificates and dividends on shares; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association; and commitments on its incomplete loans or investments; provided, however, that an association on notice or on a pro rata basis shall not pay any dividends on its stock or distribute any profits to its stockholders or make any loans or investments, except loans or investments pursuant to its obligations incurred before it became an association on notice; provided further, that an association which is on notice and not on a pro rata basis may with the prior consent of the commissioner, and an association which is neither on notice nor on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, and regardless of the provisions of section 5.04 of this act, make or purchase loans or investments not exceeding the principal amount of moneys borrowed by such association from a Federal home loan bank or other similar Federal agency and not theretofore repaid; and provided further, that an association which is either on notice or on a pro rata basis may with the prior consent of the commissioner, and an association which is neither on notice nor on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu

Prohibition of dividend payments

of paying matured withdrawal claims, and regardless of the provisions of section 5.04 of this act, invest in stock issued by any Federal home loan bank or other similar Federal agency of which such association may be eligible to be a member. Moreover, regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be limited to payments from its cash on hand or in bank, proceeds from sale of investments and loans and other cash receipts of such association; and if the association is on notice or on a pro rata basis, shall be further limited to payments pursuant to the subsequent provisions of this section.

Payment of withdrawal claims when association on notice

If the sum of all matured withdrawal claims exceeds the amount available for that purpose, then, if the association is on notice but is not on a pro rata basis, payment of such matured withdrawal claims shall be made, to the extent of the funds from time to time available for that purpose, as follows:

First—To the payment of withdrawals in respect of investment certificates pursuant to section 6.01 of this act, to the payment of definite term investment certificates which have reached the date of their maturity and to withdrawals through payments following notice of modifications pursuant to section 5.07 of this act, without preference of one type of such withdrawal over the other, according to the priority in time of the maturity of the claims for such withdrawals, which in the case of withdrawals pursuant to said section 6.01 shall be deemed to be the time notice of intention of such withdrawal shall have matured, in the case of withdrawals through payment of definite term investment certificates shall be deemed to be the date of maturity of such certificates, and in the case of withdrawals through payments following notice of modifications pursuant to section 5.07 of this act shall be deemed to be the date of the expiration of the period of such notice of modifications; provided that as between the holders of certificates upon which the claim for withdrawal shall have matured at the same time, payment shall be made in the order of demand for or notice of such withdrawal, which in the case of definite term investment certificates shall be deemed to be the date of issuance thereof.

Second—To the payment of withdrawals in respect of shares pursuant to sections 3 05 and 6.01 of this act and withdrawals through payment of matured shares pursuant to section 3.03 of this act, without preference of one type of such withdrawal over the other, according to the priority in time of the maturity of the claims for such withdrawals, which in the case of withdrawals pursuant to said sections 3.05 and 6.01 shall be deemed to be the time notice of intention of such withdrawal shall have matured and in the case of withdrawals through payment of matured shares pursuant to said section 3.03 shall be deemed to be the time such shares shall be declared by the

board to be matured. In respect of shares so declared to be matured at the same time, then such payment shall be made in the order provided in the by-laws, or in the absence of such provision in the numerical order of issuance.

Exceptions

Notwithstanding anything to the contrary in this act, however, any association which is on notice but not on a pro rata basis may at its option pay in each month, with or without requiring notice of intention to withdraw, and regardless of the nonpayment of any or all matured withdrawal claims, not to exceed fifty dollars per person to any one or more of its shareholders or certificate holders; and withdrawals may be made at any time from pledged shares and investment certificates, whether or not the association is on notice or on a pro rata basis, and without notice, provided the full amounts of such withdrawals shall be used to pay the indebtedness for which such shares or investment certificates are pledged, or any part thereof; and provided further, that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

Payment of withdrawal claims when association on pro rata basis.

If the sum of all matured withdrawal claims exceeds the amount available for that purpose, then, if the association is on a pro rata basis, payment of such matured withdrawal claims shall be made one in each period of three months, to the extent of the funds available for that purpose, as follows:

First—To all matured withdrawal claims in respect of investment certificates until all sums payable thereon are paid and, as between several holders thereof, pro rata according to the unpaid principal thereof at the time of each such payment.

Second—To all matured withdrawal claims in respect of shares until all sums payable thereon are paid and, as between the several holders thereof, pro rata according to the unpaid value thereof at the time of each such payment.

No association shall make any contract waiving in any manner any of the provisions of this section and, if any such contract shall be so made, such contract shall be void.

Effect of act on existing rights

Nothing contained in this act is intended or shall be construed to impair the obligations of any contract existing at the effective date of this act in respect of the withdrawal or other rights of the holders of shares or investment certificates then outstanding, and the withdrawal and other rights of such holders shall continue to be governed by the obligations of their respective contracts, regardless of the provisions of this act. The provisions of this act, however, shall govern the withdrawal and other rights of the holders of all shares and investment certificates hereafter issued and shall also govern, to the extent that the same do not impair the obligations of contracts existing at the effective date of this act, the withdrawal and other rights of holders of shares and investment certificates then outstanding.

SEC. 2. Section 9.02 of said act is hereby amended to read as follows: Stats 1931, p 483 See Stats 1933, Ch 431

Sec. 9.02. Investments Generally. An association may invest in, hold, buy and sell the following:

(1) Real property used or to be used primarily as the principal office or branch of such association; provided that no association issuing either stock or investment certificates or both shall invest in such real property more than one-half of the sum of its aggregate paid-up nonwithdrawable capital and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation; Authorized investments Real property

(2) Furniture, fixtures and equipment necessary or proper for the business of such association; provided that no association issuing either stock or investment certificates or both shall invest in furniture, furnishings and equipment more than ten per cent of the sum of its aggregate paid up nonwithdrawable capital and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation; Furniture and equipment

(3) United States government bonds and treasury certificates and bonds, debentures and notes issued by any Federal home loan bank or other similar Federal agency; Bonds

(4) Bonds of this State or of any county, municipality or school district in this State;

(5) Bonds, other securities and bankers' acceptances which are legal as investments for or purchases by savings banks in this State;

(6) Bonds issued by any railroad corporation or any public utility corporation excluding street railway corporations, substantially all of the properties of which are located in the United States of America; provided the purchase of all bonds pursuant to the sole authority of this subdivision (6) shall be first approved by the commissioner;

(7) Notes or bonds secured by first mortgage or first deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of title two of part four of division one of the Civil Code of this State;

(8) California street improvement bonds; provided the purchase of all bonds pursuant to the sole authority of this subdivision (8) shall be first approved by the commissioner and that no association at any one time shall have invested pursuant to the sole authority of this subdivision (8) an aggregate amount in excess of two per cent of the then total assets of such association; or

(9) Stock issued by any Federal home loan bank or other similar Federal agency of which such association may be eligible to be a member; Federal stock

Provided that, except with the prior consent of the commissioner, no association at any one time shall have invested Investment limit

pursuant to subdivisions (3), (4), (5), (6), (7) and (8) of this section an aggregate amount in excess of twenty-five per cent of the then total assets of such association.

Exemption. Bank deposits.

Associations may make deposits with any bank and such deposits shall not be construed as loans within the meaning of this act.

Stats 1931, p 483 See Stats 1933, Ch 43

SEC. 3. Section 9.11 of said act is hereby amended to read as follows:

Borrowings by associations

Sec. 9.11. Borrowings. No association shall borrow money except through the issuance of investment certificates or otherwise as authorized by this section. An association may borrow money, otherwise than through the issuance of investment certificates or from a Federal home loan bank or other similar Federal agency, for a period of not more than one year provided that the aggregate amount of all such borrowings in force at any one time, excluding borrowings through the issuance of investment certificates and from Federal home loan banks or other similar Federal agencies, shall not exceed five per cent of the then total assets of such association, except with the approval of the commissioner. No excess loan made to any association, however, shall be invalid or illegal as to the lender. An association, as security for any borrowings otherwise than through the issuance of investment certificates, may pledge, hypothecate or otherwise encumber any of the notes, bonds or other securities held by such association, together with the mortgages, trust deeds and other security therefor, provided that, except in the case of borrowings from a Federal home loan bank or other similar Federal agency, the unpaid principal amount of such notes, bonds or other securities so pledged, hypothecated or otherwise encumbered shall not exceed one hundred fifty per cent of the amount borrowed by such association, except with the approval of the commissioner. An association may borrow money from a Federal home loan bank or other similar Federal agency, and none of the limitations or restrictions provided in this act shall apply to borrowings from such bank or agency, and such borrowings shall not be deducted in computing the cash fund pursuant to section 5.04 of this act.

Hypothecation of securities owned by association

Exception from restrictions

Stats 1931, p 483 See Stats 1933, Ch 431

SEC. 4. Section 13.01 of said act is hereby amended to read as follows:

Office of Building and Loan Commissioner

Sec. 13.01. In General. The office of the Building and Loan Commissioner is hereby created, which office shall be a continuation of the office of Building and Loan Commissioner created by chapter 354 of the Statutes of 1911. The Building and Loan Commissioner shall be appointed by the Governor and shall hold office at the pleasure of the Governor. He shall receive such compensation as shall be prescribed or authorized by law. Before entering upon the duties of his office, he shall take and subscribe an oath of office and execute an official bond in the penal sum of fifty thousand dollars, with sufficient surety or sureties as provided by law. The commissioner shall be charged with the administration and

enforcement of this act, and of all other laws relating to or affecting the incorporation, organization, business, operation, merger, consolidation, dissolution or liquidation of associations subject to this act, and shall have and may exercise all of the powers necessary or convenient for such purposes. Except as otherwise expressly provided by this act, none of the records of the commissioner shall be deemed to be public documents nor be open to the inspection of the public; provided, however, that such records of the commissioner, including reports furnished to the commissioner pursuant to sections 10.04 and 10.05 of this act and reports and records of examinations pursuant to section 13.06 of this act, shall be subject to examination by the Federal home loan bank board and its representatives or by the board and representatives of any other similar Federal agency, and by any Federal home loan bank and its representatives or by any other similar Federal agency and its representatives. Records

SEC. 5. Section 15.03 of said act is hereby amended to read as follows: Stats. 1931, p. 483

Sec. 15.03. Powers—Purposes for Which Formed. Borrowers' mutual building and loan associations shall have power to receive money and accumulate funds to be loaned, and to loan the same to their shareholders, to permit shareholders and investors to withdraw part or all of their payments or investments, and to prescribe the terms and conditions of such withdrawal; to cancel shares, the payments on which have been withdrawn; to borrow money for the purpose of making loans and of paying withdrawals and maturities and other obligations, and, as security for such borrowings, to pledge, hypothecate, or otherwise encumber any of the notes, bonds or other securities held by such association, together with the mortgages, trust deeds, and other security therefor; to become a member of a Federal home loan bank or other similar Federal agency; and shall have such further powers as may be specifically set forth under this article; provided, however, that no such association shall, at any time, have or carry upon its books, for any member or investor, any demand, commercial or checking account or any credit to be withdrawn upon the presentation of any negotiable check or draft. Powers of borrowers' mutuals

Restriction

Every such corporation hereafter formed, setting forth the purposes for which it is formed, shall state, in its articles of incorporation, that it is formed to encourage industry, frugality, home building and savings among its shareholders and members; the accumulation of savings; the loaning to its shareholders and members of the money or funds so accumulated, with the profits and earnings thereon, and the repayment to each of his savings and profits, whenever they have accumulated to the full par value of the shares, or at any time when he shall desire the same or when the corporation shall desire to repay the same, as it may be provided in the by-laws; and shall also state that it is formed for all the purposes specified in this article, and nothing in the statutes of this State, to the Statements in articles

contrary notwithstanding, shall preclude any such association in any of its advertising from setting forth any of the foregoing purposes.

Stats 1931, p 483

SEC. 6. Section 15.17 of said act is hereby amended to read as follows:

Investments of borrowers' mutuals

Sec. 15.17. Investments Permitted. Any borrowers' mutual building and loan association may invest in or loan upon bonds of the United States, of the State of California, or of any county, municipality or school district of said State, or of any public utility corporation, or notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company, in accordance with the provisions of chapter eight of article two of part four of division one of the Civil Code, and may also invest in bonds or securities certified by the superintendent of banks to be legal as investments for savings banks in accordance with the provisions of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, and acts amendatory thereof and supplemental thereto, and in stock issued by any Federal home loan bank or other similar Federal agency of which such association may be eligible to be a member, and in bonds, debentures and notes issued by any Federal home loan bank or other similar Federal agency.

Urgency

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of facts constituting such necessity: Numerous home owners in this State are in dire distress financially and are unable to obtain any loans whatever on the security of their homes and are faced with immediate loss of such homes unless they can obtain funds from a Federal home loan bank or other similar Federal agency through loans from such banks to building and loan associations.

Building and loan associations in this State will be unable hereafter to obtain advances from Federal home loan banks except as members thereof, and all advances heretofore made by any such banks to such associations which are not members of such banks must be liquidated at the close of this legislative session. Many building and loan associations are unable to make loans to home owners with money borrowed from a Federal home loan bank by reason of statutory provisions adopted in 1931. Unless such associations are enabled immediately to participate in the activities of the Federal home loan banks as members thereof and to loan to home owners the amounts so borrowed, the proper functioning of said banks as agencies for the relief of such home owners will be seriously impeded, and numerous homes will be lost to home owners, and the public peace, health and safety will be endangered and impaired.

CHAPTER 5.

An act making an appropriation to the Department of Public Works for the construction of the approaches to a toll bridge to be built across the bay of San Francisco, from the City and County of San Francisco to the county of Alameda, and providing that this act become effective immediately.

[Approved by the Governor January 26, 1933. In effect immediately.]

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

Appropriation Approaches, San Francisco Bay Bridge

SECTION 1. For the purpose of enabling the Department of Public Works to construct the approaches to a toll bridge to be built over the bay of San Francisco, from the City and County of San Francisco to the county of Alameda, as surveyed, laid out and approved by the California Toll Bridge Authority and the Department of Public Works, and to acquire all lands or interest therein and all properties, rights, privileges, franchises and easements and overhead and underground ways that may be necessary in connection with the construction of said approaches, and to do all things necessary or incident thereto, there is hereby appropriated out of any moneys in the State highway construction fund and out of any moneys to accrue or be credited to said fund during the period of years required for the construction of said San Francisco-Oakland Bay Bridge, but only from that portion of said fund allocated or which may be allocated for the construction and improvement of primary State highways to the group of counties designated as Group No. 1 in section 4 of that certain act of the Legislature classifying the highways of the State into primary and secondary highways, approved May 26, 1927, being chapter 794, Laws of 1927, the sum of one million six hundred fifty thousand dollars ($1,650,000) each year until the total sum of six million six hundred thousand dollars ($6,600,000), has been made available for said purpose. Said sums so appropriated, commencing with the year 1933, shall be available for the acquisition and construction of said approaches and shall be payable during each year commencing with the year 1933, at such times and in such amounts as the Department of Public Works shall deem to be necessary, in order to complete such acquisition and construction by such time that the opening of the said San Francisco-Oakland Bay Bridge to public traffic will not be delayed thereby, and the State Controller, subject to the limitations of this act, is hereby directed to draw his warrants in such sums and at such times as the Department of Public Works may present demands therefor, and the State Treasurer is directed to pay the same.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary

for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The construction of a toll bridge and approaches thereto over the bay of San Francisco, from the City and County of San Francisco to the county of Alameda, and the efficient maintenance and operation of it by the State, are essential to complete and make effective the system of State highways. It is necessary for the preservation of the public peace, health and safety that greater facilities for travel and transportation across the bay of San Francisco be immediately afforded by the construction of such toll bridge and the approaches thereto; this act is necessary in order to enable and assure the immediate financing and construction of said toll bridge. There now exists unemployment in this State to such an extent that the public peace, health and safety are threatened and endangered. The immediate construction of the said toll bridge and the approaches thereto will do much to relieve the present unemployment situation, by furnishing employment for thousands of people. It is, therefore, essential that this act go into immediate effect, and the Legislature so determines that it shall become effective immediately.

CHAPTER 6.

An act determining the amount of money to be reimbursed to the State of California by the California Toll Bridge Authority, out of the proceeds of revenue bonds to be issued by it for the construction of a bridge across the bay of San Francisco from the City and County of San Francisco to the county of Alameda for preliminary surveys for which the State has heretofore appropriated funds, and providing that this act become effective immediately.

[Approved by the Governor January 26, 1933. In effect immediately.]

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

State reimbursed by California Toll Bridge Authority

SECTION 1. It is hereby provided that the California Toll Bridge Authority shall pay into the general fund in the State treasury from the proceeds of the first sale of revenue bonds which may be issued by it under the provisions of chapter 763, Laws of 1929, as amended, for the construction of a bridge across the bay of San Francisco from the City and County of San Francisco to the county of Alameda, a sum of money not in excess of six hundred fifty thousand dollars ($650,000) in complete discharge of its obligation imposed by chapter 400, Laws of 1931, it being the intention of this act that in no event shall the total amount of principal and interest to be so paid out of the proceeds of the sale of revenue bonds

by the California Toll Bridge Authority, exceed in the aggregate, the sum of six hundred fifty thousand dollars ($650,000).

Urgency

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The construction of a toll bridge and approaches thereto over the bay of San Francisco, from the City and County of San Francisco to the county of Alameda, and the efficient maintenance and operation of it by the State, are essential to complete and make effective the system of State highways. It is necessary for the preservation of the public peace, health and safety that greater facilities for travel and transportation across the bay of San Francisco be immediately afforded by the construction of such toll bridge and the approaches thereto; this act is necessary in order to enable and assure the immediate financing and construction of said toll bridge. There now exists unemployment in this State to such an extent that the public peace, health and safety are threatened and endangered. The immediate construction of the said toll bridge and the approaches thereto will do much to relieve the present unemployment situation, by furnishing employment for thousands of people. It is, therefore, essential that this act go into immediate effect, and the Legislature so determines that it shall become effective immediately.

CHAPTER 7.

Stats 1929, p. 1502, amended

An act to amend sections 1, 2, 3, 4, 5, 6 and 8 of chapter 764 of the Statutes of 1929, entitled "An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the Department of Public Works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the State may purchase or retake any such toll bridges or toll roads constructed hereunder and repealing all other acts and parts of acts in conflict there-

with," approved June 10, 1929, relative to toll ferries and extending the provisions of said act to toll ferries.

[Approved by the Governor January 26, 1933 In effect August 21, 1933.]

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

Stats 1929, p 1502

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Jurisdiction over toll bridges, roads and ferries

Section 1. The Department of Public Works of the State of California shall have exclusive jurisdiction and is hereby empowered, except as hereinafter provided, to grant upon such terms, limitations, conditions, restrictions and under such supervision as in its judgment may be necessary or proper, franchises, privileges or licenses for the construction or operation of toll bridges, toll roads and toll ferries and for the taking and keeping of tolls from said bridges, roads and ferries situated wholly or in part within the State.

Stats 1929, p 1502

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Tolls

Sec. 2. The Department of Public Works shall have jurisdiction and is hereby empowered to fix the rate of tolls and from time to time to regulate, modify and change any such tolls which may be collected on any toll bridge, toll roads or toll ferries which are built, constructed or established under the provisions of this act. The rate of toll so fixed, regulated, modified or changed shall be determined by the Department of Public Works after hearing has been had thereon and a written finding rendered. Findings rendered by the department shall be conclusive as to the facts recited therein.

Stats 1929, p 1502

SEC. 3. Section 3 of said act is hereby amended to read as follows:

Franchises

Sec. 3. The Department of Public Works is hereby authorized and empowered to provide as a condition or limitation in any franchise granted hereunder for the purchase or retaking of any toll bridge, toll road or toll ferry constructed or established by virtue of a franchise issued under the provisions of this act upon such terms and conditions as may at the time of the execution of any such franchise be determined by said department. The conditions and limitations upon which any franchise is granted hereunder must be set forth in full in the instrument executed evidencing the granting of any such franchise.

Stats 1929, p 1502

SEC. 4. Section 4 of said act is hereby amended to read as follows:

Jurisdiction of supervisors terminated

Sec. 4. The jurisdiction and power of boards of supervisors in their respective counties to grant franchises and licenses for the construction, taking and keeping of tolls on roads, bridges and ferries now provided by law is hereby terminated.

Stats 1929, p 1502

SEC. 5. Section 5 of said act is hereby amended to read as follows:

Records and accounts

SEC. 5. Every person, firm, association or corporation operating any toll road, toll bridge or toll ferry within the State of California under any franchise granted under the provisions of this act shall keep an accurate account of the cost of construction thereof and of the amount expended in keeping such toll road, toll bridge or toll ferry in repair, of the cost for operation and maintenance thereof, and a record of the true financial condition of said person, firm, association or corporation, and shall, on or before March 15th of each year, file such statement for the preceding calendar year, verified by such person or by some member of such firm or by some officer of such corporation having knowledge of the facts, with the Department of Public Works of the State of California The Department of Public Works of the State of California shall prescribe a uniform system of accounts for all such toll roads, toll bridges and toll ferries, and the manner in which the account of costs of construction, repair, operation and maintenance thereof and the annual statement of expenditures and revenues shall be kept, and shall prescribe the forms of such statements required under this act. The Department of Public Works of the State of California is hereby empowered and authorized to make orders and to prescribe rules and regulations with respect to toll roads, and toll bridges or toll ferries in conformity with this act.

Rules and regulations

SEC. 6. Section 6 of said act is hereby amended to read as follows:

Stats. 1929, p. 1502

SEC. 6. Nothing in this act shall be constructed as preventing the State, or any city, county, city and county, incorporated bridge and highway district or joint highway district from acquiring or constructing toll roads, toll bridges and toll ferries under the restrictions imposed by any law of this State now in force or which may hereafter be adopted authorizing the construction, acquisition or condemnation of toll roads, or toll bridges through the use of revenue bonds.

Construction of act

SEC. 7. Section 8 of said act is hereby amended to read as follows:

Stats. 1929, p. 1502

SEC. 8. Neither this act nor any provision thereof shall apply or be construed to apply to any persons or corporations now holding a franchise for or operating a toll bridge, toll road or toll ferry thereunder, or to any existing franchise for such toll bridge, toll road or toll ferry, or to any toll ferry operated or to be operated by a municipality.

Construction of act

CHAPTER 8.

An act to amend section 2620 of the Political Code, relating to the width of highways.

[Approved by the Governor January 26, 1933. In effect August 21, 1933.]

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

Stats 1927, p 1066

SECTION 1. Section 2620 of the Political Code is hereby amended to read as follows:

Width of highways

2620. Width of Highways. The width of all public highways, except State highways, bridges, alleys, and lanes, and trails, shall be at least forty feet. The width of all State highways or all roads, avenues or ways under the control or supervision of the California Highway Commission, excepting bridges and the approaches thereto, shall be at least eighty feet. When any bridge or the approaches leading to any bridge constitute a part or the whole of any State highway the Department of Public Works, acting through the highway commission, may determine the width thereof and fix the same at less than eighty feet. The width of all private highways and by-roads, except bridges, shall be at least twenty feet; provided, however, that nothing in this act shall be so construed as to increase or diminish the width of either kind of highways already established or used as such. Where it shall appear to the board of supervisors of any county that any one road which is of general utility and of public convenience and which constitutes the only or principal means of communication between one town or village with another town or village in the same county and it is determined by a two-thirds vote of such board of supervisors that the public convenience and necessity demands the acquisition and reconstruction of such road, the said board of supervisors may by resolution passed by two-thirds vote of such board of supervisors, determine to acquire and reconstruct such road and may thereafter proceed to acquire and reconstruct such road although said road may not be of the width of forty feet and said board of supervisors shall charge the cost thereof to the general county fund, the general road fund of the said county, or the district fund of the district or districts benefited, in such proportions as said board of supervisors shall deem just and equitable.

County roads

CHAPTER 9.

An act directing the Department of Public Works to construct the approaches to a toll bridge to be built across the bay of San Francisco from the City and County of San Francisco to the county of Alameda; declaring such toll bridge and approaches to be a State highway; requiring their

maintenance and operation by the Department of Public Works; and prescribing the manner in which the cost thereof shall be paid; and providing that this act become effective immediately.

[Approved by the Governor January 26, 1933. In effect immediately.]

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

SECTION 1. The Department of Public Works is hereby authorized and directed to construct or cause to be constructed the approaches to a toll bridge to be built over the bay of San Francisco from the City and County of San Francisco to the county of Alameda, as surveyed, laid out and approved by the California Toll Bridge Authority and the Department of Public Works, and to acquire all lands or interest therein, and all rights, privileges, franchises and easements and overhead and underground ways that may be necessary for the purpose of constructing said approaches and to complete such construction and acquisition by such time that the opening of the said toll bridge for public traffic will not be delayed thereby. The said approaches to be so laid out and constructed as State highways and leading to and upon the westerly or San Francisco end of said bridge are generally described as follows: Construction of approaches to San Francisco Bay Bridge

1. Starting from the intersection of Fremont Street with the southerly line of Harrison Street and extending thence by proper alignment and grade to and connecting with the upper deck of said bridge at a point approximately midway between Sterling and Rincon Streets. Routes

2. Starting at or near the intersection of the northwesterly line of Clementina Street and the southwesterly line of First Street and extending thence by proper alignment and grade to and connecting with the upper deck of said bridge at a point approximately midway between First Street and Rincon Street.

3. Starting from the southeasterly line of Harrison Street at a point approximately midway between Rincon Street and Sterling Street and extending thence by proper alignment and grade to and connecting with the lower deck of said bridge at a point approximately midway between First Street and Fremont Street; together with that portion of Harrison Street between First Street and Second Street and that portion of Essex Street between Harrison Street and Folsom Street, and together with such portions of Lansing Street between First Street and Essex Street and of Sterling Street between Harrison Street and Bryant Street as may be necessary to secure proper alignment and grade for such highway approach.

4. Starting from the westerly end of said bridge at a point approximately 263 feet southwesterly from Fourth Street and at a point near the southerly side of Perry Street and extending thence to Fifth Street together with adequate connection

with Harrison Street at or near Fifth Street and with Bryant Street at or near Fifth Street.

The said approaches to be so laid out and constructed as State highways and leading to and upon the easterly or Alameda County end of said bridge are generally described as follows:

1. Starting from the westerly side of Market Street at a point between Thirty-seventh and Fortieth Streets in the city of Oakland and extending thence by proper alignment and grade to and connecting with the easterly end of said bridge as fixed by Station No. 273+16 heretofore established by the Department of Public Works as marking the easterly terminus of the bridge.

2. Starting approximately at the intersection of Cypress and Seventh Streets in the city of Oakland and extending thence by proper alignment and grade to and joining the last above described highway approach in the vicinity of Station No. 392 thereon, said point being between Beach Street and Ettie Street.

3. Starting at a point on the westerly side of Ninth Street in the vicinity of Ashby Avenue in the city of Berkeley and extending thence by proper alignment and grade to and joining the highway approach extending from the westerly side of Market Street to Station 273 + 16 as heretofore described, in the vicinity of Station No. 380 thereon.

When construction to start

SEC. 2. The construction of said approaches by the Department of Public Works shall be undertaken and begun upon the sale by the California Toll Bridge Authority of the first block of bonds which may be issued by it, under the provisions of chapter 763, Laws of 1929, as amended, for the purpose of constructing such toll bridge, and the Department of Public Works is directed to have the said approaches complete and connected with streets or highways and ready for service at the time the said toll bridge is completed and ready to be opened for public traffic.

Bridge and approaches a primary State highway

SEC. 3. The said toll bridge and the aproaches to it herein directed to be constructed shall be and constitute a primary State highway, and the said toll bridge and structures on the approaches thereto shall at all times during construction be insured against all risks to the full insurable value thereof, for the protection of the State of California and the Director of the Department of Public Works is hereby authorized and directed to obtain and carry or cause to be obtained and carried such insurance in such manner as he may deem advisable. No provision of law providing that State highways shall be free highways shall affect the power or duty of the California Toll Bridge Authority to fix the rates of toll for the use of such bridge or the power and duty of the Department of Public Works to collect the tolls so fixed by the California Toll Bridge Authority for the use of said bridge.

Maintenance of bridge and approaches.

SEC. 4. Upon the completion of the construction of said toll bridge and the approaches thereto, and as long as any of the

bonds which may be issued by the California Toll Bridge Authority for the construction of said toll bridge may be outstanding and thereafter, the Department of Public Works shall permanently maintain and operate the said toll bridge and approaches as such primary State highway in such a manner that the physical condition and operating efficiency thereof shall be of the highest character and shall cause the said toll bridge and structures on approaches to be at all times insured against all risks to the full insurable value thereof, the proceeds of such insurance to be applied to the restoration of the bridge and structures on approaches to the same good order, repair and condition as they were in prior to the damage, in so far as may be possible. The Department of Public Works shall at all times cause the said toll bridge and approaches thereto to comply with all lawful orders of the United States Secretary of War, the Chief of Engineers of the United States Army, and of any other governmental agency or authority having jurisdiction in the premises.

Federal regulations

SEC. 5. The cost of constructing the said approaches and of maintaining and operating the said toll bridge and approaches, including the cost of insurance thereon other than insurance against loss of tolls or other revenues therefrom, and the cost of complying with any order of any governmental agency or authority as provided in section 4 hereof shall be paid by the Department of Public Works out of funds made available to it for such purpose other than the proceeds of bonds which may be issued by the California Toll Bridge Authority for the construction of said toll bridge, and other than the tolls and revenues which may be received from the use and operation of said toll bridge, as long as any bonds or other obligations which may be issued by the California Toll Bridge Authority for the purpose of constructing said toll bridge are outstanding and unpaid. The Department of Public Works is hereby authorized and directed to make expenditures for the operation and maintenance of said bridge and approaches and for the cost of insurance thereof and the cost of complying with any order of any governmental agency or authority as provided in section 4 hereof from moneys accruing and to accrue in the State highway maintenance fund available for the widening, resurfacing and reconstruction of State highways for the group of counties designated as Group No. 1 in section 4 of that certain act of the Legislature classifying the highways of the State into primary and secondary highways, approved May 26, 1927, being chapter 794, Laws of 1927, or such costs of operation and maintenance may be paid from any other fund or funds which may hereafter be made available for such purposes.

Cost of construction and maintenance

Highway maintenance fund

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, the unconstitutionality of such section, subsection, sentence, clause or phrase shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have

Constitutionality

passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Urgency

SEC. 7. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The construction of a toll bridge and approaches thereto over the bay of San Francisco, from the City and County of San Francisco to the county of Alameda, and the efficient maintenance and operation of it by the State, are essential to complete and make effective the system of State highways. It is necessary for the preservation of the public peace, health and safety that greater facilities for travel and transportation across the bay of San Francisco be immediately afforded by the construction of such toll bridge and the approaches thereto; this act is necessary in order to enable and assure the immediate financing and construction of said toll bridge. There now exists unemployment in this State to such an extent that the public peace, health and safety are threatened and endangered. The immediate construction of the said toll bridge and the approaches thereto will do much to relieve the present unemployment situation, by furnishing employment for thousands of people. It is, therefore, essential that this act go into immediate effect, and the Legislature so determines that it shall become effective immediately.

CHAPTER 10.

Stats 1929, p 1489, amended

An act to amend chapter 763, Statutes of 1929, approved June 10, 1929, as amended by chapter 401, Statutes of 1931, approved May 25, 1931, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof, and by amending sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17 and 19, and by adding thereto new sections numbered $6\frac{1}{2}$, $13\frac{1}{2}$, $22\frac{1}{2}$ and $22\frac{3}{4}$, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing that this act become effective immediately.

[Approved by the Governor January 26, 1933. In effect immediately.]

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

Title amended

SECTION 1. The title of that certain act of the Legislature known and cited as the "California Toll Bridge Authority Act," chapter 763, Statutes of 1929, approved June 10, 1929, and as amended by chapter 401, Statutes of 1931, approved May 25, 1931, is hereby amended to read as follows:

"An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California Toll Bridge Authority and providing for membership thereof and specifying its duties and powers; also authorizing California Toll Bridge Authority to authorize and direct the Department of Public Works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other State, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the Department of Public Works to make recommendation to the California Toll Bridge Authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California Toll Bridge Authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and other revenues received by the California Toll Bridge Authority and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California Toll Bridge Authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the Department of Public Works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the Department of Public Works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California Toll Bridge Authority shall not constitute or be a debt or general obligation of the State but shall be secured by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county,

city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California Toll Bridge Authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also defining the limits within which other competitive bridges or other highway crossings or ferries may be constructed or operated; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom and invested and disbursed; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California Toll Bridge Authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the Department of Public Works to designate certain county roads as State highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing insurance and indemnity bonds on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across State property for the construction of such toll bridges or other toll highway crossings; also appropriating fifty thousand dollars for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto."

Stats 1929, p 1489.

SEC. 2 Section 2 of said act is hereby amended to read as follows:

Definitions

Sec. 2. Definitions. The term "Department of Public Works" when used in this act shall be construed to mean the Department of Public Works of the State of California.

The terms "toll bridge," "bridge," "subway," "tunnel" and "highway crossing" when used in this act, either in the singular or plural, shall be construed to embrace all appurtenances and additions, alterations or improvements thereto or replacements thereof and the approaches to each end thereof, and all lands and interest therein used therefor and buildings and improvements thereon.

The term "bond" when used in this act, either in the singular or plural, shall be construed to mean any bond or other written evidence of indebtedness which the California Toll Bridge Authority may issue under this act in order to secure funds with which to carry out the purposes of this act.

SEC. 3. Section 5 of said act is hereby amended to read as follows: Stats 1929, p 1489

Sec. 5. Whenever the Department of Public Works determines that it is advisable or necessary to acquire either through eminent domain proceedings or otherwise any existing privately owned toll bridge or bridges or other highway crossing and the approaches or other property, franchises or rights appurtenant thereto or when the Department of Public Works determines that it is for the best interest of the public highways in the State that a new toll bridge or bridges or other highway crossing be constructed and operated by the State, the director of said department shall submit its recommendation to that effect to the California Toll Bridge Authority, together with preliminary estimates of the cost of such acquisition or construction and an estimate of the amount required to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of such acquisition or construction. If a majority of the members of the California Toll Bridge Authority concur in the recommendation of the Department of Public Works the said California Toll Bridge Authority shall adopt a resolution declaring that public interest and necessity require the acquisition of any such toll bridge or bridges or other highway crossing or the construction of such toll bridge or bridges or other highway crossing and authorizing the issuance of revenue bonds, for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such acquisition or construction. The issuance of bonds for the construction of more than one toll bridge or other highway crossing may be included in a single authorization All such bonds so authorized shall be issued in the name of the California Toll Bridge Authority and shall constitute obligations only of said California Toll Bridge Authority and shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges or other highway crossing for the acquisition or construction of which the bonds are issued and that neither the payment of the principal or any part thereof or any interest thereon constitutes a debt, liability or obligation of the State of California.

Recommendations by department

Resolution authorizing issuance of bonds

Bonds

SEC 4. Section 6 of said act is hereby amended to read as follows: Stats 1931, p 916

Sec 6. All revenue bonds authorized under the terms of this act may be issued and sold by the California Toll Bridge Authority from time to time and in such amounts as may be deemed necessary in the judgment of said authority to provide sufficient funds for the acquisition or construction of any such toll bridge or bridges or other highway crossings, and to pay

Issuance of bonds

interest on outstanding bonds issued for the acquisition or construction of the same toll bridge or bridges or other highway crossing during the period of actual construction of any such toll bridge or bridges or other highway crossing, and for a period of six months thereafter, and the proceeds thereof are hereby made available for such purposes. The California Toll Bridge Authority shall determine the form, conditions and denominations of all such bonds, and shall determine the dates which the bonds so to be sold shall bear and the interest rate thereon, which shall not exceed six per cent per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of such bonds shall be payable at such place or places as may be fixed and determined by the California Toll Bridge Authority, and said bonds may contain provisions for registration thereof as to principal only, and as to both principal and interest. Said bonds shall be issued in coupon form with interest payable at such times as may be determined by the said California Toll Bridge Authority, and shall mature at such times and in such amounts as the said authority may prescribe. The California Toll Bridge Authority may provide for the retirement of said bonds at any time or times prior to their maturity, and in such manner and upon payment of such premiums as may be fixed and determined in the proceedings providing for the issuance of such bonds and referred to therein. All such bonds shall be signed by the Director of Public Works and countersigned by the Governor. The signatures of the Governor may be by facsimile. All interest coupons shall bear the facsimile signature of the Director of the Department of Public Works. In case any of such officers whose signature or countersignature appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

Signing of bonds

Bonds authorized under this act may be sold below the par or face value thereof, such sale price, however, not to be less then that which will yield the purchaser six per cent per annum according to standard tables of bond values, and such sale price shall include the interest which has accrued thereon up to the date of delivery of said bonds. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the acquisition or construction of any particular toll bridge or bridges or other highway crossing shall have equal preference with respect to the redemption thereof and the payment of interest thereon; provided, however, the California Toll Bridge Authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. All bonds issued and sold under or by authority of this act shall be sold on sealed proposals to the highest

Sale of bonds.

and best bidder after such advertising for bids as the California Toll Bridge Authority may deem proper; provided, however, said authority may reject any and all bids so submitted and may thereafter sell such bonds so advertised for sale at private sale under such terms and conditions as said authority may deem most advantageous to its own interests; provided, they are not sold at a price below that of the best bid which was rejected. The California Toll Bridge Authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any of its departments, agencies or instrumentalities upon such conditions and terms as may be agreed to and such bonds shall be subject to all the provisions of this act except the requirement that bonds be first offered at public sale pursuant to advertisement.

Temporary or interim bonds, certificates, or receipts, of any denomination whatever and with or without coupons attached thereto, to be signed by the Director of Public Works, may be issued and delivered until the definitive bonds are executed and available for delivery.

The purchase price of all bonds issued hereunder shall be paid to the Treasurer of the State of California for the account of the California Toll Bridge Authority.

New section

SEC. 5. A new section to be numbered $6\frac{1}{2}$ is hereby added to said act to read as follows:

Additional bonds

Sec. $6\frac{1}{2}$. In the event a bond issue for the acquisition or construction of a toll bridge or bridges or other highway crossing shall be authorized and sold in whole or in part and the California Toll Bridge Authority and Director of the Department of Public Works deem it advisable and advantageous to enlarge or extend such toll bridge or bridges or other highway crossing or any of them or to change the structure or design thereof in order to afford new or greater facilities for any type or class of traffic, the said California Toll Bridge Authority may issue additional bonds for the purpose of enlarging or extending such toll bridge or bridges or other highway crossing or changing the structure or design thereof in order to afford such new or greater facilities, provided the surrender and cancellation of all outstanding bonds theretofore issued for the acquisition or construction of such toll bridge or bridges or other highway crossing as originally designed can be assured or obtained by call or by consent of the holders thereof. Such additional bonds shall not constitute a debt or obligation of the State of California but shall be bonds of the California Toll Bridge Authority of the same character and payable from the same funds as other bonds herein authorized; provided, however, that the pledge of the tolls and other revenues to be received from the operation of such toll bridge or bridges or other highway crossing to the payment of outstanding bonds shall not in any way be lessened, diminished or affected thereby.

Use of bonds

If the bonds issued for the acquisition or construction of such toll bridge or bridges or other highway crossing as originally

designed which may be then outstanding are at that time by their terms subject to immediate retirement before maturity at the option of the California Toll Bridge Authority, or if the holders consent to the retirement of such bonds, the said authority may include in the issue of bonds to be sold for the purpose of enlarging or extending said toll bridge or bridges or other highway crossing or changing the design thereof, an amount of bonds sufficient to produce funds with which to retire such outstanding bonds according to their terms; provided, however, that before any such bonds are delivered the California Toll Bridge Authority shall have first duly called the outstanding bonds for redemption in accordance with their terms and conditions or have obtained the consent of the holders thereof to the retirement of such outstanding bonds Out of the proceeds derived from the sale of such new bonds there shall be set aside an amount of money sufficient to retire such outstanding bonds as may be thereafter presented for payment. Bonds of the new authorized issue may be delivered in part in exchange for a like principal amount of outstanding bonds of the original issue if the holders of such outstanding bonds to be so exchanged consent thereto.

All provisions of this act shall apply with like force and effect to the issuance of any bonds of such new authorized issue. Nothing herein contained shall be deemed to authorize the issuance of additional bonds to rank on a parity with those of the original authorized issue or in any way affect the pledge of tolls and other revenues to the payment of bonds of the original issue while any such bonds may be outstanding.

Stats. 1929, p 1489.

SEC. 6. Section 7 of said act is hereby amended to read as follows:

Toll rates

Sec. 7. The California Toll Bridge Authority is hereby empowered to fix the rates of toll and other charges for all toll bridges or other toll highway crossings acquired or built under the terms of this act. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such toll bridge or bridges or other toll highway crossing including the cost of insurance and to the amount required annually to meet the redemption of bonds and interest payments thereon. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or bridges or other toll highway crossing as the same fall due and the bond redemption and interest payments shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge or bridges or other highway crossing and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for

the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

SEC. 7. Section 8 of said act is hereby amended to read as follows: Stats. 1929, p. 1489

Sec. 8. The Department of Public Works shall have full charge of the acquisition and construction of all such toll bridges and other toll highway crossings as may be authorized by the California Toll Bridge Authority, the operation and maintenance thereof and the collection of tolls thereon. The Director of the Department of Public Works shall proceed with the construction of such toll bridges and other highway crossings and the approaches thereto immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as possible. Department in charge of acquisition and construction

SEC. 8. Section 9 of said act is hereby amended to read as follows: Stats. 1931, p. 916

Sec. 9. When the Department of Public Works can not acquire any toll bridge or any toll highway crossing, or the real or personal property, franchises, rights, privileges or easements needed for bridge or highway crossing purposes or approaches thereto, by agreement with the owner or owners, it shall be lawful for the Department of Public Works, and said department is hereby authorized, to condemn and take in the name of the State of California, any such bridge or highway crossing, real estate, personal property, franchises, rights, privileges or easements deemed necessary for such bridge or highway crossing or approach thereto, under the provisions of the laws of this State relating to eminent domain proceedings. Said department shall not have power to commence any such proceedings in eminent domain unless and until the California Toll Bridge Authority shall first have passed a resolution declaring that public interest and necessity require the acquisition, construction or completion by the State acting through the said Department of Public Works of any such bridge or highway crossing, or the acquisition of any particular real estate, personal property, franchises, rights, privileges or easements, and that such bridge or highway crossing, real estate, personal property, franchises, rights, privileges or easements are necessary therefor. Such resolution shall be conclusive evidence (a) of the public necessity of such acquisition, construction or completion; (b) that such property and said franchises, rights, privileges or easements are necessary therefor; and, (c) that such proposed acquisition, construction or completion is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the Department of Public Works to condemn any toll bridge or toll highway crossing, real estate, personal property, franchises, rights, privileges or easements used or to be used in connection with any such bridge or highway crossing, the Attorney General of the State shall represent the Department of Public Works, and Eminent domain

Public convenience and necessity

Attorney General to represent department

shall also be assisted by the attorneys for the Department of Public Works and any legal counsel the Department of Public Works or the California Toll Bridge Authority may employ. In eminent domain proceedings to acquire property for any of the purposes of this act, any toll bridge or other toll highway crossing, real property, franchises, rights or other property appurtenant to any such bridge or highway crossing already appropriated to a public use by any person, firm or private corporation may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use to which such property has been so appropriated, or for any other public purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use than the public use to which such property has already been appropriated. When the State or any department or governmental agency thereof acquires any existing toll bridge or the real or personal property used in connection therewith, said property and toll bridge shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located, and the State shall pay to the county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge.

Property subject to taxation

Stats 1929, p 1489

SEC. 9. Section 10 of said act is hereby amended to read as follows:

Bonds secured by revenues

Sec. 10. Bonds issued under the provisions of this act shall not constitute or be a debt, liability or obligation of the State, and the payment of both principal and interest of all such bonds shall be secured only by the tolls or other revenues collected from the particular toll bridge or bridges or other highway crossings for which such bonds were issued and other revenues and interest thereon and sinking funds created therefrom received by the California Toll Bridge Authority and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available under the terms of this act.

Stats 1929, p 1489

SEC. 10. Section 11 of said act is hereby amended to read as follows:

Cities, counties, etc., may contribute

Sec. 11. Any city, county, city and county, incorporated city or town, or joint highway district may, upon the request of the Department of Public Works or of the California Toll Bridge Authority advance or contribute money, rights of way, labor, materials and other property toward the expense of building, acquiring and maintaining the toll bridge or bridges or other highway crossings referred to in this act, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including highway funds received from the State. Any of the political subdivisions or public corporations mentioned in this section may also issue general obligation bonds for any of such

purposes, and all proceedings for the authorization, issue and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by the particular political subdivision or public corporation. Money or property so advanced or contributed may be immediately transferred or delivered to the Department of Public Works or to the California Toll Bridge Authority to be used for the purpose for which such advance or contribution was made. The California Toll Bridge Authority may enter into a binding agreement with any city, county, city and county, incorporated city or town, or joint highway district to repay any money or the value of any rights of way, labor, materials or other property advanced or contributed toward the expense of acquiring or constructing any toll bridge or bridges or other highway crossing acquired or constructed as provided for in this act; provided, no repayment therefor shall be made until all obligations issued by the California Toll Bridge Authority for the acquisition or construction of any such toll bridge or bridges or other highway crossing have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of any such toll bridge or bridges or other highway crossing. After all bonds issued hereunder for the acquisition or construction of any toll bridge or bridges or other highway crossing have been fully redeemed and paid the California Toll Bridge Authority may continue to collect tolls and other revenues for the use of such toll bridge or bridges or other highway crossing for the purpose of reimbursing the State of California for any expenditures which may have been made by it in connection with said toll bridge or bridges or other highway crossing and for the purpose of repayment to any city, county, city and county, incorporated city and town, or joint highway district of any amount the California Toll Bridge Authority shall have agreed to repay for money, rights of way, labor, materials or other property advanced or contributed for the acquisition or construction of any such toll bridge or bridges or other highway crossing. The collection of tolls shall be continued on any such toll bridge or bridges or other highway crossing until all bonds issued hereunder for the acquisition or construction of such particular toll bridge or bridges or other highway crossing are fully redeemed and paid.

Repayment to cities, counties, etc

SEC. 11. Section 12 of said act is hereby amended to read as follows:

Stats 1931, p 916

Sec. 12. As long as any of the bonds issued hereunder for the acquisition, construction, enlargement, extension or change in design or structure of any toll bridge or other highway crossing are outstanding and unpaid, there shall not be erected, constructed or maintained any other bridge, subway, tunnel or other crossing over, under, through or across the waters over which such bridge or other highway crossing is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on

Unlawful to construct competitive bridge or crossing

both sides of the waters spanned or crossed by such bridge or other highway crossing, within a distance of ten miles from either side of such bridge or highway crossing, excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the acquisition or location of such toll bridge or other highway crossing and prior to the time of the authorization of such revenue bonds and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge or other highway crossing shall be maintained or operated or permitted or allowed; provided, however, that ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the acquisition or location of such bridge or other highway crossing and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The limitations and provisions of this section shall not apply to the acquisition or construction and maintenance and operation of any bridge which may be built across the Golden Gate between the City and County of San Francisco and the county of Marin, or to any ferry authorized to be operated and maintained across the waters of the bay between the City and County of San Francisco and the county of Marin, or any bridge or tube between the cities of Oakland and Alameda The provisions of this section shall be binding upon the California Toll Bridge Authority, the State of California and all of its departments, agencies or instrumentalities as well as any and all private, political, municipal and public corporations and subdivisions, including cities, counties, cities and counties, joint highway districts, bridge and highway districts and districts of any nature whatever, and the prohibitions of this section shall restrict and limit the powers of the Legislature of the State of California in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds

Existing crossings

Exceptions

Stats 1929, p 1489

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

Disposition of proceeds from sale of bonds

Sec. 13. The proceeds from the sale of all bonds authorized under the provisions of this act shall be paid to the State Treasurer for the credit of the California Toll Bridge Authority and be deposited as demand deposits forthwith in such depositary or depositaries as may be authorized by law to receive deposits of State funds to the credit of a fund to be designated as the acquisition and construction fund of the

particular toll bridge or bridges or other highway crossing for which such bonds were issued and sold, which fund shall at all times be kept segregated and set apart from all other funds. Such proceeds shall be paid out or disbursed solely for the acquisition or construction of such toll bridge or bridges or other highway crossing, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise and the California Toll Bridge Authority may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current acquisition or construction costs of the toll bridge or bridges or other highway crossing for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations eligible for investment of surplus State moneys; provided the California Toll Bridge Authority may provide in the proceedings authorizing the issuance of said bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the said authority and all officials having anything to do with such investment. Any surplus which may exist in said acquisition and construction fund shall be applied to the retirement of bonds issued for the acquisition or construction of such toll bridge or bridges or other highway crossing by purchase or call and in the event such bonds can not be purchased at a price satisfactory to the California Toll Bridge Authority and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately canceled.

Disposition of tolls

All tolls or other revenues received from the operation of any toll bridge or bridges or other highway crossing acquired or constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the Department of Public Works at least monthly to the State Treasurer who shall deposit the same forthwith as demand deposits in such depositary or depositaries as may be authorized by law to receive deposits of State funds to the credit of a special fund to be

designated as the toll revenue fund of the particular toll bridge or bridges or other highway crossing producing such tolls or revenue, which fund shall at all times be kept segregated and set apart from all other funds.

From the money so deposited in each separate acquisition and construction fund as hereinabove provided, the State Treasurer shall transfer to the place or places of payment named in said bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of such particular toll bridge or bridges or other highway crossing during the period of actual construction and during the period of six months immediately thereafter. The Treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in said bonds such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold for the construction or acquisition of the particular toll bridge or bridges or other highway crossing producing the tolls or revenues so deposited in said toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge or other highway crossing shall be segregated and applied solely for the payment of such principal and interest.

Reserves. The proceedings authorizing the issuance of bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently mature and for the preservation and continuance of such reserve fund in a manner to be provided therein, and such proceedings may also require the immediate application of all surplus moneys in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of said California Toll Bridge Authority.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the acquisition, construction, operation and maintenance of such toll bridge or bridges or other highway crossing as the California Toll Bridge Authority may determine.

Payments. Warrants for payments to be made on account of such bonds shall be duly drawn by the State Controller upon request of the State Treasurer whenever the drawing of such warrants shall be required in order to make such payments.

Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition or construction of any particular toll bridge or bridges or other highway crossing, or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor upon demand of the Department of Public Works and after audit thereof in the manner provided by law and upon warrants drawn by the Controller.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

Place of deposit of funds

The California Toll Bridge Authority may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the acquisition and construction fund and the toll revenue fund and provide for the deposit of such moneys at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds; provided, however, that the depositaries and security so provided for or agreed upon shall be qualified and eligible in accordance with the requirements of law.

Payment of expenses

Notwithstanding anything contained in this act the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or bridges or other highway crossings may be used to defray any expenses incurred by the California Toll Bridge Authority in connection with and incidental to the issuance and sale of bonds for the acquisition or construction of such toll bridge or bridges or other highway crossings, including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of such bonds; provided, however, that the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified.

New section

SEC. 13. A new section to be numbered 13½ is hereby added to said act to read as follows:

Additional provisions authorized in contracts

Sec. 13½. Any provisions not inconsistent with this act may be contained in the proceedings authorizing the issuance of bonds which limit, restrict or regulate the holding, deposit, investment and application of moneys consisting of the proceeds from the sale of such bonds, or the tolls and other revenues received from the operation of toll bridge or bridges or other highway crossing for the acquisition or construction of which said bonds may be issued, and such provisions shall constitute a contract with the holders of said bonds and be binding upon said California Toll Bridge Authority as long as said bonds may be outstanding.

Stats 1931, p 916

SEC. 14. Section 17 of said act is hereby amended to read as follows:

Construction of bridges.

Sec. 17. The Department of Public Works, through its own engineers or through such other engineers or experts it may employ, shall design all bridges to be built under the authority of this act, and may build the same or any portions thereof either by its own employees or by contract with any person, firm or corporation. The cost of any or of all such bridges shall be paid from the proceeds of bonds issued and sold under the provisions of this act, or from contributions or appropriations from other sources as herein provided. Any such bridge or bridges or portions thereof shall be built by the Department of Public Works under and in accordance with the provisions of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,'" approved March 22, 1909, and amendments thereto, in so far as the provisions of said act may be applicable; provided, however, that the amount of the cash, bidders' bonds or certified checks required to accompany any bid submitted, when bids relating to the construction of any bridge or highway crossing are called for, shall be fixed and determined by the Department of Public Works. The Department of Public Works shall require of each contractor such bonds for the faithful performance of any contract or subcontract entered into hereunder and for the payment for any labor, materials or supplies used in, upon, for or about the performance of the work contracted to be done, fixing such terms and conditions, and in such amounts, as it may deem to be for the best interests of the State. Moneys realized on any such bonds shall be paid into the acquisition and construction fund of the particular toll bridge or other highway crossing involved.

Surety bonds required of contractors

Stats 1929, p 1489

SEC. 15. Section 19 of said act is hereby amended to read as follows:

Casualty insurance

Sec. 19. When any such toll bridge or bridges or other highway crossing authorized hereunder is being built by the Department of Public Works, the said department and/or the California Toll Bridge Authority may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as the California Toll Bridge Authority may deem proper. The California Toll Bridge Authority is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or bridges or other highway crossing until all bonds sold for the acquisition or construction of such toll bridge or bridges or other highway crossing and interest accrued thereon have been fully redeemed and paid. All money collected on any indemnity

bond or insurance policy as the result of any damage or injury to any such toll bridge or bridges or other highway crossing shall be used for the purpose of repairing or rebuilding of any such toll bridge or bridges or other highway crossing, as long as there are revenue bonds against any such structure outstanding and unredeemed. The California Toll Bridge Authority is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges or other highway crossing by reason of any interruption in the use of such toll bridge or bridges or other highway crossing, from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge or other highway crossing thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge or bridges or other highway crossing during any period of time that may be determined upon by the California Toll Bridge Authority and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The California Toll Bridge Authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this act, and the purchase and carrying of such insurance shall thereupon be obligatory upon the said authority and be paid for out of the toll revenue fund as may be specified in said proceedings.

Insurance against loss of tolls

SEC. 16. A new section to be numbered $22\frac{1}{2}$ is hereby added to said act, to read as follows:

New section

Sec. $22\frac{1}{2}$. The California Toll Bridge Authority, the officials thereof and all State officials are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation and insurance of such toll bridges or other highway crossings and the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The California Toll Bridge Authority and the Department of Public Works shall keep full, complete and separate accounts for each toll bridge or other highway crossing, and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge or other highway crossing, which statements shall be open to the inspection of holders of bonds issued by said authority at all reasonable times.

General powers and duties

SEC. 17. A new section to be numbered $22\frac{3}{4}$ is hereby added to said act, to read as follows:

New section

Sec. $22\frac{3}{4}$. While any bonds issued by said California Toll Bridge Authority remain outstanding, the powers, duties or

Impairment of powers prohibited

existence of the said California Toll Bridge Authority or of the Director of the Department of Public Works or of any other official or agency of the State shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any State department, official or employee or imposed upon the bridge authority or its officers, agents and employees in connection with the construction, maintenance, operation and insurance of any bridge and in connection with the collection, deposit, investment, application and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; provided, however, that the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

Constitutionality.

SEC. 18. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, the unconstitutionality of such section, subsection, sentence, clause or phrase shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Urgency.

SEC. 19. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The construction of a toll bridge and approaches thereto over the bay of San Francisco, from the City and County of San Francisco to the county of Alameda, and the efficient maintenance and operation of it by the State, are essential to complete and make effective the system of State highways. It is necessary for the preservation of the public peace, health and safety that greater facilities for travel and transportation across the bay of San Francisco be immediately afforded by the construction of such toll bridge and the approaches thereto; this act is necessary in order to enable and assure the immediate financing and construction of said toll bridge. There now exists unemployment in this State to such an extent that the public peace, health and safety are threatened and endangered. The immediate construction of the said toll bridge and the approaches thereto will do much to relieve the present unemployment situation, by furnishing employment for thousands of people. It is, therefore, essential that this act go into immediate effect, and the Legislature so determines that it shall become effective immediately.

CHAPTER 11.

An act relating to the use of facsimile signatures, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

Disbursing officers may use facsimile signature

SECTION 1. The State Controller or other State disbursing officer may secure and use a facsimile signature machine and sign or countersign all warrants or checks issued in pursuance of his duties by placing a facsimile signature thereon with such machine.

Forgery insurance

SEC. 2. The said State Controller may, or other State disbursing officer so using such machine may, with the approval of the State Board of Control, secure forgery insurance protecting such officer and all funds under his control or under the control of the State agency to which he is attached against all forgery resulting from or occasioned by the use of such machine, or which would not have occurred had such machine not have been so in use.

Premiums

SEC. 3. The premiums on all such forgery insurance shall be a proper charge against the moneys appropriated for the support or maintenance of the said officer so using such machine or for the support or maintenance of the State agency to which such officer is attached.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution. The facts constituting such necessity are as follows:

The State treasury is in a depleted condition and there is grave danger that the State will be compelled to register its warrants before the expiration of the eighty-fourth fiscal year. If such is the case, the methods and procedure now used by the State Controller to pay claims against the State will of necessity be changed, and the State Controller will be obliged to issue and sign a separate warrant for each claim against the State. Such signing would be a physical impossibility and it is therefore necessary that this act take effect immediately.

CHAPTER 12.

An act making an appropriation to pay the cost of printing the candidates' sponsors pamphlets for the 1932 primary election, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

Appropriation Sponsors pamphlets.

SECTION 1. The sum of forty-two thousand twenty-eight dollars and sixty-seven cents ($42,028.67) is hereby appropriated to the Secretary of State out of any money in the State treasury, not otherwise appropriated, to pay the cost of printing the candidates' sponsors pamphlets for the 1932 election.

Current expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provision of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 13.

An act making an appropriation of forty thousand dollars ($40,000.00) to pay the cost and expense of providing, installing and equipping in the office of the State Controller all the necessary machines, appliances, files, furniture, fixtures and equipment for the preparation, printing, typing, stamping, drawing, copying, filing, safekeeping, preservation, mailing, delivering, registering and recording of individual warrants for all claims and demands against the State of California, for certain alterations and additions for office space for the State Controller for said machines, appliances, files, furniture and fixtures, for certain repairs and replacements thereto, and for salaries and compensation of certain officers and employees of the State Controller necessary for the preparation, printing, typing, stamping, drawing, copying, filing, safekeeping, preservation, mailing, delivering, registering and recording of such individual warrants, declaring the urgency of such appropriation, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

Appropriation Warrant equipment.

SECTION 1. The sum of forty thousand dollars ($40,000.00) is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for payment of the cost and expense of providing and installing in the office of the State

Controller the necessary machines, appliances, files, furniture, fixtures and equipment for the preparation, printing, typing, stamping, drawing, copying, filing, safekeeping, preservation, mailing, delivering, registering and recording of indivdual warrants of the State Controller for all claims and demands of every kind and nature against the State of California, including those for salaries, wages or other compensation of officers, employees, agents or servants, as well as for payment of the cost and expense of alterations and additions necessary to provide office space for such machines, appliances, files, furniture and equipment, and for repairs and replacements thereto for the balance of the eighty-fourth fiscal year, and for the salaries and compensation of officers and employees of the State Controller necessary to do the work of such preparation, printing, typing, stamping, drawing, copying, filing, safekeeping, preserving, mailing, delivering, registering and recording of said individual warrants for the remainder of the eighty-fourth fiscal year.

Urgency.

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California. and shall therefore go into immediate effect. The facts constituting the necessity are as follows:

Owing to the present financial stringencies and uncertainties, it is imperative for the safety and preservation of State funds that all State moneys and funds be returned to, deposited in, and kept in the State treasury to be disbursed by and pursuant to individual warrants of the State Controller for each individual claim and demand against the State, including salaries and wages of officers and employees, and that the drawing of departmental warrants in favor of departments, divisions, boards, commissions and officers, as heretofore practiced. for disbursal by State departments, divisions, boards and commissions, through checks or drafts on banks wherein the funds represented by such departmental warrants are deposited, is unsafe and likely to cause the loss, in whole or in part, of such funds, and cause the State irreparable loss, injury and damage thereby. That without the said machines, appliances, files, furniture, fixtures, equipment, extra office space and extra officers and employees for which said appropriation is made, the Controller can not draw individual warrants for all the claims and demands against the State, since the number of such warrants per month will amount to upwards of $90,000, or thereabouts, making it impossible for the Controller with his present force of officers and employees and equipment to draw individual warrants for all claims and demands against the State.

CHAPTER 14.

An act to add section 664a to the Political Code, relating to the payment of State officers and employees, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 664a and to read as follows:

Payment of State salaries

664a. All State officers and employees shall be paid the compensation due them for all services rendered during the month, on or before the fifteenth day of the next succeeding month. No State officer shall certify any pay roll to the State Controller unless all services listed thereon for which compensation is claimed have been actually rendered.

Urgency.

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

The State treasury is in a depleted condition and there is grave danger that the State will be compelled to register its warrants before the expiration of the eighty-fourth fiscal year. If such is the case, the methods and procedure now used by the State Controller to pay claims against the State will of necessity be changed and the State Controller will be obliged to issue a separate warrant for each claim against the State. This will greatly increase the work which must be performed by the State Controller. Under the existing procedure the Controller may issue a single warrant to an agency of the State, the payment of all officers and employees of said agency being made by the disbursing officer thereof. If the Controller is required to issue separate warrants for each claim against the State, such claims must be certified to him before drawing such warrant. It is necessary to allow the Controller fifteen days within which to perform this additional work.

CHAPTER 15.

Stats 1929, p. 19, amended

An act to amend section 15 of an act entitled, "An act to carry into effect the provisions of section 16 of article thirteen of the Constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, as

amended, relating to taxes upon banks and corporations, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1933 In effect immediately.]

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

SECTION 1. Section 15 of an act entitled "An act to carry into effect the provisions of section 16 of article thirteen of the Constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, as amended, is hereby amended to read as follows: Stats. 1929, p. 19

Sec. 15. Every return required by this act to be filed with said commissioner shall be verified by an executive officer of the bank or corporation. Blank forms of return shall be furnished by said commissioner on application, but failure to secure such a form shall not release any taxpayer from the obligation of making a return hereunder. Form of returns

A reasonable extension of time for filing return may be granted by said commissioner whenever in his judgment good cause exists therefor, and he shall keep a record of every extension and the reason therefor. No such extension or extensions shall aggregate more than ninety days; provided, however, that a general extension of time of thirty days, in the case of returns for the taxable year ended December 31, 1932, required to be filed hereunder by March 15, 1933, is hereby granted. No interest shall be assessed or collected by reason of such general extension. Extension of time for filing

SEC. 2. This act, inasmuch as it provides for the levy and collection of taxes for the current expenses of the State, shall, under the provisions of section 1 of article four of the Constitution, take effect immediately. Current expenses.

CHAPTER 16.

An act making an appropriation to pay the cost of printing copies of the Motor Vehicle Act, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1933 In effect immediately.]

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

SECTION 1. In addition to any other sum or sums heretofore appropriated for the support of the Department of Motor Vehicles there is hereby appropriated the sum of eleven thousand one hundred twenty and 70/100 ($11,120.70) dollars out of any money in the motor vehicle fund in the State treasury to pay for the cost of printing copies of the Cali- Appropriation Printing Vehicle Act

fornia Vehicle Act during the eighty-third and eighty-fourth fiscal years.

Current expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 17.

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

County bonds for indebtedness validated

SECTION 1. In all cases where the board of supervisors of any county or city and county in this State has deemed it necessary to incur an indebtedness in excess of the ordinary annual income and the revenue of such county or city and county, and has called an election for the purpose of submitting to the qualified electors of such county or city and county the proposition whether such indebtedness shall be incurred for any purposes for which the board of supervisors thereof are authorized to expend the funds of such county or city and county, and where not less than two-thirds of all the qualified electors voting on any such proposition shall have voted in favor of incurring such indebtedness, and authorized the issuance of bonds of such county or city and county for such purposes, the power of such county or city and county to issue bonds not exceeding the amount so authorized and all the acts and proceedings of such county or city and county leading up to and including the issuance and sale, or the proposed issuance and sale of bonds to such amount are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value, are hereby legalized and declared to be legal and valid obligations of and against such county or city and county so issuing and selling the same, and the faith and credit of such county or city and county is hereby pledged for the prompt payment and redemption of the principal and interest of such bonds.

Tax for payment of bonds.

SEC. 2. The board of supervisors of such county or city and county, at the time of making the next general tax levy after

incurring the indebtedness of any such bonds, and annually thereafter until all of such bonds are paid or until there shall be a sum in the treasury of such county or city and county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, must levy a tax for that year upon the taxable property of such county or city and county for the interest and redemption of such bonds, which shall be in addition to all other taxes, and such tax must not be less than sufficient to pay the interest on such bonds, and such portion of the principal, if any, as is to become due before the time for making the next general tax levy and in any event must be sufficient to raise annually for the first half of the term such bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of such bonds equal to a sum produced by taking the whole amount of such bonds outstanding and dividing it by the number of years such bonds then have to run. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for county or city and county purposes and shall be collected at the time and in the same manner as other county or city and county taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

What bonds not validated

SEC. 3. This act shall not operate to legalize any bonds of any county or city and county that have not, at the time of the passage of this act, received the affirmative vote of not less than two-thirds of the qualified electors of such county or city and county voting upon the proposition of incurring such indebtedness, or any bonds which have been sold for less than their par value, or any bonds which mature at a date more than forty years from the time of their issuance.

Urgency.

SEC. 4. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Certain counties or cities and counties of this State have taken proceedings to incur bonded indebtedness for proper county purposes, in which proceedings minor irregularities, not jurisdictional, have delayed or impaired the sale of such bonds and for that reason said counties or cities and counties are unable to secure, or have been delayed, or will be delayed in securing appropriate funds which are immediately necessary for the peace, safety and welfare of the citizens of the various counties and cities and counties of this State. The sale of such bonds and the procuring of funds therefor will enable such counties and cities and counties to afford employment to many people who are, at the present time, without means of support and who are a charge upon such counties or cities and counties.

When such irregularities are cured and obviated by this act, the sale of such bonds can be made promptly and necessary funds derived by such counties or cities and counties therefrom for the purpose of affording such employment and giving relief to the citizens of this State.

CHAPTER 18.

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

Municipal bonds for indebtedness validated.

SECTION 1. In all cases where the legislative branch of any municipality in this State has deemed it necessary to incur an indebtedness in excess of the ordinary annual income and the revenue of such municipality, and has called an election for the purpose of submitting to the qualified electors of such municipality the question whether such indebtedness shall be incurred, and where at such election so held, after due notice thereof was given, for the time and in the manner prescribed by law, not less than two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, the power of such municipality to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale, or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value, are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Tax for payment of bonds.

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said municipal corporation set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds, a tax suffi-

cient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

What bonds not validated.

SEC. 3. This act shall not operate to legalize any bonds of any municipality that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such municipality voting at any such election, or any bonds which have been sold for less than their par value, or any bonds which mature at a date more than forty years from the time of their issuance.

Urgency.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of facts constituting such urgency: The peace, safety and welfare of the citizens of various cities in this State are dependent upon the immediate acquisition, construction and completion of adequate and safe bridges as a part of the public street systems of such cities, and upon obtaining an adequate supply of water for municipal and domestic use therein. Such cities, or some of them have heretofore taken proceedings to incur bonded indebtedness for the purpose of acquiring, constructing and completing bridges as a part of the public street system of such cities and for securing an adequate supply of water for municipal and domestic use therein; but by reason of minor irregularities in such proceedings, not jurisdictional, such bonds can not now be sold, and for that reason said cities are unable to secure funds with which to acquire, construct and complete such bridges and to secure such water supply. If, however, such irregularities are cured or obviated by this act, such bonds can be sold.

CHAPTER 19.

An act to validate bonds of school districts, high school districts and junior college districts of every kind and class,

and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

School district bonds validated.

SECTION 1. Where in any school district, high school district, or junior college district, of any kind or class, proceedings have been taken for the purpose of voting, issuing and selling bonds of such district for any purpose or purposes, all acts and proceedings of the officers of election and of the board of trustees, board of education, or other governing body of such district, and all acts and proceedings of the board of supervisors of the county within which such district is situated, leading up to and including the issuance of such bonds if they have been heretofore sold, and all such acts and proceedings heretofore had, although the bonds are not sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of supervisors of the county in which such district is situated to issue such bonds is hereby ratified, confirmed and declared, and bonds heretofore sold are declared to be and shall be, in the form and manner in which such bonds have been actually issued and delivered, the legal and binding obligations of and against such district and bonds hereafter sold are declared to be and shall be legal and binding obligations of such district, and the full faith and credit of such district is hereby declared to be pledged for the prompt payment and redemption of the principal and interest of said bonds.

Tax for payment of bonds

SEC. 2. For the purpose of paying interest on such bonds as it becomes due and the principal thereof at maturity, the assessors, treasurers, boards of supervisors and other officers of the respective counties shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds for the payment of the principal and interest of bonds of school districts, high school districts and junior college districts of every kind and class, respectively.

What bonds not validated

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, nor legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such district voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature more than forty years from the time of their issuance.

Urgency.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Many school districts within the State of California are without sufficient money with

which to purchase school lots, for building or purchasing one or more school buildings or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid outstanding indebtedness of such district evidenced by bonds or warrants thereof. Many school districts have within the last two years voted bonds for raising money for such purposes and the proceedings in many of such bond elections were irregular but complying with all the provisions of this act, and by reason of such minor irregularities and defects in such proceedings, not jurisdictional, such bonds can not now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that said school buildings, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but was required to await until ninety days after adjournment of this Legislature.

CHAPTER 20.

An act to amend section 409 of the Political Code, relating to the fees to be collected by the Secretary of State, and declaring the urgency thereof.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

SECTION 1. Section 409 of the Political Code is hereby amended to read as follows:

Stats. 1931, p. 415. See Stats. 1933 Ch. 859

Secretary of State Fees

409. The Secretary of State, for services performed in his office, must charge and collect the following fees:

1. For preparing a first copy, other than a carbon copy, of any law, resolution, record, or other document on file in his office, twelve cents per folio.

2. For preparing a carbon copy of any law, resolution, record, or other document on file in his office, made at the time of preparing the first copy thereof, five cents per folio.

3. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.

4. For affixing certificate and seal of State, unless otherwise provided for, two dollars.

Fees

5. For filing articles of incorporation, or consolidation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of consolidation not providing for a capital stock, five dollars; for filing articles of incorporation not providing for a capital stock, unless otherwise provided for, five dollars; for filing articles of incorporation provided for in sections 653d, 653e, and 653v of the Civil Code, fifteen dollars; for filing articles of incorporation provided for in section 653hh of the Civil Code, fifteen dollars if no capital stock is provided for. For the purpose of fixing the fees above prescribed in the case of any corporation authorized to issue shares of stock without a par value, each share without par value shall be deemed to be of the value of ten dollars.

6. For recording articles of incorporation, twelve cents per folio.

7. For filing amended articles of incorporation or agreements of merger, except as otherwise provided for, five dollars; for filing amended articles of incorporation or agreements of merger which provide for additional shares having no nominal or par value, five dollars for each five thousand additional shares, or fraction thereof, but in no case less than fifteen dollars; for filing amended articles of incorporation or agreements of merger changing the stock of a corporation from shares having a par value to shares having no nominal or par value, five dollars for each five thousand shares, or fraction thereof, therein provided for, but in no case less than fifteen dollars; for filing amended articles of incorporation or agreements of merger changing the stock of a corporation from shares having no nominal or par value to shares having a par value, or amended articles of incorporation authorizing a corporation which has no capital stock to issue shares of capital stock having a par value, five dollars for each fifty thousand dollars of capital stock so authorized, or fraction thereof, but in no case less than fifteen dollars; for filing amended articles of incorporation or agreements of merger authorizing an increase in the aggregate par value of the shares, five dollars for each fifty thousand dollars of such increase, or fraction thereof.

8. For filing certificate of election to continue existence under the Civil Code, provided for in section 287 of the Civil Code, five dollars.

9. For filing claim to trade-mark, and issuing certificate of filing, five dollars.

10. For issuing certificate of filing of any document, not otherwise provided for, three dollars.

11. For receiving and recording each official bond, five dollars.

12. For filing notice of appointment of agent for service of process, five dollars.

13. For each commission, passport, or other document signed by the Governor and attested by the Secretary of State (pardons, military commissions, commissions issued to non-salaried State officers, and extradition papers excepted) five dollars.

14. For each patent for land issued by the Governor, if for one hundred and sixty acres, or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

15. For issuing certificate of official character, two dollars.

16. For recording miscellaneous documents or papers, twelve cents per folio.

17. For filing certified copy of order and decree of court, changing name, or certified copy of order and decree of court, dissolving a corporation, five dollars.

18. For filing and indexing certificate of mortgage or assignment or discharge of mortgage of live stock, vehicles (other than motor vehicles) and the other migratory property, fifty cents.

19. For each notary public commission signed by the Governor and attested by the Secretary of State, five dollars

20. For filing a certified copy of a permit issued by the Commissioner of Corporations pursuant to section 309½, Civil Code, five dollars.

No member of the Legislature or State officer shall be charged for any search relative to matters appertaining to the duties of his office, nor shall he be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to his official duties.

All fees collected by the Secretary of State must, at least once each week, be paid into the State treasury.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the State Constitution and as such shall take effect immediately. Urgency

The following is a statement of the facts constituting such urgency.

As the law now reads, there is danger that the law governing filing fees for corporations may be so interpreted as to allow such corporations to file their articles with the Secretary of State at disproportionately low fees or without fee, so as to seriously threaten the revenue of that office, and thereby to result in a consequent depletion of the general fund with-

out resulting benefit to the State. Since there is already a considerable existing depletion in that fund, it is of prime importance that, in order to help preserve the solvency of the State, that these sources of revenue of the State be preserved and therefore it is necessary that this act take effect immediately.

CHAPTER 21.

Stats. 1911, p. 1290, amended.

An act to add a new section to be numbered 27c to an act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition or construction by said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to escheat of funds of dissolved water works, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1933. In effect immediately.]

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

New section

SECTION 1. A new section is added to the act cited in the title hereof to be numbered 27c, and to read as follows:

Transfer of surplus funds

Sec. 27c. Whenever, after the dissolution of a district, composed exclusively of the territory of a municipal corporation, under the provisions of this act, and the payment of the moneys thereof to the county treasurer, there remains any portion of such moneys in the hands of the supervisors after the lapse of a period of three years from and after the payment of all the debts of said district, such remaining portion shall be transferred to the general fund of the municipal corporation upon order of the superior court upon application of the district attorney of the county, as follows:

Procedure.

At any time after July 28, 1933, the legislative body of the municipal corporation may by resolution direct the attorney for such corporation to apply to the superior court for the transfer of said moneys to the general fund of the municipal corporation. Thereupon, the district attorney shall apply to said court for such transfer. Upon the hearing on such application, if it is made to appear to the satisfaction of the court or judge, by affidavit or by testimony taken in open court, (a) that such money has not been paid out but has been in the hands of the county treasurer for a period of three years; (b) that there is no proceeding pending to require the supervisors to appropriate said money or to pay it out prorata to any taxpayer entitled thereto, and (c) that the period of three years has passed since the payment of all the debt of the water district under the provisions of this act, the court shall order that such money be transferred to the general fund of the municipal

corporation, and thereafter be subject to expenditure for all purposes as a part of said general fund.

Payment to taxpayer

If, at the time the proceeding is brought, or while the proceeding is pending in the superior court, an action or proceeding is brought to require the payment of any part of such moneys to a taxpayer, the court may order that there be paid into the said general fund the excess of such money over the amount claimed on behalf of the taxpayer in the action, or proceeding brought to require the payment thereof to said taxpayer. Upon the determination of such other action or proceeding on behalf of the taxpayer, the court may order any portion of said funds over and above the amount, if any, paid to the taxpayer, to be transferred to the said general fund without further proceedings on the part of the legislative body of the corporation, county, or the attorney for the municipal corporation.

Effect

SEC. 2. This act shall not revive any claim against any such moneys paid over, or revive a right of action in favor of a taxpayer or other parties for the payment of such moneys when action on such claim is barred by operation of law at the time this act takes effect, nor shall this act be construed to extend the time during which any such action may be brought, or in any manner affect any defense to such action.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore take effect immediately.

The following is a statement of the facts constituting such necessity:

In the present period of economic stringency, it is imperative that provision be made for measures designed to extend relief to persons made destitute or distressed as the result of the peculiar economic conditions now prevalent. At the same time, it is vital that taxes be kept at as low a level as possible, in order not to impede unduly the processes of business and industry. This act, by making available to municipalities for expenditure for the purpose of such relief, funds in the county treasury not otherwise available, will tend to achieve both the above objects, and should therefore go into effect immediately.

CHAPTER 22.

Stats. 1929 p. 1489, amended

An act to repeal section 22 of and to add a new section to be numbered 22 to the "California Toll Bridge Authority Act," relating to the permanent revolving fund, to make an appropriation from the highway maintenance fund for

the permanent revolving fund, and to provide that this act shall take effect immediately.

[Approved by the Governor February 7, 1933. In effect immediately.]

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

Repeal

SECTION 1. Section 22 of the act cited in the title hereof is hereby repealed.

New section

SEC. 2. A new section to be numbered 22 is hereby added to said act:

Appropriation Revolving fund California Toll Bridge Authority

Sec. 22. The sum of fifty thousand dollars is hereby appropriated from the State highway maintenance fund available for the widening, resurfacing and reconstruction of State highways for the group of counties designated as Group No. 1 in section 4 of that certain act of the Legislature classifying the highways of the State into primary and secondary highways, approved May 26, 1927, being Chapter 794, Laws of 1927. Said appropriation is hereby made to provide a permanent revolving fund for the use and support of the California Toll Bridge Authority in carrying out the provisions of this act. As specific toll bridge acquisition and construction, or toll revenue funds become available, expenditures theretofore made by the California Toll Bridge Authority from the permanent revolving fund herein provided shall be returned to the permanent revolving fund by the Controller's warrant duly drawn for that purpose.

Fund abolished.

SEC. 3. The permanent revolving fund created in section 22 of chapter 763, Statutes of 1929, is hereby abolished and all moneys therein and accruing thereto on the date this act becomes effective shall be immediately transferred to the general fund in the State treasury.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The facts constituting such necessity are as follows: The funds in the State treasury are greatly depleted and unless funds can be placed to the credit of the general fund of the State the functioning of the State government will be seriously hampered. The revenues of the State have fallen off due to the serious economic crisis now existing and this measure is necessary to augment the general fund in the State treasury and to permit the necessary functions of the State government to be carried out.

CHAPTER 23.

Stats 1927, p 1596, amended

An act to amend the American River Flood Control District Act, approved May 28, 1927, as amended, by amending

section 3 thereof, relating to trustees of said district, their qualification and tenure, section 6 thereof, relating to candidates for the office of trustee, section 12 thereof, relating to sale of bonds, section 16 thereof, relating to the use of the proceeds of bond issue, section 17 thereof, relating to the levying and collection of assessments, and section 18b, relating to the incurring of indebtedness by the district, the levying of assessments, and the return of moneys heretofore appropriated by the State of California and ratifying the use of proceeds of bond issues therefor, and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing this act shall take effect immediately upon its passage.

[Approved by the Governor February 7, 1933. In effect immediately.]

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

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows: Stats 1927, p 1596

Sec. 3. The American River Flood Control District herein created shall be governed by and under the control of five trustees, to be selected and elected as hereinafter provided, who shall constitute the board of trustees thereof. Each trustee shall be a registered voter of the district and shall have resided therein at least one year next preceding his appointment or election. Said trustees, except those first appointed, shall take office immediately upon the issuance by the board of trustees of certification of their election, and shall hold office for the term of four years and until their successors are elected and qualified. Trustees

SEC. 2. Section 6 of said act is hereby amended to read as follows: Stats 1929, p 861

Sec. 6. Any person desiring to be a candidate at any election for trustees shall also file a statement under oath with the board which statement shall set forth the candidate's full name, address and that he is a registered voter within the district and that he will not withdraw his name before the election. Said statement, together with said written petition, shall be filed not more than forty-five nor less than thirty days prior to the date of election. Nothing in this act contained shall be construed as prohibiting any member of the board from being a candidate to succeed himself. Candidate's statement

SEC. 3. Section 12 of said act is hereby amended to read as follows: Stats 1929, p 861.

Sec. 12. The said board of trustees shall issue and sell the whole or any part of said bonds but only to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than ninety per cent of the face value of such bonds and the accrued interest thereon. Before making a sale of any of said bonds notice of such sale shall be given Sale of bonds

by publication in at least one newspaper of general circulation published in said district by two insertions therein; provided, no sale shall be had prior to the expiration of fifteen days from the first publication of said notice. Said board shall have the right to reject any and all bids when in the discretion of said board it appears to the best interest of the district so to do, and thereafter re-advertise as in this section provided for original sale. Notwithstanding anything herein contained, the board of trustees shall have the right to sell all or any part of said bonds at private sale, and without notice, to the Reconstruction Finance Corporation, or any agency, affiliate, or successor thereof. Said bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

Stats 1929, p 861

SEC. 4. Section 16 of said act is hereby amended to read as follows:

Disposition of proceeds

Sec. 16. All proceeds received from the sale of the bonds issued hereunder shall be deposited with the treasurer and be paid out by him only upon authority of the board of trustees and by proper warrant. Out of the said proceeds the board of trustees may repay to the State of California the amount advanced by it, to wit, sixty-two thousand five hundred dollars ($62,500), for organization purposes, preliminary engineering expenses and general incidental expenses leading to the issuance of bonds, and the payment of said sum is hereby ratified, legalized, validated and confirmed All proceeds from the sale of bonds and interest on such proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which said district was created as in this act provided.

Stats 1931, p. 1064.

SEC. 5. Section 17 of said act is hereby amended to read as follows:

Tax for payment of bonds

Sec. 17. The board of trustees of such district shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy in which tax may be included a sum sufficient, in the judgment of the board of trustees, to take care of anticipated delinquencies; provided, however, that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, such tax shall be levied and collected at the time and in the manner aforesaid, annually each year, in an amount sufficient to pay the interest on said indebtedness as it

falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Property taxed

Such tax shall be levied solely upon the lands within the district including any land which is the operative property of any public utility and excluding any lands belonging to any county, municipality, or political subdivision within said district, or lands belonging to the State of California or the United States of America; provided, however, that nothing herein contained shall be deemed to exempt from assessment the lands of any political subdivision the corporate boundaries of which are wholly outside the boundaries of said district, and all such lands of any such political subdivision shall be subject to the taxes herein provided to be levied with the same force and effect as though such lands were held by private individuals.

If the district has been divided into zones and the percentage of the amount to be raised for the redemption of principal and interest of said bonds from each such zone has been determined as provided in this act, the said amount of said tax levied shall be divided according to said percentage, and the percentage to be raised from the lands within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

Assessment.

The board of trustees may elect to avail itself of the assessment made by the assessor of the county of Sacramento and may take such assessment as the basis for district taxes and have its taxes collected by the county officials of such county; provided, the board of trustees shall declare its said election by resolution and file a certified copy of the same with the auditor of Sacramento County on or before the first day of August, and such board of trustees shall likewise file with such resolution a certified copy of the map or plat showing the zones and the percentages of the amount to be raised from each zone. Thereafter each year until otherwise provided by the board of trustees, all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, of said county of Sacramento. In such case, the auditor of such county must, on or before the second Monday of August of each year, transmit to the board of trustees of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of such county for that year as equalized and corrected by the board of supervisors of said county; and which said statement shall also show the total value of all property in each of the said zones respectively.

All land situated within said district and subject to assessment and/or taxation for district purposes, and not included

on said county rolls for taxation for county purposes, shall immediately upon the effective date of this act be placed upon and thereafter carried on said rolls, and the assessed valuation of said lands shall be determined and fixed by said county assessor and the amount of such assessed valuation corrected and equalized by said board of supervisors at the same time or times and in the same manner as the assessed valuation of other lands upon said assessment rolls are fixed, determined, corrected and equalized by said county officials.

Rate. In case the board of trustees shall so elect to avail itself of the assessment made by the assessor of the county of Sacramento, as hereinbefore provided, it shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars using as a basis the value of property as it is assessed by the county assessor and returned to the board of trustees of the district by the county auditor as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board of trustees of the district shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board of trustees must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

Disposition of proceeds from redemptions Whenever any land situate in said district has been sold for taxes and has been redeemed the money paid for such redemption shall be apportioned and paid by the county treasurer to the said district in the proportion which the tax due to said district bears to the total tax for which such property was sold.

Lien All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board of trustees has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for State and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

Compensation of county. The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the board of supervisors of the county of Sacramento, and the board of trustees of the district; provided, however, that such compensation shall in no event exceed one-half of one per cent of all moneys collected for such district

as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

Wherever in this act the word "tax" is used, such word shall not be deemed or construed as referring to a tax in the technical sense of that term but shall be deemed only to refer to such assessments of benefits as are provided for by section 8 of this act.

SEC. 6. Section 18b of said act is hereby amended to read as follows: Stats 1931, p 1064

Sec. 18b. In addition to the indebtedness hereinbefore authorized to be incurred by the district, the district shall have the right, subject to the approval of the State Department of Finance to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental expenses as in this act provided in an additional amount not to exceed the sum of twenty thousand dollars. The sum of twenty thousand dollars, in addition to the sums heretofore appropriated, is hereby appropriated out of the funds of the State Treasury, not otherwise appropriated for the use of the board of trustees of said district in carrying out the provisions of this act and in defraying the expenses hereinabove in this section authorized. And the State Controller is hereby directed to draw warrants upon the State Treasurer payable out of said appropriation whenever drafts of said board of trustees duly approved by the State Department of Finance are presented to him, and the State Treasurer is hereby directed to pay said Controller's warrants. Further fiscal arrangements Appropriation

All of the moneys hereinbefore in this section appropriated, to wit, the sum of twenty thousand dollars together with the moneys heretofore appropriated in the year 1929, as provided by section 18a of this act, together with one-half of the moneys heretofore appropriated in the year 1927, as provided by section 18 of this act, shall be repaid to the State by the said district by means of a special tax levy on all property in said district. The amount so due the State shall be added to the assessment-roll of the county of Sacramento in the form of a special tax on all the property in said district, upon a certification from the State Department of Finance to the auditor of the county of Sacramento as to the amount so due the State by reason of any advances made by the State hereunder, which tax shall be collected by the tax collector of the county of Sacramento and paid over to the State by said county. Provided, however, that the board of trustees in their discretion may repay said money out of the proceeds of any bond issue of the district in lieu of such special assessment and the repayment of said sum in such manner is hereby ratified and validated, confirmed and approved.

SEC. 7. This act as hereby amended is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article four of the Constitution of the State of California and as such it shall take effect immediately. Urgency

The following is a statement of facts constituting such necessity: The immediate prosecution of the work contemplated by this act is necessary for the early correction of the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the lands within said American River Flood Control District, including the cities of Sacramento and North Sacramento and which should be obviated as speedily as possible in order that the lives and property of inhabitants thereof may be secure.

To secure these ends it is necessary that this act take effect immediately upon its passage.

This act shall take effect immediately.

CHAPTER 24.

An act authorizing and directing the California Toll Bridge Authority to continue to fix and collect tolls on the bridge to be constructed across the bay of San Francisco from the City and County of San Francisco to the county of Alameda under the provisions of the California Toll Bridge Authority Act, approved June 10, 1929, Chapter 763, Laws of 1929, and as amended, after all revenue bonds issued and sold by said authority for the acquisition and construction of said bridge have been redeemed and paid, for the purpose of reimbursing the State of California for moneys appropriated from the State highway construction fund and used for the acquisition and construction of the approach highways leading to and upon said bridge at either end thereof; and also until all interest due and to become due on the sum of six hundred fifty thousand dollars ($650,000) heretofore appropriated to the use of the California Toll Bridge Authority by Chapter 400, Laws of 1931, has been paid to the State of California; also providing for the manner in which such reimbursement shall be made; and providing that this act become effective immediately.

Stats 1929, p 1489

Stats 1931, p 916.

[Approved by the Governor February 7, 1933. In effect immediately.]

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

San Francisco Bay Bridge Additional tolls

SECTION 1. After all revenue bonds issued and sold by the California Toll Bridge Authority for the construction of a bridge across the bay of San Francisco from the City and County of San Francisco to the county of Alameda under the provisions of the California Toll Bridge Authority Act, approved June 10, 1929, chapter 763, and as amended, have been fully redeemed and paid and all bonds issued thereunder are retired, the said authority shall, and it is hereby so directed, continue to fix and collect tolls on said bridge until

Stats 1929, p 1489.

all moneys that may be appropriated by the State of California and expended from the State highway construction fund for the acquisition and construction of the highway approaches leading to and upon said bridge at both the Alameda County and San Francisco ends thereof, and also until all interest which may have accumulated on the sum of six hundred fifty thousand dollars ($650,000) heretofore appropriated for the use of the California Toll Bridge Authority by chapter 400, Laws of 1931, up to the time said authority makes reimbursement to the State of California of said sum of money from proceeds realized from the sale of revenue bonds, have been fully repaid to the State of California. All such reimbursements so made shall be credited to the said State highway construction fund, or to such fund for construction of State highways as may be hereafter created in place and stead of said construction fund, and to the portion of such fund from which the moneys used for such acquisition and construction purpose were appropriated and used. Such reimbursement shall be made from surplus net revenues realized from the operation of said toll bridge under the tolls so fixed and collected after all of said bond obligations have been fully redeemed and paid and all bonds issued therefor are retired, and as rapidly as such surplus revenues will permit. Stats 1931, p 916

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The construction of a toll bridge and approaches thereto over the bay of San Francisco, from the City and County of San Francisco to the county of Alameda, and the efficient maintenance and operation of it by the State, are essential to complete and make effective the system of State highways. It is necessary for the preservation of the public peace, health and safety that greater facilities for travel and transportation across the bay of San Francisco be immediately afforded by the construction of such toll bridge and the approaches thereto; this act is necessary, as one of a series of acts, in order to enable and assure the immediate financing and construction of said toll bridge. There now exists unemployment in this State to such an extent that the public peace, health and safety are threatened and endangered. The immediate construction of the said toll bridge and the approaches thereto will do much to relieve the present unemployment situation, by furnishing employment for thousands of people. It is, therefore, essential that this act go into immediate effect, and the Legislature so determines that it shall become effective immediately. Urgency.

CHAPTER 25.*

An act to establish an Agricultural Code, thereby consolidating and revising the law relating to plant and animal industry and the products thereof, and to repeal certain acts and parts of acts specified herein.

[Approved by the Governor February 7, 1933. In effect August 21, 1933.]

NOTE.—This chapter contains all the amendments made thereto during the fiftieth session of the Legislature, namely, by Chapters 88, 89, 180, 181, 182, 183, 187, 193, 218, 220, 231, 275, 284, 285, 290, 298, 311, 323, 324, 332, 336, 342, 380, 384, 402, 411, 422, 426, 488, 589, 634, 695, 697, 712, 713, 715, 716, 718, 719, 723, 728, 729, 730, 732, 770, 778, 779, 941 and 1038.

Said amendatory chapters become effective August 21, 1933, with the exception of Chapter 1038 (sections 1260–1260.8), which becomes effective October 25, 1933.

For the approval dates, see the respective chapters in their numerical sequence.

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

GENERAL PROVISIONS.

Title.

1. This act shall be known and may be cited as the "Agricultural Code."

Definitions.

2. As used in this code, unless otherwise apparent from the context:

(a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Department" means the Department of Agriculture of the State of California.

(e) "Director" means the Director of Agriculture of the State of California.

(f) "Commissioner" means any county agricultural commissioner.

(g) "Section" means a section of this code unless some other statute is specifically mentioned.

(h) "County" includes city and county.

(i) "Person" includes firm, corporation, company, or association.

(j) "Sell" includes "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter" or "trade."

Construction and effect.

3. The provisions of this code, in so far as they are substantially the same as existing law, shall be construed as continuations thereof and not as new enactments.

4. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold the same according to the former tenure thereof.

* A cross-reference table showing the origin of each section appears in the appendix to this volume.

5. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible.

Enforcement.

6. Any person in whom the enforcement of any provision of this code is vested has the power of a peace officer as to such enforcement.

Prosecution

7. The district attorney of any county in which a violation of any provision of this code occurs shall, upon request of any enforcing officer or other interested person, prosecute such violation; and the prosecutor of any municipality has concurrent jurisdiction as to any violation committed within his territorial jurisdiction.

General provisions

8. Unless a different penalty is expressly provided, a violation of any provision of this code is a misdemeanor.

9. Whenever any notice, report, statement or record is required by this code it shall be in writing unless it is expressly provided that it may be oral.

10. Whenever any notice, report, statement or record is required by this code to be kept or made in writing it shall be in the English language.

11. Unless otherwise specifically provided, whenever any document is required or permitted by this code to be recorded it shall be recorded in the office of the county recorder of the county in which the property or thing affected is situated.

12. Whenever any power or authority is given by any provision of this code to any person it may be exercised by any deputy, inspector, or agent duly authorized by him unless it is expressly provided that it shall be exercised in person.

13. Whenever any reference is made to any section of this code or to any other law, such reference shall apply to all amendments and additions thereto.

14. As used in this code the word "shall" is mandatory, and the word "may" is permissive.

15. The director may enter upon any premises to inspect the same or any plant, appliance or thing thereon.

Rules and regulations authorized.

16. The director is hereby authorized to promulgate and adopt rules and regulations for carrying out those provisions of this code which he is directed and authorized to administer or enforce.

(Added by Ch. 723, Stats 1933.)

DIVISION I.

OFFICERS AND ADMINISTRATION.

CHAPTER 1. STATE ADMINISTRATION.

Article 1. The Department of Agriculture.

20. There is in the State government a Department of Agriculture.

Director.

21. The department shall be conducted by an executive officer known as the Director of Agriculture. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary of six thousand dollars per annum. Before entering upon the duties of his office, the director shall execute an official bond in the sum of twenty-five thousand dollars.

22. Except as otherwise in this article prescribed, the provisions of Article II of Chapter III, Title I, Part III of the Political Code as the same may be added to or amended from time to time, shall apply to the conduct of the department.

Duties, generally

23. The director with the approval of the Governor, may arrange and classify the work of the department and consolidate, abolish or create divisions thereof. Each division shall be in charge of a chief to be appointed by, and to hold office at the pleasure of, the director. The director, with the approval of the Governor, may fix the salaries of division chiefs. The director may appoint such assistants, deputies, agents, experts, and other employees as are necessary for the administration of the department, prescribe their duties, and fix their salaries in accordance with classifications made by the Civil Service Commission. All assistants, deputies, agents, experts and other employees shall be subject to the provisions of the State Civil Service Act.

24. The chief of the division of the department having jurisdiction over live stock and poultry disease control, meat inspection and dairy inspection and control shall be a graduate of a recognized college of veterinary medicine, licensed to practice in this State.

25. The department may expend in accordance with law, all moneys now or hereafter made available for its use.

Fund.

26. There is in the State treasury a special fund designated as the "Department of Agriculture fund." All moneys directed by law to be paid into said fund shall be paid therein and shall be expended solely for the enforcement of the act, article or law under which it is derived, and the expenditure from said fund for the enforcement of any such act, article or law shall not exceed the amount of money credited to said fund thereunder.

27. The director shall keep a separate record of the classes and sources of income credited to the Department of Agriculture fund and of the disbursements therefrom.

28. Any bureau, division, board or other agency of the department which is supported otherwise than by the appropriations from the general fund in the State treasury may be charged its pro rata share of the administrative expense of the department; apportionment of such expenses shall be made and determined by the director, subject to the approval of the Director of Finance; but the pro rata share so charged shall not exceed five per cent of the collections made by the department for such bureau, division, board or other agency.

All moneys received by the department for such pro rata share of administrative expenses, shall be remitted to the State treasury for credit to, and shall become a part of, the current appropriation from the general fund of the State for the support of said department, and said sums so remitted shall be available for expenditure for the support of said department.

29. A sum not to exceed twenty-five thousand dollars may, upon approval of the Department of Finance, be withdrawn from the Department of Agriculture fund to be used as a revolving fund by the department for the purposes for which the Department of Agriculture fund may be used. Revolving fund

30. The department shall promote and protect the agricultural industry of the State; prevent the introduction and spread of injurious insect or animal pests, plant disease and noxious weeds; execute the provisions of this code except as otherwise provided; and may distribute such insects as are useful in reducing the cost of crop production. Duties of department, generally

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

30. The department shall promote and protect the agricultural industry of the State; prevent the introduction and spread of injurious insect or animal pests, plant disease and noxious weeds; execute the provisions of this code except as otherwise provided; and may introduce and distribute such insects as are useful in reducing the cost of crop production.

31. The department shall collect and preserve books, pamphlets and periodicals and other documents containing information relating to agriculture; collect and prepare statistics, charts, films, photographs and other illustrative or exhibit material and information showing the actual condition and progress of agriculture in this State and elsewhere; correspond with agricultural societies, colleges and schools, and with the commissioners of this State, and with all other persons necessary to secure the best results to agriculture in this State.

32. The department shall require reports from commissioners in this State.

33. The department shall issue and cause to be printed and distributed to commissioners in this State, and to such other persons as it may deem proper, bulletins, charts, photographs or other illustrative material or statements containing all the information best adapted to advance the interest, business and development of agriculture in the State, and may broadcast by radio such portions thereof as are adapted to give effect to the provisions of this code and may exhibit or display such data and material as have been collected or prepared, and may incur expenses necessarily incidental thereto.

34. The director may enter into cooperative agreements with individuals, associations, boards of supervisors, and with departments, divisions, bureaus, boards or commissions of this State or of the United States for the purpose of eradicating, controlling or destroying infectious diseases or pests within this State. Cooperation agreements.

Article 2. The State Board of Agriculture.

Members.

40. The State Board of Agriculture consists of nine members, eight of whom shall be appointed by the Governor. Not more than one such member shall be appointed from any one congressional district or from any one county, or from, or as a representative of, any one branch of the agricultural industry.

The members of the board shall be residents and citizens of the State. The eight appointive members shall be specially qualified for this service through actual farm business or economic agricultural training. The president of the board of directors of the State Agricultural Society shall be the ninth member and president of the State Board of Agriculture. The members shall serve without pay, but shall be allowed necessary traveling and incidental expenses incurred in the discharge of their duties, which expenses shall be paid from the appropriation for the support of the department.

Term

The term of office of the eight appointive members of the board shall be four years and such terms shall expire on January 15th of each year in the rotation hertofore established. Vacancies shall be filled by appointment for the unexpired term.

Meetings.

The board shall hold meetings at least once a month in the office of the director at Sacramento. Such meetings shall be held within the week preceding the regular monthly meeting of the Governor's Council. Special or adjourned meetings may be held at the place of regular meeting, or at such other places in the State as the chairman may deem necessary. Special meetings of the board shall also be called by the chairman at any time upon the written request of four members of the board.

Duties

41. The board shall inquire into the needs of the agricultural industry of this State and the functions of the department in relation thereto, and confer and advise with the Governor and the director as to how the agricultural industry may best be served by the department. The said board and any member thereof authorized by resolution of the board, may make investigations, conduct hearings and prosecute actions concerning all matters and subjects under the jurisdiction of the State Department of Agriculture, and for such purposes the board and the authorized members thereof are hereby vested with all of the powers and authority conferred upon a head of a State department by section 353 of the Political Code.

(Amended by Ch. 284, Stats. 1933.)

[ORIGINAL SECTION.]

41. The board shall inquire into the needs of the agricultural industry of this State and the functions of the department in relation thereto, and confer and advise with the Governor and the director as to how the agricultural industry may best be served by the department.

CHAPTER 2. LOCAL ADMINISTRATION.

Article 1. County Agricultural Commissioners.

50. There shall be the office of county agricultural commissioner in each county.

Appointment

51. The commissioner shall be appointed by the board of supervisors of the county except that in chartered counties where a different method of appointment is prescribed it shall be followed. The term of office of the commissioner shall be four years from and after his appointment and until his successor is appointed but he may be removed as hereinafter provided.

Vacancies

52. If, from any cause, a vacancy in the office of commissioner occurs, the director, upon learning of such vacancy, shall immediately transmit to the board of supervisors or other appointing power a list of persons certified by him to be eligible for the position. If, within thirty days after the recepit of such list, the appointing power fails to appoint a commissioner from said list, the director shall appoint one from said list. If there is no qualified person available, the appointing power may make a temporary appointment, for a period not exceeding three months, of a person recommended in writing by the director. If the appointing power does not make a temporary appointment and no person can be appointed from the eligible list by the director, then the director may make a temporary appointment of a person competent to carry on the duties of the office for a period not exceeding three months. (Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

52. If from any cause, a vacancy in the office of commissioner occurs, the director, upon learning of such vacancy, shall immediately transmit to the board of supervisors or other appointing power a list of persons certified by him to be eligible for the position. If, within thirty days after the receipt of such list, the appointing power fails to appoint a commissioner from said list, the director shall appoint one from said list. If there is no qualified person available, the appointing power may make a temporary appointment for a period not exceeding three months, of a person recommended in writing by the director.

Examinations.

53. The director shall cause to be examined persons desiring to become commissioners and deputy commissioners and may prescribe rules and regulations governing such examinations. Successful candidates shall be given a certificate of eligibility which shall be good for five years unless revoked. No person shall be appointed to the office of commissioner unless he has a certificate of eligibility from the department. Certificates of incumbents shall be renewed without further examination.

54. The director shall pass upon the qualifications of persons desiring to become county agricultural inspectors and shall issue certificates of eligibility to qualified persons. In counties having charters providing for civil service examination of such inspectors the director shall issue a certificate of

eligibility upon presentation of a certificate showing the candidate has passed such examination.

55. A commissioner, deputy or inspector need not be a resident of the county for which he may be chosen.

56. Prior to entering upon his duties the commissioner shall file the oath of office prescribed for county officers and file an official bond in the sum of one thousand dollars.

Deputies. 57. The commissioner may appoint deputy commissioners, inspectors and clerks who shall serve at his pleasure. Deputy commissioners and inspectors must be appointed from a list, furnished by the director, of persons holding certificates of eligibility to be so appointed. If the position of deputy can not be filled from the list, a temporary appointment may be made for a period not exceeding three months upon the written recommendation of the director. If the position of inspector can not be filled from the list, a temporary appointment not exceeding three months may be made.

Trial board. 58. Upon petition of twenty-five resident freeholders of any county, each of whom is possessed of an orchard, greenhouse or nursery, or upon satisfactory evidence presented to the director that the commissioner of such county is guilty of neglect of duty, incompetence or misconduct in office, the trial board hereinafter provided for shall hold a hearing or hearings at such times and places as it shall provide.

59. The director and the president of the voluntary association of commissioners of the State shall select an impartial third person who, with them, shall compose a county agricultural commissioner's trial board to determine whether the commissioner is guilty of the charges presented.

Hearing 60. At least ten days prior to the date of hearing the director shall give notice in writing to said commissioner of the time and place of hearing and such information as to the nature of the charges as will enable the commissioner to make a defense thereto.

61. At such hearing or hearings, the trial board shall hear such evidence as is offered and thereafter within thirty days make an order dismissing the charges or an order disqualifying the commissioner.

Removal. 62. In case the order disqualifies the commissioner, the director shall forthwith revoke the commissioner's certificate of eligibility and declare the office vacant and a copy of the order shall be immediately transmitted by the director to the board of supervisors and the auditor of the county in which the commissioner held office.

62.5 The certificate of a deputy commissioner may be revoked in the same manner and for the same causes that a certificate of a commissioner may be revoked.

(Added by Ch. 311, Stats. 1933.)

Salary 63. The salary and compensation provided for the commissioner, deputy commissioners, inspectors, and clerks, shall be paid out of the county treasury in equal monthly installments, where the employment is by the year or by the month, in the

same manner and at the same time as county officers are paid. The commissioner, deputy commissioners and inspectors shall each be entitled to receive his traveling and incidental expenses necessarily incurred in the performance of his duty. Such expenses so incurred and all compensation earned by such officers or employees as shall not be employed by the year or by the month shall be a county charge and the board of supervisors shall allow and pay the same in the same manner as other claims are allowed and paid. The salary and compensation of a commissioner appointed by the director shall be paid in the same manner as if he were appointed by the board of supervisors.

Office.

64. The board of supervisors shall provide a suitable office for the commissioner, and shall furnish and equip his office with all necessary furniture, supplies and effects for the proper discharge of his duties. It may also provide the commissioner with all necessary field equipment for the proper discharge of the duties of his office. All expense ordered by the board of supervisors for such office, furniture, supplies, effects and equipment shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county.

Records.

65. The commissioner shall keep a record of his official acts and make an annual report to the director on the condition of the agricultural interests in his county, as to what is being done to eradicate, or to control or to destroy pests and also as to quarantine against pests, and shall furnish from time to time to the director such other information as he may require. The commissioner shall advise himself with reference to all pests that may exist in his county or be likely to exist therein and for the purpose of advising himself on the best and most efficacious methods of performing his duties, he shall attend the annual meeting of the voluntary association of the commissioners of the State, and such other meetings as the director shall require, and he shall be paid his compensation and traveling and incidental expenses while so engaged, or while on any service that requires him to go outside the county when the performance of such service has been authorized by the board of supervisors or the director, or is authorized by this code.

Report

The commissioner shall also make a monthly report to the board of supervisors if and when so required by said board

66. The director, when acting in person with a commissioner, has all the rights of such commissioner.

Article 2. County Live Stock Inspectors.

Live stock inspector.

68. A live stock inspector may be appointed by the board of supervisors whenever the public welfare demands the services of such inspector. Such inspector shall serve at the pleasure of the appointive power and shall receive a salary fixed by the board of supervisors of the county, not exceeding

one hundred twenty-five dollars per month, payable at the same time, in the same manner, and from the same fund as other county officers are paid. Such inspector shall act under the supervision of the director and shall enforce throughout the county all the provisions of this code relating to the health and sanitary surroundings of live stock, poultry and rabbits and within unincorporated territory all orders and ordinances of the board of supervisors relating to such subjects. He may establish such quarantine, sanitary, and other regulations within his jurisdiction as he deems necessary. He shall attend such meetings as shall be deemed necessary and advisable by the board of supervisors.

(Amended by Ch. 298, Stats. 1933.)

[ORIGINAL SECTION.]

68. A live stock inspector may be appointed by the board of supervisors whenever the public welfare demands the services of such inspector. Such inspector shall serve the pleasure of the appointing power and shall receive one hundred twenty dollars per month, payable at the same time, in the same manner, and from the same fund as other county officers are paid. Such inspector shall act under the supervision of the director and shall enforce throughout the county all the provisions of this code relating to the health and sanitary surroundings of live stock and within unincorporated territory all orders and ordinances of the board of supervisors relating to such subjects. He may establish such quarantine, sanitary and other regulations within his jurisdiction as he deems necessary.

CHAPTER 3. AGRICULTURAL FAIRS.

Article 1. The California State Fair.

State Agricultural Society.

70. The State Agricultural Society is a State institution within the Department of Finance, and consists of a board of directors of fourteen members.

Members

71. Twelve of the members of said board shall be appointed by the Governor for a term of four years from the expiration of the respective terms of the members of the board in office at the time this code becomes effective. Two of the members of the board shall be members of an agricultural district or county fair board and shall be appointed annually by the Governor on February 1 of each year, but these two members shall not be members of the same agricultural district or county fair board.

The president of the board of directors of the State Agricultural Society shall be designated annually by the Governor on February 1 from among the members of the board.

Division of exhibits.

72. There shall be a division of exhibits in the Department of Finance. The division shall be in charge of a chief who shall be appointed by the Director of Finance, with the approval of the Governor, upon recommendation of the board of directors of the State Agricultural Society. The chief of the division shall receive an annual salary to be fixed by the Director of Finance, with the approval of the Governor, and shall be removed by the Director of Finance only upon recom-

mendation by a majority of the board of directors of the State Agricultural Society.

State fair

73. The board of directors of the State Agricultural Society, subject to the approval of the Department of Finance, shall provide for and manage an annual fair or exposition at Sacramento of the industries and industrial products of this State and commercial products exported and imported through the ports of this State. In any year during which an international exposition, conducted in whole or in part under the auspices of the State and indorsed by the United States Government, is held within the State of California, and the board of directors of the State Agricultural Society deems it inexpedient to hold a State fair, the funds available for State fair purposes for that year only may be expended with the approval of the Department of Finance in cooperation with the management of said exposition to provide for a proper exhibition of the industries of California at such exposition.

Premiums

74. In no event shall the State be liable for any premium awarded or debt created by the board of directors of the State Agricultural Society. The collections and receipts from sources other than State appropriations, shall be reported monthly by said board to the State Controller, and shall be paid into the State treasury to the credit of the general fund at least once each month. The Controller is hereby authorized to require financial reports to be made to him in such form and at such time as he may require.

Police

75. The board may appoint all necessary marshals and police to keep order and preserve peace at the annual fair, and the officers so appointed shall be vested with the same authority as peace officers for the preservation of order and peace at such fair.

Article 2. District Agricultural Fairs.

Agricultural districts

80. The several counties of this State constitute agricultural districts numbered as follows:

District 1. The county of Alameda.

District 1a. The City and County of San Francisco and the county of San Mateo.

District 2 The county of San Joaquin.

District 3. The county of Butte.

District 4. The counties of Sonoma and Marin.

District 5. The county of Santa Clara.

District 6. The county of Los Angeles

District 7. The county of Monterey.

District 8. The county of El Dorado.

District 9. The county of Humboldt.

District 10. The county of Siskiyou

District 11. The counties of Plumas and Sierra. A fair shall be held in each county of this district alternately.

District 12. The counties of Lake and Mendocino.

District 13. The counties of Sutter and Yuba.

District 14. The county of Santa Cruz.
District 15. The county of Kern.
District 16. The county of San Luis Obispo.
District 17. The county of Nevada.
District 18. The counties of Mono, Inyo, and Alpine.
District 19. All that portion of Santa Barbara County lying east of Gaviota and south of the Santa Ynez Mountains.
District 20. The county of Placer.
District 21. The counties of Fresno and Madera.
District 22. The county of San Diego.
District 23. The county of Contra Costa.
District 24. The counties of Tulare and Kings.
District 25. The county of Napa.
District 26. The county of Amador.
District 27. The county of Shasta.
District 28. The county of San Bernardino.
District 29. The county of Tuolumne.
District 30. The county of Tehama.
District 31. The county of Ventura.
District 32. The county of Orange.
District 33. The county of San Benito.
District 34. The county of Modoc.
District 35. The counties of Merced and Mariposa.
District 36. The county of Solano.
District 37. All that portion of Santa Barbara County not included in agricultural district number nineteen.
District 38. The county of Stanislaus.
District 39. The county of Calaveras.
District 40. The county of Yolo.
District 41. The county of Del Norte.
District 42. The county of Glenn.
District 43. The county of Lassen.
District 44. The county of Colusa.
District 45. The county of Imperial
District 46. The county of Riverside.
District 47. The county of Trinity.

District agricultural associations

81. Fifty or more persons, residents of the county or of all of the counties or parts of counties comprising an agricultural district, may form an association to be known as and designated as the _____ district agricultural association, for the purpose of holding fairs, expositions and exhibitions of all of the industries and industrial enterprises, resources and products of every kind or nature of the State with a view of improving, exploiting, encouraging, and stimulating the same

Officers.

The officers of such association shall consist of a board of directors of eight members. The directors shall be resident citizens of the district. Where two or more counties constitute an agricultural district, each county shall be represented on the board of directors by at least two resident citizens. If, by reason of the formation of a new agricultural district, a director in one district becomes a resident of another district, his term of office as director expires sixty days after

the formation of the new agricultural district. The Governor shall be notified of the formation of a new district.

Appointment

82. The directors shall be appointed by the Governor. The terms of office of the first board of directors of any district agricultural association formed after the effective date of this code shall be so fixed by the Governor that the terms of directors will expire in groups of two on the fifteenth day of January of each year following the formation of the district. The terms of office of all directors of district agricultural associations, except the terms of the first directors of such associations formed after the effective date of this code, are four years from the beginning of the terms for which they are appointed. All vacancies shall be filled for the unexpired term.

Terms

83. (a) If, on the effective date of this code, the order of the expiration of the terms of directors of any district agricultural association has been previously fixed by law so that the terms of two expire by rotation in groups on the fifteenth day of January of each year, no change therein is effective by this code.

(b) If, on the effective date of this code, the order of the expiration of the terms of directors of any district has not been previously fixed by law so that the terms of directors expire by rotation in groups of two on the fifteenth day of January of each year, such terms expire as follows: two on September 15, 1933, two on January 15, 1934, two on January 15, 1935, and two on January 15, 1936. The terms commencing September 15, 1933, expire on January 15, 1937. Such terms expire in the same relative order as the terms for which the directors hold office prior to the effective date of this code, and directors whose terms would expire on the same day shall determine the relative order of expiration by lot.

84. The directors are State officers. They shall meet at a place within the district and organize by the election of one of their number as president, who shall hold such office for one year and until his successor is elected. The directors shall also elect a secretary and treasurer not of their number. One person may be both secretary and treasurer.

85. The fiscal year for each district is from December 1 to November 30.

Powers of association

86. Each district agricultural association is a State institution. Each association by its name has perpetual succession, may have a seal, be sued and, with the approval of the Department of Finance, may:

(a) Contract, and sue.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property.

(c) Lease any portion of its real estate for the purpose of building museums or coliseums thereon.

(d) Lease lands owned, managed or controlled by it, whether in trust or otherwise, not needed for the permanent use of said association, to any municipal corporation or county, in which

said lands are located, for a period not to exceed fifty years, for purposes not inconsistent with the objects and purposes for which said association is formed and for which said lands are held, owned, or controlled by it.

(e) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(f) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

Powers of directors

87. The board of directors may, with the approval of the Department of Finance:

(a) Fix the term of office, bond, salary, and duties of the secretary and of the treasurer

(b) Manage the affairs of the association.

(c) Make all necessary by-laws, rules and regulations for the government of the association.

(d) Arrange for and conduct, at such times and places as they deem advisable, a fair, exposition or exhibition of all the industries and industrial products in the district or State including horse races and speed contests and training horses therefor.

Sale of property.

88. The proceeds of the sale or lease of any interest in real property owned or held by any association shall be paid into the State treasury. The proceeds of such sale or lease shall be withdrawn from the State treasury only on certificate, signed by a majority of the directors of such association, and by the Department of Finance, stating that the funds are desired for the acquisition of other property for the use of such agricultural association. Upon receipt of such certificate, the treasurer shall pay to the directors, or person designated by them, all or such part of such funds as may be required for the purchase of other property.

Income

89. All moneys received by any district agricultural association existing under the provisions of this article in operating or conducting a district fair of such association shall be retained by such association for the support of such district fair.

90. District agricultural associations, by majority vote of their respective boards of directors, may cooperate in the holding of a fair in either of the districts.

Report.

91. The directors of each district agricultural association shall annually make to the Department of Finance such report as such department may direct.

Sixth district agricultural association fund

91.5 All moneys collected or received, other than appropriations from the State, by the sixth district agricultural association shall be remitted monthly to the State Treasurer for credit to the "Sixth district agricultural association fund," which fund is hereby created. All moneys in said fund are hereby appropriated and shall be available for expenditure, with the approval of the Director of Finance, for major and minor construction, improvements, equipment, maintenance,

and support of the buildings and grounds or other property of the sixth district agricultural association. All moneys in said fund shall first be expended before any appropriation from the general fund for the support or other purposes for the sixth district agricultural association shall be available for expenditure.

(Added by Ch. 634, Stats. 1933.)

State premium money.

92. Any money appropriated by the State for the encouragement of county, district or combined county and district agricultural fairs shall be expended under the supervision of the State Department of Finance for premiums for agricultural, horticultural and live stock exhibits only. The Department of Finance shall apportion the money appropriated for the various agricultural fairs on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural and live stock exhibits in the preceding year. The secretary of any such fair desiring to share in any such appropriation shall file with the Department of Finance on or before August 1st, of each year, a sworn statement setting forth the actual amount paid for premiums by such fair held in the preceding year. No allotment from the appropriation herein provided shall be made for more than one fair in any one year in any county or district. The fact that one county joins with another county, or with several others, or that one district combines with one or more districts, or that one district contracts with a county or county fair association, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated. No fair for which a separate appropriation is made by the State shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs.

93. The State shall not in any event be liable for any premium offered or award made, or on account of any contract made, by any district agricultural association.

Citrus fruit fairs.

94. Any citrus fruit fair and exposition which has been conducted and carried on annually for not less than twenty years by an association, shall be deemed to be a fair and exposition and an association within the meaning of this article. It shall be entitled to participate in the benefits provided in and by this article and shall receive aid, as provided herein, in the same manner as if such citrus fair and exposition were being conducted and carried on by an association organized under the provisions of this article. Such citrus fair and exposition must be conducted and carried on for the purpose of promoting and encouraging the citrus fruit industry of California by a nonprofit corporation organized and existing under the laws of this State.

DIVISION II.

QUARANTINE AND PEST CONTROL.

CHAPTER 1. PLANT QUARANTINE AND PEST CONTROL.

Definitions

100. As used in this chapter:

(a) "Pest" means any of the following that is or is liable to be dangerous or detrimental to the agricultural industry of the State:

(1) Any infectious, transmissible, or contagious disease of plants.
(2) Any form of animal life.
(3) Any form of vegetable life.

(b) "Plant" includes parts of plants, trees, plant products, shrubs, vines, fruits, vegetables, seeds, bulbs, stolons, tubers, corms, pips, cuttings, scions, buds, grafts, and fruit pits.

(c) "Nursery stock" means any plant for planting, propagation or ornamentation.

(d) "Shipment" means any article or thing, which may be, is being, or has been transported from one place to another place.

(e) "Appliance" means any box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the growing, harvesting, handling, or transportation of any agricultural commodity.

Treatments

101. Any treatment which may be required under the provisions of this chapter shall be at the risk and at the expense of the owner or persons in charge or in possession thereof at the time of treatment, unless otherwise provided.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

101. Any treatment which may be required under the provisions of this code shall be at the expense of the owner or persons in charge or in possession thereof at the time of treatment.

Quarantine officers

Sec. 102. Each commissioner is an enforcing officer of all laws, rules and regulations relative to the prevention of the introduction into, or the spread within the State of pests, and as to such activities is under the supervision of the director.

Commissioners, deputy commissioners, and inspectors, holding valid certificates of eligibility for the office to which they have been appointed, are hereby appointed State plant quarantine officers for the purpose of certifying to the pest condition or pest treatment of shipments, when certification as a condition of movement or entry is officially required, and for the purpose of enforcing of laws, rules and regulations, relative to plant quarantine.

Certificate fees

The board of supervisors may at their option establish a schedule of fees for any or all classes of certificates to be paid by shippers requesting such certificates. Upon receipt of

such scheduled fee, or in the event no schedule has been established, then upon request of the shipper it is the duty of commissioners to make such inspections as may be necessary to determine the facts required by the State or country of intended destination and to issue a certificate stating the facts determined; provided that no fee shall be charged for certification required by any law, regulation or requirement of the United States or of this State or by any ordinance, regulation or requirement of any county of this State. The schedule of fees established by the boards of supervisors for such certificates shall be based upon the approximate cost of the inspection made therefor and in no case shall the maximum charge for each certificate on any one consignment, shipment or bill of lading consisting of ten or less separate packages, parcels, boxes, crates or other containers on an inspection made at one time and place exceed twenty-five cents and in no other case fifty cents for each certificate except for certificates on truckload, carlot or field inspections.

(Amended by Ch 336, Stats. 1933.)

[ORIGINAL SECTION.]

102. Commissioners, deputy commissioners, and inspectors, holding valid certificates of eligibility for the office to which they have been appointed, are hereby appointed State plant quarantine officers for the purpose of certifying to the pest condition or pest treatment of shipments, when certification as a condition of movement or entry is officially required, and for the purpose of enforcing laws, rules and regulations, relative to plant quarantine.

Orders—Appeals

103. Each commissioner is an enforcing officer of all laws, rules and regulations relative to the prevention of the introduction into, or the dissemination within the State of pests, and as to such activities is under the supervision of the director. In cases arising thereunder any interested person aggrieved by any action or order of the commissioner may appeal in writing to the director within five days after notice of action or order where there is no time limit upon such action or order, and in cases where a time limit is fixed, within such time limit. In cases where the commissioner is empowered to, and does, take summary action no appeal may be taken.

The director shall hear such appeal within ten days after receipt thereof upon notice to all interested parties and his decision shall be final. Pending decision after appeal, action by said commissioner on the case under appeal shall be suspended by the director. The refusal of any commissioner to carry out the orders and directions of the director in reference to such matters shall be deemed neglect of duty.

Cooperation in quarantine enforcement

104 Whenever quarantine regulations are established under this chapter, if there are any authorities or officers of the United States having authority to act in such matter, or any part thereof, the director shall notify such authorities or officers and seek their cooperation as far as possible.

Inspection stations

105 To prevent the introduction into, or the spread within this State, of pests, the director shall maintain at such places

within this State as he deems necessary plant quarantine inspection stations for the purpose of inspecting all conveyances which might carry plants or other things which are or are liable to be infested or infected with pests.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

105. To prevent the introduction into, or the spread within this State, of pests, the director shall maintain at such places within this State as he deems necessary plant quarantine inspection stations for the purpose of inspecting all conveyances which might carry plants, or other things which are or are liable to be infested or infected with pests.

Quarantine regulations.

106. The director may establish, maintain and enforce such quarantine regulations as he deems necessary to protect the agricultural industry of this State from pests, by establishing quarantine at the boundaries of this State or elsewhere within the State. He may make and enforce such rules and regulations as he deems necessary to prevent any plant or thing which is or is liable to be infested or infected by or which might act as a carrier of any pest, from passing over any quarantine line established and proclaimed pursuant to this chapter. All such plants and things shall, during the maintenance of such quarantine, be inspected by the director or commissioners. The person conducting the inspection shall not permit any such plant or thing to pass over the quarantine line during quarantine, except upon a certificate of inspection and release signed by him.

Form of certain regulations

107. All quarantine regulations involving another State, territory, district or foreign country shall be made by the director and shall be approved and proclaimed by the Governor. Such proclamation shall be signed in duplicate. The original thereof shall be filed in the office of the Secretary of State and a copy in the office of the department before such regulation shall take effect.

New pests.

108. Upon information received by the director of the existence of any pest not generally distributed within this State he shall thoroughly investigate the existence and probability of the spread thereof. He may also establish, maintain and enforce quarantine and such other regulations as are in his opinion necessary to circumscribe and exterminate or prevent the spread of such pest. The director may disinfect, or take such other action with reference to, any plants or things infested or infected with, or which in his opinion may have been exposed to infection or infestation by, any such pest, as in his discretion shall seem necessary.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

108. Upon information received by the director of the existence of any pest not generally distributed within this State he shall thoroughly investigate the existence and probability of the spread thereof. He may also establish, maintain and enforce quarantine, and such other regulations as are in his opinion, necessary to circumscribe and exterminate or prevent the spread of such pest. The director may disinfect, or take

such other action with reference to, any plants or things infested or infected with, or which, in his opinion, may have been exposed to infection or infestation by, any such pest, as in his discretion shall seem necessary.

Local quarantine prohibited

109. No quarantine shall be established by one county, city, or town, against another county, city, or town, on account of the existence of any pest, without the written consent of the director.

Permits for pest shipment

110. It is unlawful to import into or ship or transport within the State, except for the purpose of identification, any pest, live insect or disease unless such shipment or transportation is authorized under written permit and the regulations of the director or the United States Department of Agriculture. Any unauthorized shipment shall be returned to the point of origin, shipped out of the State, or destroyed within forty-eight hours at the expense of the owner or bailee.

Interstate inspection

111. Any person who transports, receives or imports into the State any things against which quarantine has been established or any plants shall immediately after the arrival thereof notify the director or the commissioner of the county in which the plants or things are received, of their arrival, and hold them for immediate inspection by the director or commissioner, without unnecessarily moving them, or placing them where they may be harmful.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

111. Any person who transports, receives or imports into the State (a) any plants or (b) any things against which quarantine has been established, shall immediately after the arrival thereof notify the director or the commissioner of the county in which the plants or things are received, of their arrival, and hold them for the immediate inspection of the director or commissioner, without unnecessarily moving them, or placing them where they may be harmful.

112. If there is no commissioner in the county where such plants or things are received, the person transporting, receiving or importing the plants or things shall notify the director, who shall make immediate arrangements for their inspection.

113. The officer making the inspection may enter at any time into any conveyance or place within the State where the said plants or things are located, to ascertain whether they are or are liable to be infested or infected with any pest.

Marking of shipment

114. Each shipment of plants, brought into this State, shall have legibly marked thereon in a conspicuous manner and place the name and address of the shipper or owner, the name of the person to whom the same is forwarded or shipped, or his agents, the name of the country, State or territory where the contents were grown, and a statement of the contents therein.

Destruction of infested shipments

115. When any shipment of plants brought into this State, is found infested or infected or there is reasonable cause to presume that it may be so infested or infected with any pest, the shipment shall be immediately destroyed by, or under the supervision of, the officer inspecting the same, at the expense of the owner or bailee thereof, unless:

Exceptions.

(a) The nature of the pest is such that no detriment can be caused to agriculture in the State by the shipment of the plants out of the State. In such case, the officer making the inspection shall notify the owner or bailee of said plants to ship the same out of the State within forty-eight hours, and such owner or bailee shall do so. The shipment shall be under the direction and control of the officer making the inspection and shall be at the expense of the owner or bailee. Immediately after the expiration of the time specified in the notice, said plants shall be seized and destroyed by the inspecting officer at the expense of the owner or bailee.

(b) Such pest may be exterminated by treatment or processing prescribed by the director, and it is determined by the inspecting officer that the nature of the pest is such that no damage can be caused to agriculture in this State through such treatment or processing, or procedure incidental thereto. In such case, the shipment may be so treated or processed at the expense of the owner or bailee in the manner, and within the time specified by the inspecting officer, under his supervision, and if so treated or processed, upon determination by the enforcing officer that the pest has been exterminated, the shipment may be released.

Disinfection of premises and containers

116. If, after the inspection, any of the said plants or things are found to be infested or infected, the owner or bailee shall disinfect at his expense the conveyance or place where the plants or things may have been located, in such manner as to destroy all infection or infestation present or that is liable to be present. The officer making the inspection shall not permit any articles to be removed which have come in contact with the infested or infected plants or things, which might convey infection or infestation, until after such infection or infestation shall have been destroyed, except for the purpose of destruction or disinfection under the supervision of the inspecting officer.

Such articles liable to be so infested or infected shall be held until they have been thoroughly disinfected and the pests destroyed.

Sealed containers

117. When any shipment of plants or things passing through any portion of the State is or is liable to be infested or infected with any pest, and there exists danger of dissemination of such pest while such shipment is in transit in this State, such shipment shall be placed within sealed containers composed of metal or other material so constructed that they are not liable to be broken or opened while in transit so as to permit such pest to escape. The containers shall not be opened while within the State.

Fruit fly

118. It is unlawful to import into the State any plant, fruit or vegetable which is now known to be, or hereafter may become a host of any species of the fruit fly family Trypetidae from any Territory, State or district where such species of Trypetidae is known to exist and any such plant, fruit or vegetable, together with the container and packing shall be

refused entry and shall be immediately destroyed at the expense of the owner or bailee.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

118. It is unlawful to import into the State any plant, fruit or vegetable which is now known to be, or hereafter may become a host of any species of the fruit fly family Trypetidae from any country, State or district where such species of Trypetidae is known to exist and any such plant, fruit or vegetable, together with the container and packing, shall be refused entry and shall be immediately destroyed at the expense of the owner or bailee.

Prohibited animals

119. It is unlawful to import into the State any English or Australian wild rabbit, flying fox, mongoose or any other form of animal life detrimental to agriculture. Any such animal shall be refused entry and shall be immediately destroyed or shipped out of the State within forty-eight hours at the option and expense of the owner or bailee.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

119. It is unlawful to import into the State any English or Australian wild rabbit, flying fox, mongoose or any other form of animal life detrimental to agriculture.

Nursery stock license

120. It is unlawful to ship or sell any nursery stock without first having obtained an annual license so to do from the director. Such license for the fiscal year shall be issued upon receipt of payment of a minimum fee of ten dollars, to which shall be added the sum of two dollars for each branch, salesyard, store or sales location operated in the State as an additional fee, and the sum of fifty cents for each acre or portion thereof after the first acre, provided that in no case shall the fee for such acreage exceed fifteen dollars.

Exception

A grower, not regularly engaged in the nursery business, shall not be required to pay the above-mentioned fee if his sales of plants amount to less than one hundred dollars within any one fiscal year and if he has reported to the commissioner his intention to make such sales. All plants sold by him must be of his own production, and sold for planting within the county where grown.

Revocation

The license may be revoked or issuance refused when, after investigation and hearing, it is determined that the licensee or the applicant has wilfully refused to comply with the laws and regulations relative to nursery stock, or to any pest which might be carried by such nursery stock.

(Amended by Ch. 697, Stats. 1933.)

[ORIGINAL SECTION.]

120. It is unlawful to ship or sell any nursery stock without first having obtained an annual license so to do from the director. Such license for the fiscal year shall be issued upon receipt of payment of a minimum fee of ten dollars to which shall be added the sum of fifty cents for each acre after the first acre. Such fee shall not exceed fifty dollars for any one license.

A grower, not regularly engaged in the nursery business, shall not be required to pay the above mentioned fee if his sales of plants amount to less than one hundred dollars within any one fiscal year and if he has reported to the commissioner his intention to make such sales. All plants sold by him must be of his own production, and sold for planting within the county where grown.

The license may be revoked or issuance refused when, after investigation and hearing, it is determined that the licensee or the applicant has wilfully refused to comply with the laws and regulations relative to nursery stock, or to any pest which might be carried by such nursery stock.

121. All moneys received by the department under the provisions of section 120 shall be paid into the State treasury and be credited to the "Department of Agriculture fund."

Intrastate inspection

122. Any person receiving or bringing into any county or locality of the State from another county or locality within the State any nursery stock, or such plants, appliances or other things as the commissioner or the director may consider and designate as liable to be infected or infested with pests, shall immediately after the arrival thereof notify the said commissioner of their arrival, and hold the same for immediate inspection by the commissioner, without unnecessarily moving or placing such articles where they may be harmful.

Marking of shipments

123. Each shipment of nursery stock, imported into any county or locality of the State from another county or locality within the State, shall have marked thereon in a conspicuous manner and place the name and address of the shipper, owner, or person, forwarding the same, and also the name of the person or his agent, to whom the same is forwarded.

Shipping permit

Each such shipment, sold, delivered or transported within the State, shall have affixed thereto in a conspicuous place by the person making such sale, delivery or transportation, a shipping permit, warning that inspection at the point of destination is required, issued by the commissioner having jurisdiction at the point of origin of shipment.

Manifest.

A manifest, stating by name the complete contents of each such shipment, the name of the locality where the contents were grown, and the means whereby such shipment is being transported, whether by freight, express, mail, truck, boat, airplane or otherwise, shall be forwarded to the commissioner having jurisdiction at the point of destination at the same time or prior to the time when such shipment is transported.

Destruction of shipment.

124. When any shipment of nursery stock, plants, or their containers, or appliances, or any host or other carrier of any pest brought into any county or locality in the State from another county or locality within the State, is found to be infected or infested with a pest, or there is reasonable cause to presume that said shipment may be so infested or infected, the entire shipment shall be refused delivery and may be immediately destroyed by the said commissioner, except that if the commissioner determines that the nature of the pest is such that no damage or detriment can be caused to agriculture by the return of said shipment to the point of shipment, then the officer who makes the inspection shall notify in writing the

Exception

owner or bailee thereof to return said shipment to the point of shipment within forty-eight hours after such notification. The owner or bailee shall, at his own expense, return said shipment under the direction of said commissioner, and if the owner or bailee fails to return it within the time specified, the commissioner shall destroy the same. If such pest may be exterminated or controlled by treatment or processing prescribed by the commissioner, and if it shall be determined by the commissioner that the nature of the pest is such that no damage can be caused to agriculture through such treatment, processing, or procedure incidental thereto, such shipment may be so treated or processed at the expense of the owner or bailee of said shipment in a manner and within a time satisfactory to the commissioner, and under his supervision, and if so treated or processed, said shipment may be released to the consignee. If it shall be determined by the said commissioner that only a portion of said shipment is infested or infected with a pest, or that there is reasonable cause to presume that only a portion of said shipment may be so infested or infected, then only such portion of said shipment may be destroyed or returned to origin or treated or processed as hereinbefore provided.

Return of shipment.

Treatment.

Procedure when portion infected

(Amended by Ch. 342, Stats. 1933.)

[ORIGINAL SECTION.]

124. When any shipment of nursery stock, plants, or their containers, or appliances, or any host or other carrier of any pest brought into any county or locality in the State from another county or locality within the State, is found to be infected or infested with a pest, or there is reasonable cause to presume that said shipment may be so infested or infected, the entire shipment shall be refused delivery and may be immediately destroyed by the said commissioner, except that if the commissioner determines that the nature of the pest is such that no damage or detriment can be caused to agriculture by the return of said shipment to the point of shipment, then the officer who makes the inspection shall notify in writing the owner or bailee thereof to return said shipment to the point of shipment within forty-eight hours after such notification The owner or bailee shall, at his own expense, return said shipment under the direction of said commissioner, and if the owner or bailee fails to return it within the time specified, the commissioner shall destroy the same. If such pest may be exterminated or controlled by treatment or processing prescribed by the commissioner, and if it shall be determined by the commissioner that the nature of the pest is such that no damage can be caused to agriculture through such treatment, processing, or procedure incidental thereto, such shipment may be so treated or processed at the expense of the owner or bailee of said shipment in a manner and within a time satisfactory to the commissioner, and under his supervision, and if so treated or processed, said shipment may be released to the consignee.

125. Whenever anything brought into any county or locality of the State from another county or locality within the State or from any other State or foreign country is found to be infested with the seed of any pest not of common occurrence in the county or locality into which such shipment is brought, the director or the commissioner shall notify the owner or bailee of such shipment to return it to point of shipment within forty-eight hours, and the owner or bailee shall return such shipment. If the director or the commissioner determines that

Weed seeds in shipment.

such seeds can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be given such treatment under the supervision of the director or the commissioner, and after such treatment the shipment may be released.

Appliances liable to be infested

126. To prevent the dissemination of pests through the agency of appliances, the director may from time to time publish a list of such pests as may be carried through such agencies, designating such treatment as in his opinion would prevent the dissemination thereof.

Used appliances

127. It is unlawful to ship or move any used appliances unless there is furnished to the commissioner of the county of destination such proof as said commissioner may require that such appliances have not been exposed to infestation or infection by any pests, or that such appliances have been treated immediately prior to shipment in the manner designated by the director. The commissioner of the county of destination shall refuse entry to any such appliances until such proof shall have been furnished. Such appliances may be moved to a place designated by the commissioner for treatment under his supervision.

Holding infested material on premises

128. Whenever there exists on any premises any plants or other things infested or infected by any pest which are or may be capable of disseminating or carrying such pest, the director or the commissioner may hold such plants or other things, giving notice thereof to the owner or his agents, and the shipping permit herein before provided for shall be refused. It is unlawful to move any such plants or other things from the premises except under written permission of the director or commissioner. When, in the opinion of the director or commissioner, the plants or other things have been disinfected or cleaned so as to eradicate or control such pest, he shall release the same and issue the shipping permit. This shall in nowise affect the authority of the commissioner as set forth in sections 122 and 124.

Notice of infested premises.

129. The commissioner, whenever he deems it necessary, may enter and make an inspection of any premises, plant, conveyance, or thing in his jurisdiction, and if found infected or infested with any pest, he may in writing notify the record owner or person in charge or possession of said premises, plants, conveyances or things, that the same are infected or infested with said pest, and require such person to eradicate, destroy, or control, to the satisfaction of said commissioner, the said pests within a certain time to be specified in the notice.

Service.

130. Said notice may be served upon the record owner or person having charge or possession of such premises, plants, conveyances or things infected or infested with pests or upon the agents of either, in the same manner as a summons in a civil action if such person can be found within the county. If no person upon whom service can be had, can, after diligent search be found within the county, then such notice may be served by posting copies of the same in three conspicuous places upon such property or premises, and by mailing a copy thereof

to the said owner at his last known address; if the same is not known, and can not by the exercise of reasonable diligence be ascertained, then to him at the county seat of the county wherein said property is situated.

Recording of copy

131. When any such notice is served concerning any property, the commissioner may cause a copy thereof to be recorded and may cause a copy thereof to be mailed to the person or persons who appear of record to be the owners of any encumbrance on said property, at the last known address of said encumbrancer, and if the address of said encumbrancer is unknown to said commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated.

Pests in parks, etc

132. In case any pests are found to exist in public parks or along streets, highways, or other property subject to the control of a city or county, said notice shall be served on the chairman of the governing body of said city or county, and in case the work of eradication, control, or destruction of said pests is performed by the commissioner, then the cost thereof shall become a city or county charge, as the case may be, and shall be paid from the general fund of the city or county.

Pests in irrigation districts, etc

133. In case pests are found to exist upon any property subject to the control of any irrigation, drainage, flood control, reclamation or levee district, or other political subdivision of the State, the notice shall be served on the chairman of the governing body of said district or political subdivision, or in case said chairman be absent from the county, or for any reason can not be served, on some other member of said governing body, and if the work of eradication, control or destruction of the pests upon said property is performed by the commissioner, the cost thereof shall become a legal charge and shall be paid from the general maintenance or operating fund, as the case may be, of said district or political subdivision.

134. In the case of infestations of pests in or on irrigation canals and ditches, including the lateral banks thereof, not subject to the control of any district or political subdivision of the State, then a notice to eradicate or destroy or control such pests shall be served upon all users of water from the irrigation canal or ditch described in said notice.

Infested premises a public nuisance

135. Any premises, plants, conveyances or things infected or infested with pests, or premises where pests are found, are hereby declared a public nuisance, and shall be prosecuted as such in all actions and proceedings whatever, and all remedies which are or may be given by law for the prevention and abatement of a nuisance apply thereto, and it is unlawful to maintain the same. The remedies hereinabove provided shall be in addition to the remedy by way of abatement provided in this chapter.

Abatement

136. Whenever such nuisance exists and notice thereof has been served as hereinbefore provided and such nuisance shall not have been abated within the time specified, the com-

missioner shall cause said nuisance to be abated by eradicating, controlling, or destroying said pests

Expense.

137. The expense thereof shall be a county charge payable out of the general fund of the county. From the date of payment the amount thereof shall be a lien on the property from which said nuisance has been removed or abated in pursuance of this chapter excepting where the users of the water from an irrigation canal or ditch not subject to the control of any district or political subdivision, have received a notice to eradicate, destroy or control pests in or on such irrigation canal or ditch or the lateral banks thereof, and the nuisance therein mentioned has not been abated within the time specified in such notice, all sums so paid from the date of payment shall be liens upon the property served by the water from such canals and ditches. When there are two or more users of water from such canals or ditches, the liens shall be prorated in accordance with the acreage served. Notice of such lien shall be recorded within thirty days after the right thereto has accrued and a copy mailed to the person who appears of record to be the owner of any encumbrance on the property at the last known address of the encumbrancer, and if the address of the encumbrancer is unknown, that fact shall be stated in the copy so mailed and it shall be addressed to him at the county seat of the county wherein the property is situated. Such lien shall take precedence over and be paramount to all encumbrances upon the land or property, excepting only the lien of taxes, if a copy of the notice of eradication, control or destruction shall have been recorded and a copy shall have been mailed to the holder of any such encumbrance in the manner hereinbefore provided.

Notice of lien.

Penalties, sale.

138. If the sum secured by such lien is not repaid to the county within eighty days from the filing of the notice of lien, there shall be added to the same and secured by such lien a penalty of fifteen per cent. An action to foreclose said lien shall be commenced within ninety days after recording the notice of lien, by the district attorney in the name and for the benefit of the county making payment, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien, penalties and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he is known, and if not, into the court for his use when ascertained.

Report of pests to commissioners

139. Upon the discovery of any pest, the director shall immediately report the same to the commissioners of the counties wherein such discovery is made, together with a statement as to the best known means or methods for eradicating or controlling the same, and treatment or method that should be applied in each case. Upon the receipt of such statement by any commissioner, he shall distribute written or printed forms thereof to every person owning or having charge or possession of any premises or appliances within the county, where there is a probability of the presence of such pest. Such

a statement must be served with or be a part of the notice provided for and required to be served by sections 128 and 129.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

139. Upon the discovery of any pest, the director shall immediately report the same to the commissioners of the counties wherein such discovery is made, together with a statement as to the best known means or methods for eradicating or controlling the same, and treatment or method that should be applied in each case. Upon the receipt of such statement by any commissioner, he shall distribute written or printed forms thereof to every person owning or having charge or possession of any premises or appliances within the county, where there is a probability of the presence of such pest. Such a statement must be served with or be a part of the notice provided for and required to be served by section 128.

Proceedings, generally

140. The governing body of each county, city or town, may provide for the extermination or control of ground squirrels or other animal pests, whether under the provisions of this chapter or under the provisions of any other act or acts; but when any proceedings are commenced under this chapter, the provisions of this chapter and no other law shall apply to such proceedings.

Abandoned crops a nuisance

141. Neglected or abandoned plants or crops which, because of the existence therein or thereon of pests, or because of other conditions, constitute a menace to the agriculture of the county, district, or vicinity, or which are host plants of or provide a favorable and likely harbor for pests are public nuisances and it is unlawful to maintain the same, and all remedies which are or may be given for the prevention or abatement of nuisances apply thereto.

Report to district attorney.

Whenever the commissioner of any county determines by inspection that there exists a condition which constitutes a nuisance under this section on any property or premises within his jurisdiction, he shall make a report of his inspection to the district attorney, setting forth a description of the property upon which the nuisance exists, naming the pest or pests or other conditions which in his opinion are dangerous to the agriculture of the county, district or vicinity, and, if in his judgment his findings justify, he shall state in such report that the removal or destruction of the neglected or abandoned plants or crops will provide the best means for the elimination of such menace to the agriculture of the county, district or vicinity.

Abatement

142. Whenever the district attorney receives from the commissioner such a report, he shall prepare from said report and from the findings therein a petition to the superior court of the county praying for an order to cause the removal or destruction of the neglected or abandoned plants or crops. The petition shall set forth a description of the property, the name of the owner or person in charge or possession thereof and the name of the pest, or other conditions which constitute a menace to the agriculture of the county, district or vicinity.

Procedure

143. Upon the filing of such petition by the district attorney, a citation shall be issued by the court requiring the owner or person in charge or possession of the property to appear at a time and place specified to show cause why such neglected or abandoned plants or crops should not be removed or destroyed. A copy of the petition, together with a copy of the citation, shall be served by the commissioner or by any person deputized by him for that purpose upon the owner, if he can be found within the county, and, if not found after due diligence, then upon the person in charge or possession of the property not less than ten days prior to the date specified in such citation. If the owner or person in charge or possession of the property can not after due diligence be found within the county, a copy of such petition and citation shall be served by posting in a conspicuous place upon the property. When any such citation is issued, said commissioner may record a copy thereof, and may cause a copy thereof to be mailed to the person who appears of record to be the owner of any encumbrance on said property, at the last known place of address of said encumbrancer.

Hearing, etc

144. On the day on which such citation is made returnable, the court shall hear the cause and the same shall have precedence of all matters excepting injunctions, older matters of the same character and matters otherwise given precedence by law. The court shall thereupon decide whether or not the neglected or abandoned plants or crops shall be destroyed or removed. If the court is satisfied that the conditions set forth in the petition exist on the property and that the removal or destruction of the neglected or abandoned plants or crops is necessary and essential for the welfare of the agriculture of the county, district or vicinity, it shall make an order ordering within a certain time, the removal or destruction of the neglected or abandoned plants or crops located upon the property described in such order, and such order shall be served by the commissioner, or by any person deputized by him for that purpose, upon the owner, if he can be found within the county, and, if not found after due diligence, then upon the person in charge or possession thereof. If the owner or person in charge or possession of the property can not after due diligence be found within the county, then such order shall be served by posting in a conspicuous place upon the property.

Removal

145. If the order of the superior court is not complied with within the time specified in the order, the commissioner shall cause the removal or destruction of the neglected or abandoned plants or crops mentioned in the order of the court. The commissioner shall keep an account of the cost of such removal or destruction and shall render an itemized report thereof to the board of supervisors, which cost shall be a county charge payable out of the general fund of the county.

Lien

146. Any and all sums so paid shall be, from the date of payment, a lien on the property from which said plants or crops have been removed or destroyed in pursuance of sec-

tion 145. Notice of such lien shall be recorded within thirty days after the right to the said lien has accrued, and a copy of said notice of lien shall be mailed to the person who appears of record to be the owner of any encumbrance on said property, at the last known place of residence of said encumbrancer, and if the place of residence of said encumbrancer is unknown, then that fact shall be stated in the copy so mailed, and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and be prior and superior to all encumbrances upon the land or property, excepting only the lien of taxes.

Penalties, sale.

147. If the sum secured by such lien is not repaid to the county within eighty days from the filing of the notice of lien, there shall then be added to the same and secured by such lien, a penalty of fifteen per cent An action to foreclose the lien shall be commenced within ninety days after the filing and recording of the notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury to satisfy the lien and costs; and the overplus, if any, shall be paid to the owner of the property, if he is known, and if not, into the court for his use when ascertained.

Contempt

148 Any person failing to comply with any lawful order of the court made and served pursuant to the provisions of sections 143 and 144 is in contempt of court and shall be punished accordingly, which punishment will be in addition to any and all other penalties herein provided for.

Cooperative control

149. The board of supervisors of any county may authorize the commissioner to contract with State and Federal agencies, public corporations, for municipal purposes, or persons owning or controlling or administering within the county property or premises infected or infested with pests, to eradicate, destroy or control the same on such property or premises. No contract so made shall impose any cost or obligation on the county unless authorized by the board of supervisors

Pest control operators

150. The commissioner may prescribe and enforce rules for the qualification of any person who engages for hire in the business of eradicating or controlling pests, and issue certificates to all persons whom he shall find by examination or otherwise to be qualified for such work. Such certificate may be revoked whenever the said commissioner shall deem such revocation necessary. No person shall engage for hire in such business who has not first secured a certificate in the manner herein provided.

Citrus white fly

151. To provide for the eradication of the citrus white fly, the director may declare any portion of the State where citrus white fly is known to exist to be a citrus white fly district, by prescribing the boundaries thereof in a proclamation setting forth said fact and such boundaries, and having a copy thereof

printed in one or more papers of general circulation in said infested district.

Public nuisance

152. All plants within a citrus white fly district which are infested with citrus white fly or eggs, larvae or pupae thereof, or which there is reasonable cause to presume may be infested with citrus white fly, are declared a public nuisance. The existence of any known host plant of citrus white fly within the boundaries of the district shall be deemed reasonable cause to presume said host plant to be infested with citrus white fly.

Destruction of host

153. The department and the commissioners may cause the destruction of any such host plant in a summary manner. If, in the opinion of the enforcing officer, such host plant may be treated in a manner to destroy all citrus white flies or eggs, larvae or pupae thereof which are or may be thereon, then such officer may in a summary manner cause such treatment to be given.

Pest seeds

154. It is unlawful to disseminate the seed of any pest within this State.

Weed-free areas

155. The director, after investigation and practical survey, may by proclamation declare an area within this State to be practically free from one or more of the following species of plants: Johnson grass, Holcus halepensis; goat grass, Aegilops sp.; sand bur, Cenchrus pauciflorus; nut grass, Cyperus sp.; spiny dock, Emex spinosus, Russian thistle, Salsola kali; camels' thorn, Alhagi camelorum; pignut, Hoffmannseggia falcaria; Scotch broom, Cytisus scoparius; puncture vine, Tribulus terrestris; mallow, Malva sp.; white mallow, Sida hederacea; wavy-leaved gaura, Gaura sinuata; hoary cress, Lepidium draba; black currant, Ribes nigrum; wild currant, Ribes sp.; water hemlock, Cicuta sp.; poison hemlock, Conium maculatum; Mexican whorled milkweed, Asclepias mexicana; wild morning glory, Convolvulus arvensis; cressa weed, Cressa cretica; dodder, Cuscuta sp.; Klamath weed, Hypericum sp.; wild heliotrope, Heliotropium curassavicum; white horse-nettle, Solanum eleagnifolium; Carolina horse-nettle, Solanum carolinense; chicory, Cichorium intybus; prickly lettuce, Lactuca scariola; blue lettuce, Lactuca pulchella; creeping sow thistle, Sonchus arvensis; fleabane, Erigeron linifolius; sunflower, Helianthus annuus; spikeweed, Centromadia sp.; tarweed, Hemizonia sp.; tarweed, Madia sp.; poverty weed, Iva axillaris; ragweed, Ambrosia sp.; burweed, Franseria sp.; cocklebur, Xanthium sp.; spiny clotbur, Xanthium spinosum; corn chrysanthemum, Chrysanthemum segetum; milk thistle, Silybum marianum; cardoon, Cynara cardunculus; bull thistle, Cirsium lanceolatum; Canada thistle, Cirsium arvense; burdock, Arctium sp.; Russian knapweed, Centaurea repens; Iberian thistle, Centaurea iberica; star thistle, Centaurea sp.

Proclamation

Said plant or plants shall be named in said proclamation and said area thereafter shall be known as a weed-free area, as to the weeds named therein, which names shall be a part of the name of said area. The director may by similar proc-

lamation change the boundaries of said area or declare said area free from additional weeds, naming the same. Such proclamation shall be under the seal of the department and shall be published in a newspaper or farm journal of general circulation, published and circulated in the area to be affected by said proclamation, at least once a week for two successive weeks. If there is no such newspaper or farm journal a copy of said proclamation shall be posted in one or more public places in said area.

Prohibited acts

156. It is unlawful to sell, distribute or transport into or within any weed-free area any seed of any weed of which said area has been declared to be practically free.

157. It is unlawful for any person owning or possessing any land within any weed-free area to knowingly permit any weed of which said area has been declared to be practically free, to mature upon his land and disseminate its seed or to propagate itself by other means thereon, or on the land of another.

Rules and regulations

158. The director may adopt such rules and regulations as may be necessary to carry out the provisions of sections 155, 156 and 157, and he, and the county agricultural commissioners under his supervision and control, shall enforce such provisions, rules and regulations

Camels thorn

159. Camels thorn is hereby declared a public nuisance and may be abated by summary action or otherwise under the provisions of law relating to the abatement of public nuisances.

The director shall eradicate camels thorn wherever the same exists in this State The expense thereof shall be borne one-third by the State, to be paid out of any sum appropriated for such purpose, one-third by the county in which the land is located on which such camels thorn exists, and one-third by the owner of such land. The board of supervisors shall allow and pay the share of the county and the share of the owner of the land out of the general fund of the county. The share of the owner of the land so paid shall be from the date of payment, a lien on the land on which the work of eradication was done. The board of supervisors shall cause a notice of such lien to be filed and recorded as provided in sections 137 and 138 in regard to the liens therein described, and the provisions of said sections relating to such liens shall apply so far as pertinent to any lien created under the provisions of this section. Only so much of the land on which the work of eradication was done may be sold as may be necessary to secure a sum sufficient to satisfy the lien.

Black currant

160. The cultivated black currant (Ribes nigrum) is hereby declared a public nuisance; and the director and the commissioners may abate the nuisance in a summary manner, or otherwise under the provisions of law relating to public nuisances.

It is unlawful to grow, propagate, or distribute cultivated black currants (Ribes nigrum) in the State.

CHAPTER 2. PREDATORY ANIMAL CONTROL.

Federal cooperation

161. The director may employ hunters and trappers throughout the State to control or eradicate coyotes and other harmful predatory animals. For this purpose he may enter into contracts with the Bureau of Biological Survey of the United States Department of Agriculture to enlist the support of the Federal government, and may prescribe the manner, terms, and conditions of such cooperation.

Donations

The director may accept, on behalf of the State, donations of money from any person, board of supervisors, or other agency interested in the control of coyotes and other predatory animals. All such moneys shall be paid into the State treasury and credited to the Department of Agriculture fund. Moneys thus made available by any board of supervisors shall be expended solely within the boundaries of the county making the appropriation, unless otherwise authorized by the board of supervisors. All other donations shall be applied to the particular locality in which the donors are interested, unless they specifically consent to their use in other localities

162 to 165 (Repealed by Ch. 732, Stats. 1933.)

[ORIGINAL SECTIONS.]

162. Any person who believes that his crops or growing trees are in danger of being damaged by deer, may apply to either member of a committee consisting of (1) the farm adviser, or if there be no farm adviser, then the commissioner, of the county, and (2) the nearest officer of the Fish and Game Commission, to have the committee determine whether or not the likelihood of such damage and the agricultural character of the land covered by the crops or growing trees would justify the protection of said crops or growing trees by the construction of a deer-tight fence, to the cost of construction of which the State would contribute not over ninety cents a rod If the committee can not agree, the inheritance tax appraiser for the county shall be added to the committee, and the decision of two members shall control. The officers named in this section shall serve on the committee as herein provided.

163. If the committee described in the preceding section determines that the construction of the deer-tight fence is justified, it shall certify its decision to the State Controller, giving the name of the owner of the land and of the person whose crops or growing trees are involved, describing briefly the land covered by said crops or growing trees, giving the length in rods of the fence approved by the committee, and naming the amount, not exceeding ninety cents a rod, which said committee approves as the State's share of the cost of constructing the fence.

164 A deer-tight fence is defined for the purpose of this act as a suitably inclosing fence at least eight feet high with six feet of woven wire surmounted by two strands of barbed wire, with good posts not over twelve feet apart, and with properly closing gates

165. When the fence is completed the committee herein described shall examine the same, and if it finds that the fence is deer-tight as herein defined, the person at whose expense the fence was built may present a claim to the State Controller, verified by the committee, for a sum not exceeding ninety cents for each rod of fence built, nor exceeding the amount approved by the committee as the State's share in certifying its approval of the building of the fence. Claims arising under this act shall be payable in accordance with law out of any moneys in the fish and game preservation fund, not exceeding ten thousand dollars in any calendar year. The Fish and Game Commission shall determine the priority of the approval of any application made hereunder.

Chapter 3. Animal Quarantine and Pest Control.

Article 1. Diseased Animals.

Report of diseased animals

181. It is unlawful for any licensed veterinarian upon gaining information thereof, to fail to immediately report in writing to the director, the location, description, and name and address of the owner or person in charge, if known, of any animal or animals affected with any one of the following diseases: glanders, anthrax, blackleg, hog cholera, swine plague, verminous bronchitis, sheep scab, mycotic lymphangitis, aphthous fever, Texas fever, or any other animal disease specified by the department.

182. It is unlawful to:

Glanders

(a) Knowingly sell, use, expose, or fail to immediately kill, after notification of its condition from a licensed veterinarian or the department, any horse, mule or other animal having the disease known as glanders, or farcy, as shown by a reaction to the mallein test, physical examination, or other test or examination recognized by the department.

Tuberculosis

(b) Knowingly sell, after notification of its condition from the department, any bovine animal having the disease known as tuberculosis as shown by a positive reaction to the tuberculin test, physical examination, or other test, or other examination, recognized by the department, without having first obtained a permit in writing from the department.

Other contagious diseases.

(c) Bring, cause to be brought, or aid in bringing into the State any domestic animal knowing that it is infected with any contagious disease.

Isolation of diseased animals.

183. Any person owning or having possession or control of any animal affected by any contagious or infectious disease, who fails to keep the same within an inclosure, or herd the same in some place where it is secure from contact with other animals of like kind not so affected, or who suffers such infected animals to be driven on any public highway, is guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars for each offense.

Carcass of diseased animal

184. Any person having the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the same. No such animal shall be transported, except to the nearest crematory, in accordance with such rules and regulations as the director may promulgate. No such animal shall be used for the food of humans, domestic animals or fowls.

Cattle tick

185. It is unlawful to wilfully sell, except for immediate slaughter or expose in such a manner as may infect other live stock not so infected, any cattle having thereon or being infected with the Boophilus annulatus tick. When moved for the purpose of immediate slaughter cattle infected or exposed to such infection shall be dipped or treated in a manner prescribed by the department, unless they are to be loaded directly on railroad cars at the point of origin.

Scabies.

186. It is unlawful to knowingly sell any sheep infected with the disease known as scabies, or to expose the same in such a manner as may infect other sheep not so infected.

Dipping.

187. Whenever upon examination of any cattle or sheep located in any county the director finds cattle infected with the Boophilus annulatus tick or sheep infected or exposed to scabies he shall forthwith notify in writing the owner or person in control of said cattle or sheep to dip or otherwise treat said cattle or sheep as directed for the purpose of eradicating such ticks or scabies. Such owner or person in control of such cattle or sheep shall comply with the notice within ten days.

Treatment by director

188. If, upon the expiration of ten days from the date on which notice was given, the owner or person in control of said cattle or sheep has failed to dip such cattle or sheep in accordance with the directions of the director, the director shall immediately take possession of said cattle or sheep and dip said sheep as many times as may be necessary, or dip or otherwise treat said cattle

Repetition of dipping

189. If upon examination at the end of ten days' notice the director finds that the cattle have been dipped or otherwise treated for the extermination of ticks but are still infected, he shall instruct the owner or person in possession of said cattle to continue the dipping or treatment as the circumstances may demand, and within such time as the department deems advisable.

Re-infection

190. If upon examination at any time the department finds that said cattle are again infected with said ticks or that the owner or person in control of said cattle has not continued to properly dip or otherwise treat said cattle as instructed, then the director shall take possession of said cattle and dip or treat the same.

Scabies inspection

191. Whenever the director has reason to believe that the disease known as scabies exists in a flock of sheep, he shall notify the owner or person in control of such sheep to gather all of said sheep in a corral in order that such sheep may be examined to ascertain if any are so infected. If such owner or person in control of said sheep refuses or neglects to gather all of said sheep in a corral for the purposes aforesaid, the director shall gather said sheep in a corral for the purposes aforesaid; and for this purpose may hire such necessary help as may be required.

Lien for State treatment

192. All expenses and costs of dipping or treating cattle or sheep and all expenses and costs of gathering sheep incurred by the department shall become and remain a lien on said cattle or sheep until such lien is paid or foreclosed by law.

193. If such lien is not paid within fifteen days after said expenses and costs have been incurred, the department shall, in the name of the people of the State of California, commence an action to foreclose said lien. Such action shall be commenced, tried, and determined in all respects as provided by law for the foreclosure of mortgages on personal property.

194. In any civil proceeding arising under sections 185 to 193, all persons having an interest in or control or possession of the cattle or sheep concerning which such proceeding is had, are liable severally and jointly. Civil liability

195. (Repealed by Ch. 231, Stats. 1933.)

[ORIGINAL SECTION.]

195. Whenever the director is satisfied that any cattle are in process of fattening and that such cattle will be ready for slaughter within a period of one hundred twenty days, he shall exempt such cattle from dipping or treatment.

Article 2 Animal Quarantine.

200. Upon information received by the director of the existence of any contagious or infectious disease affecting domestic animals or poultry within this State, he shall thoroughly investigate the same, and may enter any premises and inspect any animal or poultry. He may establish such quarantine, sanitary, and police regulations as may be necessary to circumscribe and exterminate such disease. Information of infection

201. No quarantine shall be established by one county, city, or town, against another county, city or town on account of the existence of any disease of domestic animals or poultry without the written consent of the director. Local quarantine prohibited

202. Upon the discovery of any case of contagious or infectious disease affecting any domestic animals or poultry in the State, the director shall quarantine such diseased animals or poultry, and, when necessary, other animals or poultry which have been in contact with them, upon the land or premises where such animals or poultry are located. It is unlawful to move or allow to be moved any of such animals or poultry across the quarantine line so established without first obtaining a permit from the director. If the director deems it proper to issue a permit after inspection, he shall cause such animals or poultry, premises, vehicles of transportation and equipment to be properly cleaned and disinfected. Intrastate quarantine

203. Nothing in this article shall be construed to deprive the regular inspectors of chartered and incorporated cities or cities and counties, where regular inspection is maintained by persons employed who have passed a civil service meat, market and poultry inspection examination, of the powers granted them by their several municipalities in inspection of animals or poultry. Municipal inspectors

204. Whenever it is necessary to restrict the movements of domestic animals or poultry on account of the fact that such animals or poultry are liable to transmit an infectious or contagious disease to animals or poultry not so affected, the director shall fix and proclaim the boundaries of a quarantine district, and while said quarantine is in force, it is unlawful to move or allow to be moved any such animals or poultry from or within the boundaries of said quarantine district, without Restriction of movement

a permit issued by the director after said animals or poultry have been inspected, and if necessary, disinfected.

Quarantine Establishment, etc

205. Whenever any of the diseases of animals known as foot and mouth disease, rinderpest, surra, or contagious pleuro-pneumonia or any other infectious diseases of animals considered by the director to be detrimental to the welfare of the animal industry are discovered in the State, the director shall:

(a) Fix and proclaim the boundaries of a quarantine district wherein such disease exists or has existed.

(b) Establish, proclaim and maintain a quarantine of such district and of all animals therein.

(c) Forbid, prevent or restrict the movement of all animals from or into such district or from place to place therein, during the existence of such quarantine.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

205. Whenever any of the diseases of animals known as foot and mouth disease, rinderpest, surra, or contagious pleuro-pneumonia are discovered in the State, the director shall:

(a) Fix and proclaim the boundaries of a quarantine district wherein such disease exists or has existed.

(b) Establish, proclaim and maintain a quarantine of such district and of all animals therein.

(c) Forbid, prevent or restrict the movement of all animals from or into such district or from place to place therein, during the existence of such quarantine.

Proceedings under quarantine

206. When the quarantine mentioned in section 205 is established, the director may:

(a) Regulate, restrict, or restrain the movements of persons vehicles, farm equipment, farm and dairy products and other materials from or into such quarantine district, or from place to place therein, during the existence of such quarantine.

(b) Impose, as a condition to travel through or within the quarantine district, that no person or vehicle permitted to travel on any road or highway shall depart therefrom while within such quarantine district.

(c) Order all animals within the quarantined district to be detained for purposes of examination or inspection at any place or places specified by him in such order.

(d) Cause to be destroyed all animals which may be found therein affected with any such disease or which have been so exposed as to be dangerous to themselves or other animals.

(e) Require a proper disposal to be made of the hides and carcasses of all animals so destroyed.

(f) Prescribe, promulgate and enforce all necessary rules and regulations for cleaning and disinfecting any premises or property where any such disease exists or has existed by treatment, disposal or otherwise, and such other regulations as he may deem necessary to eradicate any such disease and to prevent the dissemination thereof.

Payment for animals destroyed.

207. When any animals or property are destroyed under the provisions of section 206 the owner thereof shall be paid

therefor an amount of money to be determined by appraisers hereinafter provided for. The contribution by the State toward the payment for said animals or property shall be conditioned on the Government of the United States sharing equally in said payment. The value of such animals or property prior to their destruction shall be determined by two appraisers, one appointed by the director and one appointed by the Chief of the Bureau of Animal Industry of the United States Department of Agriculture.

Source of State payments

207 5. The department may pay from any money available for the support of the department all sums due or to become due from the State to owners of live stock or property, taken, destroyed or otherwise disposed of pursuant to any provision of this code relating to the control, prevention or eradication of disease in live stock.

(Added by Ch. 723, Stats. 1933.)

Quarantine violations

208. It is unlawful and punishable by a fine of not less than fifty nor more than five hundred dollars or by imprisonment in the county jail for not exceeding six months, or both, to:

(a) Remove or cause to be removed any animal from any quarantined district, area or premises established under the authority of this article, except upon the conditions herein prescribed.

(b) Bring or cause to be brought any animal into such quarantined district, area or premises, without authority from the director.

(c) Move or cause to be moved any animal from place to place within any such quarantined district, area or premises, except by the direction and permission of the director.

(d) Resist the destruction of any animal suffering from or exposed to any of the diseases specified in section 205.

(e) Hide, secrete or fail to disclose any such animal or its whereabouts to prevent the destruction thereof.

(f) Fail or refuse to dispose of the hide or carcass of any animal destroyed pursuant to the provisions of section 206, when directed or required so to do by the director.

(g) Fail or refuse to clean or disinfect any premises whereon any such disease exists or has existed, when directed so to do.

(h) Violate any quarantine order regulating, restricting or restraining the movement of persons, vehicles, farm equipment, farm and dairy products into or from any such quarantined district, area or premises, or from place to place within the same.

(i) Violate the conditions of any permit authorizing the permittee thereof to travel upon any road or highway within any such quarantined district, area or premises.

(j) Violate any of the remaining provisions of this article or any rule or order made thereunder.

County cooperation

209. A county may appropriate and expend money from the general fund of the county to carry on investigation,

inspection, control and eradication of disease in domestic animals and poultry. For such purposes it may enter into agreements with the department or with any other county and the department.

210. Such agreements:

State—county agreements

(a) May provide that payments from the county treasuries may be made to the department and disbursed only for investigation, inspection, control and eradication of disease in domestic animals or poultry within the respective counties that are parties to the agreement.

(b) May provide that the department shall have full control and supervision in carrying on the work provided for.

(c) May be continued for a definite term or until rescinded or terminated and may provide for the method by which the same may be rescinded or terminated by any of the parties thereto.

(d) Shall provide for the disposition, division or distribution of any property acquired as the result of such joint exercise of powers, and the return of any surplus moneys after the purpose thereof shall be completed in proportion to the contributions made.

Importation of diseased animals, etc

211. Whenever the director determines that an infectious or contagious disease exists among domestic animals or poultry in any other State or territory in the United States, or in any foreign country, and the importation of animals, animal products, or refuse animal or vegetable matter or poultry from said State, territory or foreign country might spread such disease among domestic animals or poultry within the State, the director shall notify the Governor who, if he deem it expedient, shall issue his proclamation which shall prescribe the conditions, if any, under which such animals, animal products, or refuse animal or vegetable matter, or poultry, may be imported into the State from said State, territory or foreign country.

Proclamation.

Importation of animals.

212. It is unlawful to bring into this State any horses, mules, dairy cattle, breeding bulls, goats, or sheep except as hereinafter provided.

Cattle

(a) Dairy cattle and breeding bulls shall be accompanied by a certificate of health and tuberculin test record, signed by a qualified veterinarian, showing that each of said animals is free from tuberculosis and other communicable diseases, or by a signed statement issued by the official in charge of live stock sanitary work in the State from which such animals are transported, stating that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease. A copy of the certificate or statement shall be mailed to the department on the day of shipment.

Horses, etc.

(b) Horses and mules must be accompanied by a certificate of health signed by a qualified veterinarian, stating that each animal in the shipment is free from communicable diseases,

or a signed statement issued by the official in charge of live stock sanitary work in the State from which said animals are transported, stating that each animal in the shipment is free from communicable diseases, and has not recently been exposed to any communicable diseases. A copy of the certificate or statement shall be mailed to the department on the day of shipment.

Sheep Male

(c) Any person desiring to ship buck sheep into this State shall notify the department by registered mail before said importation shall be made. Said notice shall give the names and addresses of consignor and consignee, the number of animals shipped, and the origin and destination of the shipment. If said buck sheep are not shipped in crates or in railroad cars which have been cleaned and disinfected prior to loading, or if they have been unloaded in corrals while en route to destination, they may be dipped one or more times by the department.

Female sheep Goats

(d) Any person desiring to import sheep, other than buck sheep, or goats into this State except sheep or goats for immediate slaughter, shall notify the department by registered mail before said importation shall be made, which notice shall include the name and address of the consignor and consignee, the owner of said sheep or goats, the place of entrance into the State, and such description of the destination as will enable the department to readily locate said sheep or goats upon their arrival.

Exhibition animals

213. Animals brought into this State for exhibition or theatrical purposes, are exempt from the inspection and certification as provided for in section 212. When dairy or breeding bulls which have been brought into this State for exhibition purposes are sold to remain in the State, said animals shall be subjected to the tuberculin test and certified to as free from tuberculosis by the director before said animals are delivered to the purchaser.

Construction

214. Nothing in sections 212 and 213 prevents the Governor from proclaiming quarantine regulations applicable to any State, Territory, or foreign country relative to any animals or disease therein, or from prescribing the regulations under which animals might be imported into this State therefrom.

Article 3. Bovine Tuberculosis.

221. As used in this article:

Definitions

(a) "Tuberculin" means the product of the growth of the tubercle bacillus from any source, used or intended to be used in diagnosing tuberculosis in cattle.

(b) "Tuberculin test" means the use of tuberculin for the purpose of diagnosing tuberculosis in cattle.

(c) "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a tuberculin test or

that is adjudged tuberculous on physical examination by an approved veterinarian

(d) "Accredited herd" means a herd of cattle for which the owner holds a valid certificate of accreditation, issued to him by the United States Department of Agriculture and the department.

(e) "Tuberculosis control area" means an area established and delimited as such by proclamation of the department.

(f) "Grade animal" means an animal not identified in the herd book of any breed record association recognized by the United States Department of Agriculture.

(g) "Purebred animal" means an animal identified in the herd book of a breed record association recognized by the United States Department of Agriculture.

(h) "Premises" means any place where cattle have been or are kept.

(i) "Modified accredited area" means an area so declared by the Federal and State departments of agriculture.

(j) "Calf segregation area" means an area established as such by proclamation of the department to promote the eradication of bovine tuberculosis among calves in said area.

(k) "Cattle" and "bovine animals" mean neat cattle.

(l) "Approved veterinarian" means a veterinarian who has been granted permission by the department to buy, possess or use tuberculin.

Sale of tuberculin

222. It is unlawful to sell, or otherwise dispose of any tuberculin in the State that has not been produced under license of the Bureau of Animal Industry of the United States Department of Agriculture.

Use of tuberculin

223. The department may designate veterinarians, as approved veterinarians, to buy, possess or use tuberculin, and may suspend or revoke such designation. It is unlawful for any person other than an approved veterinarian to buy, possess, or use tuberculin.

Report of sale.

224. Any sale, use or disposition of tuberculin within the State shall be reported to the department within five (5) days thereafter.

Report of results

225. The result of every tuberculin test shall be reported to the department by the veterinarian conducting said test within five days after completion of said test.

Irregularities

226. Whenever the director has reason to suspect an irregularity in the application of a tuberculin test or the branding of reactors, he may enter any premises for the purpose of examining any bovine animals therein or thereon to determine if there has been any abuse or misuse of tuberculin, or faulty, unskillful or irregular technic or procedure in the application of the tuberculin test, branding of reactors, or identification of animals under tuberculin test.

Identification of tested animals

227. Any approved veterinarian may ear tag or otherwise identify any bovine animal to establish the identity of said animal, while applying a tuberculin test thereto.

228. It is unlawful to: Unlawful acts

(a) Obstruct, attack or interfere with, or permit to be obstructed, attacked, or interfered with, the department or an approved veterinarian conducting a tuberculin test.

(b) Attempt to defeat, obstruct or interfere with the application of a tuberculin test.

(c) Neglect or fail to properly secure and restrain any bovine animal to be tuberculin tested, or under tuberculin test, for examination, injection, observation, or other procedures pertaining to a tuberculin test.

229. It is unlawful to knowingly inject into any bovine animal any substance, purporting to be tuberculin, which is not tuberculin.

230. It is unlawful to apply a tuberculin test to any bovine animal which has at any time been found by an approved veterinarian to be a reactor.

231. Every reactor shall, immediately upon the determination of such reaction, be permanently branded on the left jaw with a hot iron by its owner or his agent, under the supervision of the approved veterinarian conducting the tuberculin test. The brand shall be the letter "T", not less than three (3) inches in length from top to bottom, and two (2) inches wide at the top, and the branding edge of the "T" shall not be greater than one-eighth ($\frac{1}{8}$) of one inch in width. Branding of reactors. Brand

232. It is unlawful to have any bovine animal at any live stock fair or show, unless said animal is free from tuberculosis, as evidenced by a tuberculin test record approved by the department. Show stock must not be tubercular

233. The department may, in cooperation with the United States Department of Agriculture, undertake tuberculosis control in bovine animals under the accredited herd plan, in accordance with the rules and regulations of the department and the United States Department of Agriculture. Federal cooperation

234. The department may establish and maintain tuberculosis control areas within this State, wherein said department shall examine and tuberculin test all dairy cattle, and, with the consent of the owner, such beef cattle as he may specify, as often as may be deemed necessary, in order to determine which animals are affected with tuberculosis. Any tuberculosis control area shall consist of one or more entire counties. Tuberculosis control areas Established by State

234.25. In any county which has not been established by the department as a tuberculosis control area as provided in the preceding section, the board of supervisors of such county may, by ordinance, declare any portion of said county a voluntary tuberculosis control area, for the purpose of eradicating bovine tuberculosis therein; the same to continue, as such, only until the department shall establish such county as a tuberculosis control area. Established by county

The county live stock inspector shall, subject to the supervision of the director, examine and tuberculin test all dairy cattle within such voluntary tuberculosis control area, as often Duties of county live stock inspector

as may be deemed necessary, in order to determine which animals are affected with tuberculosis

Voluntary control areas.

The board of supervisors of such county shall provide by ordinance for the formation, regulation, and operation of all such voluntary tuberculosis control areas, as may be so established within such county, necessary to accomplish the object of this section. The provisions in this code for payment of indemnity shall not apply to any voluntary tuberculosis control area established by authority of this section.

(Added by Ch. 712, Stats. 1933.)

Withdrawal of counties from area

234.5 The director may withdraw one or more counties within a tuberculosis control area from such an area when the funds available for indemnity and administration are not sufficient to continue the work under the provisions of this article.

(Added by Ch. 723, Stats. 1933.)

NOTE.—See also following section bearing same number.

Same

234.5. The director may withdraw one or more counties within a tuberculosis control area from such an area when the funds available for indemnity and administration are not sufficient to continue the work under the provisions of this article; provided, however, that whenever any county is withdrawn from a tuberculosis control area it shall become a provisional tuberculosis control area wherein no indemnity will be paid for reactors to the tuberculin test. In such provisional tuberculosis control area the director shall tuberculin test all cattle the owner or owners of which shall request in writing the tuberculin testing of such cattle.

Provisional control areas

Removal of reactors

All reactors found in a provisional tuberculosis control area shall be removed from such area within thirty days after detection.

(Added by Ch. 770, Stats. 1933.)

NOTE.—See also preceding section bearing same number.

Facilities for test

235. All owners of cattle, subject to examination and tuberculin testing, within a tuberculosis control area, shall, upon request of the department, provide necessary facilities for making tuberculin tests, and render such assistance as may be required.

Segregation of reactors

236. Any bovine animal, in a tuberculosis control area, reacting positively to a tuberculin test conducted by a representative of the Federal or State Department of Agriculture, or adjudged tuberculous upon physical examination by said representative, shall immediately be segregated from other bovine animals which are not reactors. The value of the animal shall be determined by appraisement by a representative of the department or a representative of the Bureau of Animal Industry of the United States Department of Agriculture, and by the owner or his agent. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final.

Valuation

Slaughter

237. Within thirty days after the appraisal of the animal, it shall be slaughtered under the supervision of the director.

Limitations

238. No animal shall be tested or slaughtered under the provisions of this article unless:

(a) Funds are available from an appropriation of the United States to assist in the eradication of tuberculosis in cattle in California.

(b) Funds are available from an appropriation of this State for payment of the indemnity by the State under the provisions of this article.

Payment for animals slaughtered

239. When any animal is slaughtered under the provisions of this article, the owner shall receive:

(a) The proceeds of the sale of the salvage of the animal.

(b) From the State, one-third of the difference between the appraised value and the proceeds of the sale of the salvage.

(c) From the United States, any sum authorized to be paid to him from any appropriation made by the United States to assist in the eradication of tuberculosis in cattle in California

No payment by the State shall exceed thirty-five dollars for any grade animal or seventy dollars for any purebred animal.

Limitations on payment

240. No indemnity shall be paid any person in any of the following cases:

(a) For any steer or grade bull determined to be a reactor.

(b) For any bovine animal brought into a tuberculosis control area, which reacts to a tuberculin test applied within ninety days after arrival of said animal in such area, as provided for in this article, or which was brought into a tuberculosis control area, contrary to any provisions of law or rules and regulations of the State or Federal Department of Agriculture.

(c) For any reacting bovine animal, until the premises, where said animal had been kept, have been cleaned and disinfected by the owner in a manner approved by an agent of the State or Federal Department of Agriculture.

(d) For any reacting bovine animal which has not been slaughtered within thirty days after such animal has been appraised.

(e) For any animal owned by the United States, State of California, or any county, city, town or township, in the State.

(f) When such person has violated any provision of this article relating to tuberculosis control area, or any regulation made by the department relating thereto

No subsequent payment of indemnity shall be made to any person in any of the following cases:

(a) Unless the provisions of this article have been fully complied with for each and every bovine animal added to his herd.

(b) Unless and until the premises are maintained in a sanitary condition, satisfactory to the State or Federal Department of Agriculture.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

240. No indemnity shall be paid to any person in any of the following cases:

(a) For any steer or grade bull determined to be a reactor.

(b) For any bovine animal brought into a tuberculosis control area, which reacts to a tuberculin test applied within thirty to ninety days after arrival of said animal in such area, as provided for in this article, or which was brought into a tuberculosis control area, contrary to any provisions of law or rules and regulations of the State or Federal Department of Agriculture

(c) For any reacting bovine animal, until the premises, where said animal had been kept, have been cleaned and disinfected by the owner in a manner approved by an agent of the State or Federal Department of Agriculture.

(d) For any reacting bovine animal which has not been slaughtered within thirty days after such animal has been appraised

(e) For any animal owned by the United States, State of California, or any county, city, town or township, in the State.

(f) When such person has violated any provision of this article relating to tuberculosis control area, or any regulation made by the department relating thereto

No subsequent payment of indemnity shall be made to any person in any of the following cases:

(a) Unless the provisions of this article have been fully complied for each and every bovine animal added to his herd

(b) Unless and until the premises are maintained in a sanitary condition, satisfactory to the State or Federal Department of Agriculture

Proof of pedigree.

241. The pedigree of any purebred bovine animal shall be proved by a certificate of registry from the herd books where registered, and the registration papers of any purebred bovine animal, slaughtered on account of tuberculosis and for which indemnity is paid, shall be marked "canceled" by the department.

Payment of claims.

242. Each claim against the State for payment for the slaughter of any reacting bovine shall be presented to the State Controller and paid out of appropriations or funds available therefor in accordance with law. Every such claim shall be paid within sixty days after the date of presentation if the claimant is entitled to payment hereunder.

(Amended by Ch. 718, Stats. 1933.)

[ORIGINAL SECTION.]

242. Each claim against the State for payment for the slaughter of any reacting bovine shall be presented to the State Controller and paid out of appropriations or funds available therefor in accordance with law.

Publication of proclamation

243. Whenever the department establishes a tuberculosis control area, it shall issue a proclamation which shall be published for three successive weeks in a newspaper of general circulation published in such area.

Inspection of premises

244. To carry out the provisions of this article, the inspectors or agents of the State or Federal Department of Agriculture, may at any time or place, enter upon any premises, except dwelling houses. No person shall obstruct, hamper, or interfere with said agents or inspectors of said departments, while enforcing the provisions of this article.

Procedure when owner refuses to confine animals

245. If any owner or person in charge of cattle, after ten days' notice in writing, refuses properly to confine in corrals or stanchions any cattle which are subject to examination,

tuberculin testing, branding or slaughter, the department may employ help and incur such expense as is necessary to properly examine, tuberculin test, brand, or slaughter, said cattle. The expense so incurred is a lien upon said cattle, and, unless paid within ten days after written notice of the amount of the same has been given by the department to the owner or person in possession of said cattle, the lien shall be enforced in the manner prescribed in section 3052 of the Civil Code.

What cattle may enter control areas

246. Cattle of the following classes may enter a tuberculosis control area in accordance with the regulations of the department:

(a) Cattle regularly tested and nonreacting in a tuberculosis control area, or from State or Federal accredited herds or modified accredited herds or from modified accredited areas.

(b) Cattle of beef breeds.

(c) Cattle to be sold and reshipped out of the area.

(d) Cattle tested and found to be reactors and branded, when shipped for immediate slaughter.

Other entry regulations

247. No other cattle may enter a tuberculosis control area unless:

(a) Accompanied by a tuberculin test certificate acceptable to the department and issued by a duly authorized veterinarian. The certificate shall show said cattle to have negatively passed a tuberculin test within sixty days prior to shipment or movement, if from without the State, or within thirty days, if from within the State

(b) The entire herd or herds from which said animals originated are tuberculin tested and the number of animals reacting does not exceed ten per cent.

All cattle entering any tuberculosis control area, under the provisions of this section, shall be held under supervision and tuberculin retested within ninety days after arrival by an agent of the State or Federal Department of Agriculture A copy of each tuberculin test certificate accompanying cattle entering any tuberculosis control area shall be forwarded to the department on or before the date of shipment or movement. Forms for such certificates, for cattle originating within the State, shall be obtained from the department.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

247. No other cattle may enter a tuberculosis control area unless

(a) Accompanied by a tuberculin test certificate acceptable to the department and issued by a duly authorized veterinarian. The certificate shall show said cattle to have negatively passed a tuberculin test within sixty days prior to shipment or movement, if from without the State, or within thirty days, if from within the State.

(b) The entire herd or herds from which said animals originated are tuberculin tested and the number of animals reacting does not exceed ten per cent.

All cattle entering any tuberculosis control area, under the provisions of this section, shall be held under supervision and tuberculin retested within from thirty to ninety days after arrival by an agent of the State or Federal Department of Agriculture. A copy of each tuberculin test certificate accompanying cattle entering any tuberculosis control area shall be forwarded to the department on or before the date of shipment or movement. Forms for such certificates, for cattle originating within the State, shall be obtained from the department.

Modified accredited area

248. The department may, in cooperation with the United States Department of Agriculture, declare a county as "modified accredited area" when the percentage of tuberculous cattle therein is reduced to meet the requirements of "modified accredited areas," as adopted by the United States Bureau of Animal Industry.

Calf segregation area. Establishment

249. Following a public hearing on the subject of the formation of a calf segregation area, the board of supervisors of any county may request the department to declare the county a calf segregation area, and thereupon the department shall by proclamation declare such county a calf segregation area. The proclamation shall be published for three successive weeks in one newspaper of general circulation published in said county.

Same Regulations.

250. The offspring of all bovine animals, within any calf segregation area, shall be removed from such animals within forty-eight hours after birth and thereafter shall be kept segregated and apart from any untested cattle or any cattle which have reacted positively to the tuberculin test, and on premises free from tuberculosis infection.

Said offspring shall not be fed any milk or product thereof produced by any animal which has not negatively passed a tuberculin test applied by an approved veterinarian until such milk or product thereof has been pasteurized, or heated to a temperature as efficient as pasteurization in the destruction of pathogenic bacteria, in a manner acceptable to the department.

Until determined to be nonreacting animals by the department, said offspring shall be tuberculin tested once in every six months, and any animal which positively reacts to said test shall be branded as provided for herein and immediately segregated from any animals which fail to react to said test, and shall be slaughtered within thirty days from date of said test.

It is unlawful for any owner or person in control of any such cattle to neglect or refuse to so segregate and feed, or have such segregated offspring tuberculin tested and the positive reactors so branded, removed and slaughtered.

Exemption.

The offspring of range cattle to be raised for beef or veal are exempt from this section. No indemnity for any reactor in a calf segregation area shall be paid to any person by the State.

Same What animals may enter.

251. No cattle, other than of beef breeds, shall be permitted to enter any calf segregation area until they have been certified to as nonreacting cattle as evidenced by a tuberculin test applied by an approved veterinarian, and in accordance with the regulations of the department. Cattle of the beef breeds may be permitted to enter any calf segregation area in accordance with the regulations of the department.

Supervision of slaughtering.

252. The slaughtering of all animals, under the provisions of this article, shall be under the supervision of an inspector of the department, or of the United States Bureau of Animal Industry. In any chartered or incorporated city or city and

county that maintains a regular meat inspection service by persons who have passed the civil service meat and/or market inspectors' examination, the slaughtering of said animals under the provisions of this article may be under the supervision of such local officers. The carcasses shall be disposed of in accordance with the rules and regulations of the department or Bureau of Animal Industry of the United States Department of Agriculture governing meat inspection.

Exemption

253. Nothing in this article applies to animals used in research projects conducted by the University of California.

Regulations, generally

254. In order to carry into effect the provisions of this article, the department may make such rules and regulations as may be deemed necessary, proper or advisable.

Article 4. Bee Diseases.

271. As used in this article:

Definitions.

(a) "Bees" mean honey-producing insects of the species Apis mellifica and include the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and rendered beeswax.

(b) "Apiary" includes bees, hives, and appliances wherever the same are kept, located or found.

(c) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container of which bees have taken possession.

(d) "Appliance" means any implement or other device used in manipulating bees or their brood, or containers thereof.

(e) "Disease" means American foulbrood or anything affecting bees or their brood which may cause an epidemic.

(f) "Inspector" means any person authorized to enforce the provisions of this article.

(g) "Location" means any premises upon which an apiary is located.

Duties of director

272. The director shall enforce this article and make, promulgate and enforce such rules and regulations as may be necessary therefor. The director shall have supervision over all enforcing officers. The neglect or refusal of any officer to carry out the orders and directions of the director in the enforcement of this article is neglect of duty. The director may appoint a State bee inspector and such qualified deputies as may be necessary.

Inspectors

Each commissioner is ex officio State bee inspector, and may appoint, subject to the approval of the board of supervisors of his county, one or more inspectors qualified to be county inspectors of apiaries.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

272. The director shall enforce this article and make, promulgate and enforce such rules and regulations as may be necessary therefor. The

director shall have supervision over all enforcing officers. The neglect or refusal of any officer to carry out the orders and directions of the director in the enforcement of this article is neglect of duty. The director may appoint a State bee inspector and such qualified deputies as may be necessary.

Each commissioner is ex officio State bee inspector, and may appoint, subject to the approval of the board of supervisors of his county, one or more inspectors to be county inspectors of apiaries.

Quarantine

273. The director, with the approval of the Governor, may establish, maintain, and enforce quarantine at the boundaries of, or within the State to protect the bee industry against contagion or infection by any bee disease. He may make and enforce such rules or regulations as may be necessary to prevent any bees, or their brood, used hives or appliances from passing over any quarantine line, established and proclaimed pursuant to this article. All approvals by the Governor shall be signed by the Governor in duplicate and one copy thereof shall be filed in the office of the Secretary of State and the other in the office of the director, before such quarantine regulations shall take effect.

Regulations

The director may establish quarantine regulations, without the approval of the Governor, for a period of fifteen days when in his opinion it is necessary to meet emergencies.

Importation Restrictions

274. It is unlawful to import into the State any bees or used hives or appliances, except used package bee cages returning empty, unless accompanied by a certificate from a duly authorized inspector of apiaries or bee inspector, certifying that such bees or used hives or appliances are free from disease.

Food containing honey

It is unlawful to place in any combless package of bees or queens, offered for sale or shipment, any food containing honey.

Certificate permitting movement

275 It is unlawful for any person to move bees within the State unless he first obtains from the county inspector of apiaries a certificate certifying that such bees have been inspected and are found free from disease. The inspector issuing such certificate shall immediately mail a copy thereof to the commissioner of the county of destination, if the same be other than the county of origin, stating on such certificate a definite point of origin and definite point of destination of said bees. Where origin and destination are registered seasonal locations notice to inspectors only shall be required.

Marking of diseased hives

276. The commissioner shall, whenever he deems it necessary, make or cause to be made an inspection of any apiary within his jurisdiction. If any disease exists therein the inspector making the inspection shall plainly mark the hives containing diseased bees, and shall report his inspection and

Notice to owner

findings to the commissioner. The commissioner shall in writing notify the owner or person in charge or in possession of such apiary, stating in the notice the nature of the disease found in each colony respectively, identifying such colony by reference to the mark placed upon the hive thereof, and ordering the eradication of such disease within a specified time The notice may be served upon the person having possession

or owning such diseased apiaries, personally or by registered mail to his last known address. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary. Such person must eradicate such disease within a certain time specified in the notice. If the disease be American foulbrood the time specified in the notice shall not be less than twenty-four hours nor more than one hundred twenty hours from the time of serving the notice, and the eradication of said American foulbrood shall be by killing the bees in the hives and burning the diseased colonies, including the bees, combs, frames, honey, and wax, in a pit, burying the ashes no less than two feet below the surface of the ground and disinfecting by scorching the hives, bodies, bottom boards, covers, and supers associated therewith. American foulbrood

277. Every diseased apiary is a public nuisance; and whenever any such nuisance exists within his jurisdiction the inspector shall abate the same by eradicating the disease, if the owner or person in charge or possession can not be found after diligent search within the county by the inspector, or if notice has been served as hereinbefore provided, and the owner or person in charge or possession refuses or neglects to abate the same within the time specified in such notice. If such disease is American foulbrood it shall be eradicated as prescribed in section 276 within forty-eight hours after expiration of the time specified in the notice. Diseased apiary a public nuisance

278. During the time specified in the notice and during any extended time permitted under the provisions relative to an appeal for diagnosis as hereinafter provided, it is unlawful to remove any of the contents of any of the hives so marked to indicate that same contain American foulbrood and so designated in the notice to eradicate such disease, except that the contents of any such hive may be removed by the owner or bailee to destroy them under the supervision of an inspector Care of bees pending destruction

279. If, upon inspection of any apiary, European foulbrood is found to exist therein to a serious extent, no certificate shall be issued for moving said bees; in lieu thereof a permit may be given to move such bees under an inspector's supervision. European foulbrood

280. Whenever an abatement notice, as in this article provided, has been served upon the owner or bailee of an apiary, said owner or bailee may, before the expiration of the time specified therein, appeal from the inspector's field determination of the disease named in such notice by sending a written appeal to the director with a specimen of the diseased material chosen and sealed for transportation jointly by the owner or bailee and the inspector, and accompanied by a statement signed by the owner or bailee and the inspector, attesting to the fact that such specimen has been obtained from that portion of the apiary described in the abatement notice. The specimen shall be subjected to a laboratory diagnosis by the director, or at his direction, and the written determination setting forth the findings of such diagnosis is final proof of Appeal from diagnosis

the nature of the disease existing in such apiary, and the disease named by the director in a written response to the above-mentioned appeal is amenable to eradication in accordance with the provisions of this article. Pending the determination of the director, the time specified in the abatement notice shall be extended by the number of hours between the forwarding of the representative specimen and the receipt of the written determination from the director by the inspector and the serving of a copy of such written determination upon the owner or bailee making the written appeal. If said owner or bailee can not after due diligence be found, then the extended time shall expire when a copy of the director's determination is served by posting in the apiary.

Extension of time for abatement.

Permit to move diseased bees.

281. It is unlawful for any person owning or controlling bees, hives or appliances within the State, infected with disease to move or transport the same except upon written permission of the inspector. The inspector, for the purpose of eradicating said disease, may permit said bees, hives or appliances to be moved or transported. The inspector may in a summary manner destroy any and all infected bees so moved within the State without such permit. It is unlawful to sell diseased bees, hives or appliances.

Transfer of bees to frame hives

282. The inspector shall order the owner or person in charge of bees, kept in box or other immovable or stationary-comb hives, to transfer such bees to movable frame hives within a reasonable time, to be specified in such order or notice, and in default of such transfer by the owner or person in charge of such bees, the inspector shall destroy or cause to be destroyed all such hives and their contents.

Registry of apiaries

283. Every person who is the owner or in possession of an apiary located within this State shall, on or before the first day of March of each year, register with the commissioner the number of colonies therein and the location thereof, together with the name and address of the owner, on a form issued for that purpose by the commissioner.

General provisions.

284. It is unlawful for any person to conceal the fact that any disease exists among his bees or to expose to bees any infected bee products or hives or appliances or to fail to comply with any notice issued under the provisions of this article.

DIVISION III.

ANIMALS.

CHAPTER 1. SLAUGHTERED ANIMALS.

Article 1. Meat Inspection.

301. As used in this article:

Definitions

(a) "Federal inspection" means the meat inspection maintained by the Bureau of Animal Industry of the United States Department of Agriculture.

(b) "State inspection" means the meat inspection maintained by the department.

(c) "Municipal inspection" means the meat inspection department of each county or each chartered or incorporated city, whose inspection is performed by persons who have passed a regular civil service meat or market inspector's examination or who have been continuously employed since January 1, 1929, and who hold license from the State to practice veterinary science and whose inspection is performed according to meat inspection regulations equivalent, in health value and protection to the public, to those adopted by the Bureau of Animal Industry of the United States Department of Agriculture.

(d) "Health authority" means the health officer, the chief of meat inspection, or other official designated by the health officer of any city or county of the State.

(e) "Establishments" includes all premises where animals are slaughtered or otherwise prepared for food purposes, meat canneries, sausage factories, curing and smoke houses, and similar places.

(f) "Animals" means cattle, swine, sheep, goats and other large domesticated mammals, but does not include small species such as dogs, cats, and rabbits.

(g) "Slaughter" means kill and prepare for human consumption.

Municipal inspection departments.

302. Recognition is hereby extended to the various municipal inspection departments now existing or which may hereafter be inaugurated in the State.

Stamp

303. Upon the approval by the director of an establishment operating under municipal inspection, there may be added to the stamp in use in said establishment the words "Cal. approved." Such stamp shall be accorded the same recognition as "Cal. inspected and passed." The director in his supervision of approved municipal inspection departments, or establishments, shall transmit all orders to such establishments through local health authorities.

Requirements

304. The requirements which must be met by establishments under municipal inspection shall not be higher than the general average actually in force in establishments having State inspection.

Inspection required

305. No establishment may be operated in the State for the purpose of slaughtering animals, or for the manufacture of meat food products unless such establishment is operated under Federal inspection, State inspection, or approved municipal inspection. No dressed carcasses of animals intended for food purposes, parts thereof, prepared meats or meat food products shall be sold within the State unless the same shall bear the "Inspected and passed" stamp of an establishment operating under Federal inspection, State inspection or approved municipal inspection.

Limitation

This section shall be effective only in counties having a population of twenty-seven thousand or over.

Optional inspection.

306. In counties where inspection is not mandatory State inspection may be conducted by the department whenever requested and paid for. Whenever such inspection is requested by the governing body of any county or city and such inspection is inaugurated the provisions of this article shall apply throughout such county or city, as the case may be.

307. Nothing in this article prohibits:

Exemptions from inspection

(a) A live stock producer from slaughtering animals on his own premises that are a part of his own herd for his own consumption or from disposing of the carcasses and products of those animals thus slaughtered, provided they can be identified as such, and are sound, healthful, wholesome, and fit for human food, and are disposed of in his locality; when cattle, sheep, swine or goats are sold by said producer in the vicinity where produced and slaughtered there shall be attached to said meat or meat products a statement giving substantially the following:

Certificate

I hereby certify that the uninspected meat (or meat products as the case may be) to which this certificate is attached is from animals slaughtered by the undersigned, a farmer, on his farm and that at this date it is sound, healthful, wholesome, and fit for human food.

(b) A live stock producer or dairyman from slaughtering upon his own premises calves under the age of eight months which are the actual increase of his own herd, if the calves are accompanied by a certificate of ownership, offered for inspection at any point where inspection is maintained in accordance with regulations issued by the director, and are marketed by whole carcass with hide on.

(c) The slaughter of animals of the bovine species under the age of eight months in establishments which meet the sanitary requirements of the department and shipment thereof to counties where State inspection or approved municipal or county inspection is maintained, and said animals so slaughtered shall there be inspected and the carcasses stamped.

(d) Any butcher located in a remote section of a county in which the inspection provisions of this article are mandatory, when in the opinion of the director it is impractical or impossible to assign an inspector, may, upon written application, be granted an exemption certificate to be used in accordance with the regulations of the director; provided, that the meat of animals slaughtered in accordance with such exemption shall be offered for sale only in the immediate locality where the animals were slaughtered.

The certificate must be renewed the first day of January of each year.

Revocation of exemption certificate

Should facilities for inspection become available at any time, the director is empowered to withdraw such exemption certificate. The director is also empowered to withdraw such exemption certificate when, in his opinion, the person to whom the

same is issued has not complied with the rules and regulations pertaining to the use thereof.

(Amended by Ch. 719, Stats. 1933.)

[ORIGINAL SECTION.]

307. Nothing in this article prohibits:

(a) A live stock producer from occasionally slaughtering animals on his own premises for his own consumption or for disposal of part of the meat in his vicinity without advertisement and without offering for sale at any public place

(b) A cattle raiser or dairyman from slaughtering calves, under the age of eight months, which are the actual increase of his own herd, if the calves are accompanied by a certificate of ownership and offered for inspection at any point where inspection is maintained in accordance with regulations issued by the director

(c) The slaughter of animals of the bovine species under the age of eight months in establishments which meet the sanitary requirements of the department and shipment thereof to counties where State inspection or approved municipal or county inspection is maintained, and said animals so slaughtered shall there be inspected and the carcasses stamped

Inspectors

308 For the purpose of this article, the director may employ persons who have passed a civil service meat or market inspector's examination and are skilled in the inspection of meats and meat food products for wholesomeness and healthfulness, and necessary additional employees, and he may utilize in the enforcement of this article any employee, agent or equipment of the department.

Hours for slaughtering

309. No animal shall be slaughtered for food purposes in the State except between the hours of seven o'clock a.m. and eight o'clock p.m. of any one week day and slaughtering is forbidden on Sundays and legal holidays, unless a special permit in writing is issued by the director or a local health authority.

Ante mortem inspection

310. When it is deemed necessary, in order to safeguard the public health, the director shall cause to be made an ante mortem inspection of any animals before they are slaughtered for food purposes. Satisfactory facilities shall be provided for conducting such inspection and for separating from the passed animals those deemed unfit for immediate slaughter. If any owner or person in charge is about to slaughter for food purposes any animal which the department believes may be affected with disease, the director shall notify the owner or person in charge of said animals to refrain from slaughtering them for food purposes until the ante mortem examination is completed. Any owner or person slaughtering animals for food purposes after such notification by the director shall be guilty of a misdemeanor. No owner or person shall be required to refrain from slaughtering animals for a period longer than seventy-two hours.

Post mortem inspection

311. The director may provide post-mortem inspection of all animals slaughtered for food purposes in any establishments in the State. The head, tongue, tail, thymus glands, viscera, and other parts and blood used in the preparation of meat food, meat food products, or medicinal products shall be retained in such a manner as to preserve their identity

until after the post-mortem examination has been completed. Carcasses and parts thereof found to be sound, healthful and wholesome after inspection and otherwise fit for human food shall be passed and may be marked in the following manner: "Cal. inspected and passed," or with the inspection legend of an approved municipal inspection department, to which has been added the words "Cal. approved." This mark may also include any number given the establishment. Each carcass or part thereof which is found on post-mortem inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, shall be marked conspicuously by the inspector at the time of inspection with the words, "Cal. inspected and condemned," or with the condemned brand of an approved municipal inspection department and such carcasses or parts thereof, under the supervision of the inspector, shall be rendered unfit for human consumption in a manner approved by the director.

Mark.

Application for inspection service.

312. Any person desiring to engage in slaughtering animals or manufacturing meat food products for human consumption in any county of the State, in which section 305 is effective shall apply to the director or the local health authority for the inauguration of an inspection service in the establishment where said animals are to be slaughtered or meat food products manufactured. Such application shall be in writing, addressed to the director or local health authority, on blanks furnished by the department or municipal inspection department. In such application the applicant for inspection shall agree to comply with the provisions of this article and to maintain said establishment in a clean and sanitary manner. Upon receipt of said application, the director or local health authority shall make an inspection of said establishment and if found clean and sanitary, and properly equipped to conduct its business in accordance with the rules and regulations of the department, the director or local health authority shall inaugurate an inspection service therein, and shall give to such establishment an official number, to be used to mark the meat and meat food products of this establishment as provided in this section. Such establishment shall thereafter be known as "official establishment No. ___," and shall pay for such inspection service a fee in the amount designated by the director or the municipal inspection department having jurisdiction. Such fee paid by any establishment under State inspection shall be credited to the Department of Agriculture fund, and shall be sufficient to cover the total salaries, traveling expenses and premiums on account of workmen's compensation insurance of all inspectors in such establishment. All such fees shall be paid monthly in advance. Each establishment under State inspection shall deposit with the director one-half of the amount of one month's inspection fee to be held in trust by the director to be applied on any fee due the State in the event the establishment discontinues inspection or inspection is suspended for nonpayment of fee. In lieu of

Fee

Deposit

such deposit an establishment may file a bond for like amount, satisfactory to the director.

(Amended by Ch. 779, Stats. 1933.)

[ORIGINAL SECTION.]

312. Any person desiring to engage in slaughtering animals or manufacturing meat food products for human consumption in any county of the State, in which section 305 is effective shall apply to the director or the local health authority for the inauguration of an inspection service in the establishment where said animals are to be slaughtered or meat food products manufactured. Such application shall be in writing, addressed to the director or local health authority, on blanks furnished by the department or municipal inspection department. In such application the applicant for inspection shall agree to comply with the provisions of this article and to maintain said establishment in a clean and sanitary manner. Upon receipt of said application, the director or local health authority shall make an inspection of said establishment and if found clean and sanitary, and properly equipped to conduct its business in accordance with the rules and regulations of the department, the director or local health authority shall inaugurate an inspection service therein, and shall give to such establishment an official number, to be used to mark the meat and meat food products of this establishment as provided in this section. Such establishment shall thereafter be known as "official establishment No. ---," and shall pay for such inspection service a fee in the amount designated by the director or the municipal inspection department having jurisdiction. Such fees as are payable to the department shall be credited to the Department of Agriculture fund, and used to pay salaries of inspectors and premiums on account of workmen's compensation insurance. All such fees shall be paid during the first week of January, April, July and October of each year, and shall be paid in advance for the ensuing three months in amounts designated by the director.

Transportation of dressed carcasses

313. The dressed carcasses of all animals intended for human consumption, parts thereof, meats, or meat food products, inspected and marked in accordance with this article, may be transported or sold anywhere in the State without restriction, except that imposed upon meat or meat food products bearing the inspection stamp of the United States Department of Agriculture.

Unlawful possession of inspection stamps

314. It is unlawful for any person, except employees of the United States Department of Agriculture, the department or a municipal inspection department, to possess, keep, or use any mark, stamp, or brand provided or used for marking, stamping, or branding the carcass of any animal, parts thereof, meats or meat food products, or to possess, keep, or use any mark, stamp, or brand having thereon a device or words the same or similar in character or import to the marks, stamps, or brands provided or used by the United States Department of Agriculture, the department or of any municipal inspection department for marking, stamping, or branding the carcasses of animals or parts thereof intended for food purposes, meats, or meat food products.

Rules and regulations

315. The director shall make rules and regulations necessary for the execution of this article. Such rules and regulations shall conform so far as possible to the rules governing meat inspection of the United States Department of Agriculture.

Sanitary requirements

316. Every establishment in California, where animals are slaughtered or where meat or meat food products are

prepared or processed for human consumption, shall be maintained and operated in a clean and sanitary manner and inspection conducted in accordance with the provisions of this article and the regulations of the director, and in the event that an establishment is not so maintained and operated the director may suspend inspection in any establishment having State inspection or municipal inspection.

317. It is unlawful to maintain a slaughterhouse that is unclean or insanitary.

Article 2. Foreign Cold Storage Meat.

License

321. It is unlawful to sell any cold storage meat that has been imported into the State from without the United States, herein referred to as foreign cold storage meat, without having first obtained a license from the director as hereinafter provided, and without having submitted all such meat for inspection and examination at port of entry. The director shall cause all such meat to be inspected upon arrival, and shall establish such bacteriological or chemical standards as he deems proper to determine the wholesomeness and fitness of such meat for human consumption; any meats found unfit for human consumption shall be marked conspicuously with the words "unfit for human consumption," and the sale thereof for human food is prohibited. All meats inspected and passed for food, as provided in this article, shall be marked with a tag of such size and design as shall be promulgated by the rules and regulations established by the director for the enforcement of this article, and shall bear the words "foreign cold storage meat inspected and passed by the State Department of Agriculture" Such tag shall not be removed until the meat is cut for retail, and meats so tagged shall at all times be subject to reinspection.

Tag

Dealer's report

322. Wholesalers, dealers, or importers selling, handling, or furnishing foreign cold storage meat shall forward by registered mail to the director a certified statement on the first days of July, October, January, and April of all sales of such meat made by them during the last preceding three months and in each case shall state the name and address of the purchaser and the amount of each sale.

License fee

323. The director, upon application of any person selling, dealing or furnishing foreign cold storage meat, shall issue a license to such applicant upon the payment of an annual fee of ten dollars for retailers, and five dollars for hotels, restaurants, lunch rooms, dining cars, or boarding houses, selling, handling, furnishing, or serving such cold storage meat. All such licenses shall expire on June 30th of each year. They may be issued in periods of less than one year on payment of a proportionate part of the license fee herein mentioned No license shall be issued for a period of less than three months.

Expiration date

Rules and regulations

324. To enforce this article, the director may make such rules and regulations as he deems necessary and prescribe such inspection fees as may be necessary to defray the actual cost of such inspection and he may enter upon any premises to make such inspections and investigations, or examinations of books, papers, or documents.

Article 3. Marks and Brands.

Enforcement

331. The director shall enforce this article and exercise a general supervision over and protect the cattle of this State from theft, and make such rules and regulations as may be necessary therefor.

Such rules and regulations shall be published in one or more stock journals of general circulation in the State.

332. It is unlawful to brand any cattle with a brand unless such brand is recorded with the department and not forfeited under the provisions of this article.

Recordation of brands

333 Brands, or brands and marks, must be recorded with the director. Recording a brand or brand and mark shall consist of depicting in the brand records a facsimile of the design of the brand adopted, a diagram denoting the manner of earmarking adopted, an entry of the name and address of the person adopting the same, the date of recordation, the place upon the animal where the brand is to be used, number of the district and the location of the range whereon such animals are to range. No brand or brand and mark shall be recorded which is identical with or similar to any brand or brand and mark previously recorded, except upon permission of the director. A mark may be recorded only with a brand.

Prior ownership of brand

334. A brand, or brand and mark, shall not be deemed similar if it is not recorded by any other person in the same or a contiguous district.

Whenever the brand records on file with the department disclose that the same or a similar brand has been recorded by two or more persons in any one branding district, the director may cause an investigation to be made, and hearing held, to determine the rights of prior ownership in such brand. When in the judgment of the director, prior ownership to such brand or brand and mark has been fully established, the director shall cause the cancellation of any duplicate recorded brand in such branding district.

Branding districts

335. The director may divide the State into branding districts. Such districts may be changed as often as may be necessary to avoid the recordation of a brand or brand and mark in any two contiguous districts.

Recordation fee

336. Two dollars shall be paid the director for the recordation of any brand or brand and mark; for the right to continue the use of said brand or of said brand and mark, the owner thereof shall before January 1 of each year after its recordation transmit to the director the sum of one and one-half dollars. Failure to make such payment forfeits the

right to use said brand or brand and mark. When forfeited, said brand or brand and mark shall not be recorded by any other person within one year thereafter.

Transfer

337. No transferee of any brand, or brand and mark shall use such brand or brand and mark, until the transfer has been recorded with the director and one dollar paid therefor.

Obliteration of brand

338. No person shall obliterate a brand on the hide of any bovine animal until such hide has been inspected and tagged.

Unlawful marks

339. It is unlawful to mark an animal by cutting off more than one-half of the ear or by cutting the ear on both sides to a point.

Inspection generally

341. Inspection of cattle consists of the examination of the same for brands and marks, and in the case of unbranded cattle, for natural marks, and the issuance of a certificate showing said brands and marks, or natural marks. If any animal bears a brand or brands in addition to the brand of the person presenting the same for inspection, the inspector shall have the right to demand that he be shown a bill of sale or other proof of ownership to one brand other than that of the person presenting the same for inspection. The inspector shall make a record showing the number, sex, brands or marks of each animal inspected, name of owner or claimant, consignor and consignee. It is unlawful to remove any animal and substitute another therefor, or add other animals or take animals away from any lot of cattle for which the inspector has issued a certificate for shipment or slaughter, without notifying the inspector who issued the certificate, before the cattle are shipped or slaughtered.

Inspection of carcasses and hides

342. Inspection of carcasses of cattle with the hides attached, and of hides, shall be made in the same manner as inspection of cattle, except that the inspector, before issuing a certificate of inspection, shall tag the same with the official tag of the department. No new inspection need be made of the hide or carcass of any animal which was inspected at the place of shipping or of slaughter within fifteen days prior to slaughter.

Inspection at point of shipment.

343 The inspector shall make his inspection upon request of the shipper or slaughterer at the point of shipment prior to shipment or at the place of slaughter prior to slaughter, as soon as practicable after being notified. He shall receive from the person in charge of the same for such inspection the sum of five cents for each animal, carcass or hide inspected before he shall issue a certificate of inspection therefor.

Fee

Limitations on issuance of certificate

344. It is unlawful for any inspector or other employee to issue any certificate of inspection unless such inspection shall have been personally made by him and all inspection fees collected, or to neglect or refuse to forward the original certificate of inspection and fees collected to the director within fifteen days after the inspection has been made.

Tagging

345. Tagging shall consist of attaching the official tag of the department to the left side of the neck of the hide, and when so attached, said tag is prima facie evidence of inspection

No charge shall be made for the inspection of hides which have been previously inspected and tagged under the provisions of this article.

License to slaughter

346. No person shall slaughter a bovine animal and offer for sale the meat thereof, unless he has a license therefor issued in accordance with the provisions of this article, except as herein otherwise provided.

Slaughter-house license

347. Every person slaughtering cattle as a business shall do so in a designated slaughterhouse. Before beginning business he must procure from the director a license to carry on such a business and execute a bond to the State in the sum of one thousand dollars, to be approved by the director, conditioned that such person shall not slaughter, sell or expose for sale any cattle or the meat thereof, without first being the owner thereof, or being authorized so to do by such owner and that in case he shall slaughter any cattle without being the owner or so authorized by the owner, he shall, in addition to all other statutory penalties, pay therefor double the value of such animal. All amounts recovered on said bonds shall be paid as follows: One-half to the owner of such animal and the remaining one-half to the Department of Agriculture fund to be used for the purpose of carrying out this article.

Penalties

License fee.

348. The director shall grant to every applicant, who complies with the provisions of this article, a license to slaughter cattle and sell the meat thereof for the unexpired portion of the current calendar year. Applicants for such license shall pay to said director the following annual fee in advance: Applicants who slaughter less than ten head per month, five dollars; applicants who slaughter ten or more and less than fifty head per month, ten dollars; applicants who slaughter fifty or more head per month, twenty-five dollars. One-fourth of said fee shall be paid for a quarter of a year, but in no case shall the fee be less than two dollars for a fractional part of the year.

Statements in application

Transfer of license

349. The applicant shall state in his application where the slaughterhouse, in which he is to operate, is located and to whom it belongs and he shall not slaughter cattle at any other place. If a licensee desires to change to another location he shall apply to the director to have his license transferred and the director may reissue the license without additional cost. It is unlawful for a licensed slaughterer, excepting on a strictly commission basis, to slaughter for any other person. It is unlawful to allow any one to slaughter for himself at the licensee's plant, unless he is licensed to slaughter there.

Penalties

350. Any slaughterer who continues to slaughter cattle after the expiration of his license and does not apply for a new license within thirty days after such expiration must pay twenty-five dollars in addition to the regular fee and fifty cents per day for every day he slaughters cattle after the expiration of his license, until a new license is issued. It is unlawful for any person, not the keeper of a shop or meat market, to sell the meat of any bovine animal without possessing the hide or hides

with ears attached and brand untampered with of the cattle from which the meat was obtained and without exhibiting same to any hide and brand inspector or peace officer upon demand.

Revocation of license

352. The director may revoke a license for a wilful violation of any of the provisions of this article, after notice to the interested party and a hearing, and a license so revoked shall not be reissued except upon the payment of a renewal fee of twenty-five dollars.

Bills of sale Filing

353. Every licensed slaughterer of cattle shall keep on file in his office for ninety days after slaughter, the original bill of sale of cattle purchased and slaughtered by him, and the certificate of inspection of all cattle slaughtered by him.

Record of purchases.

354. Every peddler or retailer of meats purchasing the meat of any bovine animal must enter in a book kept for that purpose and exhibit the same on demand, to any agent of the department or any peace officer, the name of the person from whom said meat was purchased or obtained, the date of purchase, the quantity purchased and the time and place of delivery thereof.

Unlawful sales

No peddler, or retailer of meat, shall purchase the meat of a slaughtered bovine animal from any person not known to him to be licensed under the provisions of this article, or a regular wholesale dealer in meats with an established place of business.

355. No person, other than a regular wholesaler of meat having an established place of business, not licensed as a slaughterer under this article shall give, sell or deliver to any peddler of meats, any part of the carcass of a bovine animal.

Slaughter on premises

356. An owner of property, or a ranchman located on a definite property as a tenant, lessee or purchaser under contract may slaughter cattle in small numbers on said premises for his own consumption, and may sell or give away a portion of the meat thereof.

Slaughter by dairyman

357. Any person engaged in the dairy business or raising of cattle may slaughter upon his own premises, any calves under eight months of age, actually produced by him. These must be marketed by whole carcass with the hide on.

Report

358. Every licensed slaughterer shall at the end of each calendar month mail to the director a written report stating the total number of cattle slaughtered during the preceding month and showing in separate columns: the number of calves, cows, steers, stags, or bulls; the number slaughtered on each date; from whom purchased; the date of purchasing; and brands on branded cattle.

Revocation of license

359. The director may, after notice to the interested party and a hearing, revoke a license for wilful violation of any of the provisions of this article, or for maintaining an insanitary slaughterhouse, unless such slaughterhouse shall be under the supervision of a city or county meat inspection department where regular inspection is conducted. A license so revoked shall not be reissued except upon the payment of a renewal fee of twenty-five dollars.

360 The director shall adopt a device for tagging hides, the design of which may be changed from time to time at his option. Tags

It is unlawful to counterfeit or reuse the official tag adopted by the director for tagging hides.

361. No person shall remove any tag from a hide until after it has been partially tanned. Removal of tags

362. No person shall sell, give away, deliver, transport, buy, accept or receive the hide of any bovine animal within thirty days after the same has been removed, unless such hide shall have been inspected and tagged. Hides Limitation on sale, etc

363. No person shall buy or sell a bovine animal, the carcass of any bovine animal from which the hide has not been removed, or the hide thereof, unless the seller give, and the buyer receive, at the time of the delivery of such animal, carcass or hide, a written bill of sale, giving the number, kind, and brand or brand and marks of each such hide, carcass or animal, signed by the party giving the same and two subscribing witnesses who have been freeholders of the county for at least two years. No witness shall be necessary if each of the parties is known to the other to have been freeholders of the county for at least two years immediately preceding the date of sale. Bills of sale

364. The hides of all cattle slaughtered by the owner thereof, and those hides removed by the owner from any cattle which have died from any other cause, shall be retained in the possession of the owner with the brands attached thereto, and without any alteration or disfiguration thereof, where the same may be inspected by any agent of the department or peace officer, until said hides are inspected and tagged. Hides Inspection

365. Every ranchman, who slaughters cattle on his premises, shall keep a record in a book kept for that purpose of all cattle slaughtered by him, with a description thereof, including the brands and marks of such slaughtered cattle, and the date of slaughter; and shall at the end of each month make a true and correct copy of such record and send the same by registered mail to the office of the director, and exhibit the record on demand of any inspector of the department or peace officer. Slaughter on premises Record

366. No common carrier, or owner or driver of any conveyance engaged for hire in the business of freighting or transporting cattle, the carcasses of cattle with hide on or the hides thereof, shall receive such cattle, or the hides or the carcasses thereof for transportation until the same have been inspected under the provisions of this article, and said carrier, owner or driver, has been furnished with duplicate certificates signed by an inspector, showing the brands or brands and marks, the names of the shipper and consignee and the origin and destination of the shipment But when hides have been previously tagged and the bundles or packages of the same are so arranged that the tags are all visible, the certificates shall simply state the number of hides and the fact that they are officially tagged. No inspector shall issue such certificate for dressed carcasses Transportation of hides, etc Certificate

with the hides thereon, until the official tag has been attached. One copy of said certificate of inspection shall accompany said shipment and the other copy shall be sent to the consignee forthwith. In lieu of regulation in this section, a release of shipment may be given by the director, but such cattle shall be inspected en route or at destination.

Inspection before slaughter.

367. No cattle, except cattle shipped for slaughter which have been inspected as herein provided prior to shipment, shall be slaughtered until they have been inspected as herein provided, and any slaughterer claiming the right to slaughter cattle because of an inspection at time of shipment, shall keep on file and produce on demand, the certificate of inspection thereof, made and forwarded to him at the time of shipment.

Record

Every licensed slaughterer who slaughters cattle where it is impossible or impracticable to have such animals inspected by a brand inspector before slaughter, shall keep a record of all cattle slaughtered. Such record shall set forth the name of the party from whom said cattle were purchased and identify them as to color, age, weight, sex, brands or brands and marks, if any. Such record shall be open to inspection by any agent of the department or peace officer. The slaughterer shall retain the hides of such animal or animals until inspected as herein provided, or released by the director.

Transportation License.

368. It is unlawful for any person who buys cattle for transportation for sale or slaughter, to receive the same for transportation or to transport the same, without having first procured from the director a license to do so. Any applicant for such

Application

license shall file with the director a written application stating his name, present address and addresses for the preceding three years, the county or counties in which he proposes to carry on said business, and the certificate of two reputable citizens who have been residents for at least two years of the county in which the applicant resides, certifying to the good moral character of the applicant. The director shall receive for issuing

License fee

such license a fee of twelve dollars per year, payable quarterly in advance.

Report

Every person holding such a license must on or before the tenth day of each month file with the director a statement showing from whom he purchased cattle, where he received them, to whom he sold them, to whom and when he delivered them, and a general description showing the brands and marks, or natural marks on, and the age, weight, sex, color and general description of the cattle.

Estrays defined.

369. Any bovine animal presented for inspection, either before shipment or slaughter which;

(a) is not claimed by the consignor or the consignee, or

(b) which does not bear the brand or the brand and mark of the person presenting the same for inspection and is not accompanied by a bill of sale to the party presenting the same for shipment or slaughter from the holder of the brand or brand and mark upon the same is hereby declared an estray, and

shall be sold by the hide and brand inspector who shall give the purchaser a bill of sale for such animal or animals.

Sale

The proceeds from the sale of said cattle, after paying the costs thereof, shall be paid to the director. The director shall make a record showing the brands or brands and marks and other means of identification of such animals and the amount realized from the sale of the same. All money so received by the director shall be retained by the director until paid to the owner of the estray. If, after the expiration of one year from date of such sale no claim is made, said money shall be paid to the State Treasurer and by him credited to the Department of Agriculture fund to be expended in carrying out the provisions of this article.

Disposition of proceeds

370. Whenever an inspector finds the hide of a bovine animal in the possession of any person whom he has reasons to believe is not the legal owner thereof, he shall take possession of the hide or notify the person in possession thereof where to leave it, pending investigation and no person shall without release from the inspector dispose of such hide within thirty days after receiving such instructions from the inspector. Any agent of the department may stop any truck which is transporting cattle, carcasses of same with hide on, or hides thereof on any public thoroughfare, for purpose of making an investigation, and take possession of cattle, carcasses of same with hide on, or hides being transported, and hold same for thirty days pending an investigation. Any expense incurred thereby shall be paid by the owner. The cost for caring for such property so held shall be a lien upon the property. Such lien may be enforced in the manner prescribed in section 3052 of the Civil Code.

Illegally possessed hides

371. The director shall prepare volumes for the recordation of brands or brands and marks, and keep a record of all official transactions. When cattle, carcasses of same with hide on, or the hides thereof, have been shipped or slaughtered, a record thereof must be filed in such manner as to disclose under the particular brand or brand and mark, the number of cattle, carcasses of same with hide on, and hides bearing such brand or brands and marks, which have been shipped or slaughtered.

Brand record book

372. All moneys received by an inspector, deputy, servant, or employee, shall be forwarded to the director at least biweekly.

373. The director at least once each month, shall report to the State Controller the total amount of moneys collected for fees, penalties, judgments or otherwise, and at the same time shall pay into the State treasury the entire amount of such receipts, which shall be credited to the Department of Agriculture fund and expended in carrying out the provisions of this article.

Financial reports

374 Anyone, upon request to the director is entitled to receive information as to any recorded brand or brand and mark, or any information contained in inspection certificates of inspectors.

Brand records Public inspection

Action for fees

375. A civil action may be brought by the director to recover any fee, penalty or other money that may become due under this article.

376. All brands heretofore issued by the cattle protection board or the department are continued in effect.

Unlawful branding.

377 Every person who marks or brands, alters, or defaces the mark of any horse, mare, colt, jack, jenny, mule, ox, steer, cow, or calf belonging to another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, is punishable by imprisonment in the state's prison for not less than one nor more than five years.

Alteration of brands.

378 It is unlawful to brand or mark or to alter, or deface the brand or mark of, any sheep, goat, hog, shoat, or pig belonging to another, with intent thereby to steal the same, or to prevent identification thereof by the true owner.

Article 4. Poultry Brands

(Heading added by Ch. 713, Stats. 1933.)

Recordation of brands

380. Any owner of poultry within this State may record with the Director of Agriculture a brand to be used by such owner in branding poultry owned by him. Recording a brand shall consist of depicting in the brand records a facsimile of the design of the brand adopted, a diagram denoting the manner of application adopted, an entry of the name and address of the person recording the same, the date of recordation, and the place upon the fowl where the brand is to be used. No brand shall be recorded which is identical with or similar to any brand previously recorded, except upon permission of the director.

For the purpose of administering the provisions of this article the director may divide the State into districts to be known as poultry branding districts.

(Added by Ch. 713, Stats. 1933.)

Fees

380.1. The sum of two dollars shall be paid to the director for the recordation of any brand under the provisions of this article, which fee shall entitle the recorder of the brand to the use thereof until the first day of the following January. The renewal of the right to use any brand may be obtained by the payment to the director of a renewal fee of fifty cents prior to the expiration of the term for which the brand has been recorded. Upon the payment of any recording or renewal fee, the director shall issue to the recorder of the brand a certificate under the seal of the Department of Agriculture evidencing the right to the use of the brand, a facsimile of which shall appear on the certificate and designating the term of use authorized. Failure on the part of any recorder of a brand to renew the same shall forfeit the right to the use thereof. When forfeited, said brand shall not be recorded by any other person until one year shall have elapsed after the forfeiture

Forfeiture of brand

(Added by Ch. 713, Stats. 1933.)

Recordation of transfer

380.2 No transferee of any recorded brand shall be entitled to the use thereof, nor shall he use the same, until the transfer has been recorded with the director and a fee of one dollar paid therefor.

(Added by Ch. 713, Stats. 1933.)

Financial report

380.3. The director, at least once each month, shall report to the State Controller the total amount of moneys collected for fees under this article and at the same time shall pay into the State treasury the entire amount of such receipts, which shall be credited to the Department of Agriculture fund and expended in carrying out the provisions of this article.

(Added by Ch. 713, Stats. 1933)

Brand records Public inspection

380.35. Anyone, upon request to the director, is entitled to receive information as to any recorded brand.

(Added by Ch. 713, Stats. 1933.)

Alteration of brands

380.4. It is unlawful to brand, or to alter or deface the brand on, any poultry with intention to steal the same or to prevent identification thereof by the true owner. It is unlawful for any person to have in his possession any poultry the brand on which has been altered or defaced unless he received the same from the true owner thereof.

(This article, embracing sections 380 to 380.4 added by Ch. 713, Stats. 1933.)

Chapter 2. Animals at Large.

Article 1. General Provisions.

Stallions etc Restrictions on use

381 Every person who lets to mares or jennies any stallion or jack within the limits of any city, town, or village, or within four hundred yards thereof, except in an inclosure sufficient to obstruct the view of all the inhabitants within such limits, and every person in charge of any stallion, bull, boar, ram, or male goat who turns out or permits such animal to be turned out or run at large, is guilty of a misdemeanor and punishable by a fine of not less than five or more than twenty dollars, or by imprisonment in the county jail not less than thirty days or by both.

Definitions

382. As used in sections 383 to 385:

"Pure-bred bull" means a bull bred in a herd of one of the recognized beef breeds, the ancestral sires of which must have been registered bulls of the same breed for at least four generations, and the dams of which must have been cows of the same breed of good quality.

"Open range" means all uninclosed lands outside of cities, towns and villages, upon which by custom, license or otherwise cattle are kept or permitted to roam.

Range bulls

383. No person shall permit to run upon any range of this State any bull over eight months of age that is not a pure-bred bull.

384 Every person causing or permitting his cows to graze upon the open range must run with said cows one bull for

every thirty head of cows and/or for every fractional part of thirty cows, except when such fractional part is less than ten.

Penalties

385. Any person violating the provisions of sections 382, 383, 384, is guilty of a misdemeanor and is liable for all actual damage caused thereby.

False pedigrees

386. It is unlawful by any false or fraudulent pretense to obtain from any association organized for the purpose of improving the breed of domestic animals, a certificate of registration of any animal in the herd register, or other register of such association or a transfer of any such registration, or for a valuable consideration to give a false pedigree of any animal, with intent to mislead.

Article 2. General Estray Provisions.

Custody of estrays

391. Any person finding any estray domestic animal or animals upon premises in his possession, or upon highways adjacent thereto, may seize the same and have a lien thereon for all expenses incurred in seizing, keeping and caring for said animal or animals. No person shall remove them from the possession of such lienholder or from the possession of the officer to whom they may have been delivered. In the counties of Trinity, Shasta, Siskiyou, Lassen, and Modoc by reason of the fact that they are devoted chiefly to grazing, any person finding at any time any estray domestic animal or animals upon premises to which he has the right of possession, shall not have the right to seize said domestic animal or animals, nor shall he have a lien thereon unless said premises are entirely enclosed with a good and substantial fence.

Exception

Estray procedure

392. Any person seizing an estray animal or animals shall confine the same in a secure place, and within five days file with the county recorder or county poundkeeper of the county in which such estray is found, a notice containing a description of the animal or animals seized, the marks and brands, if any, the probable value of each animal, and a statement of the date and place where the same was seized and confined. The statement may contain a legal description of the place of confinement, and must contain the common name of the ranch upon which said place is located, together with its position relative to the nearest town, State highway, crossroads, school house or other well known local landmark. The county recorder or county poundkeeper shall receive for filing said notice the sum of fifty cents. If the value of said animal or animals together exceed ten dollars, the notice must also be published in a paper of general circulation within the county at least once a week for three successive weeks stating the time at which the animal or animals will be sold, as provided in section 396. If such lienholder knows the owner of said animal or the person having charge thereof, then, within five days after said animal is seized, he shall, in lieu of filing the notice, notify the owner of said animal, or the person having charge

thereof, which notice shall contain the same information as required in a notice to be filed, and no charge shall be made for preparing and serving this notice.

Expenses

393. Within thirty days from the date of the filing of the notice specified in section 392, any person claiming such estray animal or animals shall appear and demand from the lienholder the possession thereof, and shall, at the same time, pay the lienholder all expenses incurred by reason of seizing, keeping and caring for such animal or animals, and upon receiving such expenses the lienholder shall immediately deliver to the party claiming such animal or animals the possession thereof.

Such expenses shall be estimated as follows:

(a) The filing fee paid by the lienholder to the county recorder, or county poundkeeper. A reasonable cost for publishing said notice, and an attorney's fee for preparing the said notice of not to exceed two dollars and fifty cents.

(b) The sum of not to exceed fifty cents per day for the keeping and care of each horse, mule, jenny, ass, ox or bovine animal.

(c) The sum of not to exceed fifteen cents per day for the keeping and care of any other animal, not hereinbefore specified.

Duties of lien holder

The lienholder must properly feed and water the animals while under his care; and if he fails to do so, he forfeits all right of lien thereon.

Determination of expenses Civil action

394. If the party claiming such estray animal or animals is dissatisfied with the amount charged by the taker-up for expenses, he shall tender to the lienholder the proper amount therefor, and if the said tender be refused, the party claiming such estray animal or animals shall, within ten days thereafter, commence, in the proper court, suit against the lienholder for the recovery of the possession of such estray animal or animals. In such action the lienholder may set forth his expenses and they, together with accruing expenses to the time of the entry of the judgment, shall be determined by the court.

Tender Sufficiency

395. If at the trial the court finds that the tender was sufficient, the court shall award the possession of the animal or animals to the plaintiff, the award to become effective concurrently with the deposit in court by the plaintiff for the benefit of the defendant of the amount of the tender, subtracting therefrom the amount of the plaintiff's costs of suit.

If the court finds that the tender was not sufficient, the court shall award the possession of the animal or animals to the plaintiff, the award to become effective concurrently with the deposit in court by the plaintiff for the benefit of the defendant of the sum of the following items:

(a) The amount for which the tender should have been made.

(b) The expenses accruing to the defendant for the keeping and care of the animal or animals from the date of the tender to the date of the deposit in court.

(c) The costs of suit of the defendant.

In the event that plaintiff fails to deposit the necessary amount within ten days of the award of the court, the award becomes ineffective for any purpose In any such action, it is incumbent on plaintiff to establish his right to the possession of the animal or animals.

Sale of animals

396. If no person appears and claims the animal or animals taken up within thirty days after the filing of the notice hereinbefore mentioned or if a person does appear and claims the animal or animals seized within thirty days after the filing of the notice above referred to, but fails to pay to the lienholder the expenses as provided in section 393 or fails to commence and prosecute with diligence an action for the recovery of the possession of such estray animal or animals within the time required by section 394; or if the award in said action is ineffective; then the lienholder shall, in writing, notify a justice of the peace of the township or county in which said animal or animals are held, that he has complied with all the provisions of this article, that one of the foregoing conditions exists and that such animal or animals are held by him subject to sale. The justice of the peace shall immediately proceed to sell or cause to be sold such animal or animals at public sale, in conformity with the law concerning sales on execution, and shall be entitled to the same fees as are provided by law for sales under execution.

Proceeds of sale

397. Out of the money realized from the sale of estrays, the constable or other officer shall first retain his fees; he shall then pay to the taker-up his expenses estimated as provided in section 393, or so much thereof as the funds in his hands will permit, and the surplus, if any, he shall pay to the county treasurer to be held by him for the owner of the estray or estrays for which it was received in payment. If any person shall, within one year thereafter, prove, to the satisfaction of the board of supervisors of the county in which the sale was made, that he is entitled to the sum so held by the county treasurer, or any part thereof, the board shall order such sum to be paid to him; if not so proven within one year, the same becomes a part of the common school fund of said county.

Title.

398. All sales made under the provisions of this article, convey a good and valid title to the purchaser, and the owner of the estray or estrays so sold shall thereafter be barred from all right to recover the same.

Liability for death or escape of estrays

399. The taker-up of an estray animal shall use reasonable care to preserve the same from injury, but if an estray animal dies or escapes from the taker-up at any time while he is holding the same under the provisions of this article, the taker-up shall not be held liable in any manner therefor

400. Nothing in this article affects the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force.

Acts continued in force.

401. The act entitled "An act concerning lawful fences, and animals trespassing upon lawfully enclosed land," passed

March 30, 1850, and an act entitled "An act concerning lawful fences in the counties of San Bernardino, Colusa, Shasta, Tehama and Placer," approved April 18, 1859, in so far as the provisions of each of said acts apply to or affect the counties of Trinity, Shasta, and Siskiyou, are expressly continued in force, except as to swine or hogs, which may be taken up in said counties when said swine or hogs estray or trespass on lands of others. The provisions of this article apply to swine or hogs in said counties, but in all other respects the acts named in this section are continued in full force in said counties, it being determined that the conditions prevailing in said counties of Trinity, Shasta, and Siskiyou demand the continued application of said statutes in said counties.

Limitations on sale of estrays.

402. No branded bovine animal may be sold under the provisions of the estray laws of this State, or of any of the subdivisions thereof, until the justice of the peace before whom such proceedings are being had shall have first notified the director at least ten days before such sale by registered letter, of the age, color, sex, and all marks and brands on such estray animal, the name of the person in possession of the same and the time and place where such sale is to be had, and the returned receipt from such registered letter shall have been returned to said justice of the peace and made a part of the proceedings in said sale. A copy of such notice shall be publicly read at the time of said sale, and a copy thereof given to each purchaser at said sale at the time of the consummation thereof.

Notification of record owner.

The director shall immediately cause a search to be made of the brand records on file in his office for the purpose of ascertaining ownership of such brands and marks as shown on the animal offered for sale. If he finds such brands and marks recorded on said files, he shall immediately by registered letter notify all persons recording such brands and marks, of the time and place of sale of such estray animal. Any sale not in conformity with the provisions of this article shall be null and void.

Article 3. Optional Estray Provisions.

411. Any person finding at any time any estray domestic animal upon his premises, or upon premises to which he has the right of possession, may take up the same and have a lien thereon for all expenses incurred and costs in keeping and caring for said animal, as hereinafter provided; and no person shall remove such animal from the possession of the taker-up, or from the possession of the officer to whom they may have been delivered except as hereinafter provided.

Definitions

412. As used in this article "premises" means land entirely inclosed with a good and substantial fence, and none of the provisions of this article apply to any unfenced lands. No wire fence is a good and substantial fence within the meaning of this article unless it has three tightly stretched barbed wires

securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four feet above the surface of the ground. Any kind of wire or other fence of height, strength and capacity, equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this article.

413. Any such lien shall be enforced in the manner prescribed by the provisions of sections 392 to 401.

Adoption of provisions

414. The provisions of this article shall not become operative or effective in any supervisorial district until, at a general election or at a special election called for that purpose by the board of supervisors, the electors of the district shall have declared by a majority vote in favor thereof. The form of the ballot shall be substantially as follows:

Ballot

Shall the provisions of (designation of this article) become effective?	YES	
	NO	

To vote for making effective the provisions of this article, electors shall stamp a cross in the square opposite the word "Yes" on the ballot. To vote against making effective the provisions of this article electors shall stamp a cross in the square opposite the word "No." Such an election shall be conducted and the ballots cast thereat, counted, canvassed and returned as in the case of the election of a member of the board of supervisors.

Construction.

415. In such districts as shall hereafter elect to accept the provisions of this article, none of the provisions of any law of this State relative to or affecting estrays shall thereafter apply, but elsewhere in the State they shall remain in full force and effect.

416. None of the provisions of this article shall apply to the counties of Del Norte, Lassen, Modoc, Shasta, Siskiyou or Trinity.

Article 4. Transportation of Animals.

421. It is unlawful for any person to lead, drive, or conduct any animal along the track of a railroad, except where the railroad is built within the limits of a public highway, or place, or having the right to prevent it, to suffer any animal to be placed within the fences thereof for grazing or other purposes.

Period of confinement Railroads.

422. It is unlawful for any officer, agent or conductor of any railroad in this State, who in carrying and transporting horses, cattle, sheep, swine or other animals in carloads, to confine the same in cars for a longer period than thirty-six consecutive hours, without unloading for rest, water and feed-

ing, into properly equipped pens for a period of at least five consecutive hours. In estimating such time of confinement, the period during which animals have been confined without such rest on connecting roads from which they are received, must be included. In case the owner or person in charge of such animals refuses or neglects to pay for the care and feed of the animals so rested, the company or person operating such railroad may charge the expense thereof to the owner or consignee and retain a lien upon the animals therefor until the same is paid.

Caretakers, etc.

423. No person owning, or controlling the possession of, any live stock, shall wilfully or negligently permit any such live stock to stray upon or remain unaccompanied by a person in charge or control thereof upon a public highway, both sides of which are adjoined by property which is separated from such highway by a fence, wall, hedge, sidewalk, curb, lawn or building. No person shall drive any such live stock upon, over or across any public highway between the hours of sunset and sunrise without keeping a sufficient number of herders on continual duty to open the road so as to permit the passage of vehicles. In any civil action brought by the owner or driver of a motor vehicle for damages caused by collision with any domestic animal or animals on a highway, there is no presumption that that such collision was due to negligence on behalf of the owner of such live stock.

Collision.

Period of confinement Trucks, etc.

424. It shall be unlawful for any person, firm or corporation, owning or operating any motor truck, or motor truck and trailer, or semitrailer attached thereto, to confine, or suffer or permit to be confined, in such vehicle, any horses, cattle, sheep, swine, or other animals for a longer period than twenty-eight consecutive hours from the time such animals were last fed and watered without unloading the same in a humane manner by means of a chute or tail gate of sufficient size into properly equipped pens for rest, water and feeding, for a period of at least five consecutive hours, unless prevented by storm or other accidental or unavoidable causes which could not be anticipated or avoided by the exercise of due diligence and foresight, except upon the written request of the owner or person in charge of such live stock such period of confinement may be extended to thirty-six hours. In estimating such period of confinement, the time consumed in loading and unloading shall not be considered, but the time during which such animals have been confined without such rest or food or water on any other or connecting vehicle, or outside of the State, shall be included, it being the intent of this act to prohibit such continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinabove stated.

(Added by Ch. 229, Stats. 1933.)

DIVISION IV.

DAIRIES AND DAIRY PRODUCTS.

CHAPTER 1. GENERAL PROVISIONS.

451. The director shall, and city, county and other State officers may, enforce the provisions of this division.

Interference with milk inspection

452. It is unlawful to prevent or to interfere with or attempt to nullify in any way the work of duly authorized representatives of the department or of an approved milk inspection service in the enforcement of the provisions of this division, or to interfere with or prevent any of said representatives from examining any records or books in the conduct of his official duty, or to prevent or to interfere with any of said authorized representatives in the event he deems it advisable to secure samples of milk or any product of milk, imitation milk, imitation butter, or oleomargarine, or any substance designed to be used as a substitute for milk or any product of milk.

Penalties

453. The violation of any of the provisions of this division, or the rules and regulations for its enforcement, is a misdemeanor and, unless a different penalty is specifically prescribed, is punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than ten days nor more than ninety days, or by both. Offering physical resistance or bodily attack on authorized representatives of the department or of an approved milk inspecting department, engaged in the proper conduct of their official duties, is a misdemeanor, punishable by imprisonment in the county jail for not less than ten days, without the alternative of a fine in any case.

Powers of director.

454. The director may:

(a) Enter and inspect any premises or conveyances where any provision of this division is applicable.

(b) Take samples of milk, cream or products thereof or of imitation dairy products.

(c) Impound and hold for analysis or as evidence any milk, cream, products or containers thereof, or imitation dairy products.

Tolerance

455. No tolerance in weights, measures, percentages of milk fat or moisture, or any other measure or standard shall be permitted, except where specific provisions are made therefor.

Impure milk, etc

456. The director may condemn any milk, cream, or product thereof which is found to be impure, unclean, unwholesome, or stale, or that is produced, manufactured, handled or kept in an insanitary place, or that is adulterated; and he may destroy, or mark for identification with a nontoxic substance, any condemned milk, cream or product thereof. No manufactured product of milk or cream may be destroyed

without due notice to the owner thereof and a hearing before the director or an officer designated by him.

Samples

457. No prosecution based on a sample of milk, cream or product thereof, shall be had, unless a duplicate of said sample is left with the accused. No samples taken in connection with the establishment of proof of fraudulent manipulation of the test for milk fat in milk, or cream, need be given to the accused.

Score cards etc

458. The director shall adopt a dairy farm score card and shall either directly or indirectly through his authorized agents or those of an approved local milk inspection service:

(a) Inspect dairies and milk plants.

(b) Examine and test cows, and exclude reacting animals from the herds.

(c) Conduct or supervise milk scoring or other contests when deemed advisable.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

458. The director shall adopt a dairy farm score card and shall either directly or indirectly through his authorized agents or those of an approved local milk service:

(a) Inspect dairies and milk plants.

(b) Examine and test cows, and exclude reacting animals from the herds.

(c) Conduct or supervise milk scoring or other contests when deemed advisable.

Impure dairy products

459. It is unlawful to sell, give away, or deliver, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale or adulterated milk, goat's milk, sheep's milk, or cream, or any product manufactured wholly or in part therefrom, or other milk, or cream, or products thereof or imitation dairy products or substitutes for dairy products which do not conform to the standards established by this division, or to sell, give away, or deliver, or to knowingly purchase or receive as or for milk or cream any product prepared or manufactured by the mixing or blending of milk, skim milk or any of the derivatives thereof, with butter.

(Amended by Ch. 589, Stats. 1933.)

[AS AMENDED BY CH. 323, STATS. 1933.]

459. It is unlawful to sell, give away, or deliver, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale or adulterated milk, goat's milk, sheep's milk, or cream, or any product manufactured wholly or in part therefrom, or other milk, or cream, or products thereof or imitation dairy products or substitutes for dairy products which do not conform to the standards established by this division, or to sell, give away, or deliver, or to knowingly purchase or receive as or for milk or cream any product prepared or manufactured by the mixing or blending of milk or skim milk with butter.

[ORIGINAL SECTION.]

459. It is unlawful to sell, give away, or deliver, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale or adulterated milk, goat's milk, sheep's milk, or cream, or any product manufactured wholly or in part therefrom, or other milk, or cream, or products thereof or imitation dairy products or substitutes for

dairy products which do not conform to the standards established by this division.

Insanitary milk products.

460. It is unlawful to sell, give away, deliver, or to knowingly purchase or receive any milk, goat's milk, sheep's milk, or product thereof which has been produced in or by a dairy or factory of dairy products in an insanitary condition, or that is handled by any carrier or in any store or depot that is in an insanitary condition; or that is produced from animals affected by any disease, except as hereinafter provided.

False statements

461. No person shall knowingly render any statement or bill showing the weight, grade, percentage of fat, amount of fat, price, or total amount paid, for milk or milk products which is false, deceptive or misleading in any particular.

Chapter 2. Standards.

Article 1. Milk and Milk Products.

Definitions.

471. (a) Milk is the lacteal secretion obtained from the udders of cows.

(b) Milk shall be produced from nonreacting tuberculin tested cows as determined by a test applied by an approved veterinarian under the supervision of the department, or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the department. Milk shall be obtained by the complete milking of healthy cows, properly fed and kept, and shall not be obtained for human consumption within fifteen days prior to or five days after parturition. Milk must contain and may be standardized at a uniform milk fat content of not less than three per cent, and must contain not less than eight and five-tenths per cent of solids not fat.

(c) Milk for manufacturing purposes may be classified and graded in accordance with standards established in the rules and regulations adopted by the director, and may be repasteurized once.

(d) Goat's milk is the lacteal secretion obtained from the udders of goats. It must be obtained by the complete milking of healthy goats and shall not be obtained during the period when it contains colostrum.

(e) Sheep's milk is the lacteal secretion obtained from the udders of ewes. It must be obtained by the complete milking of healthy ewes, and shall not be obtained during the period when it contains colostrum.

(f) Milk, goat's milk, or sheep's milk which does not conform to the requirements respectively for milk, goat's milk or sheep's milk, or which has been produced or handled in an insanitary dairy or factory of dairy products, or other insanitary place, or handled in an insanitary manner is unfit for human consumption.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

471. (a) Milk is the lacteal secretion obtained from the udders of cows.

(b) Milk shall be produced from nonreacting tuberculin tested cows as determined by a test applied by an approved veterinarian under the supervision of the department, or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the department. Milk shall be obtained by the complete milking of healthy cows and shall not be obtained within fifteen days prior to or five days after parturition. Milk must contain and may be standardized at a uniform milkfat content of not less than three per cent, and must contain not less than eight and five-tenths per cent of solids not fat.

(c) Milk for manufacturing purposes may be classified and graded in accordance with standards established in the rules and regulations adopted by the director, and may be repasteurized once.

(d) Goat's milk is the lacteal secretion obtained from the udders of goats. It must be obtained by the complete milking of healthy goats and shall not be obtained during the period when it contains colostrum.

(e) Sheep's milk is the lacteal secretion obtained from the udders of ewes. It must be obtained by the complete milking of healthy ewes, and shall not be obtained during the period when it contains colostrum.

(f) Milk, goat's milk, or sheep's milk which does not conform to the requirements respectively for milk, goat's milk or sheep's milk, or which has been produced or handled in an insanitary dairy or factory of dairy products, or other insanitary place, or handled in an insanitary manner is unfit for human consumption

Mixture of milks.

472. It is unlawful to sell, for human consumption, as cow's milk, any goat's milk or any mixture of cow's milk and goat's milk, or, as goat's milk, any cow's milk or any mixture of goat's milk and cow's milk.

Milk drinks

473. Pasteurized milk or pasteurized skim milk, combined with fruit or fruit juices, chocolate, chocolate sirups, or other harmless sirups, with or without the addition of harmless coloring material, may be used in the manufacture and sale of soft drinks under a trade name. Such product shall be so colored or contain ingredients that cause it to distinctly differ from milk in appearance and other characteristics.

Prohibited substances

474. It is unlawful to produce, manufacture or prepare for sale, or sell, any milk, cream, or other product of milk to which has been added, or that contains, any compound of boron, salicylic acid, formaldehyde, or other chemical or substance for the purpose of preventing or delaying fermentation or souring.

Coloring matter, etc.

475. It is unlawful to produce, manufacture or prepare for sale, or sell, any milk or product of milk, to which any coloring matter, except as otherwise provided in this division, has been added or to which any gelatin or other substance, except as otherwise provided in this division, has been added to increase the consistency of such milk, or product of milk, so as to make it appear richer or of better quality. This section does not prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatin, sweetening, eggs or egg products, harmless coloring or flavoring, or edible stabilizer in the manufacture of ice cream, or the use of alkalies approved by the director, in the manufacture of butter, or the adjustment of the acidity of ice cream mix within limits designated by the director.

Addition of fats.

476. Except as otherwise provided in this division it is unlawful to manufacture or sell any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them or any ice cream, ice milk or cheese to which has been added any fat or oil other than milk fat, or the fat naturally contained in chocolate and not separated therefrom either under the name of said products, articles or the derivatives thereof, or under any fictitious or trade name. The addition to the products commonly known as condensed skim milk, condensed buttermilk, or semisolid buttermilk of not more than five per cent of pure cod liver oil is not a violation of this section, if the product is sold for poultry or stock feed. (Amended by Ch. 324. Stats 1933.)

[ORIGINAL SECTION.]

476 It is unlawful to manufacture or sell any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, or the fat naturally contained in chocolate and not separated therefrom either under the name of said products, articles or the derivatives thereof, or under any fictitious or trade name. The addition to the products commonly known as condensed skim milk, condensed buttermilk, or semisolid buttermilk of not more than five per cent of pure cod liver oil is not a violation of this section, if the product is sold for poultry or stock feed.

Butter fat.

477. Milk fat or butter fat is the fat of milk and has a Reichert-Meissl number not less than twenty-four and a specific gravity not less than nine hundred five one-thousandths (milk fat at forty degrees centigrade compared with water at forty degrees centigrade). By "Reichert-Meissl number" is meant the number of milliliters of decinormal alkali required to neutralize the acidity of the distillate from five grams of fat treated in the manner described in the book entitled, "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," published by that association in July, 1924.

Cream

478. (a) Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. It shall be fresh and clean, and shall contain not less than twenty per cent of milk fat and not more than seven and eight-tenths per cent of milk solids not fat in cream containing twenty per cent of milk fat and correspondingly less solids for greater percentages of milk fat.

The ratio of fat and solids not fat in cream shall be in the following proportions:

Fat, per cent	Solids not fat, per cent, not more than
20.0 to 30.0	7.8
30.1 to 35.0	7.5
35.1 to 40.0	7.0
40.1 and above	6.5

(b) Cream shall be produced from nonreacting tuberculin tested cows as determined by a test applied by an approved veterinarian under the supervision of the director, or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the director.

(c) Cream for manufacturing purposes may be classified and graded in accordance with standards established in the rules and regulations adopted by the director. Cream for manufacturing purposes may be repasteurized once.

Market milk

479. (a) "Market milk" is milk which is supplied to the consumer in the natural fluid state, or prepared for human consumption without being converted into any other form or product, as distinguished from manufacturing milk. Except as provided herein, market milk shall contain not less than three and three-tenths per cent of milk fat and "market milk" includes "market cream" except as otherwise specifically provided.

Sale

(b) Except on the premises where produced it is unlawful to sell or otherwise dispose of market milk, to the retail trade, unless said milk is contained in standard milk bottles which have been mechanically filled and capped in a milk room properly designed and equipped and approved by the department, except as herein provided. All receptacles used for receiving market milk shall be properly washed and sterilized in the place of business maintained in connection with said milk room. Transferring of milk from one receptacle to another upon any highway, any street or sidewalk, or upon any vehicle, or in any place except a milk room as specified above is prohibited.

Receptacles

This subsection shall not apply to any person producing less than ten gallons of milk per day.

(Amended by Ch. 488, Stats. 1933.)

[ORIGINAL SECTION.]

479. "Market milk" is milk which is supplied to the consumer in the natural fluid state, or prepared for human consumption without being converted into any other form or product, as distinguished from manufacturing milk. Except as provided herein, market milk shall contain not less than three and three-tenths per cent of milk fat and "market milk" includes "market cream" except as otherwise specifically provided.

Unpasteurized milk

480. It is unlawful to sell for human consumption, except in bulk to the wholesale trade, any unpasteurized market milk from cows that have not passed a tuberculin test applied annually by a veterinarian in the full time employ of the department, or designated for the purpose by the director. If reacting animals are found they must be removed from the herd immediately by the owner; must thereafter be kept apart from any cows whose milk is produced for human consumption in the raw state; and the nonreacting animals remaining in the herd must be again tested in six months.

481. Pasteurized market milk shall be cooled to a temperature of fifty degrees Fahrenheit or below immediately after

pasteurization and shall be so maintained until delivered to the consumer. Repasteurized milk shall not be sold as market milk.

Bottling

482. Pasteurized market milk shall be bottled only in the plant where it is pasteurized. Raw market milk and pasteurized market milk shall not be bottled in the same plant, except:

(a) Where milk is received exclusively from cows that have passed an official tuberculin test as required for raw market milk.

(b) Where an official representative of any approved milk inspection service is maintained during the period of handling, processing or bottling such market milk. The provisions of this section do not apply to market cream.

Market milk, etc., serving.

483. When served by any hotel, boarding house, restaurant, saloon, lunch counter or place of public entertainment market milk and goat's milk shall be served in the original bottle, the cap of which shall not be removed, except in the presence of the consumer or patron. This provision does not apply to market cream.

Certified milk

484. Certified milk is market milk which conforms to the rules, regulations, methods and standards for the production and distribution of certified milk adopted by the American Association of Medical Milk Commissions and must bear the certification of a milk commission appointed by a county medical association, organized under and approved by the medical society of the State of California. Such commission shall make fair and uniform rules pertaining to certified milk, and shall certify milk for any applicant who complies with such rules and the standards prescribed in this code.

Marking

485. All cream, skimmed milk, buttermilk, ice cream, butter, cheese or other dairy products sold, designated or advertised as certified shall be conspicuously marked with the name of the commission certifying it and certifying the milk from which such cream, skimmed milk, buttermilk, ice cream, butter, cheese and other dairy product is obtained.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

485. All cream, skimmed milk, buttermilk, ice cream, butter, cheese, or other dairy products sold, designated or advertised as certified shall be conspicuously marked with the name of the commission certifying it and certifying the milk from which such cream, ice cream, butter and cheese is obtained.

Use of word "certified"

486. It is unlawful to sell any cream, skimmed milk, buttermilk, ice cream, butter, cheese, or other dairy products as certified, or use the word "certified" in connection with the sale, designation, advertising, labeling or billing thereof unless the same and all products of milk contained therein or used in the manufacture thereof are obtained exclusively from milk which conforms to the requirements of this division for certified milk, and unless in addition thereto the methods and

conditions under which such cream, skimmed milk, buttermilk, ice cream, butter, cheese and other dairy products, as the case may be, have been prepared or manufactured, as regards cleanliness and sanitation, conform to the requirements of the milk commission whose certification is sought.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

486. It is unlawful to sell any cream, skimmed milk, buttermilk, ice cream, butter or cheese as certified, or use the word "certified" in connection with the sale, designation, advertising, labeling or billing thereof unless the same and all products of milk contained therein or used in the manufacture thereof are obtained exclusively from milk which conforms to the requirements of this division for certified milk, and unless in addition thereto the methods and conditions under which such cream, skimmed milk, buttermilk, ice cream, butter and cheese, as the case may be, have been prepared or manufactured, as regards cleanliness and sanitation, conform to the requirements of the milk commission whose certification is sought.

Guaranteed raw milk

487. (a) Guaranteed raw milk is market milk which conforms to the following minimum requirements·

(1) The health of the cows shall be determined by physical examination at least once each month by an official representative of an approved milk inspection service and by a tuberculin test:

(2) It shall be produced on dairies which score not less than ninety per cent on the dairy farm score card;

(3) It shall be bottled on the premises where produced and delivered in containers having the pouring lip completely protected from contamination;

(4) It shall be cooled immediately after being drawn from the cow to fifty degrees Fahrenheit or less, and so maintained until delivered to the consumer, at which time it shall contain not more than fifteen thousand bacteria per milliliter, and not less than three and one-half per cent of milk fat;

(5) It must be sold to the consumer within thirty hours after production and labeled to indicate the date of sale to the consumer. All persons who come in contact with the raw guaranteed milk must exercise scrupulous cleanliness and not be afflicted with any communicable disease or in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or any other communicable disease liable to be conveyed by the milk. The absence of such germs in all such persons shall be determined by bacteriological and physical examination by a health department maintaining an approved milk inspection service, or other person or laboratory approved in writing by the department, conducted at the time of employment and every six months thereafter in a manner approved by the director.

Guaranteed pasteurized milk

(b) Guaranteed pasteurized milk shall conform to all the requirements for raw guaranteed milk, except it need not be bottled where produced and except it shall contain not more

than three thousand bacteria per milliliter at the time of delivery to the consumer.

(Amended by Ch. 695, Stats. 1933.)

[ORIGINAL SECTION.]

487. Guaranteed milk, is market milk which conforms to the following minimum requirements:

(a) If raw,

(1) the health of the cows shall be determined by physical examination at least once each month by an official representative of an approved milk inspection service and by a tuberculin test.

(2) it shall be produced on dairies which score not less than ninety per cent on the dairy farm score card;

(3) it shall be bottled on the premises where produced and delivered in containers having the pouring lip completely protected from contamination;

(4) it shall be cooled immediately after being drawn from the cow to fifty degrees Fahrenheit or less, and so maintained until delivered to the consumer, at which time it shall contain not more than fifteen thousand bacteria per milliliter, and not less than three and one-half per cent of milk fat;

(5) it must be sold to the consumer within thirty hours after production and labeled to indicate the date of sale to the consumer. All persons who come in contact with the raw guaranteed milk must exercise scrupulous cleanliness and not be afflicted with any communicable disease or in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or any other communicable disease liable to be conveyed by the milk. The absence of such germs in all such persons shall be determined by bacteriological and physical examination by a health department maintaining an approved milk inspection service, or other person or laboratory approved in writing by the department, conducted at the time of employment and every six months thereafter in a manner approved by the director.

(b) If pasteurized, guaranteed milk shall conform to all the requirements for raw guaranteed milk, except it need not be bottled where produced and except it shall contain not more than three thousand bacteria per milliliter at the time of delivery to the consumer.

Grade A raw milk.

488. (a) Grade A raw milk is market milk which conforms to the following minimum requirements:

(1) the health of the cows shall be determined by physical examination at least once in two months by an official representative of an approved milk inspection service and by a tuberculin test;

(2) it shall be produced on dairies that score not less than eighty per cent on the dairy farm score card. Dairies where no two cows freshen within four consecutive months and which are found by any milk inspection service to comply fully with the remaining provisions of this division are exempt from such scoring requirements and from the use of labels prescribed in this division;

(3) it shall contain not more than fifty thousand bacteria per milliliter at the time of delivery to the consumer. All persons who come in contact with grade A raw milk must exercise scrupulous cleanliness and must not be afflicted with any communicable disease or be in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or other communicable diseases liable to be conveyed by milk. Absence of such germs may be determined by bacteriological and physical examination, to the satisfaction of an approved milk inspection service.

(b) Grade A pasteurized milk is market milk which conforms to the following minimum requirements: the health of the cows shall be determined by physical examination at least once in six months by an official representative of an approved milk inspection service; it shall be produced on dairies that score not less than seventy per cent on the dairy farm score card adopted by the department and it shall contain not more than one hundred fifty thousand bacteria per milliliter before pasteurization and not more than fifteen thousand bacteria per milliliter at the time of delivery to the consumer. (Amended by Ch. 695, Stats. 1933.) Grade A pasteurized milk.

[ORIGINAL SECTION.]

488. Grade A milk is market milk which conforms to the following minimum requirements:

(a) If raw,

(1) the health of the cows shall be determined by physical examination at least once in two months by an official representative of an approved milk inspection service and by a tuberculin test;

(2) it shall be produced on dairies that score not less than eighty per cent on the dairy farm score card. Dairies where no two cows freshen within four consecutive months and which are found by any milk inspection service to comply fully with the remaining provisions of this division are exempt from such scoring requirements and from the use of labels prescribed in this division;

(3) it shall contain not more than fifty thousand bacteria per milliliter at the time of delivery to the consumer. All persons who come in contact with raw grade A milk must exercise scrupulous cleanliness and must not be afflicted with any communicable disease or be in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or other communicable diseases liable to be conveyed by milk. Absence of such germs may be determined by bacteriological and physical examination, to the satisfaction of an approved milk inspection service.

(b) If pasteurized, the health of the cows shall be determined by physical examination at least once in six months, by an official representative of an approved milk inspection service. It shall be produced on dairies that score not less than seventy per cent on the dairy farm score card adopted by the department. It shall contain not more than one hundred fifty thousand bacteria per milliliter before pasteurization and not more than fifteen thousand bacteria per milliliter at the time of delivery to the consumer.

489. Grade B milk is market milk which conforms to the following minimum requirements: Grade B milk

(a) The health of the cows shall be determined by physical examination at least once in six months by an official representative of an approved milk inspection service.

(b) It shall be produced on dairies that score not less than sixty per cent on the dairy farm score card.

(c) It shall be pasteurized and shall contain not more than one million bacteria per milliliter before pasteurization and not more than fifty thousand bacteria per milliliter at the time of delivery to the consumer.

(d) Grade B milk, except cream, shall be sold only in cans to the wholesale trade to be used for cooking and baking purposes.

490. It is unlawful to sell any milk as, or under the representation of, guaranteed, grade A or grade B milk, except under the supervision of a milk inspection service approved by the director. A person authorized to sell market milk Restrictions on sale of certain milk

within the jurisdiction of a milk inspection service may sell market milk from the same supply, of the same quality, in similar containers, and under the same label in territory outside the jurisdiction of any milk inspection service, if local ordinances are not thereby violated, and also in territory within the jurisdiction of any other milk inspection service, if the consent of said other milk inspection service has been previously obtained. It is unlawful to sell in any city or county or any combination of cities and counties, in which a milk inspection service, approved by the director has been established, any market milk other than graded milk as provided in this division. For the purpose of this division the term "approved milk inspection service" means a milk inspection service maintained in connection with a county or city, or group or combination of counties and cities, which inspection service shall be approved in writing by the director, or a milk inspection service established by proclamation of the director.

Milk inspection service

491. Counties, cities or groups of either or both may maintain in connection with their respective health departments a milk inspection service and laboratory conformable to the provisions of this division and the rules and regulations promulgated by the director. Such counties and cities may contract one with the other for the maintenance by one or some of them of such milk inspection service and laboratory within the limits of the others and pay a pro rata of the cost thereof from license fees collected for that purpose or from other moneys available for such purposes. Any county or city may levy and collect a license tax from those who come under the provisions of this division and pay the same or provide that the same be paid directly to any other county or city performing the inspection service under this division. Upon approval in writing of such milk inspection service by the director, any such milk inspection service may grade market milk as produced or sold under its jurisdiction and require the use of the respective grade designations as prescribed in this division.

License tax

Request for establishment

492. Any person engaged in the sale or distribution of market milk where an approved milk inspection service, in connection with a local health department, is not maintained may apply in writing to the director, requesting the establishment of an approved milk inspection service, authorized to grade the market milk sold or distributed by them in conformity with all of the provisions of this division, and the rules and regulations for its enforcement, and to require the use of respective grade designations prescribed in this division. Upon receipt of such application, the director shall cause an investigation pertaining to the merits of such application to be made. If, from the results of such investigation it appears necessary and desirable that such approved milk inspection service be established, the applicant shall be provided with a form of contract, whereby said applicant shall agree to accept and to comply with the pro-

Contract.

visions of this division and the rules and regulations for its enforcement, and to pay a fee sufficient to defray the salaries and other expenses in connection with the maintenance of an approved milk inspection service which amount is to be designated by the director, and which shall be payable three months in advance during the first week of January, April, July and October of each year. When such agreement shall be signed by the applicant, it shall be validated by the signature of the director who shall at the same time issue a proclamation establishing a milk inspection service and granting the privileges requested in the application as hereinabove set forth.

Change of dairy score

493. Any milk delivered by the producer thereof, to be sold as any grade of market milk, shall not be degraded or excluded from the market when a score of the dairy on which said milk is produced is below the specified minimum legal requirement:

(a) Unless a copy of said score shall be promptly given to the proprietor or operator of the dairy and the purchaser of the milk produced by said dairy.

(b) Unless a rescore, after ten days, shows the score of said dairy to be still or again below the specified minimum legal requirements and a copy of such rescore is promptly given to the proprietor or operator of said dairy and the purchaser of the milk produced by said dairy and until sixty hours elapses after the rescore. If, during the sixty hours, following the rescoring, a protest is filed with the head of the milk inspection service under whose jurisdiction the milk of such dairy is sold, the milk produced on said dairy shall not be degraded or excluded from the market until after a third score has been made and concurred in by the representative of said milk inspection service and the director.

Protest

Skim milk

494. Skim milk is milk from which a part of the milk fat has been removed, and which contains less than three per cent of milk fat and not less than eight and eight-tenths per cent of milk solids not fat.

Evaporated milk and cream

495. (a) Evaporated milk is milk from which a considerable portion of moisture has been evaporated. The standard of composition for evaporated milk, whether sweetened or unsweetened, shall be fixed by the director and shall conform as nearly as possible to that proclaimed and established by the Secretary of the United States Department of Agriculture.

(b) Evaporated cream or clotted cream is cream from which a considerable portion of moisture has been evaporated.

(c) Evaporated skim milk is skim milk from which a considerable portion of moisture has been evaporated and shall contain not less than eighteen per cent milk solids.

(d) Evaporated goat's milk is goat's milk from which a considerable portion of moisture has been evaporated and shall conform to the requirements adopted by the department.

Dried milk

496. Dried milk is the product resulting from the removal of water from milk, and shall otherwise conform to the definition, standards and requirements established by the director, which shall conform as nearly as possible to those established

by the Secretary of Agriculture of the United States for this product.

Dried skim milk

497. Dried skim milk is the product resulting from the removal of water from skimmed milk and shall otherwise conform to the standards and requirements established by the director which shall conform as nearly as possible to those established by the Secretary of Agriculture of the United States for dried skim milk.

Buttermilk

498. Buttermilk is that portion of sweet or ripened milk or cream which remains after the separation and complete or partial removal therefrom of milk fat in the process of butter manufacture, and, when sold for human consumption, shall be deemed to be adulterated if water is added thereto.

Cultured buttermilk

499. Cultured buttermilk is pasteurized milk or pasteurized skim milk, or a combination thereof, with or without an admixture of buttermilk, which has been treated with special cultures of lactic acid bacteria, so that the product resembles buttermilk in appearance, composition and flavor.

Acidophilus milk

500. Acidophilus milk is milk, skim milk, or a combination thereof, which has been sterilized and afterward fermented by a pure culture of Lactobacillus acidophilus (Moro).

Modified milk

501. Modified milk is milk which has been altered in composition to conform to special nutritional requirements. Modified milk may be sold only upon prescription of a regularly licensed physician.

Butter

502. Butter is the product made by gathering the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of other milk constituents, with or without salt, or a harmless coloring matter. Butter shall be clean and nonrancid and shall contain not less than eighty per cent of milkfat. Butter which contains not more than one-half of one per cent of salt, shall contain not less than eighty-two and one-half per cent of milk fat.

Renovated butter

503. Renovated butter is the product made from impure or rancid butter reduced, for the purpose of cleansing and renovating, to a liquid state by melting and draining off the liquid milk fat and afterwards churning or otherwise manipulating it in connection with milk or any product thereof. Butter made from assembled cream made from pure milk fat (made from nonrancid butter) combined with other wholesome milk products, under special permit from the director which otherwise conforms to the standards for butter, is not renovated butter.

Cheese

504. Cheese is the solid or semisolid product made from milk, skim milk or cream by coagulating the casein thereof with rennet, pepsin, lactic acid or such other coagulating agents as may be approved in writing by the director, with or without the addition of ripening ferments, seasoning, salt (sodium chloride), or harmless coloring matter. Milk, skim milk or cream to be made into cheese shall conform to the minimum requirements for milk, skim milk or cream as the case may be.

505. Pasteurized cheese is the pasteurized product made by comminuting and mixing one or more lots of cheese of the same variety into a homogeneous, plastic mass. Pasteurized cheese.

(b) Pasteurized-blended cheese is the pasteurized product made by comminuting and mixing two or more lots of cheese of different varieties into a homogeneous, plastic mass. Pasteurized blended cheese

(c) Emulsified cheese, and "process cheese," is the pasteurized product made by comminuting and mixing one or more lots of cheese of the same variety or of different varieties into a homogeneous, plastic mass with or without the addition of water and with the incorporation of a suitable emulsifying agent, not exceeding three per cent. of the mass, by weight. Emulsified cheese

506. The labeling, and the advertising of pasteurized cheese, pasteurized-blended cheese, emulsified or process cheese, shall be in accordance with the provisions of this article and the regulations promulgated by the director. Labeling

Pasteurized cheese, pasteurized-blended cheese, emulsified or process cheese shall conform to the legal standards for fat and moisture required for the original cheese used, or conform to the legal standards of composition for the variety of cheese under which it is sold. Pasteurized cheese Standards

507. Whole milk cheese must contain not less than fifty per cent of pure milk fat in its water-free substance. Part skim cheese must contain not less than thirty per cent of pure milk fat in its water-free substance. Skim cheese is cheese that contains less than thirty per cent of pure milk fat in its water-free substance. Whole milk cheese

508. Established varieties of cheese are as follows:

(a) Cheddar cheese is made by the so-called cheddar process which consists in part, of subjecting the curd to a matting and milling process and molding in hoops, under pressure, into characteristic forms with a plain white bandage, and containing not more than thirty-eight per cent of moisture. Cheddar

(b) Granular cheese is made by the so-called stirred curd or granular process and molded, in hoops, under pressure, into characteristic forms with a red bandage, similar to those of the cheddar variety, and containing not more than forty per cent of moisture. Granular.

(c) Monterey cheese is made by the so-called stirred curd or granular process, without added color, characteristic in size and molded, in bags, under pressure, into characteristic shape or form, and containing not more than forty-four per cent of moisture. Monterey.

(d) High moisture jack cheese is made by the so-called stirred curd or granular process, without added coloring, and molded into forms or shapes resembling that of Monterey cheese, containing not more than fifty per cent of moisture. It shall be labeled on both flat surfaces with the name, the grade, whether whole milk or part skim milk, and the factory number in letters not less than one inch in height nor less than one-fourth inch in width. Jack.

Cream. (e) Cream cheese is an unripened cheese made by the neufchatel process or variations thereof, from cream, milk or skim milk enriched with cream or butterfat sufficient so that the resultant cheese shall contain in its water-free substance not less than sixty-five per cent of pure milk fat. All manufacturers of cheese who manufacture cream cheese from butter shall first secure from the department a permit to do so. Said permit shall be issued subject to the rules and regulations of the director, and may be revoked for violation thereof after hearing.

Cottage. (f) Cottage cheese shall be made from pure milk or skim milk which has been pasteurized, with or without harmless coloring matter, and sold fresh without molding into forms.

Creamed cottage. (g) Creamed cottage cheese is cottage cheese to which a sufficient quantity of pure fresh, pasteurized sweet cream is added so that the finished product contains not less than four per cent of pure milk fat.

Special varieties 509. All varieties of cheese other than established varieties are special varieties and shall be made or sold under written permit from the director. The standards of composition and labeling requirements shall be promulgated by the director and designated in the special permit issued for their manufacture. No special variety of cheese shall be made, or sold in shape, form or size similar to any established variety of cheese.

Ice cream and ice milk. 510. Ice cream and ice milk are frozen products and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring. Ice cream shall contain not less than ten per cent of milk fat, and ice milk not less than four per cent of milk fat, nor more than six-tenths of one per cent of pure and harmless edible stabilizer, approved by the director. Neither ice cream nor ice milk, when sold by the manufacturer, shall contain more than one hundred fifty thousand bacteria per gram. Ice cream shall contain not less than 1.6 pounds of total food solids per gallon. Ice milk shall contain not less than 1.3 pounds of total food solids per gallon. All manufacturers of ice cream or ice milk who use butter, eggs or egg products in their manufacture shall first secure from the department a permit to do so. Said permit shall be issued subject to the rules and regulations made by the director, and may be revoked for violation thereof, after hearing.

Fruit ice cream. 511. Fruit ice cream shall contain not less than eight per cent of milk fat and not less than three per cent by weight of clean, mature, sound fruit or the juice thereof, with or without the use of harmless flavoring and coloring and shall contain not more than six-tenths of one per cent of pure, harmless and edible stabilizer, approved by the director.

512. Nut ice cream shall contain not less than eight per cent of milk fat and not less than one per cent by weight of sound, nonrancid nut meats, with or without the use of harmless flavoring and coloring, and shall contain not more than six-tenths of one per cent of pure, harmless and edible stabilizer, approved by the director. Nut ice cream

513. French ice cream, French custard ice cream, cooked ice cream, ice custard, parfaits and all similar frozen products are varieties of ice cream, which shall contain not less than ten per cent of milk fat, and not less than five dozen of clean, wholesome egg yolks, or one and five-tenths pounds of wholesome, dry egg yolk containing not to exceed seven per cent of moisture, or three pounds of wholesome, frozen egg yolk containing not to exceed fifty-five per cent of moisture, or the equivalent of egg yolk in other form, for each ninety pounds of ice cream mix, and which shall otherwise conform to the regulations of the director. French ice cream

514. Ice cream mix and ice milk mix are unfrozen products used in the manufacture of ice cream or ice milk. They shall comply with all the requirements for ice cream or ice milk, respectively. Ice cream mix.

515. Pasteurized cream when sold for ice cream manufacture shall be clean, sweet, free from undesirable flavors and odors, and shall not contain more than one hundred thousand bacteria per milliliter, official plate count. Ingredients Standards

516. The ingredients except fruits, nuts and flavors, to be used in the manufacture of ice cream or ice milk shall be pasteurized.

Article 2. Imitation Dairy Products.

531. (a) Imitation milk is any substance, mixture, or compound made in imitation of, or having the appearance or semblance of milk, condensed milk, condensed skim milk, evaporated milk, evaporated skim milk, dried milk or dried skim milk, which substance, mixture, or compound contains any edible oil or fat other than milk fat. Chocolate when used in combination with either whole or skim milk and sweetened shall not be deemed to be imitation milk. Imitation milk shall contain not less than three per cent of edible oils or fats and, if evaporated or condensed, shall contain not less than seven and eight-tenths per cent of edible oils or fats. Imitation milk

532. Imitation milk, not condensed or evaporated, is adulterated if it contains less than three per cent of edible fats, or oils, and imitation milk, if evaporated, is adulterated if it contains less than seven and eight-tenths per cent of edible fats or oils. When adulterated.

533. Imitation cream is any substance, mixture, or compound, made in imitation of or having the appearance or semblance of cream, condensed cream, evaporated cream, or dried cream, which contains any edible oil or fat other than milk fat. Imitation cream

Oleomargarine

534. The following manufactured substances, mixtures, and compounds with or without butter, milk or cream, are "Oleomargarine":

(a) All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral.

(b) All mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral.

(c) All lard extracts and tallow extracts.

(d) All mixtures and compounds of tallow, beef fat, suet, lard, lard oil, coccanut oil, peanut oil, intestinal fat, and offal fat made in imitation or semblance of butter or when so made, intended to be sold as butter or for butter or as butter substitute.

Imitation cheese

535. Every article, substance or compound, other than that produced from pure cream, pure milk or pure skim milk, made in the semblance of cheese, and designed to be used as a substitute for cheese, is imitation cheese. The use of salt, rennet or harmless coloring matter for coloring the cheese made from pure cream, pure milk or pure skim milk, does not render such product an imitation.

Oleomargarine Use in restaurants, etc

536. It is unlawful to render, manufacture, sell, or have in possession with intent to sell, use, or to serve to patrons, guests, boarders, or inmates in any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum or eleemosynary or penal institution, any oleomargarine, or substitute for butter or imitation cheese which is colored in imitation of butter or cheese by whatever means the coloring is accomplished. Substitutes for butter or cheese not resembling butter or cheese may be sold under regulations of the director in such manner as will advise the purchaser of the real character of the product.

Seizure of samples

537. Any person who has possession or control of any oleomargarine or substitute for butter or substitute for cheese, or any renovated butter, contrary to the provisions of this division, shall be presumed to have possession of property with intent to use it as a means of committing a public offense within the meaning of the laws on search warrants. The officer who serves a warrant issued for oleomargarine, or substitute for butter or substitute for cheese, or renovated butter, shall deliver to the director a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed and shall forthwith return to the person from whom it was taken the remainder of each article seized. If any sample is a substitute for butter or substitute for cheese, or oleomargarine or renovated butter, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section 1533 of the Penal Code. If any sample is not oleomargarine, or a substitute for butter or a substitute for cheese, or renovated butter, it shall be returned forthwith to the person from whom it was taken.

Imitation ice cream.

538. Imitation ice cream and imitation ice milk, are substances, mixtures or compounds made in imitation of, or

having the appearance of ice cream, or ice milk, and which contain any edible oil or fat, other than milk fat. Imitation ice cream shall contain not less than ten per cent of edible oil or fat, imitation ice milk shall contain not less than four per cent of edible oil or fat, nor more than six-tenths of one per cent of pure and harmless edible stabilizer approved by the director. Imitation ice cream, or imitation ice milk, when sold by the manufacturer shall not contain more than one hundred fifty thousand bacteria per gram. Imitation ice cream, and imitation ice milk, shall otherwise conform to the composition and weight requirements specified in regulations of the director.

Ingredients

539. The ingredients, except fruits, nuts and flavors to be used in the manufacture of imitation ice cream or imitation ice milk, shall be pasteurized.

Regulations

540. Imitation ice cream and imitation ice milk shall otherwise be manufactured, advertised and sold in accordance with regulations promulgated by the director.

Sale in bulk.

541. It is unlawful to sell imitation ice cream or imitation ice milk in bulk for purpose of resale.

Place of sale

542. Imitation ice cream or imitation ice milk shall not be manufactured, processed, frozen, handled, distributed or sold in any place where ice cream or ice milk is manufactured, processed, frozen, handled, distributed or sold.

Use in State institutions

543. No imitation dairy product shall be used in any of the charitable or penal institutions that receive assistance from the State.

Article 3. Pasteurization.

Pasteurization defined.

561. Pasteurization of milk, skim milk, cream and other dairy products, is a process for the elimination therefrom of organisms harmful to human beings. It shall consist of uniformly heating such products to a temperature of not less than one hundred forty degrees Fahrenheit and of holding the same at a temperature between one hundred forty and one hundred forty-five degrees Fahrenheit for not less than thirty minutes, nor more than one and one-half hours, and immediately thereafter cooling the same to a temperature of not above fifty degrees Fahrenheit.

Exceptions to cooling requirements.

562. When cream is pasteurized to be used and is used in the manufacture of butter, or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then such cream or milk shall be cooled to a degree no lower than necessary for such ripening or starting.

Modification of pasteurization method

563. Milk or its derivatives that are to be used in the manufacture of milk products, and cream may be pasteurized by heating above one hundred forty-five degrees Fahrenheit and when the same is uniformly heated to and held at a temperature above one hundred fifty-one degrees Fahrenheit, the time for holding may be decreased from thirty minutes by one

minute for each degree of temperature above one hundred forty-five degrees Fahrenheit.

564. Modification of the method of pasteurization may be practiced when approved by the director after investigation of the efficiency thereof.

Care of apparatus.

565. All apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which, and the length of time for which the pasteurized product has been heated.

Thermometer records

All recording thermometer devices used in pasteurization shall be of a type approved by, and the use thereof shall at all times be subject to the approval of the director. All persons using pasteurizing apparatus within the State shall date, preserve and keep on file for not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the director, the State Board of Health, and all State, county, and municipal officers charged with the enforcement of the laws and ordinances respecting dairy products or the public health.

CHAPTER 3. LABELS AND SIGNS.

Labeling regulations

581. All dairy products or imitation dairy products, when sold to the retail trade shall be labeled or billed with the correct name of the product and shall conform to all other requirements for special labeling of the products provided in this chapter, or in the rules and regulations for its enforcement. No person shall use the name of any such product, either orally, printed, or written, in connection with the sale of any product or substance unless said product or substance conforms to the definitions and standards prescribed by this division. No person shall make or cause to be made any statement either oral, written, or printed, nor make or print, or cause to be made or printed any false, deceptive or misleading design, symbol, picture, or illustration in connection with the advertising or sale of any such product, article, or compound.

Mutilation of labels

582. No person shall efface, erase, cancel or remove any mark, statement or label required by this chapter, with intent to mislead, deceive, or to violate any of the provisions of this division.

Use of word "pasteurized"

583. It is unlawful to sell any milk, cream, skim milk, or product of milk as and for pasteurized milk, cream, skim milk, or product of milk, or to use the word "pasteurized," or any of its derivatives in connection with the sale, designation, advertising, labeling or billing of any milk, skim milk, or milk products, unless the same and all products of milk contained therein or used in the manufacture thereof consist

exclusively of milk, skim milk or cream which has been pasteurized.

Delivery vehicles.

584. All vehicles from which market milk, cream, butter, ice cream, buttermilk or ice milk are regularly sold, marketed, delivered or peddled, shall have the name and address of the owner plainly lettered thereon in letters at least three inches high, and one and a half inches wide, on both sides of such vehicle.

Labels on containers

585. The class or grade of all market milk sold, except in bulk to distributors, and the name and address of the producer or original bottler shall at all times appear plainly and in a conspicuous place on, or be securely attached to, every cap, bottle, can or other container.

Ungraded market milk shall be labeled with the words, "Market Milk." Graded market milk shall be labeled with the name of the grade. All labels shall also state whether such milk is raw or pasteurized, and shall be in capital letters not less than one-eighth inch in height and one-sixteenth inch in width.

No distinguishing names, pictures, symbols, marks, words or other representations, intended to signify or describe the quality of market milk or cream, except those specified in this chapter shall appear on any milk bottle, bottle cap, can, or other container. The use of registered trade-marks or other trade symbols, which do not pertain to the quality of the product in any manner, is not a violation of this section. Nothing herein contained prohibits the use of the names of breeds of dairy cattle, breed trade-marks or other designations adopted by a National or State breed association approved by the department, when such breed names, trade-marks or designations are placed on an inner or outer cap, or embossed or engraved in the glass of the bottle; nor prohibits the use of the expression, "from nonreacting tuberculin tested cows." Nothing herein contained prohibits the dating of milk bottle caps as provided in this code or under the rules of an approved milk inspection service, or under local ordinances.

Trade-marks.

Breed names

Dating of caps

(Amended by Ch. 384, Stats. 1933.)

[ORIGINAL SECTION.]

585. The class or grade of all market milk sold, except in bulk to distributors, and the name and address of the producer or distributor shall at all times appear plainly and in a conspicuous place on, or be securely attached to, every cap, bottle, can or other container.

Ungraded market milk shall be labeled with the words, "Market Milk." Graded market milk shall be labeled with the name of the grade. All labels shall also state whether such milk is raw or pasteurized, and shall be in capital letters not less than one-eighth inch in height and one-sixteenth inch in width.

No distinguishing names, pictures, symbols, marks, words or other representations, intended to signify or describe the quality of market milk or cream, except those specified in this chapter shall appear on any milk bottle, bottle cap, can, or other container. The use of registered trade-marks or other trade symbols, which do not pertain to the quality of the product in any manner, is not a violation of this section. Nothing herein contained prohibits the use of the names of breeds of dairy cattle, breed trade-marks or other designations adopted by a national or State breed association approved by the department, when such breed names, trade-

marks or designations are placed only on an inner cap, or embossed or engraved in the glass of the bottle; nor prohibits the use of the expression, "from nonreacting tuberculin tested cows." Nothing herein contained prohibits the dating of milk bottle caps as provided in this code or under the rules of an approved milk inspection service, or under local ordinances.

Misuse of bottle caps

586. It is unlawful for any person selling or handling market milk, except the original bottler thereof, to have in his possession, or under his control, any milk bottle cap or label, except the caps or labels that are affixed to the filled containers at the time of delivery to the seller or handler. It is unlawful for any person selling or handling market milk to remove any cap or label from any milk container and attach said cap or label to another milk container. It is unlawful to sell any milk bottle caps which are not packed by the manufacturer in a single column in unopened, dust-proof tubular packages.

Grading of market milk and cream.

587. Where an approved milk inspection service is maintained as provided in this code, market milk shall be graded and designated as follows: "certified milk," "guaranteed milk," "grade A milk," "grade B milk." Market cream if graded shall conform to all of the standards set for market milk of the same grade except those relating to milk fat and solids not fat, and except that the maximum bacterial count for market cream shall be not more than three times as great as that for the corresponding grade of milk.

Condensed milk containers.

588. It is unlawful to sell any condensed or evaporated skim milk in containers smaller than a "number ten can." All hermetically sealed containers containing condensed or evaporated skim milk must distinctly bear the name and address of the manufacturer thereon, together with the words "condensed skim milk" in Roman letters of a size at least as large as the largest of any other words or letters appearing on said brand, indentation or label.

Labeling of butter.

589. Butter made from unpasteurized cream produced from cows which have passed an official tuberculin test shall be marked with the words, "From nonreacting tuberculin tested cows." Butter made from pasteurized cream shall be marked with the word, "Pasteurized." Butter made from pasteurized cream from cows which have passed an official tuberculin test shall be marked with the word "Pasteurized," and may also be marked with the words "From nonreacting tuberculin tested cows." Butter may be made from cream which does not conform to the requirements of section 478, but may be sold only in bulk and only to manufacturers of foodstuffs, to be used by them in the manufacture of foodstuffs. In the manufacture of such foodstuffs it is unlawful to use such butter unless it is subjected to a minimum temperature of two hundred twenty-five degrees Fahrenheit. Butter, which by the provisions of this section is permitted to be used in the manufacture of foodstuffs, shall be marked with the words, "for cooking and baking only."

Butter for manufacturing purposes

Labeling of butter.

590. Butter when sold shall be labeled with the name and address of the manufacturer, the wholesale distributor, or the

retailer. The words "manufactured by," shall appear above the name, when the name of the manufacturer is given; the words, "distributed by," shall appear above the name when the name of the wholesale distributor is given; and the words, "put up for" or "put up by," shall appear above the name when the name of the retailer is given. The name of any city, county or other geographical designation or any word which may be pronounced the same as any city, county, or other geographical designation, other than the address of the manufacturer, wholesale distributor or retailer, whose name is printed on any package or wrapper, shall not appear thereon.

Nothing in this section prohibits the use of a trade-mark or brand having a geographical name, copyrighted or registered in the office of the Secretary of State of this State prior to the first day of January, 1923.

Labeling of cheese

591. All cheese sold must be labeled to indicate the variety and the grade, whether whole milk, part skim or skim, and, if made in California, it must be labeled at the factory with the manufacturer's factory number, assigned annually by the department. If made outside of the State, it must also be labeled with the name and business address of the manufacturer or distributor. It is unlawful to expose for sale any part skim cheese, or skim cheese, except cottage cheese, unless there is attached to the outside of every vessel, can, package, cheese, or piece of cheese so exposed, or sold, a tag legibly bearing in black letters at least one inch in height the words "part skim cheese" or "skim cheese" as the case may be.

Labeling of ice cream

592. Ice cream or ice milk sold in package form shall be labeled with the name and address of the manufacturer, the wholesale distributor or the retailer. The word "manufactured by" shall appear above the name when the name of the manufacturer is given; the words "distributed by" shall appear above the name when the name of the wholesale distributor is given; and the words "put up for" or "put up by," shall appear above the name when the name of the retailer is given.

Labeling of ice milk

593. All containers of ice milk shall be conspicuously so labeled, and vehicles conveying ice milk and places where ice milk is sold shall display a conspicuous, legible sign containing the words "Ice milk sold here," in plain, block letters, not less than six inches high. No person shall use the name "ice cream," "cream," "creamy," nor any other word or phrase which may be construed to be misleading either in labeling, advertising, or in any other manner, either orally or in writing, in connection with the advertising, sale or distribution of ice milk.

Labeling of imitation milk

594. Each person, who lawfully manufactures any imitation milk, or any substitute that may be used as and substituted for milk or evaporated milk, shall comply with the following:

(a) The top, if the top be of sufficient size, and the sides of each package, in which containers of the article or substance

are kept, and in which they may be removed from the place where the article or substance is produced or put up, shall have printed, stamped or stenciled thereon, in a clear manner the words "imitation milk," in plain Roman type, the letters of which shall not be less than one inch in height and one-half inch in width

(b) A statement shall be prepared, printed in plain Roman type of a size not smaller than pica, stating in the English language the name of the product, the name and address of the manufacturer, the name of the place where manufactured or put up, and the names of the various ingredients and the percentages of fat contained in said imitation milk and the percentage of milk fat, if any.

(c) A copy of said statement shall be placed within and upon the contents of each package, and next to that portion of each package which is commonly and most conveniently opened.

(d) Each container, within such package, containing imitation milk shall be labeled with the words "imitation milk" printed in black face plain Roman capital letters of a size not less than twelve point, and said words shall appear upon the main or principal label of the containers.

Use of imitation milk in restaurants, etc.

595. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or any place of public entertainment, and no person having charge thereof, or employee thereat, and no employer when such board is furnished as compensation, or part of the compensation of any employee, shall place before any patron or employee for use as food, any imitation milk, unless there shall be displayed in a prominent place in each room therein where meals are served, a sign bearing the words: "Imitation milk used and served here," in black face letters of not less than four inches in height upon a white background. Nothing in this article prohibits the use of imitation milk for cooking purposes.

Labeling of oleomargarine.

596. Each person, who lawfully manufactures any oleomargarine or any substitute for butter or substitute for cheese, shall comply with the following:

(a) The top and sides of each tub, firkin, box, or other package in which oleomargarine or substitute for butter or substitute for cheese is kept, and in which it may be removed from the place where the same is produced or put up shall have printed, stamped or stenciled thereon in a clear and durable manner, the words, "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in plain Roman type, the letters of which shall not be less than one inch in height by one-half inch in width.

(b) A statement shall be prepared, printed in plain Roman type, of a size not smaller than pica, stating the name of the product, the name and address of the manufacturer, the name of the place where manufactured or put up and the names and percentages of the various ingredients used in the manu-

facture of such oleomargarine, substitute for butter or substitute for cheese.

(c) A copy of said statement shall be placed within and upon the contents of each tub, firkin, box, or other package, and next to that portion of the same which is commonly and most conveniently opened.

(d) The top and sides of each tub, firkin, box, or other package shall be labeled by affixing thereto a copy of said statement in such manner as not to cover any part of the mark of "oleomargarine," "substitute for butter," or "substitute for cheese."

The absence of the markings and labelings specified in this section is a representation that the package does not contain oleomargarine, or a substitute for butter, or a substitute for cheese.

Labeling—mandatory

597. It is unlawful to sell any oleomargarine or any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, and upon any container of such renovated butter, or oleomargarine, the words "renovated butter," or the word "oleomargarine," as the case may be, in letters not less than one-half inch in height.

598. It is unlawful:

Possession of unlabeled oleomargarine, etc

(a) For any person knowingly to ship, or for any carrier for hire knowingly to receive for shipment any oleomargarine, substitute for butter or substitute for cheese, unless it is labeled in conformity with this chapter and shipped and receipted for in its true name, or unless the same is in transit between foreign states.

(b) For any person knowingly to possess or have under his control any oleomargarine, substitute for butter or substitute for cheese, except for actual consumption by himself or family, unless the same is labeled in conformity with this chapter.

Sale of oleomargarine, etc.

599. No person shall sell or take orders for the future delivery of any oleomargarine, or any substance designed to be used as a substitute for butter or substitute for cheese, under the name of butter or cheese, or under the pretense that the same is butter or cheese, and no person shall sell any substance designed to be used as a substitute for butter or substitute for cheese, unless he shall inform the purchaser distinctly, at the time of the sale, of its true name and character, and that the same is a substitute for butter or substitute for cheese, as the case may be, and shall deliver to the purchaser at the time of the sale, a separate and distinct copy of the statement described in section 596. No person shall use in any way in connection or association with the sale or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter or as a substitute for cheese, the words "butterine," "creamery," or "dairy" or the representation of a cow or any breed of dairy cattle, or any combination of such words and representations, or any other words or symbols, or combinations thereof, com-

Prohibited designations.

monly used by the dairy industry, except only the labeling requirements described in section 596.

Use of oleomargarine in restaurants, etc.

600. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine, or any substitute for butter or substitute for cheese, unless the same is accompanied by a copy of the statement described in section 596, and a verbal notification that such substance is a substitute for butter or cheese.

Unlawful contracts.

601. No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this chapter, by or through any person knowingly a party to such wrongful sale or contract. Every person having possession or control of any oleomargarine, or any substitute for butter or substitute for cheese, which is not marked as required by the provisions of this chapter is presumed to know that the same is oleomargarine, or a substitute for butter, or a substitute for cheese, as the case may be.

Imitation ice cream Signs, etc.

602. All containers of imitation ice cream and imitation ice milk shall be conspicuously so labeled, and vehicles conveying imitation ice cream or imitation ice milk, and places where imitation ice cream or imitation ice milk is sold, shall display a conspicuous, legible sign containing the words "imitation ice cream sold here" or "imitation ice milk sold here," as the case may be, in plain, block letters not less than six inches high.

In the event that a trade name is used on vehicles conveying, or places where imitation ice cream or imitation ice milk is sold, the words "imitation ice cream" or "imitation ice milk," shall be at least one-half as large as the largest letters used in the trade name and as conspicuously placed. In no case shall the letters in the words "imitation ice cream," "imitation ice milk" be less than six inches high. No person shall use the name "creamy," "creamery," or "dairy," or the representation of a cow or any breed of dairy cattle or any combination of such words, symbols, marks, designs or representations commonly used in the sale, advertising or distribution of ice cream.

CHAPTER 4. LICENSES.

Milk products: Manufacturing license

621. (a) Every person, before regularly engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk, or any product of milk, or imitation ice cream, or imitation ice milk, shall obtain a license from the department to do so for each separate plant or place of business. Hotels, restaurants, boarding houses, hospitals or other

concerns or agencies which manufacture products of milk for the use of patrons, guests, patients, or servants shall take out the license herein required. Nothing in this chapter applies to private homes manufacturing for their own use or to retailers dealing in finished products received from a distributor or producer in final form. Upon receipt of an application for such license, the department shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be received, or any of such products are to be processed, frozen or manufactured, and provide the applicant with a copy of the dairy laws of the State. If the condition of the plant is found to be satisfactory, a "factory license" shall be issued by the department to such applicant upon receipt of a license fee as hereinafter provided. Factory license

622. Every person, except hospitals and sanitariums, engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, imitation ice cream, ice milk, imitation ice milk, and all similar frozen products shall pay annually a minimum factory license fee of twenty-five dollars for the manufacture of fifty thousand gallons or fraction thereof per year, and for each additional ten thousand gallons or fraction thereof manufactured per year, an additional license fee of one dollar. The renewal fee for a factory license for such products shall be computed on the same basis as the original fee. License fee

The fee for a factory license for all other products for which a license is required is ten dollars, and for the renewal thereof is one dollar for each one hundred thousand pounds of milk fat or part thereof, or each four hundred thousand gallons of milk or part thereof, purchased or received during the preceding year, ending the thirty-first day of December. In no case shall the renewal fee for such products exceed ten dollars.

623. Factory licenses expire at the end of each calendar year, but shall remain in force during the month of January of the next succeeding year or such part thereof as may be necessary for the renewal of said license by the department. Expiration of license

All licenses may be renewed each successive year, if the plant for which a previous license was issued or the business thereof shall have been conducted in accordance with the requirements of this division during the year next preceding that for which renewal is requested. The correct amount of the fee for the renewal of said license shall be forwarded with the application for renewal. Renewal

624. The operation of a creamery or other factory of dairy products without a license to do so is a misdemeanor and any person guilty thereof shall pay to the State the sum of one hundred dollars for each day such creamery or factory of dairy products is operated without such license. Said moneys shall be recovered by an action brought by the Attorney General in the name of the State. Penalties

Other licenses

625. Before engaging in the business of manufacturing, preparing, selling, distributing, or otherwise dealing in acidophilus milk or modified milk, every person, in addition to the factory license, shall obtain and hold an acidophilus milk license or a modified milk license, as the case may be, from the department. Upon receipt of application for either of such licenses, the department shall investigate the equipment and sanitary conditions of the place where such acidophilus milk or modified milk is to be manufactured or prepared, and provide the applicant with a copy of the laws of the State pertaining thereto. If the condition of the place is found to be satisfactory, a special fee of one hundred dollars ($100) shall be paid by the applicant, whereupon the license shall be issued. Said license shall normally expire on the thirty-first day of December of each year. Separate licenses are required for acidophilus milk and modified milk.

Imitation milk products. License to handle.

626. It is unlawful to engage in the business or occupation of manufacturing, selling, dealing in or furnishing, or to have in possession for any purposes other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in the case of a warehouse or cold storage company, (a) imitation milk, (b) oleomargarine, renovated butter or a substitute for butter, or (c) imitation cheese or substitute for cheese, (d) imitation ice cream or imitation ice milk, without first having applied for and obtained a license so to do. To engage in any such businesses or occupations, a person shall first apply each year to the department for a license, and upon payment of the license fee mentioned in section 627 the department shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation.

Form

All licenses pertaining to oleomargarine, renovated butter or substitute for butter shall contain the following proviso: provided, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any oleomargarine, or any substitute for butter, which contains any coloring matter or which resembles yellow butter in appearance.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

626. It is unlawful to engage in the business or occupation of manufacturing, selling, dealing in or furnishing, (a) imitation milk, (b) oleomargarine, renovated butter or a substitute for butter, or (c) imitation ice cream or imitation ice milk, without first having applied for and obtained a license so to do. To engage in any of such businesses or occupations, a person shall first apply each year to the department for a license, and upon payment of the license fee mentioned herein the department shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation.

All licenses pertaining to oleomargarine, renovated butter or substitute for butter shall contain the following proviso "provided, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any oleomargarine, or any substitute for butter, which contains any coloring matter or which resemble yellow butter in appearance.

627. All licenses issued under section 626 expire on June 30 of each year, and may be issued in periods of one year, or less upon the payment of a proportionate part of the license fee. The fees for issuing said licenses are for each establishment annually: Expiration. Fees.

(a) Manufacturers or processors within this State, one hundred dollars.

(b) Wholesale dealers in, or importers or agents for importers, fifty dollars.

(c) Retail dealers, five dollars.

(d) The keeper of any hotel, restaurant, boarding house or other place where meals are served and payment is received therefor, two dollars.

628. As used in this section:

(a) Wholesale dealer means: Definitions

1. Any person who sells imitation milk in quantities of one full case or more at a time or in the same transaction;

2. Any person who sells oleomargarine, renovated butter or any substitute for butter in quantities of ten pounds or more at a time or in the same transaction;

3. Any person who sells imitation ice cream or imitation ice milk in quantities of two gallons or more at a time or in the same transaction.

(b) Retail dealer means all persons who sell any of the above mentioned products in smaller quantities than those necessary to constitute a seller a wholesale dealer.

629. All licenses while in force shall be kept conspicuously displayed in the places of business of the party or parties to whom they have been issued. Display of licenses

No license is required of any person engaged as a retail dealer in the business or occupation of selling, dealing in or furnishing imitation milk if such imitation milk is a distinctive proprietary food compound (a) not readily mistaken in taste for milk or for evaporated, skim, condensed or dried milk, (b) prepared and designed for feeding infants and young children, and (c) sold exclusively by druggists, orphan asylums, child welfare associations, hospitals and similar institutions. License exceptions

630 (a) Persons who test milk or cream, purchased, received or sold on the basis of milk fat contained therein must hold a tester's license. Methods or processes of testing must be approved by the department. A separate license is required for each method or process used by any one person. Tester's license

(b) Persons, other than licensed testers, who take samples of milk or cream purchased, received or sold on the basis of milk fat contained therein, on which sample tests are to be made as a basis of payment, and all persons who weigh milk or cream, the weight to be used as a basis of payment must hold a sampler's and weigher's license. When one person does both sampling and weighing only one license is required. In cases of emergency a person may weigh or sample for a period not exceeding one week, without a license. Any person who

takes samples of milk or cream for testing shall hold the same in an unchanged condition until delivered to a licensed tester.

(c) Persons who make bacteriological determinations of milk or cream to be used as a basis of payment or determining value must hold a technician's license.

Application. 631. Applications for tester's, sampler's and weigher's or technician's licenses shall be made to the department which shall examine each applicant for the license applied for as to his qualifications and knowledge of the law applicable to him.

Fees. The original fee for such licenses is:

(a) For a tester's license, five dollars.

(b) For a sampler's and weigher's license, one dollar.

(c) For a technician's license, five dollars.

Expiration All such licenses expire on the 31st day of each December and may be renewed within thirty days of the expiration thereof upon payment of a fee of one dollar if the licensee has complied with all the requirements of the law and rules and regulations applicable to him.

False tests. 632. No person shall fraudulently manipulate the measure or weight or underread or overread or otherwise manipulate any test used for determining the grade or quality of milk or cream, or the per cent of milk fat in milk or cream, nor take an unfair sample of milk or cream on which a test is to be made, nor fraudulently manipulate such samples, or the records of any measurement, weight, or test, or combination thereof.

Records. A permanent record in duplicate of all tests of milk or cream purchased, received, or sold on the basis of the amount of milk fat contained therein, must be made by a licensed tester on standard forms supplied by, or in accordance with the specifications for such records, adopted by the department. Each test shall be legibly recorded with indelible pencil or ink in such a manner as to correctly identify the test obtained upon the milk or cream. Each sheet or page shall be authenticated by the signature of the licensed tester, and a duplicate record shall be deposited by the licensed tester immediately after completing the test on the day's samples, in a box provided by the purchaser or receiver or seller of milk or cream, as the case may be, said box to be constructed, sealed and maintained in accordance with the rules and regulations of the director. The original record shall be immediately delivered to the purchaser or receiver or seller of said milk or cream, to be retained by him for at least three months.

Retention of samples. The licensed tester shall retain an unmodified sample of all milk or cream tested by him for not less than forty-eight hours after tests of said milk or cream have been made and said purchaser or receiver or seller of milk or cream shall provide a suitable place where such samples so retained may be kept and such place shall be acceptable to the department. When payment for milk or cream is made on the basis of the milk fat contained therein, samples shall be taken from each lot of said milk or cream upon delivery, and payment shall be made in accordance with the percentage of milk fat actually found in said samples. Nothing in this section

prohibits weighing and sampling on a route, or the use of composite samples of milk.

Babcock test

633. In conducting the Babcock test, the milk fat column in tests on milk, in milk test bottles, shall be read from the extreme bottom of the fat column to the top of the top meniscus. In tests on cream in cream test bottles, the meniscus at the top of the milk fat column shall be destroyed by the use of an overlying foreign oil approved by the department, and the milk fat column shall be read from the extreme bottom of the fat column to the plane of separation between the fat column and the overlying foreign oil. The reading of the test shall be made when the temperature of the milk fat is between one hundred thirty and one hundred forty degrees Fahrenheit.

Prescribed equipment

635. All measuring glassware, weights or scales used by licensed testers or licensed technicians shall be accurate. All glassware shall be examined by the director and if found to be accurate, each piece shall have a legible or indelible distinguishing mark placed upon it by the department. All Babcock glassware and scales shall comply with the following specifications:

(a) Milk test bottle. The total per cent graduation shall be eight. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters and the graduation shall represent whole per cent, five-tenths per cent and tenths per cent. The error in the total graduation or in any part thereof shall not exceed one-tenth of one per cent. The neck shall be cylindrical for at least five millimeters below the lowest and above the highest graduation mark.

(b) Fifty per cent nine gram long-neck cream-test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five-tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters, a mark defining the weight of the charge to be used—nine grams. The error in the total graduation or in any part thereof, shall not exceed twenty-five hundredths of one per cent.

(c) Fifty per cent eighteen gram long-neck cream-test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five-tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters a mark defining the weight of the charge to be used—eighteen grams. The error

in the total graduation or in any part thereof shall not exceed twenty-five hundredths of one per cent.

(d) Seventeen and six-tenths milliliter pipette. The delivery tube shall have a length of one hundred to one hundred twenty millimeters and an outside diameter between four and five-tenths and five and five-tenths millimeters, and a straight nozzle. The pipette shall contain seventeen and six-tenths milliliter of water at twenty degrees centigrade when the bottom of the meniscus coincides with the mark on the suction tube. The error in the graduation shall not exceed five one hundredths of a milliliter.

(e) Scales or balance. The scales or balance used in weighing cream samples into the test bottles shall have a sensibility of not more than thirty milligrams.

Testing fee

636. A fee of one dollar shall be paid by the owner of said glassware to the department for every dozen pieces of Babcock glassware examined. The department shall charge fees for examining glassware and apparatus used in methods of testing other than the Babcock test, sufficient to cover the actual cost of such examination.

Suspension of licenses

637. The licenses issued in accordance with the provisions of this chapter, upon a hearing before the director of which the licensee shall have a written notice of the time and place of said hearing and the charges made against him may be suspended or revoked by the director if, after written notice, the licensee fails, after thirty days, to comply with the laws, rules and regulations under which the license was granted. No such thirty days' notice will be required in cases of manipulation of the measures, weights, samples or tests for milk fat content of milk or cream upon which payment is based, or the record thereof.

Chapter 5. Reports and Statistics.

Dairy statistics Publication.

651. The director may compile and publish statistics relative to the dairy industry, and disseminate the same and other information useful to the general good and development of the dairy industry of the State, and may make a suitable charge or charges for publications issued under the authority of this article.

Forms for reports

652. The director shall provide blanks for reporting dairy statistics, and shall, on or before the last day of December of each year, cause to be mailed to each person engaged in operating any creamery, cheese factory, ice cream or ice milk plant, milk condensery and market milk distributor when necessary, one or more of such blanks and each such person shall, on or before the first day of February following transmit to the director a full and accurate report of the amount of milk, cream, condensed or evaporated milk, butter, cheese, ice cream or other dairy products produced, purchased or manufactured or distributed during the year ending December thirty-first, just preceding. All milk or milk products plants purchasing

milk and cream direct from farmers shall report a complete list of all persons from whom their product is obtained, giving the name and address, whenever possible, in each case. In addition to said annual reports the director may require semi-annual, quarterly, or monthly reports of the same general character as the annual reports. Said reports shall be mailed to the director not later than thirty days after the date of the department's written request, upon blanks furnished by the director. Required reports.

653. Every person manufacturing, wholesaling or importing oleomargarine, or any substance designed as a substitute for or resembling butter, not made wholly from pure milk or cream, or any imitation dairy products, shall keep a record, separate from all other business, recorded at the time of the transaction, giving the quantity sold or purchased, the name and location of the seller and purchaser, the date, and the place to which it was shipped or delivered, and by whom the order or sale was put up and delivered. Oleomargarine reports Dealers

654. Every person engaged in the warehouse, cold storage or transportation business shall keep a correct record of all oleomargarine, renovated butter, substitute for butter, substitute for cheese or other imitation dairy products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed, in case of warehouses and cold storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats and railroad companies. Same Warehouse reports

655. All records required to be kept by the two preceding sections shall, at all times during business hours, be open to the inspection of the director, any officer of any city or county board of health, and any peace officer of any city or county of the State. A failure to keep any of the records herein required to be kept or a failure to permit any authorized inspection of such records is a misdemeanor. Records Who may inspect

656. All manufacturers of ice milk shall upon request of the department submit the names and specific location of all dealers or other persons who receive ice milk for the purpose of selling or otherwise dispensing it to the public. Names of ice milk dealers.

657. All manufacturers of imitation dairy products shall furnish the department at the end of each calendar month the names and specific locations of all persons who purchase or receive any imitation dairy products for the purpose of selling to the public in any form. Imitation dairy products Manufacturer's reports.

658. All manufacturers of imitation dairy products shall submit to the department at the end of each month a report of the quantity sold or purchased, the name and the address of the buyers, the dates and the places to which they were shipped or delivered.

CHAPTER 6. CONTAINERS OF DAIRY PRODUCTS.

Registration of trade names or brands

671. Any person or association engaged in receiving, producing, manufacturing, packing, canning, bottling, handling or selling milk or any product thereof in containers, cabinets or other dairy equipment marked or otherwise identified with the name of such person or association or with any fictitious or other name or word or with any mark or device whatsoever, and any association or corporation, the members or directors of which are so engaged, may file with the department a description of the name or word, mark, or device so used, and an application for registration of the same as a brand, accompanied by a fee of five dollars for each separate brand. There shall be included as a part of each brand the words, "Registered in California" or the abbreviation, "Reg. Cal." The applicant shall also cause such description to be printed once a week for three successive weeks in one or more newspapers of general circulation published in the locality or localities in which said applicant, or its members or directors are engaged in business. The department may refuse to register a brand when it appears that the same or a similar brand has been previously registered by another unless the prior registrant gives his written consent to the subsequent registration. Whenever it appears that two or more applicants have applied for the registration of the same or similar brands, the director may after hearing determine the right of prior ownership in such brand; and when such right of prior ownership is determined the director shall refuse to register, or shall cancel the registration of any duplicate or similar brand. Any person acquiring any container, cabinet or other dairy equipment marked with a brand registered under the provisions of this section, by purchase or by other lawful means, and having the written consent of the registrant of such brand to use the same on the particular container, cabinet or other dairy equipment so acquired or to use such brand on containers generally, shall so notify the department and shall not thereafter be required again to file and publish said description but shall acquire as a part of said purchase all such benefit as the vendor had under this code as to the particular containers, cabinets or other dairy equipment so acquired or as to containers generally, dependent on the form of such written consent.

Fee

Publication of description

Prior ownership

Transfer of registered equipment

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

671. Any person or association engaged in receiving, producing, manufacturing, packing, canning, bottling, handling or selling milk or any product thereof in containers, cabinets or other dairy equipment marked or otherwise identified with the name of such person, or association or with any fictitious or other name or word or with any mark or device whatsoever, and any association the members of which are so engaged, may file with the department a description of the name or word, mark, or device so used, and an application for registration of the same as a brand, accompanied by a fee of five dollars for each separate brand. There shall be included as a part of each brand the words, "Registered in California" or the abbreviation, "Reg. Cal.". The applicant shall also cause such description to be printed once a week for three successive

weeks in one or more newspapers of general circulation published in the locality or localities in which said applicant, or its members, are engaged in business. The department may refuse to register a brand when it appears that the same or a similar brand has been previously registered by another unless the prior registrant gives his written consent to the subsequent registration. Whenever it appears that two or more applicants have applied for the registration of the same or similar brands, the director may after hearing determine the right of prior ownership in such brand; and when such right of prior ownership is determined the director shall refuse to register, or shall cancel the registration of any duplicate or similar brand. Any person acquiring any container cabinet or other dairy equipment marked with a brand registered under the provisions of this section, by purchase or by other lawful means, and having the written consent of the registrant of such brand to use the same on the particular container, cabinet or other dairy equipment so acquired or to use such brand on containers generally, shall so notify the department and shall not thereafter be required again to file and publish said description, but shall acquire as a part of said purchase all such benefit as the vendor had under this code as to the particular containers, cabinets or other dairy equipment so acquired or as to containers generally, dependent on the form of such written consent.

Branded equipment Return to owner

672. Every person who finds or receives any container, cabinet or other dairy equipment marked with a brand registered under the provisions of this code shall make diligent effort to find the owner thereof and to restore or return the same.

Unlawful use of branded equipment

673. It is unlawful for any person, without the written consent provided for in section 671, except the registrant of the brand and the members of any association which is the registrant, to use or fill with milk or any product of milk, any container, cabinet or other dairy equipment, so marked or distinguished or aforesaid, of which a description shall have been filed and published, or to erase, obliterate, cover up or conceal such name, mark or device, or to sell, buy, give, take or otherwise traffic in such containers, cabinets or other dairy equipment.

Presumption of unlawful use

674. The use of any container, cabinet or other dairy equipment by any person other than the person, or association whose name, mark, or device shall be upon the same, and other than the members of any association registering the same, without the written consent provided for in section 671, or the possession by any junk dealer or dealer in secondhand articles of any such containers, cabinets or other dairy equipment, the description of the name, mark or device of which has been so filed and published as aforesaid is presumptive evidence of unlawful use of or traffic in such containers, cabinets or other dairy equipment.

Deposit on containers

675. Whenever the owner of containers, cabinets or other dairy equipment so marked or branded or others lawfully entitled to use the same shall require a deposit for security for the safekeeping and return of such containers, cabinets or other dairy equipment it shall not constitute a sale of such containers, cabinets or other dairy equipment optional or otherwise.

Search warrants.

676. Whenever any person mentioned in section 671 makes oath before any magistrate that he has reason to believe and does believe, that any registered containers, cabinets or other

dairy equipment are being unlawfully sold, filled or used, or are secreted in any place, the magistrate shall issue a search warrant to discover and obtain the same, and may also cause to be brought before him, the person in whose possession such containers, cabinets or other dairy equipment may be found, and if the magistrate finds that such person has been guilty of a violation of this chapter, he shall impose the punishment herein prescribed, and also award the possession of the containers, cabinets or other dairy equipment taken upon such search warrant to the owner thereof.

Recovery of illegally possessed equipment

677. Upon the representation of any interested party, the director may institute proceedings in any court of competent jurisdiction to recover for the owner thereof any container marked with a brand registered under the provisions of this chapter. The expense of such proceeding shall be paid by the interested party on whose representation such proceedings were instituted, and shall be a lien on such container.

678. This chapter applies to all brands heretofore registered with the department.

"Association" defined.

679. "Association" as used in this chapter includes nonstock corporations.

(Added by Ch. 723, Stats. 1933.)

CHAPTER 7. SANITATION.

Insanitary dairy defined

691. A dairy is insanitary in the following cases:

(a) If the pails, cans, bottles or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus or equipment coming in contact with the milk or its products are not thoroughly washed and afterwards sterilized by exposing them to water or water vapor at a temperature above one hundred seventy degrees Fahrenheit for a period of at least fifteen minutes, or by boiling water or by superheated steam each time the same are used; or if the containers, utensils, appliances or equipment after sterilization are not adequately dried and protected from flies and dust and other contamination; or if any containers, utensils, appliances or equipment are used for any purpose other than that of handling milk or the products of milk.

(b) If the udders, flanks, hind legs and tails of cows are not reasonably clean during milking.

(c) If the milk or cream is not protected from contamination by dust and flies.

(d) If the person or wearing apparel of the dairyman, his employees or other persons who handle the milk or its products are soiled or not washed with reasonable frequency, or if the hands of milkers are not clean during the entire period of milking.

(e) If the milk or cream is not cooled to as low a temperature as practicable within one hour after it is drawn from the cows, and kept as cool as conditions will permit until delivery to the plant or consumer.

(f) If a suitable milk house or room, properly screened to exclude flies and insects is not provided and maintained for the separating, cooling, mixing, canning and keeping, or otherwise caring for the milk or cream. Said milk house or room shall not be located in or be a part of any dwelling house, barn, or poultry house, and shall not be used for any other purpose; and if any milk or cream is separated, cooled, mixed, canned or kept in any room or place which is occupied by any person as a sleeping or living apartment, or occupied by fowls, or animals.

(g) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure or other filth is permitted within one hundred feet of the milk house or room, or within fifty feet of any cow stables, or stanchions or other place where milking is done.

(h) If to the interior of cattle stables, barns, milking sheds, milk house or room, an application of lime whitewash or paint is not made, if in the judgment of an authorized inspector it is needed.

(i) If the walls become soiled with manure, urine or other filth.

(j) If the yards or inclosures are filthy or insanitary, or if any part of such yards or inclosures, other than pastures, are made the depositories of manure in heaps or otherwise, where it is allowed to ferment and decay.

(k) If the water supply for use around the dairy or for drinking by live stock is stagnant, polluted with manure, urine drainage, decaying vegetable or animal matter or pathogenic bacteria from any source.

(l) If the feed is spoiled, or otherwise unfit for feeding cows for the production of milk.

Insanitary creamery defined

692. Any creamery, factory or building in which dairy products of any kind are manufactured, or any store, salesroom, depot, or other place where milk or any product of milk is handled or kept for sale, is insanitary:

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or contains foreign substances detrimental to the quality of the manufactured product.

(b) If the utensils and apparatus that come in contact with milk or its products are not thoroughly washed and sterilized by means of boiling water or superheated steam or other means equally effective and acceptable to the department after each using, and if the cans or containers in which the milk or cream is received, transported or delivered are not thoroughly washed, sterilized and dried after emptying and before being sent out to be used again.

(c) If the floor is so constructed as to permit the flowing of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay can take place, or if such floor can not be readily kept free from dirt.

(d) If drains are not provided that will convey refuse milk, water and sewage away to a point at least fifty yards distant from such creamery or factory of dairy products, or if any cesspool, privy vault, hog yard, slaughter-house, manure or any decaying vegetable or animal matter shall be so located as to permit foul odors to reach such creamery or other factory of dairy products or storeroom or depot where milk or its products are sold or handled; or if the water supply of the plant is subject to pollution with sewage or contamination with pathogenic bacteria unless said water be subjected to efficient chlorination or otherwise treated to make it safe for use in connection with the manufacture of food products.

(e) If such creamery or factory of dairy products does not permit access of light and air sufficient to secure good ventilation.

(f) If in any building used in connection with any creamery, or factory of dairy products, any species of animal life are permitted, or if upon the floor or walls any milk or its products or any filth is allowed to accumulate or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any creamery, or factory of any dairy product, are unclean and not washed from time to time with reasonable frequency, or if suitable toilet and lavatory facilities and clean towels are not provided for employees.

Dairy score cards.

693. The score cards used for official scoring of dairies or factories of dairy products shall be established by regulation of the director.

Sterilization of transportation receptacles

694. Every person not a common carrier, who receives, in containers, from a private or common carrier any milk, cream, or product thereof intended for human consumption, which has been transported by common or private carrier, and which containers are to be returned to the manufacturer, distributor, consignor or shipper, shall cause the containers to be thoroughly cleansed and sterilized by boiling water or superheated steam before return shipment of the same. Every private or common carrier before accepting such containers to be returned to the manufacturer or distributor shall require that each container be plainly marked with the name and address of the person returning same. All containers of any kind in which milk or any product of milk is kept, stored, transported or delivered shall be sound, smooth, free from rust or open seams, and at all times kept in a condition which will permit thorough cleansing of all surfaces with which the milk or its products come in contact. Containers commonly used for the reception, storage or delivery of milk, cream, or products thereof shall not be used for any other purpose. All empty containers delivered to the producer by the manufacturer, retailer, or distributor of milk for the reception of milk or any product of milk shall be kept by the producer in a clean, sanitary, sterile condition and shall be used for no other purpose. All empty containers delivered to the con-

Specifications for containers.

Empty containers

sumer by retailer or distributor shall be thoroughly cleansed before returning the same to the retailer or distributor.

Condemnation of containers

696. Containers found to be used in violation of the requirements of this code shall be condemned and marked with the word "condemned" in an appropriate manner, and shall not be used again in connection with the handling of milk or any product of milk for human consumption, until they have been cleaned or repaired in a manner acceptable to the director.

Regulation of conveyances

697. All carriers of milk, cream or products of milk, whether producer, gratuitous private carrier, private carrier for hire, or common carrier, in transporting milk and cream shall maintain all conveyances in a clean and sanitary condition.

698. All conveyances, while transporting milk or cream or clean empty containers intended for milk or cream, and all shipping platforms or premises where such containers are held waiting shipment, shall either be inclosed or provided with canvas covering or otherwise afforded protection from the direct rays of the sun, from warm air, dust, mud, rain and other sources of contamination when in the judgment of the director it is necessary. No milk or cream or product thereof shall be transported in connection with or close to any other commodity from which it may absorb foreign flavors or which may contaminate it, and no milk or cream or empty containers used for milk or cream shall be hauled in any vehicle used for hauling manure, or garbage, or in any other unclean conveyance. All milk or cream cans or other shipping containers for products of milk shall be handled carefully, and while containing milk, cream or other products of milk, shall be kept right end up. Nothing herein shall be construed to derogate from any powers or authority of the railroad commission of the State.

Transportation of unclean milk prohibited

699. No carrier of milk, cream or product of milk, whether gratuitous private carrier, private carrier for hire, or common carrier, shall receive or transport any milk or cream or product of milk after notification by the department that such product is unclean, polluted, tainted, unwholesome, stale, impure, or adulterated, or has been produced in violation of the provisions of this code.

Chapter 8. Dairy By-Products.

Pasteurization of milk products used for live stock food

701. Every person operating any place where milk is received and by-products distributed shall pasteurize all skim milk, whey, or other milk by-products to be used for feeding purposes for farm animals before delivering the same. Such pasteurization may be accomplished by heating the by-product to a temperature of one hundred forty-five degrees Fahrenheit and holding at that temperature for not less than thirty minutes, or by heating to one hundred eighty-five degrees Fahrenheit without holding. All vats, tanks or containers used to store milk by-products shall be kept in a clean and sanitary condition.

DIVISION V.

CHAPTER 1. FRUIT AND VEGETABLE CERTIFICATION.

Certification of grade, etc

751. The director may investigate and certify to shippers or other financially interested parties the grade, quality and condition of fruit, vegetable or other farm products under such rules and regulations as he may prescribe, including the payment of reasonable fees. Certificates issued by the director and certificates issued under authority of an act of Congress, and in accordance with the rules and regulations of the Secretary of Agriculture of the United States, shall be received in all courts of the State of California as prima facie evidence of the truth of the statements therein contained. Any certificate issued by the State under the provisions of this chapter or by any person shall truly state the grade, quality and condition of the product or products certified, and a true copy of any such certificate shall be furnished to the director or to the commissioner of the county where the shipment originated, on demand made in writing.

Exceptions

Nothing in this chapter applies to any investigation made or any certificate issued by any person, firm or corporation in respect to canned or dried fruit shipped, packed or stored by it or to any investigation made or any certificate issued by any bona fide chamber of commerce, board of trade or other bona fide nonprofit association of producers or merchants in respect to canned or dried fruit sold, shipped, packed or stored by any of its members or other persons for whom it may make any such inspection or issue any such certificate.

The director is authorized to cooperate with the United States Department of Agriculture in carrying out the provisions of this chapter.

Funds

752. All moneys collected under the provisions of this chapter shall be paid into the Department of Agriculture fund.

Financial statement

753. Within ninety days after the end of each fiscal year the director shall prepare a statement showing the receipt and expenditure during the fiscal year of funds provided for in this chapter and shall, upon written request, forward a copy of this report to any party financially interested in the inspection work conducted under the authority of this chapter.

CHAPTER 2. FRUIT, NUT, AND VEGETABLE STANDARDS.

781. As used in this chapter:

Definitions

(a) "Container" means any box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, or other receptacle.

(b) "Subcontainer" means any container when being used within another container.

(c) "Closed container" means any container the contents of which are hidden or partially hidden from view by a cover or wrapping of any kind. Definitions.

(d) "Pack," "packing," or "packed" means the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer.

(e) "Deceptive pack" means any container or subcontainer which has in the outer layer or any exposed surface, fruits, nuts or vegetables which are in quality, size, condition, or in any other respect so superior to those in the interior of the container or subcontainer or the unexposed portion as to materially misrepresent the contents. Such pack is deceptive even though the fruits, nuts or vegetables in the container are virtually uniform in size when the outer or exposed surface is composed of products whose size is not an accurate representation of the variation of size of the products in the entire container.

(f) "Deceptive arrangement" or "deceptive display" of fresh or dried fruits, nuts or vegetables means any bulk lot or load, arrangement or display of such products which has in the exposed surface, fresh or dried fruits, nuts or vegetables which are so superior in quality, size, condition, or in any other respect so superior to those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk lot or load.

(g) "Fruits, nuts, or vegetables" means the food product of any tree, vine or plant.

(h) "Mature," except when otherwise specifically defined, means having reached that stage of ripeness which will insure the proper completion of the ripening process after the removal of the product from the tree, plant or vine.

(i) "Overripe" means having reached an advanced state of maturity which causes the product to be undesirable or inedible in a fresh state.

(j) "By product" means any product commercially processed or manufactured from fruits, nuts, or vegetables, or their juices.

(k) "Mislabel" means the placing or presence of any false or misleading statement, design, or device, upon any container, or upon the label or lining of any such container, or upon the wrapper of any fresh or dried fruit, nut or vegetable, or upon any fruit, nut or vegetable, or upon any placard used in connection therewith and having reference to such fresh or dried fruits, nuts or vegetables. A statement, design or device is false or misleading, when the fresh or dried fruit, nut or vegetable, or container to which it apparently or actually refers, does not conform in every respect to such statement.

(l) A "bulk lot" or "bulk load" of any fresh or dried fruit, nut or vegetable is any one group of specimens of such product which is not in a container and which is set apart or is separate from any other group or groups.

(m) A "placard" is any sign, label, or designation other than an oral designation used in connection with any fresh or dried fruit, nut or vegetable as a description or identification thereof.

(n) "Cross section" means the section of the fruit or vegetable taken at a right angle to a straight line drawn from the stem end to the distal end thereof.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

781. As used in this chapter:

(a) "Container" means any box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, or other receptacle.

(b) "Subcontainer" means any container when being used within another container.

(c) "Closed container" means any container the contents of which are hidden or partially hidden from view by a cover or wrapping of any kind.

(d) "Pack," "packing," or "packed" means the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer.

(e) "Deceptive pack" means any container or subcontainer which has in the outer layer or any exposed surface, fruits, nuts or vegetables which are in quality, size, condition, or in any other respect so superior to those in the interior of the container or subcontainer or the unexposed portion as to materially misrepresent the contents. Such pack is deceptive even though the fruits, nuts or vegetables in the container are virtually uniform in size when the outer or exposed surface is composed of products whose size is not an accurate representation of the variation of size of the products in the entire container.

(f) "Deceptive arrangement" or "deceptive display" of fresh or dried fruits, nuts or vegetables means any bulk lot or load, arrangement or display of such products which has in the exposed surface, fresh or dried fruits, nuts or vegetables which are so superior in quality, size, condition, or in any other respect so superior to those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk lot or load.

(g) "Fruits, nuts, or vegetables" means the food product of any tree, vine or plant.

(h) "Mature," except when otherwise specifically defined, means having reached that stage of ripeness which will insure the proper completion of the ripening process after the removal of the product from the tree, plant or vine.

(i) "Overripe" means having reached an advanced state of maturity which causes the product to be undesirable or unedible in a fresh state.

(j) "By-product" means any product commercially processed or manufactured from fruits, nuts, or vegetables, or their juices.

(k) "Mislabe" means the placing or presence of any false or misleading statement, design, or device, upon any container, or upon the label or lining of any such container, or upon the wrapper of any fresh or dried fruit, nut or vegetable or upon any placard used in connection therewith and having reference to such fresh or dried fruits, nuts or vegetables. A statement, design or device is false and misleading, when the fresh or dried fruit, nut or vegetable, or container to which it apparently or actually refers, does not conform in every respect to such statement.

(l) A "bulk lot" or "bulk load" of any fresh or dried fruit, nut or vegetable is any one group of specimens of such product which is not in a container and which is set apart or is separate from any other group or groups.

(m) A "placard" is any sign, label, or designation other than an oral designation used in connection with any fresh or dried fruit, nut or vegetable as a description or identification thereof.

(n) "Cross section" means the section of the fruit or vegetable taken at a right angle to a straight line drawn from the stem end to the distal end thereof.

Enforcement.

782. The director and the commissioners of each county of the State, their deputies and inspectors, under the supervision and control of the director shall enforce this chapter.

The refusal of any officer authorized under this chapter to carry out the orders and directions of the director in the enforcement of this chapter is neglect of duty.

Sampling methods

The director may prescribe methods of selecting samples of lots or containers of fruits, nuts and vegetables, which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled; establish and issue official color charts depicting the color standards and requirements established in this chapter; and make such other rules and regulations as are necessary to secure uniformity in the enforcement of this chapter.

Any sample taken under the provisions of this chapter shall be prima facie evidence, in any court in this State, of the true condition of the entire lot in the examination of which said sample was taken.

(Amended by Ch. 184, Stats. 1933.)

[ORIGINAL SECTION.]

782. The director and the commissioners of each county of the State, their deputies and inspectors, under the supervision and control of the director shall enforce this chapter. The refusal of any officer authorized under this chapter to carry out the orders and directions of the director in the enforcement of this chapter is neglect of duty. The director may make rules and regulations to secure uniformity in the enforcement of this chapter.

Inspection

783. All enforcing officers may enter and inspect any place or conveyance within the county or district over which they have jurisdiction, where any fresh or dried fruits, nuts or vegetables are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, or sold, and inspect all such fresh or dried fruits, nuts and vegetables and the containers thereof and equipment found in any such places or conveyances and take for inspection, such representative samples of the produce and such containers, as may be necessary to determine whether or not this chapter has been violated.

All enforcing officers shall cause the prosecution of any person whom they know or have reason to believe to be guilty of violating any of the provisions of this chapter. Any enforcing officer may, while enforcing the provisions of this chapter, seize and hold as evidence all or any part of any pack, load, bulk lot, consignment or shipment of fresh or dried fruits, nuts or vegetables packed, delivered for shipment, loaded, shipped, or being transported, or sold in violation of this chapter, or any container of such product, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this chapter.

Seizure of illegally packed goods

784. All fruits, nuts and vegetables when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported or sold in bulk or in any container or sub-container, shall conform to the provisions of this chapter.

Packed goods must conform to provisions of chapter

Public nuisance

785. Any fruits, nuts or vegetables, packed, stored, delivered for shipment, loaded, shipped, or being transported or sold in violation of any of the provisions of this chapter and their containers, are public nuisances, and shall not be moved from the place where they may be, except under the specific direction of a proper enforcing officer. If, after notice of such violation is given to the packer or owner of such fruits, nuts or vegetables, such packer or owner refuses, or fails within twenty-four hours, to recondition or re-mark the same so as to comply with all requirements of this chapter, such fruits, nuts or vegetables and their containers may be seized by the director or any enforcing officer and by order of the justice's, municipal or superior court of the county, city, or township within which the same may be, shall be condemned and destroyed, or released upon such conditions as the court, in its discretion, may impose to insure that they will not be packed, delivered for shipment shipped, transported, or sold in violation of this chapter.

Seizure

Arrest and trial

786. Whenever any person is arrested for the transportation of fruits, nuts or vegetables in violation of this chapter, unless he demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, take his name and address, the number of his motor vehicle and such other information as may be necessary, and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the township in which the offense with which the arrested person is charged is alleged to have been committed, or upon the demand of the person arrested, before a magistrate of the township in which is located the county seat of the county in which such offense is alleged to have been committed, whereupon such officer shall, upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody. However, in any county in which there is established a municipal court at the county seat thereof, the notice referred to herein may specify the appearance of the person arrested before any magistrate in the county.

Whenever any such person refuses to give his written promise to appear or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the township in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial unless he waives such time in writing or in open court and gives his written promise to appear at such time and place as the court may fix for his further appearance or, if he refuses to give such promise, upon such bail as the court may fix and he shall thereupon be released from custody.

Any person who wilfully violates his promise given in accordance with this section is guilty of a misdemeanor regard-

less of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

Markings

787. When any markings are used on any container of any fruits, nuts, and vegetables to describe the contents thereof, such markings must be plainly and conspicuously marked, stamped, stenciled, printed, labeled or branded on such container. If the marking is on a placard the placard must be placed or posted in such a position that there is no doubt as to the product it is to identify.

Deceptive pack, mislabeled goods, etc.

788. It is unlawful to prepare, deliver for shipment, load, ship, transport, or sell a deceptive pack, bulk lot, bulk load, load, arrangement or display of fresh or dried fruits, nuts or vegetables, or to mislabel any container or the label or lining of any container, or the wrapper of any fruits, nuts or vegetables, or any fruit, nut or vegetable, or any placard used in connection therewith having reference to such fresh or dried fruits, nuts or vegetables. The repeated use of any container or subcontainer of fruits, nuts or vegetables, bearing any markings, or any designations of brand, quality or grade is unlawful unless all such markings which do not properly and accurately apply to the products repacked or replaced therein, are first completely removed, erased or obliterated. Nothing in this chapter shall be construed to conflict with any California or Federal laws or regulations regarding net weight or other markings on containers or subcontainers. Unless otherwise provided, whenever any fruits, nuts or vegetables are packed in layers, there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. All fruits, nuts and vegetables, when packed, must be so tightly packed that they will not move in the container.

Carrier may refuse shipment

789. Any person, forwarding company, or common carrier may decline to ship or transport any fruits, nuts or vegetables when notified by any enforcing officer of this chapter, that such products are found to be delivered for shipment in violation of this chapter, and any such person, forwarding company, or common carrier may reserve the right, in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor or hold at the expense and risk of the latter all fruits, nuts or vegetables, which upon inspection are found to be delivered for shipment in violation of this chapter.

Standards established

790. There are hereby established standards for fruits, nuts and vegetables which shall include apricots, avocados, berries, cherries, citrus fruits, dates, grapes, peaches, pears, oriental persimmons, plums and fresh prunes, "wonderful" pomegranates, quinces, walnuts, artichokes, asparagus, cantaloupes, carrots, cauliflower, head lettuce, melons, onions, peas, potatoes, sweet potatoes, tomatoes and apples.

(Amended by Ch. 332, Stats. 1933.)

[ORIGINAL SECTION.]

790. There are hereby established standards for fruits, nuts and vegetables which shall include apricots, avocados, berries, cherries, citrus fruits, dates, grapes, peaches, pears, oriental persimmons, plums and fresh prunes, "wonderful" pomegranates, quinces, walnuts, artichokes, cantaloupes, carrots, cauliflower, head lettuce, melons, onions, peas, potatoes, sweet potatoes, tomatoes and apples.

Apricots

791. Fresh apricots shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh, and from mold, brown rot, and decay, and serious damage caused by cuts, bruises, cracks, shot hole fungus, growth cracks, scab, hail, or other causes. With the exception of shot hole fungus, damage to any one apricot is not serious unless it causes a waste of ten per cent, by weight, of the individual apricot. Damage to any one apricot caused by shot hole fungus is not serious unless the spots cover an aggregate area of more than one-half of an inch in diameter. Not more than ten per cent, by count, of the apricots in any one container or bulk lot may be below these requirements but not to exceed one-half of this tolerance shall be allowed for any one cause. Packed apricots may vary in size between the fruits in any one container, not more than one-fourth of an inch in diameter, when measured through the widest portion of cross section.

Avocados.

792. Avocados shall be mature and free from decay, free from serious damage due to insect injury, overripeness, rancidity, cuts, bruises, growth cracks, freezing, sunburn, disease, or other causes. Damage to any one avocado is not serious unless it causes a waste of fifteen per cent by weight of the individual avocado

Not more than five per cent, by count, of the avocados in any one container or bulk lot may be below these requirements. Packed avocados shall be virtually uniform in size. Avocados shall not be considered mature when the edible portion shows an oil content of less than eight per cent by weight.

(Amended by Ch. 89, Stats. 1933.)

[ORIGINAL SECTION.]

792. Avocados shall be mature but not overripe or rancid; free from insect injury which has penetrated or damaged the flesh, and from mold, and decay; and serious damage due to cuts, bruises, growth cracks, freezing, sunburn, disease, or other causes. Damage to any one avocado is not serious unless it causes a waste of twenty per cent by weight of the individual avocado.

Not more than five per cent, by count, of the avocados in any one container or bulk lot may be below these requirements. Packed avocados shall be virtually uniform in size. Avocados shall not be considered mature when the edible portion shows an oil content of less than eight per cent by weight.

Strawberries

793. Strawberries, red and black cap raspberries, blackberries, dewberries, and loganberries shall be mature but not overripe, free from insect injury which has penetrated or damaged the flesh, and from mold, decay, and damage due to sun, frost, bruises, disease, or other causes.

Not more than ten per cent, by weight, of the berries in any one container or bulk lot, may be below these requirements,

but not to exceed one-half of this tolerance shall be allowed for any one cause.

Any strawberry which has two-thirds of the surface showing a pink or red color, shall be considered mature.

All strawberries shall be in the dry pint basket, containing an interior capacity of approximately thirty-three and six-tenths cubic inches. All other berries shall be in the dry pint basket or in the dry one-half pint basket containing an interior capacity of approximately sixteen and eight-tenths cubic inches.

Cherries

794. Cherries shall be mature but not overripe, free from insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, decay, and serious damage due to sunburn, growth cracks or splits, wrinkling, shriveling, sponginess, abnormal softening, rain, or other causes. Damage to any one cherry is not serious unless it causes a waste of ten per cent by weight of the individual cherry.

Not more than ten per cent, by count, of the cherries in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Packed cherries shall be virtually uniform in size, which means that the average size of the cherries used in the fill shall not be smaller than would pack one row more in each direction than the cherries in the packed face. Bunched faced or drop faced cherries shall not be considered packed.

Citrus fruits

795. Citrus fruits shall be mature and free from decay; free from serious damage due to freezing, drying at the stem or blossom end (resulting from causes other than freezing), splits, bruises, or punctures, and in addition lemons shall be free from serious damage due to sunburn and internal decline. Packed citrus fruit shall be virtually uniform in size. Damage by drying at the stem or blossom end of all citrus fruits (resulting from causes other than freezing), and by internal decline or drying due to sunburn of lemons, is not serious unless twenty per cent or more of the pulp shows staining, drying or desiccation. Damage from freezing to any one fruit is not serious unless (a) it causes a drying or desiccation in twenty per cent or more of the exposed pulp as shown on a transverse cut through the center or (b) it causes, before the drying process develops, a water-soaked appearance, or evidence of previous water soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments as shown on the separation of two or more segments of a section, which section shall not be less than one inch or more than one and one-half inches in thickness, obtained from the central portion of the fruit by cutting off a portion of each end—such evidence of freezing injury to show for the entire length but not necessarily the entire area of the surface membranes.

Freezing damage

The percentage of serious damage to citrus fruits in containers, or in bulk, may be established by inspection of a representative sample which shall consist of not less than one-hundred fruits. Damage caused by splits, bruises, or punctures in any citrus fruit is not serious if the injury is well healed and free from mold or decay. Damage other than drying, caused by sunburn to lemons, is not serious unless it affects the edible portion of the fruit.

With the exception of serious damage caused by freezing, not more than ten per cent, by count, of the citrus fruit in any one container or bulk lot may be below these requirements, but with the exception of serious damage by sunburn and internal decline of lemons, or by drying at the stem or blossom end of all citrus fruits (resulting from causes other than freezing), not to exceed one-half of this tolerance shall be allowed for any one cause. In the case of serious damage by freezing injury, when the determination of serious freezing damage is based on a water-soaked appearance, or evidence of previous water soaking, or the presence of crystals or crystalline deposit, on the surface membranes of the segments, as herein defined, and before the drying process develops, not more than fifteen per cent, by count, of the citrus fruit in any one container or bulk lot may be below these requirements. After the drying process develops and the determination of serious freezing damage is based on a transverse cut, as herein defined, not more than fifteen per cent, by count, of the citrus fruit in any one container or bulk lot may be below these requirements, but not to exceed one-third of this tolerance shall be allowed for citrus fruits which show a drying or desiccation in forty per cent or more of the exposed pulp, as shown on a transverse cut through the center. The total tolerance for a combination of defects shall not exceed the tolerance permitted for any one cause by more than five per cent, by count.

No lot of citrus fruit failing to conform to the requirements because of serious damage caused by freezing injury may be mixed or blended with other lots of citrus fruit which conforms to these requirements, resulting in the concealment of inferior fruit, thereby reducing the percentage of defective fruits in the seriously damaged lots to within the tolerance which is permitted for errors in grading only.

Any packed, wrapped citrus fruit which has been in storage or after being shipped fails to meet the requirements of this standard only by reason of brown rot, blue mold, or green mold which has occurred after packing, shall not be held for violation of the provisions of this chapter on account of such deterioration.

Containers

Closed containers of unpacked citrus fruit and all containers of packed citrus fruit shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the citrus fruit or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location

of such packer; the number and average diameter of the citrus fruit in the container, or the cubical content of the container; and in the case of oranges, the name of the variety, if known, and when not known the words "unknown variety" or "seedlings."

Oranges, grapefruit and tangerines when packed shall be in standard containers numbers 31 or 33, and lemons when packed shall be in standard containers numbers 35, 36, 37 and 38. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular size container."

(Amended by Ch. 285, Stats. 1933.)

[ORIGINAL SECTION.]

795. Citrus fruits shall be mature, free from decay, and free from serious damage due to freezing, drying at the stem or blossom end (resulting from causes other than freezing), splits, bruises, or punctures. Damage by drying at the stem or blossom end, resulting from causes other than freezing, is not serious unless twenty per cent or more of the pulp shows a marked drying or desiccation. Damage from freezing to any one fruit is not serious unless it causes a drying or desiccation in twenty per cent or more of the exposed pulp as shown on a transverse cut through the center, or unless it causes before the drying process develops a water soaked appearance or evidence of previous water soaking, or unless it causes the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments, as shown on the separation of two or more segments of a section, which shall be not less than one inch or more than one and one-half inches in thickness, obtained from the central portion of the fruit by cutting off a portion of each end—the evidence of freezing injury to show for the entire length but not necessarily the entire area of the surface membranes.

The percentage of serious damage to citrus fruits in containers, or in bulk, may be established by inspection of a representative sample which shall consist of not less than one hundred fruits. Damage caused by splits, bruises, or punctures in any citrus fruits is not serious if the injury is well healed and free from mold or decay.

With the exception of serious damage caused by freezing or drying at the stem or blossom end resulting from causes other than freezing, not more than ten per cent, by count, of the citrus fruit in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause. In the case of serious damage by freezing injury or by drying at the stem or blossom end resulting from causes other than freezing, not more than fifteen per cent by count of the citrus fruit in any one container or bulk lot may be below these requirements.

Any packed, wrapped citrus fruit which has been in storage or shipped by rail and which fails to meet the requirements of this standard only by reason of brown rot, blue mold, or green mold which has occurred after packing, shall not be held for violation of the provisions of this chapter on account of such deterioration.

Oranges.

796. Oranges, except bloods, tangerines and mandarins, shall not be considered mature unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of eight parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and unless, before picking, they have attained at least twenty-five per cent of characteristic color. In view of differences in

climatic and other growing conditions prevailing north of the Tehachapi Mountains in California which results in some navel oranges grown in certain districts of that area having at maturity a lower ratio of soluble solids to acid than matured navel oranges grown in the area south of the Tehachapi Mountains, navel oranges produced in the area north of the Tehachapi Mountains which are at least seventy per cent colored at the time of picking shall be considered mature if the juice contains soluble solids as determined by a Brix scale hydrometer, equal to or in excess of six and one-half parts to every part of acid contained in the juice. No oranges may be accelerated in color unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of eight parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization).

"Twenty-five per cent of characteristic color" in the case of oranges is defined as that color designated by the Munsell color notation as hue one and fourteen one-hundredths green-yellow, value five and twenty-three one-hundredths chroma four and three-tenths (1.14GY5.23/4.3), and "seventy per cent colored" as hue three yellow, value six, chroma five (3Y6/5). Oranges shall be considered as having exceeded twenty-five or seventy per cent color if the average hue of the surface of each fruit is numerically less than one and fourteen-hundredths green-yellow or three yellow respectively, regardless of the other components of the color.

(Amended by Ch. 285, Stats. 1933.)

[ORIGINAL SECTION.]

796. Oranges shall not be considered mature unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of eight parts to every part of acid contained in the juice, (the acidity of the juice to be calculated as citric acid without water of crystallization) and unless they have attained at least twenty-five per cent of characteristic color before picking. Oranges which are at least seventy per cent colored at the time of picking shall be considered mature if the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of six and one-half parts to every part of acid contained in the juice. No oranges may be accelerated in color unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of eight parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water or crystallization).

"Twenty-five per cent of characteristic color" in the case of oranges is defined as that color designated by the Munsell color notation as hue one and fourteen one-hundredths green-yellow, value five and twenty-three one-hundredths chroma four and three-tenths (1.14 G Y 5.23/4.3), and "seventy per cent colored" as hue three yellow, value six, chroma five (3Y6/5). Oranges shall be considered as having exceeded twenty-five or seventy per cent color if the average hue of the surface of each fruit is numerically less than one and fourteen-hundredths green-yellow or three yellow respectively, regardless of the other components of the color.

Grapefruit.

797. Grapefruit shall not be considered mature unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to

every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and unless, before picking, they have attained at least twenty-five per cent of characteristic color. Grapefruit which are at least seventy per cent colored at the time of picking shall be considered mature if the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five parts to every part of acid contained in the juice. No grapefruit may be accelerated in color unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization). In view of differences in climatic conditions prevailing south and east of San Gorgonio Pass, which results in the grapefruit grown in that area having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit grown in the area north and west of said San Gorgonio Pass, grapefruit produced in the area south and east of San Gorgonio Pass shall not be considered mature unless the juice contains soluble solids equal to or in excess of six parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and has attained, before picking, at least twenty-five per cent of characteristic yellow color. In the event that the maturity standard fixed for that area south and east of San Gorgonio Pass should be declared void it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail. Grapefruit produced outside of this State under climatic conditions similar to those prevailing in the area south and east of San Gorgonio Pass and offered for sale in this State shall meet the same maturity standard as those prescribed for grapefruit produced south and east of said San Gorgonio Pass.

"Twenty-five per cent characteristic yellow color" in the case of grapefruit is defined as that color designated by the Munsell color notation as hue three and three one-hundredths green-yellow, value five and sixty-one one-hundredths, chroma, four and nine-tenths (3.03 GY 5 61/4.9), and "seventy per cent colored" as hue seven yellow, value seven, chroma six (7Y7/6). Grapefruit shall be considered as having exceeded twenty-five or seventy per cent color if the average hue of the surface of each fruit is numerically less than three and three one-hundredths green-yellow and seven yellow, respectively, regardless of the other components of the color.

(Amended by Ch. 285, Stats. 1933.)

[ORIGINAL SECTIONS.]

797. Grapefruit shall not be considered mature unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and unless they have attained at least twenty-five per cent of characteristic color before picking. Grapefruit which are

at least seventy per cent colored at the time of picking shall be considered mature if the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five parts to every part of acid contained in the juice. No grapefruit may be accelerated in color unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization). In view of differences in climatic conditions prevailing south and east of San Gorgonio Pass, which results in the grapefruit grown in that area having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit grown in the area north and west of San Gorgonio Pass, grapefruit produced in the area south and east of San Gorgonio Pass shall not be considered mature unless the juice contains soluble solids equal to or in excess of six parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and has attained at least twenty-five per cent of characteristic yellow color before picking. In the event that the maturity standard fixed for that area south and east of the San Gorgonio Pass should be declared void, it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail. Grapefruit produced outside of this State under climatic conditions similar to those prevailing in the area south and east of San Gorgonio Pass and offered for sale in this State shall meet the same maturity standards as those prescribed for grapefruit produced south and east of San Gorgonio Pass.

"Twenty-five per cent characteristic yellow color" in the case of grapefruit is defined as that color designated by the Munsell color notation as hue three and three one-hundredths green-yellow, value five and sixty-one one-hundredths, chroma, four and nine-tenths (3.03 G Y 5.61/4.9) and "seventy per cent colored" as hue seven yellow, value seven, chroma six (7Y7/6). Grapefruit shall be considered as having exceeded twenty-five or seventy per cent color if the average hue of the surface of each fruit is numerically less than three and three-hundredths green-yellow and seven yellow, respectively, regardless of the other components of the color.

Dates.

798. Dates and date by-products shall be free from mold, decay, worms, insect injury, insect debris or frass, fermentation, sourness and bird pecks causing injury to the flesh.

Not more than five per cent, by count, or in the case of dates packed in blocks, by weight, of the dates in any one container or bulk lot may be below these requirements but not to exceed one-half of this tolerance shall be allowed for any one cause, except that no part of this tolerance shall be allowed for the presence of live insects.

All containers and subcontainers of dates or date by-products shall bear upon them in plain sight on the outside thereof the net weight, and in letters not less than one-half of an inch in height, the name of the State or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type. All dates displayed for sale in bulk shall bear upon them in plain sight on the outside thereof, or upon a placard so placed as to have reference to such dates, in letters not less than one-half of an inch in height, the name of the State or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type. All containers or subcontainers of dates which have been subjected to a hot water or steam process treatment must be plainly marked on the outside thereof in letters not less than one-half of an inch in height with the words "hydrated

dates" or "steamed dates." In the case of any containers or subcontainers of contents of not more than three pounds net weight, these markings shall be in letters of not less than one-eighth of an inch in height.

Dates which are being delivered to any person in the State for the purpose of grading, packing or reconditioning, or which are being held in storage for such purposes, are exempt from the provisions of this section.

(Amended by Ch. 183, Stats. 1933.)

[ORIGINAL SECTION.]

798. Dates shall be free from mold, decay, worms, fermentation, and sourness

Not more than ten per cent, by count, of the dates in any one container or bulk lot may be below these requirements.

All containers and subcontainers of dates or date by-products shall bear upon them in plain sight on the outside thereof the net weight, and in letters not less than one-half of an inch in height, the name of the State or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type In the case of any containers or subcontainers of contents of not more than three pounds net weight, this marking may be in letters of not less than one-eighth of an inch in height.

Grapes

799. There are two standards for grapes. All grapes of the varieties in group A shall be considered table grapes and all other varieties juice grapes. Grapes of all varieties must at least meet the standard for juice grapes.

Groups

GROUP A.

(White)

Almeria
Aspiran Blanc
Bicane
Chasselas de Fontainebleau
Chasselas Napoleon
Cornichon Blanc
Dattier de Beyrouth
Dizmar
Golden Queen
Kahalili
Khandahar
Lady Finger
Malaga
Ohanez
Olivette Blanche
Olivette de Vendemain
Persian 23
Pizzutello di Roma
Rish Baba
Rosaki
Thompson Seedless

(Red)

Angelino
Catawba
Flame Tokay
Hunisa
Maraville de Malaga
Molinera Gorda
Pink Thompson Seedless
Piment
Chasselas Rose
Emperor
Red Malaga
Rose de Falloux
Sultanina Rose
Tokay
Zabalkanski
Zabalkanskoi

(Black)

Black Corinth	Black Monukka
Black Ferrara	Black Morocco
Black Hamburg	Muscat Albardiens
Black Zante	Black Prince
Bleu Grau	Muscat Hamburg
California Concord	Olivette Noir
Concord	Panariti
Corinthe Noir	Pierce
Cornichon	Pierce Isabella
Danugue	Pizzutello Nero
Drodelabi	Prune de Cazouls
Frankenthal	Purple Damascus
Fresno Beauty	Rose of Peru
Gros Colman	Ribier
Gros Guillaume	Servian Blue
Isabella	Snow's Muscat Hamburg
Isabella Regia	Zante Currant

and other similar varieties.

Table grapes.

800. Table grapes shall consist of bunches of grapes which are mature, and free from serious damage, caused by any of the following defects: mildew and insect injury which has penetrated or damaged the flesh of the berry, and from mold, decay, severe freezing injury, raisined berries, sunburned or dried berries and waterberry or redberry. Damage to any one bunch is not serious unless more than five per cent, by count, of the berries on any one bunch are affected by one or more of the above defects.

Not more than ten per cent by weight, of the bunches in any one container or bulk lot may be below these requirements.

If the grapes meet the requirements of the standard for table grapes the containers of such grapes may be marked with the term "table grade" or "table grapes."

Juice grapes.

801. Juice grapes shall be mature and free from mold, decay, waterberry, redberry and severe freezing injury.

Not more than fifteen per cent, by weight, of the berries in any one container or bulk lot may be below these requirements.

Any grapes which fail to meet the standard for juice grapes may be disposed of only as provided in section 830, but a grower of grapes may sell part or all of his crop, which fails to meet the standard for juice grapes, to a purchaser for the sole and express purpose of being used by such purchaser for the manufacture of a by-product in the State. Each such sale shall be made only under written permit of an enforcing officer of this chapter, who may require from the grower or purchaser of such grapes such proof as he deems necessary that they will be used only as herein provided.

802. As applied to grapes:

Definitions.

(a) "Mature" means that each bunch of the varieties classified above in group A shall test not less than seventeen per

cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Thompson Seedless and Malaga varieties of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of these varieties grown in the area south and east of San Gorgonio Pass, Thompson Seedless and Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than eighteen per cent; however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Olivette Blanche, Ladyfinger, Rish Baba, Khandahar, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dizmar and Ribier shall test not less than sixteen per cent. "Mature" in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than eighteen per cent and the variety Burger shall test not less than sixteen per cent. Definitions

In the event that the maturity standard fixed for the Thompson Seedless and Malaga varieties of grapes produced in that area northwest of the San Gorgonio Pass should be declared void, it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail.

Any varieties included in group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, any varieties included in group A shall always be tested for maturity on a bunch unit basis and all other varieties on an average or composite test of all the grapes in the container or bulk lot.

(b) "Waterberry" means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

(c) "Redberry" means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

(d) "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

(e) "Sunburned or dried berries" means grapes which show complete drying out from any cause, of part or all of any individual berries.

(f) "Severe freezing injury" means damage affecting the pulp of the berries.

(Amended by Ch. 944, Stats. 1933.)

[ORIGINAL SECTION.]

802. As applied to grapes:

(a) "Mature," means that each bunch of the varieties classified above in group A shall test not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer, however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Prince Isabella, Pierce, Isabella Regia, California Concord, Concord, Olivette Blanche, Lady Finger, Rish Baba, Khandahar, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23 (Dizmar) and Ribier shall test not less than sixteen per cent. "Mature" in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than eighteen per cent and the variety Burger shall test not less than sixteen per cent.

Any varieties included in group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes but regardless of standard, any varieties included in group A shall always be tested for maturity on a bunch unit basis and all other varieties on an average or composite test of all the grapes in the container or bulk lot.

(b) "Waterberry" means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

(c) "Redberry" means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

(d) "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

(e) "Sunburned or dried berries" means grapes which show complete drying out from any cause, of part or all of any individual berries.

(f) "Severe freezing injury" means damage affecting the pulp of the berries.

Peaches

803. Fresh peaches shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end, and from mold, brown rot, and decay, and free from serious damage, due to cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes. Damage to any one peach is not serious unless it causes a waste of ten per cent, by weight, of the individual peach.

Not more than ten per cent, by count, of the peaches in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Packed peaches shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

Pears

804. Fresh pears shall be mature but not overripe, free from codlin moth larvae, mold, decay, black end, unsealed cuts, and skin breaks; and free from serious damage, due to hail, scab or other diseases, hard end, bruises, limb rubs, frost, codlin moth larvae or other insects.

Damage to any one pear is not serious when it is caused by:

(a) Scab, unless the spots cover an aggregate area of more than one-half of an inch in diameter.

(b) Hail damage, unless it affects an aggregate area of more than one-half inch in diameter or is more than one-fourth of an inch in depth.

(c) Codlin moth larvae, unless it causes unhealed stings or holes, however superficial, well healed codlin moth stings are not serious.

(d) Thrip mark, blister mite or other superficial blemishes caused by insects, unless more than ten per cent of the surface of the fruit is affected or they cause a depression of more than one-fourth of an inch in depth.

(e) Other diseases, limb rubs, frost, bruises, or hard end, unless such defects cause a waste of more than ten per cent, by weight, of the individual pear.

Not more than ten per cent, by count, of the pears in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. Pears which fail to meet these requirements only because of serious damage caused by hail, shall be considered as complying with this standard, if the container in which they are packed or placed is plainly marked, on the outside of one end thereof, in letters not less than one-half inch in height, with the words "hail marked."

Packed pears shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of cross section.

Bartlett pears shall not be considered mature unless at the time of picking the average pressure test of not less than ten representative pears of the lot does not exceed twenty-three pounds. However, pears which at the time of picking show a yellowish green color, as indicated by the color chart prepared by the department, shall be considered mature regardless of the pressure test. The pressure test shall be determined by means of a fruit pressure tester measuring in pounds the force required to push a rounded plunger five-sixteenths of an inch in diameter into the flesh of the fruit to a depth of five-sixteenths of an inch, after the skin from the areas tested, but little of the underlying flesh, has been removed. Two such determinations are to be made on each specimen selected as a sample and the average of all individual readings from the sample shall be considered as the pressure test of the lot. Pressure test readings shall be made on opposite sides, and approximately at the widest portion of the cross section of the fruit at right angles to the core. Sunburned or very highly colored areas shall be avoided in making pressure tests.

Persimmons

805. Oriental persimmons shall be mature but not overripe, shall be free from mold, and decay; and free from serious damage, due to cuts, bruises, breaking of the skin, growth cracks, hail, or other causes. Damage to any one persimmon is not serious unless it causes a waste of ten per cent, by weight, of the individual persimmon.

Not more than ten per cent, by count, of the oriental persimmons in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

Packed oriental persimmons shall not vary in any one container more than one-half of one inch in diameter, when measured through the widest portion of the cross-section.

No oriental persimmon shall be considered mature unless at the time of picking at least seventy-five per cent of the surface has attained an orange or reddish color and the remaining per cent of the surface has attained a yellowish green color.

(Amended by Ch. 218, Stats. 1933.)

[ORIGINAL SECTION.]

805. Oriental persimmons shall be mature but not overripe, shall be free from mold, and decay; and free from serious damage, due to cuts, bruises, breaking of the skin, growth cracks, hail, or other causes. Damage to any one persimmon is not serious unless it causes a waste of ten per cent. by weight, of the individual persimmon.

Not more than ten per cent, by count, of the oriental persimmons in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

Packed oriental persimmons shall not vary in any one container more than one-half of one inch in diameter, when measured through the widest portion of the cross section.

No oriental persimmon shall be considered mature unless the entire surface has attained an orange or reddish color.

Plums and fresh prunes.

806. Plums and fresh prunes shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, and from unsealed skin breaks or cuts, mold, brown rot, decay, and free from serious damage due to cuts, bruises, growth cracks, sunburn, hail, or other causes. Damage to any one plum or fresh prune is not serious unless it causes a waste of ten per cent, by weight, of the individual plum or fresh prune.

Not more than ten per cent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

Packed plums and fresh prunes shall not vary in size between the fruits, in any one container, more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

Pomegranates.

807. "Wonderful" pomegranates shall be mature, free from rot, and decay; and free from serious damage, due to sunburn, growth cracks, cuts or bruises, or other causes. Damage to any one "Wonderful" pomegranate, except damage caused by sunburn, is not serious unless it causes a waste of ten per cent, by weight, of the fruit. Damage caused by sunburn is not serious unless twenty per cent of the seed arils of the fruit fail to show the characteristic reddish color of normal matured fruit.

Not more than ten per cent, by count, of the "Wonderful" pomegranates in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Packed "Wonderful" pomegranates shall not vary in any one container more than one-half of an inch in diameter, when measured through the widest portion of the cross section.

A "Wonderful" pomegranate shall not be considered mature unless the juice is at least as dark in color as the shade of red shown by the Lovibond tintometer scale, red twenty plus yellow one, when measured in a one-fourth inch cell, in addition to which the juice shall contain not to exceed one and eighty-five one-hundredths per cent of acid.

Quinces

808. Quinces shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, and from mold, and decay, and free from serious damage, due to cuts or skin breaks, bruises, cracks, scab, disease, hail, or other causes. Damage to any one quince is not serious unless it causes a waste of ten per cent, by weight, of the individual quince.

Not more than ten per cent, by count, of the quinces in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Packed quinces shall not vary in size in any one container more than one-half of an inch in diameter when measured through the widest portion of the cross section.

Walnuts.

809. Walnuts shall be free from blanks, insect larvae, insect injury which has penetrated or damaged the meat of the nut, free from kernels which are rancid or affected by green or yellow mold; and free from serious damage due to white mold, gray mold, shriveling, or other causes. Damage to the kernel of any one walnut, when resulting from white mold, gray mold, or other causes except shriveling, is not serious unless such defects cover more than twenty-five per cent of the surface of the kernel of a particular nut. Damage caused to the meat of any walnut by shriveling is not serious unless more than twenty-five per cent of the kernel of the nut is shriveled so that the meat is leathery, tough, unpalatable or decidedly shrunken.

Not more than twenty per cent by count, of the walnuts in any one container or bulk lot may be below these requirements but not to exceed one-half of this tolerance shall be allowed for walnuts affected by insect injury or showing the presence of insect larvae.

All containers of walnuts shall bear upon them in plain sight and in plain letters, not less than one and one-half inches in height on the outside thereof, the name of the State or of the foreign country where the nuts were produced.

(Amended by Ch. 88, Stats. 1933.)

[ORIGINAL SECTION.]

809. Walnuts shall be mature, free from blanks, insect larvae, insect injury which has penetrated or damaged the meat of the nut, free from kernels which are rancid or affected by green mold; and free from serious damage due to white mold, gray mold, shriveling, or other causes. Damage to the kernel of any one walnut, when resulting from white mold, gray mold, or other causes except shriveling, is not serious unless such defects cover more than twenty-five per cent of the surface of the kernel of a particular nut. Damage caused to the meat of any walnut by shriveling is not serious unless more than twenty-five per cent of the kernel of the nut is shriveled so that the meat is leathery, tough, unpalatable or decidedly shrunken.

Not more than twenty per cent by count, of the walnuts in any one container or bulk lot may be below these requirements.

All containers of walnuts shall bear upon them in plain sight and in plain letters, not less than one and one-half inches in height on the outside thereof, the name of the State or of the foreign country where the nuts were produced.

Artichokes.

810. Globe artichokes shall be free from mold, decay, and insect injury or insect larvae; and free from serious damage due to freezing or other causes. Damage to any one artichoke from freezing is not serious unless the heart of the artichoke or that portion of the stem extending one and one-half inches or less, below the bottom of the artichoke, is discolored due to this cause. Damage from other causes is not serious unless it causes a waste of ten per cent, by weight, of the edible portion of the artichoke.

Not more than ten per cent, by count, of the Globe artichokes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Globe artichokes, when packed, shall not vary in size, in any one container, more than three-fourths of an inch in diameter when measured through the widest portion of cross section.

Asparagus

810.5. Fresh asparagus shall not be wilted, or crushed (except such injuries as are necessarily caused in proper sorting or packing); stalks shall not have badly broken, badly spreading or badly seeded tips and shall be free from decay and from damage caused by dirt, disease, insects, mechanical injury or other causes. Stalks of asparagus, when bunch packed, shall not be badly crooked. "Damage" means any injury from the causes mentioned which materially affects the quality.

Not more than ten per cent, by count, of the asparagus stalks in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. Asparagus which fails to meet these requirements only because of being "badly crooked" shall be considered as complying with this standard if the container in which it is packed is plainly marked on the outside of the end bearing other markings required by this section, in letters not less than one-half inch in height, with the word "crooks."

In view of differences in climatic and other natural conditions prevailing south and east of San Gorgonio Pass, which

causes fresh asparagus grown in that area to be satisfactory in quality only if a large portion of the stalk is green or colored as compared to asparagus grown in the area north and west of the San Gorgonio Pass, stalks of asparagus produced in the area south and east of San Gorgonio Pass shall have not more than two inches of white on the butt, except that not more than twenty per cent of the stalks in any bunch, or when not packed in bunches, twenty per cent of the stalks in any container, may have not to exceed two and one-half inches of white.

Bunches of asparagus classified according to the following designated size grades shall contain the number of stalks indicated in each classification and shall weigh not less than two pounds net when packed, except that bunches smaller than two pounds net when packed, with a proportionately less number of stalks per bunch, may be so classified if the container is conspicuously marked, on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, with the number of bunches and the minimum weight per bunch. Not less than twelve bunches of asparagus so classified may be packed in standard container number 51.

Colossal, not more than fourteen stalks to a bunch.

Jumbo, fifteen to twenty stalks to a bunch.

Extra select, twenty-one to twenty-eight stalks to a bunch.

Select, twenty-nine to forty-two stalks to a bunch.

Extra fancy, forty-three to sixty-seven stalks to a bunch.

Fancy, sixty-eight to one hundred stalks to a bunch.

"Crooks" when packed in bunches shall have no more than sixty-seven stalks to a bunch.

The number of stalks of asparagus packed in bunches shall not vary more than ten per cent from the count of the grade classification as marked, except that ten per cent. by count, of the bunches in any one container may exceed this tolerance.

Containers.

All containers of asparagus packed in bunches shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the asparagus, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, the net weight, and in letters not less than one-half inch in height, the grade classification as herein established, except that crates of bunch packed asparagus which is badly crooked and so marked with the designation "crooks" need not bear any other grade classification; and in the case of bunches smaller than two pounds, with the number of bunches and minimum weight per bunch. When bunches of different grades are packed in one container, the markings on each container shall clearly show the number of bunches of each grade.

If ninety per cent, by count, of the stalks of asparagus in any container have less than fifty per cent of the length of

the stalk white, the containers may be marked with the term "green."

Asparagus packed in bunches shall be in standard container number 51. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half of an inch in height with the words "irregular container."

(Added by Ch. 332, Stats. 1933.)

Cantaloupes.

811. Cantaloupes shall be mature but not overripe, not poorly netted, and free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the cantaloupe; and free from serious damage, due to bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, wilting, or other causes. Damage to any one cantaloupe is not serious unless it affects the edible portion of the individual cantaloupe.

Not more than ten per cent, by count, of the cantaloupes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Cantaloupes when packed shall be virtually uniform in size and there shall be the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

"Mature" in the case of cantaloupes means that the appearance of the outside indicates maturity and the arils which surround the seed during the development of maturity have been absorbed and, in addition, that the juice of the edible portion shall contain not less than eight per cent soluble solids as determined by the Balling or Brix scale hydrometer. In view of differences in climatic and other natural conditions prevailing south and east of San Gorgonio Pass, which result in the cantaloupes grown in that area having, at maturity, a higher percentage of soluble solids than the mature cantaloupes grown in the area north and west of San Gorgonio Pass, mature in the case of cantaloupes produced in the area south and east of San Gorgonio Pass, means, in addition to the maturity requirements herein specified, that the juice of the edible portion shall contain not less than nine per cent soluble solids, as determined by the Balling or Brix scale hydrometer.

All closed containers of packed cantaloupes shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the cantaloupes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer. All containers of cantaloupes in which the pack does not conform to the standard pack provisions for cantaloupes in section 829 shall be conspicuously marked in letters not less than one-half inch in height "irregular pack."

(Amended by Ch. 182, Stats. 1933.)

[ORIGINAL SECTION.]

811. Cantaloupes shall be mature but not overripe, not poorly netted, and free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the cantaloupe; and free from serious damage, due to bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, wilting, or other causes. Damage to any one cantaloupe is not serious unless it affects the edible portion of the individual cantaloupe.

Not more than ten per cent, by count, of the cantaloupes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Cantaloupes when packed shall be virtually uniform in size and there shall be the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

"Mature" in the case of cantaloupes means that the appearance of the outside indicates maturity and the arils which surround the seed during the development of maturity have been absorbed and, in addition, that the juice of the edible portion shall contain not less than eight per cent soluble solids as determined by the Balling or Brix scale hydrometer.

Carrots.

812. Carrots shall be free from decay and insect injury which has penetrated or damaged the flesh; and free from serious damage due to growth cracks, doubles, disease, green discoloration, or other causes. Damage to any one carrot is not serious unless it causes a waste of twenty per cent, by weight, of the individual carrot.

Not more than five per cent by weight, of the carrots in any one container or bulk lot may be below these requirements.

Cauliflower and broccoli.

813. Cauliflower and broccoli shall be free from rots and worm or other insect injury which has penetrated or damaged the curd; and free from serious damage due to freezing, sunburn, or other causes. Damage to the head of any one cauliflower or broccoli is not serious unless it causes a waste of twenty per cent of the edible portion of the individual cauliflower or broccoli. Not more than five per cent, by count, of the heads in any one lot of containers or bulk lot may be below these requirements but no container or bulk lot of less than ten heads shall have more than twenty per cent, by count, of the heads which are below these requirements.

Cauliflower and broccoli when packed in any container, shall be properly trimmed. Properly trimmed means that the number of jacket leaves shall be limited to those necessary to protect the head.

Head lettuce

814. Head lettuce shall not be leafy without head formation and shall be free from slime, decay or rot affecting leaves within the head, internal insect injury, and free from seed stems which have so developed that they are apparent upon external examination; and free from serious damage caused by bursting, tip burn or freezing. Damage caused by bursting is not serious unless the head is burst open or is materially misshapen from this cause. Damage caused by freezing or tip burn is not serious unless it affects any portion of the head inside of the six outer head leaves.

Not more than ten per cent, by count, of the heads of lettuce in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

Head lettuce, when packed, shall not vary in size in any one container more than ten per cent of heads which would pack a size, larger or smaller, than the size marked, and they shall be tightly packed so that it is not possible without damaging or injuring the lettuce, to place additional heads in any of the layers of heads in the container.

All closed containers of packed lettuce shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the lettuce, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and in figures not less than one-half inch in height the exact number of heads contained therein; provided that in the case of ten per cent of the crates in any lots the contents may vary not more than three heads from the count as marked.

Head lettuce shall be in standard container number 45A and 45B. Other size containers may be used if conspicuously and indelibly marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters and number not less than one-half of an inch in height with the inside width in inches directly preceded by the word "width" and the inside length in inches, directly preceded by the word "length."

(Amended by Ch. 180, Stats. 1933.)

[ORIGINAL SECTION.]

814. Head lettuce shall not be leafy without head formation and shall be free from slime, decay or rot affecting leaves within the head, internal insect injury, and free from seed stems which have so developed that they are apparent upon external examination; and free from serious damage caused by bursting or freezing. Damage caused by bursting is not serious unless the head is burst open or is materially misshapen from this cause. Damage caused by freezing is not serious unless it affects any portion of the head inside of the six outer head leaves.

Not more than ten per cent, by count, of the heads of lettuce in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

Head lettuce, when packed, shall not vary in size in any one container more than ten per cent of heads which would pack a size, larger or smaller, than the size marked, and they shall be tightly packed so that it is not possible without damaging or injuring the lettuce, to place additional heads in any of the layers of heads in the container.

Head lettuce packed in ice shall be in standard container number 45. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters and numbers not less than one-half of an inch in height with the inside width in inches directly preceded by the word "width" and the inside length in inches, directly preceded by the word "length."

Melons

815. Persian melons, casabas, honeydew and honeyball melons and watermelons shall be mature but not overripe, shall be free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the melon; and free from serious damage. due to growth cracks, cuts, bruises, sunburn, softness, or other causes. Damage to any one of the

melons mentioned herein is not serious unless it affects the edible portion of the melon.

Not more than ten per cent, by count, of the melons in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

"Mature" in the case of casabas, honeydew and honeyball melons, and watermelons means that the appearance from the outside indicates maturity and that the arils which surround the seeds have been absorbed and also, in the case of watermelons, that the flesh of the watermelons has not less than seventy-five per cent red color; in the case of honeyball melons that the juice of the edible portion shall contain not less than twelve per cent soluble solids as determined by the Balling or Brix scale hydrometer or that the fruit has been separated from the vine by a "full slip," which indicates actual maturity; and in the case of honeydew melons that the juice of the edible portion shall contain not less than ten per cent soluble solids as determined by the Balling or Brix scale hydrometer or that the fruit has been separated from the vine by a "full slip," which indicates actual maturity. In view of differences in climatic and other natural conditions prevailing south and east of San Gorgonio Pass, which result in the honeydew melons grown in that area having, at maturity, a higher percentage of soluble solids than the mature honeydew melons grown in the area north and west of San Gorgonio Pass, mature in the case of honeydew melons produced in the area south and east of San Gorgonio Pass means, in addition to the maturity requirements herein specified, that the juice of the edible portion shall contain not less than eleven per cent soluble solids as determined by the Balling or Brix scale hydrometer. A "full slip" means that the fruit has separated from the stem leaving a clean, natural scar, with no portion of the stem remaining attached, and no torn or broken skin on the fruit.

Melon containers

All closed containers of packed melons shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the melons, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(Amended by Ch. 181, Stats. 1933.)

[ORIGINAL SECTION]

815. Persian melons, casabas, honeydew melons and watermelons shall be mature but not overripe, shall be free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the melon; and free from serious damage, due to growth cracks, cuts, bruises, sunburn, softness, or other causes. Damage to any one of the melons mentioned herein is not serious unless it affects the edible portion of the melon.

Not more than ten per cent, by count, of the melons in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause

"Mature" in the case of casabas, honeydew melons, and watermelons means that the appearance from the outside indicates maturity and that

the arils which surround the seeds have been absorbed and also, in the case of watermelons, that the flesh of the watermelons has not less than seventy-five per cent red color.

Onions

816. Onions shall be free from insect injury which has penetrated or damaged the edible portion of the onion and from mold and decay; and free from serious damage due to sun scald, heat, freezing, or other causes. Damage to any one onion is not serious unless it causes a waste of twenty per cent, by weight, of the individual onion.

Not more than five per cent, by weight, of the onions in any one container or bulk lot may be below these requirements.

Peas

817. Pods of peas shall not be poorly filled or over-mature; and shall be free from insect larvae and from serious damage due to insects, freezing, mildew, decay, or other causes.

Damage to any one pod is not serious unless twenty per cent or more of the peas in the pod are affected.

Not more than ten per cent of the pods in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Pods of peas are not "poorly filled" if one-half or more of the pod is filled with fairly well developed peas.

"Overmature" means that more than one-third of the surface of the pod is wrinkled, shriveled, or yellow.

Potatoes

818. Potatoes shall be free from mold, decay, soft and wet rots, black heart, and hollow heart; and free from serious damage due to insect injury, freezing, sun scald, dry rots, scab, growth cracks, sunburn, second growth, cuts, bruises, grass roots, nematodes, or other causes. Damage to any one potato is not serious unless it causes a waste of twenty per cent, by weight, of the individual potato.

Not more than five per cent, by weight, of the potatoes in any one container or bulk lot may be below these requirements.

Sweet potatoes.

819. Sweet potatoes shall be free from mold, decay, and soft and wet rots; and free from serious damage due to insect injury, bruises, growth cracks, or other disease, freezing, grass roots, or other causes. Damage to any one sweet potato is not serious unless it causes a waste of ten per cent, by weight, of the individual potato.

Not more than ten per cent, by weight, of the sweet potatoes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Tomatoes.

820. Tomatoes shall be mature but not overripe, shall be free from pin worm damage which has penetrated beyond the tissue making up the base of the core of the tomato, other insect injury which has penetrated or damaged the flesh, and from mold, decay, and wet or soft rots; and from serious damage due to freezing, blossom end rot, mosaic, alkali spot, sun scald, bruises, cat faces, growth cracks, or other causes. Damage to any one tomato is not serious unless it causes a waste of twenty per cent, by weight, of the individual tomato.

Not more than ten per cent, by weight, of the tomatoes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Packed and wrapped tomatoes shall not vary in size in any one container, more than one-half of an inch in diameter when measured through the widest portion of cross section.

Tomatoes when packed, in standard California lug boxes, shall have in the center and the bottom layer the same count, which, in case wide cleats are used, and such cleats interfere with the packing of the top layer, may not exceed one row more in length than the top layer, and if packed on edge, one row more in width than the top layer, but which shall not be less than the count in the top layer.

Apples

821. Apples shall conform to one of the following standards:

(a) The "Extra Fancy" grade consists of well grown, properly matured apples of one variety which are clean, hand picked, well colored, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, scale, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, insect pests, limbrub, spray burn, sun scald, russeting except within the basin of the stem, drought spot, hail mark, frost injury, internal browning, apple scab and other diseases, insect bites, and other defects.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

Not more than ten per cent, by count, of the apples in any container may be below the requirements of apples of this grade, but not to exceed one-half of this tolerance shall be allowed for any one cause.

(b) The "Fancy" grade consists of well grown, properly matured apples of one variety which are clean, hand picked, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from appreciable damage caused by limbrub, spray burn, sun scald, russeting, drought spot, hail mark, frost injury, internal browning, apple scab, flyspeck fungus and other diseases, insect pests, sun spots, and other defects.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

Not more than ten per cent, by count, of the apples in any container may be below the requirements of this grade, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

(c) The "Fancy Loose" grade shall conform in all respects to the fancy grade except that: the apples in this grade shall not be wrapped and shall be of a size that will not pass through

a ring two and one-fourth inches in diameter, and need not be packed, uniform in size, or in clean or standard boxes.

(d) The "C" grade consists of properly matured apples of one variety which are virtually clear, hand picked, free from decay, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from serious damage caused by stem punctures, visible Baldwin spot, Jonathan spot, sun scald, spray burn, hail marks, frost injury, internal browning, apple scab, insect pests and blossom end cracks.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

Not more than ten per cent, by count, of the apples in any one container, may be below the requirements of this grade, but not to exceed one-half of this tolerance shall be allowed for any one cause.

(e) The "C grade loose" shall conform in all respects to the C grade except that the apples in this grade shall not be wrapped, and need not be hand picked, packed, uniform in size or in clean or standard boxes.

(f) The combination fancy and C grade loose shall meet all requirements of C grade loose apples and shall include in each container not less than fifty per cent, by count, of apples meeting all requirements of the fancy loose grade. None of the apples of the grade combination fancy and C grade loose shall be of a size that will pass through a ring two and one-fourth inches in diameter.

Tolerances

Although the tolerances specified for the various standards necessarily are placed on a package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed. The entire lot shall average within the tolerance established. No container shall have more insect pests or decay than the amount specified in the tolerance established.

(Amended by Ch. 180, Stats. 1933.)

[ORIGINAL SECTION.]

821. Apples shall conform to one of the following standards:

(a) The "Extra Fancy" grade consists of well grown, properly matured apples of one variety which are clean, hand picked, well colored, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, insect pests, limbrub, spray burn, sun scald, russeting except within the basin of the stem, drought spot, hail mark, frost injury, internal browning, apple scab and other diseases, insect bites, and other defects.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

Not more than ten per cent, by count, of the apples in any container may be below the requirements of apples of this grade, but not to exceed one-half of this tolerance shall be allowed for any one cause.

(b) The "Fancy" grade consists of well grown, properly matured apples of one variety which are clean, hand picked, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, visible watercore, bruises (except

such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from appreciable damage caused by limbrub, spray burn, sun scald, russeting, drought spot, hail mark, frost injury, internal browning, apple scab, flyspeck fungus and other diseases, insect pests, sun spots, and other defects.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

Not more than ten per cent, by count, of the apples in any container may be below the requirements of this grade, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

(c) The "Fancy Loose" grade shall conform in all respects to the fancy grade except that: the apples in this grade need not be wrapped and shall be of a size that will not pass through a ring two and one-fourth inches in diameter, and need not be packed, uniform in size, or in clean or standard boxes.

(d) The "C" grade consists of properly matured apples of one variety which are virtually clean, hand picked, free from decay, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from serious damage caused by stem punctures, visible Baldwin spot, Jonathan spot, sun scald, spray burn, hail marks, frost injury, internal browning, apple scab, flyspeck fungus, sun spots, insect pests and blossom end cracks.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

Not more than ten per cent, by count, of the apples in any one container, may be below the requirements of this grade, but not to exceed one-half of this tolerance shall be allowed for any one cause.

(e) The "C grade loose" shall conform in all respects to the C grade except that the apples in this grade shall not be wrapped, hand picked, packed, uniform in size or in clean or standard boxes.

(f) The combination fancy and C grade loose shall meet all requirements of C grade loose apples and shall include in each container not less than fifty per cent, by count, of apples meeting all requirements of the fancy loose grade None of the apples of the grade combination fancy and C grade loose shall be of a size that will pass through a ring two and one-fourth inches in diameter.

Although the tolerances specified for the various standards necessarily are placed on a package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed. The entire lot shall average within the tolerance established. No container shall have more insect pests or decay than the amount specified in the tolerance established

Apple containers

822. All containers of apples shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the apples or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; name of variety, if known, and when not known the words "unknown variety"; the grade of the apples therein contained; the date when such apples were first packed, or if repacked, the date of repacking; and on each container of apples which has been held in cold storage for more than thirty days after being packed, a statement of the fact that the contents have been held in cold storage; the minimum net weight of the apples contained therein, or the cubical contents of the package, and in the case of wrapped packed apples the numerical count. A variation of five apples, more or less, than the number stated, shall be allowed. Open containers of apples which are not packed shall be required to show only the name and address of the person who first packed or authorized the packing of the apples, and the designation of grade.

All markings required by this article, except net weight, shall be plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each box, lug or carton, and either on one side or the top cover of each basket, barrel or other container. The designation of grade shall be stated in letters of not less than one-half inch in height.

In lieu of the standard grade markings required by this section any container of apples may be marked with the name of the equivalent grade established for such apples in the United States standards for apples promulgated by the United States Department of Agriculture and approved by the director.

Wrapped apples

823. All wrapped apples shall be in one of the following containers: Standard apple box, depth inside, ten and one-half inches; width inside, eleven and one-half inches; length inside, eighteen inches. Half apple box, depth inside, five and one-fourth inches; width inside, eleven and one-half inches; length inside, eighteen inches. Packed or loose unwrapped apples may be in other size containers, and wrapped apples may be in containers smaller than the half apple box, if these are conspicuously marked, in letters not less than one-half inch in height, "irregular container." Such marking is not required on open containers of apples which are not packed.

Damage in storage

824. When any lot of apples has been inspected and passed by an enforcing officer of this chapter as conforming to the requirements of this code, and has thereafter been sold, and placed in cold storage or shipped to a purchaser, the person who was owner, packer, or shipper of the lot at the time of such inspection, shall not be prosecuted hereunder by reason of any failure of any of said fruit to conform to the provisions of this chapter as a result of deterioration subsequent to the original inspection. Any such stored lot of apples may be sold to a purchaser who must immediately recondition the apples upon their removal from storage so that they conform to the provisions of this chapter.

Apple defects

825. As to apples "appreciable damage" means any injury or defect which appreciably affects the appearance or quality of the apple. The following defects are not appreciable damage:

(a) Limbrubs which are not soft and which affect not to exceed an aggregate area of three-fourths inch in diameter.

(b) Sunscald and sprayburn where the normal color of the skin is but slightly changed, and there is no blistering or cracking of the skin, and no discoloration of the flesh.

(c) Russeting which is not excessively rough, and which does not appear on more than twenty-five per cent of the surface of any one apple in the aggregate, except in the case of Newtown Pippins, on which it does not appear on more than thirty-three per cent of the surface of any one apple in the aggregate.

(d) Drought spots where the surface of the apple is only slightly discolored and depressed.

(e) Hail marks where such marks do not exceed two in number on any one apple and the injury therefrom is superficial and the skin has not been broken.

(f) Frost injury which is not more than skin deep and affects an aggregate area not exceeding one-half of an inch in diameter.

(g) Internal browning which shows not more than a trace of discoloration in the flesh.

(h) Scab spots on any one apple which in the aggregate do not exceed one-fourth of one inch in diameter.

(i) Slight flyspeck fungus.

(j) Two well healed case bearer, codlin moth or aphid stings on an apple, neither of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(k) Slight sunspots.

826. As to apples, "serious damage" means any injury or defect which seriously detracts from the appearance or quality of the apple. The following defects are not serious damage:

(a) Stem punctures, when affecting apples of the Newtown Pippin and Bellefleur varieties, if the punctures are slight and if such punctures affect less than fifty per cent, by count, of such apples in any one container or bulk lot. Stem punctures to any extent are serious when affecting any other variety of apples.

(b) Jonathan spot and/or Baldwin spot, when affecting apples of the Newtown Pippin and Bellefleur varieties if less than twenty-five per cent, by count, of such apples in any one container or bulk lot are affected by less than four spots of either or both of such defects. Jonathan spot and/or Baldwin spot in any extent are serious in all other varieties of apples.

(c) Sunscald and sprayburn, where there is no blistering or cracking of the skin or where the flesh is not seriously discolored or injured.

(d) Hail marks or frost injury, where such defects do not cover more than an aggregate area of one-tenth of the surface of the apple or materially deforms or disfigures the fruit.

(e) Internal browning, which can not be detected by external examination or pressure.

(f) Scab spots on any one apple which in the aggregate do not exceed one-half of one inch in diameter.

(g) Five well healed case bearer, codlin moth, or aphid stings on an apple, none of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(h) Slight blossom end cracks.

827. As used with reference to apples in this chapter: Definitions

(a) "Hand picked" means apples which do not show evidence of having been on the ground.

(b) "Clean" means free from dust or dirt and free from visible spray residue.

(c) "Well packed" means packed in regular, compact, diagonal arrangement of all of the fruit in any container, the

fruit being compacted, at the time of packing, with sufficient solidity so that it will not move in the container when lidded, the top and bottom of the box, when lidded, having a bulge of not less than one-half inch, and, where wrappers are used, all of the apples in the box being properly wrapped, with the exception of the bottom layer, which may be flagged.

(d) "Flagged" means incompletely covered by the use of wrappers which are not closed.

(e) "Uniform in size" means in boxes containing one hundred twenty-five apples, or less, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross section between the fruits in any one container; in boxes containing one hundred thirty-eight apples, or more, a variation of not more than three-eighths of one inch when so measured.

(f) "Cross section" means that section of the apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

(g) "Properly matured" means that the apples to which it refers, at the time they were taken or fell from the tree, had reached that stage of development necessary to insure the proper completion of the ripening process. Apples of the varieties Alexander, Red Astrachan, White Astrachan, Beitigheimer, White Winter Pearmain, Greening, and Fall Pippin need not be properly matured in order to meet the requirements of any grade except extra fancy.

(h) "Insect pests" include San Jose scale, codlin moth and other insects or the larvae, nymphs or pupae thereof, and any apple which has been infested with codlin moth and bears evidence of such infestation, with the exception of superficial, well healed codlin moth stings.

Standard containers

828. There are hereby established permissive standard containers and standard packs for the fruits, nuts and vegetables mentioned in section 829, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container. The words "standard" or "standard container" shall not be placed on any container unless such container conforms to the requirements specified for the standard containers of such fruit, nut or vegetable. When the fruit, nut or vegetable is packed in a standard container and in conformity to the standard pack established in this section for such product, and then only, may the container be marked with the words "standard pack" or "standard container and pack."

The following are the numbers, names and dimensions of the standard containers referred to:

1. Standard basket, approximately eight inches square on top, six and one-half inches square on bottom and four inches deep, inside measurements.

2. Standard four quart climax basket with following dimensions: length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom

piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurements; top of basket, length fourteen inches, width six and one-fourth inches, outside measurements. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used. Standard containers

3. Standard berry baskets: (a) Dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches. (b) Dry one-half pint containing an interior capacity of approximately sixteen and eight-tenths cubic inches.

No.	Name	Dimensions Depth inside in inches	Width inside in inches	Length inside in inches
4	Standard twelve-basket crate	2 7/8	13 1/2	18
5	Standard crate	4	16	16 1/8
6	Standard crate	4 1/4	16	16 1/8
7	Standard crate	4 1/2	16	16 1/8
8	Standard crate	4 3/4	16	16 1/8
9	Standard crate	5	16	16 1/8
10	Standard cherry box	2 1/4	9	18 1/8
11	Special cherry box	3	9 1/2	18 1/8
12	Standard cherry lug	4 1/2	9	18
13	Standard fruit box	3	11 1/2	18
14	Standard fruit box	3 1/2	11 1/2	18
15	Standard fruit box	4	11 1/2	18
16	Standard fruit box	4 1/4	11 1/2	18
17	Standard fruit box	4 1/2	11 1/2	18
18	Standard fruit box	4 3/4	11 1/2	18
19	Special pear box	5 1/2	11 1/2	18
20	Standard pear box	8 1/2	11 1/2	18
21	Standard artichoke box	9 1/2	11	20 5/8
22	Half artichoke box	4 7/8	11	20 5/8
23	Standard lug box	4	13 1/2	16 1/8
24	Standard lug box	4 1/4	13 1/2	16 1/8
25	Standard lug box	4 1/2	13 1/2	16 1/8
26	Standard lug box	5 1/16	13 1/2	16 1/8
27	Standard lug box	5 1/2	13 1/2	16 1/8
28	Special sawdust pack lug	11	13 1/2	16 1/8
29	Special sawdust pack lug	7 1/2	13 1/2	16 1/8
30	Standard artichoke lug	8 1/2	14	22 3/4
31	Standard orange box	11 1/2	11 1/2	24 5/8
32	Standard persimmon box	3 1/4	11 1/2	24 5/8
33	Half orange box	5 1/2	11 1/2	24 5/8
34	Standard pomegranate box	6 1/2	11 1/2	24 5/8
35	Standard lemon box	10	13	25 5/8
36	Half lemon box	5	13	25 5/8
37	Jumbo lemon box	11 1/8	13 1/2	25 5/8
38	Half jumbo lemon box	5 9/16	13 1/2	25 5/8
39	Standard cantaloupe crate	12	12	22 1/8
40	Pony cantaloupe crate	11	11	22 1/8
41	Jumbo cantaloupe crate	13	13	22 1/8
42	Standard cantaloupe flat	4	12	22 1/8
43	Special cantaloupe flat	4 1/2	13 1/2	22 1/8
44	Special cantaloupe flat	5	14 1/2	22 1/8
45	Standard crate	13	18	21 5/8
45A	Standard lettuce crate	13 1/4	17 1/2	21 5/8
45B	Standard lettuce crate	13	17 1/2	21 5/8
46	Standard cauliflower crate	8 1/2	18	21 5/8
47	Half sweet potato crate	7 1/2	11 1/2	22 3/8
48	Three-fourths sweet potato crate	9 1/2	14	22 3/8

Standard containers.

The inside length shown hereinabove for the half and three-quarters sweet potato crates, numbers 47 and 48, shall be a minimum length, with maximum outside length of these containers of twenty-four inches.

Standard containers numbers 45A and 45B, when lidded, shall have a lid not over twenty-five and one-fourth inches in length. The inside length shown hereinabove for the standard containers numbers 45, 45A, 45B and 46, shall be a minimum length, with maximum outside length of these containers of twenty-four and one-half inches; and the inside lengths of these containers shall be measured between the end slats, except that if flat end posts wider than one and one-half inches are used, the inside length shall be measured between the posts.

49. Standard grape drum, containing two thousand six hundred forty-two cubic inches, fourteen inches deep, fifteen and one-half inches wide, inside.

50. Standard grape keg containing two thousand six hundred forty-two cubic inches minimum.

51. The standard pyramid asparagus crate, maximum depth inside, eleven inches; length inside, eighteen inches; width at the bottom inside, eleven inches; maximum width at the top inside, ten inches, minimum width at the top inside, nine inches.

In standard containers numbers 31, 32, 33 and 34 the average inside length of the two compartments, between center and end pieces, shall be not less than eleven and fifteen-sixteenths inches. In standard containers numbers 35, 36, 37 and 38 the average inside length of the two compartments, between center and end pieces, shall be not less than twelve and seven-sixteenths inches.

These standard containers are hereinafter referred to by their respective numbers.

(Amended by Ch. 332, Stats. 1933.)

[As Amended by Ch. 180, Stats. 1933.]

828. There are hereby established permissive standard containers and standard packs for the fruits, nuts and vegetables mentioned in this section, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container. The words "standard" or "standard container" shall not be placed on any container unless such container conforms to the requirements specified for the standard containers of such fruit, nut or vegetable. When the fruit, nut or vegetable is packed in a standard container and in conformity to the standard pack established in this section for such product, and then only, may the container be marked with the words "standard pack" or "standard container and pack."

The following are the numbers, names and dimensions of the standard containers referred to:

1. Standard basket, approximately eight inches square on top, six and one-half inches square on bottom and four inches deep, inside measurements.

2. Standard four quart climax basket with following dimensions: length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurements; top of basket, length fourteen inches, width six and one-fourth inches, outside measurements. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

3. Standard berry baskets: (a) Dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches. (b) Dry one-half pint containing an interior capacity of approximately sixteen and eight-tenths cubic inches. Standard containers

No.	Name	Dimensions Depth inside in inches	Width inside in inches	Length inside in inches
4	Standard twelve-basket crate	2 7/8	13 1/2	18
5	Standard crate	4	16	16 1/8
6	Standard crate	4 1/8	16	16 1/8
7	Standard crate	4 1/2	16	16 1/8
8	Standard crate	4 3/4	16	16 1/8
9	Standard crate	5	16	16 1/8
10	Standard cherry box	2 1/4	9	18 1/8
11	Special cherry box	3	9 3/4	18 1/8
12	Standard cherry lug	4 1/2	9	18
13	Standard fruit box	3	11 1/2	18
14	Standard fruit box	3 1/2	11 1/2	18
15	Standard fruit box	4	11 1/2	18
16	Standard fruit box	4 1/4	11 1/2	18
17	Standard fruit box	4 1/2	11 1/2	18
18	Standard fruit box	4 3/4	11 1/2	18
19	Special pear box	5 1/2	11 1/2	18
20	Standard pear box	8 1/2	11 1/2	18
21	Standard artichoke box	9 1/4	11	20 5/8
22	Half artichoke box	4 7/8	11	20 5/8
23	Standard lug box	4	13 1/2	16 1/8
24	Standard lug box	4 1/4	13 1/2	16 1/8
25	Standard lug box	4 3/4	13 1/2	16 1/8
26	Standard lug box	5 1/16	13 1/2	16 1/8
27	Standard lug box	5 1/2	13 1/2	16 1/8
28	Special sawdust pack lug	11	13 1/2	16 1/8
29	Special sawdust pack lug	7 1/4	13 1/2	16 1/8
30	Standard artichoke lug	8 1/2	14	22 1/4
31	Standard orange box	11 1/2	11 1/2	24 5/8
32	Standard persimmon box	3 1/2	11 1/2	24 5/8
33	Half orange box	5 1/2	11 1/2	24 5/8
34	Standard pomegranate box	6 1/2	11 1/2	24 5/8
35	Standard lemon box	10	13	25 5/8
36	Half lemon box	5	13	25 5/8
37	Jumbo lemon box	11 1/8	13 1/2	25 5/8
38	Half jumbo lemon box	5 9/16	13 1/2	25 5/8
39	Standard cantaloupe crate	12	12	22 1/8
40	Pony cantaloupe crate	11	11	22 1/8
41	Jumbo cantaloupe crate	13	13	22 1/8
42	Standard cantaloupe flat	4	12	22 1/8
43	Special cantaloupe flat	4 1/2	13 1/2	22 1/8
44	Special cantaloupe flat	5	14 1/2	22 1/8
45	Standard cate	13	18	21 5/8
45A	Standard lettuce crate	13 3/4	17 1/2	21 5/8
45B	Standard lettuce crate	13	17 1/2	21 5/8
46	Standard cauliflower crate	8 1/2	18	21 5/8
47	Half sweet potato crate	7 3/4	11 1/2	22 1/8
48	Three-fourths sweet potato crate	9 3/4	14	22 1/8

The inside length shown hereinabove for the half and three-quarters sweet potato crates, numbers 47 and 48, shall be a minimum length, with maximum outside length of these containers of twenty-four inches.

Standard containers numbers 45A and 45B when lidded shall have a lid not over twenty-five and one-fourth inches in length. The inside length shown hereinabove for the standard containers numbers 45, 45A, 45B and 46, shall be a minimum length, with maximum outside length of this container of twenty-four and one-half inches; and the inside lengths of these containers shall be measured between the end slats, except that if flat end posts wider than one and one-half inches are used, the inside length shall be measured between the posts.

49. Standard grape drum, containing two thousand six hundred forty-two cubic inches, fourteen inches deep, fifteen and one-half inches wide, inside.

Standard containers

50. Standard grape keg containing two thousand six hundred forty-two cubic inches minimum.

In standard containers numbers 31, 32, 33 and 34 the average inside length of the two compartments, between center and end pieces, shall be not less than eleven and fifteen-sixteenths inches. In standard containers numbers 35, 36, 37 and 38 the average inside length of the two compartments, between center and end pieces, shall be not less than twelve and seven-sixteenths inches.

These standard containers are hereinafter referred to by their respective numbers.

[ORIGINAL SECTION.]

828. There are hereby established permissive standard containers and standard packs for the fruits, nuts and vegetables mentioned in section 829 when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container. The words "standard" or "standard container" shall not be placed on any container unless such container conforms to the requirements specified for the standard containers of such fruit, nut or vegetable. When the fruit, nut or vegetable is packed in a standard container and in conformity to the standard pack established in this section for such product, and then only, may the container be marked with the words "standard pack" or "standard container and pack."

The following are the numbers, names and dimensions of the standard containers referred to:

1. Standard basket, approximately eight inches square on top, six and one-half inches square on bottom and four inches deep, inside measurements.

2. Standard four quart climax basket with following dimensions: length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurements; top of basket, length fourteen inches, width six and one-fourth inches, outside measurements. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

3. Standard berry baskets: (a) Dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches. (b) Dry one-half pint containing an interior capacity of approximately sixteen and eight-tenths cubic inches.

No.	Name	Dimensions Depth inside in inches	Width inside in inches	Length inside in inches
4	Standard twelve-basket crate	2 7/8	13 1/2	18
5	Standard crate	4	16	16 1/8
6	Standard crate	4 1/4	16	16 1/8
7	Standard crate	4 1/2	16	16 1/8
8	Standard crate	4 3/4	16	16 1/8
9	Standard crate	5	16	16 1/8
10	Standard cherry box	2 1/4	9	18 1/8
11	Special cherry box	3	9 1/4	18 1/8
12	Standard cherry lug	4 1/2	9	18
13	Standard fruit box	3	11 1/2	18
14	Standard fruit box	3 1/2	11 1/2	18
15	Standard fruit box	4	11 1/2	18
16	Standard fruit box	4 1/4	11 1/2	18
17	Standard fruit box	4 1/2	11 1/2	18
18	Standard fruit box	4 3/4	11 1/2	18
19	Special pea box	5 1/2	11 1/2	18
20	Standard pear box	8 1/4	11 1/2	18
21	Standard artichoke box	9 3/4	11	20 5/8
22	Half artichoke box	4 7/8	11	20 5/8
23	Standard lug box	4	13 1/2	16 1/8
24	Standard lug box	4 1/4	13 1/2	16 1/8
25	Standard lug box	4 1/2	13 1/2	16 1/8
26	Standard lug box	5 1/16	13 1/2	16 1/8
27	Standard lug box	5 1/4	13 1/2	16 1/8
28	Special sawdust pack lug	11	13 1/2	16 1/8
29	Special sawdust pack lug	7 1/4	13 1/2	16 1/8
30	Standard artichoke lug	8 1/2	14	22 1/4

No.	Name	Dimensions Depth inside in inches	Width inside in inches	Length inside in inches
31	Standard orange box	11½	11½	24⅝
32	Standard persimmon box	3¾	11½	24⅝
33	Half orange box	5¾	11½	24⅝
34	Standard pomegranate box	6½	11½	24⅝
35	Standard lemon box	10	13	25⅝
36	Half lemon box	5	13	25⅝
37	Jumbo lemon box	11⅛	13½	25⅝
38	Half jumbo lemon box	5 9/16	13½	25⅝
39	Standard cantaloupe crate	12	12	22⅛
40	Pony cantaloupe crate	11	11	22⅛
41	Jumbo cantaloupe crate	13	13	22⅛
42	Standard cantaloupe flat	4	12	22⅛
43	Special cantaloupe flat	4½	13½	22⅛
44	Special cantaloupe flat	5	14½	22⅛
45	Standard lettuce crate	13	18	21⅝
46	Standard cauliflower crate	8½	18	21⅝
47	Half sweet potato crate	7¼	11½	22⅜
48	Three-fourths sweet potato crate	9¾	14	22⅜

The inside length shown hereinabove for the half and three-quarters sweet potato crates, numbers 47 and 48, shall be a minimum length, with maximum outside length of these containers of twenty-four inches.

The inside length shown hereinabove for the standard containers numbers 45 and 46, shall be a minimum length, with maximum outside length of this container of twenty-four and one-half inches; and the inside lengths of these containers shall be measured between the end slats, except that if flat end posts wider than one and one-half inches are used, the inside length shall be measured between the posts.

49. Standard grape drum, containing two thousand six hundred forty-two cubic inches, fourteen inches deep, fifteen and one-half inches wide, inside.

50. Standard grape keg containing two thousand six hundred forty-two cubic inches minimum.

In standard containers numbers 31, 32, 33 and 34 the average inside length of the two compartments, between center and end pieces, shall be not less than eleven and fifteen-sixteenths inches. In standard containers numbers 35, 36, 37 and 38 the average inside length of the two compartments, between center and end pieces, shall be not less than twelve and seven-sixteenths inches.

These standard containers are hereinafter referred to by their respective numbers.

Standard containers for certain fruits, nuts, and vegetables

829. The standard containers and packs for the following fruits, nuts and vegetables hereinafter specified shall be as follows:

1. Fresh apricots, numbers 5, 6, 7, 8, 24, or 27.

2. Strawberries, number 3a.

3. Red and blackcap raspberries, blackberries, dewberries and loganberries, numbers 3a or 3b.

4. Cherries, numbers 4, 10, 11, 15, 23, or 27.

5. Oranges, grapefruit and tangerines, numbers 31, or 33; lemons, numbers 35, 36, 37, or 38.

6. Grapes when packed in sawdust, cork or similar packing material, numbers 28, 29, 49, or 50. All other grapes, numbers 1, 2, 5, 6, 7, 8, 26, or 27. Standard containers for grapes are subject to the following restrictions and additions: (a) Container number 27 shall be standard for grapes only when used without cleats or when used with cleats eleven-sixteenths of an inch in depth. (b) Standard display lugs shall have a total inside depth of five and three-fourths inches, including one

Standard containers.

or more cleats on each end, which shall total one and one-fourth inches in depth with inside width of thirteen and one-half inches, and inside length of sixteen and one-eighth inches. (c) Container number 26 shall be standard for grapes only when used with a cleat on each end eleven-sixteenths of an inch in depth.

7. Fresh peaches, numbers 1, 6, 7, 8, 15, 16, 17, 18, or 27.

8. Fresh pears, numbers 6, 7, 8, 17, 19, 20 or 27. Container number 19 shall be standard only when used with three pads or cushions.

9. Oriental persimmons, numbers 6, 7, 8, 13, 14, 15, 16, 17, 18, 27, or 32.

10. Plums or fresh prunes, numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, 24, 25, 26, or 27.

11. "Wonderful" pomegranates, numbers 33 or 34.

12. Globe artichokes, numbers 21, 22, or 30. Globe artichokes when packed as a standard pack in standard containers shall be tightly packed with a bulge and shall have a minimum net weight of thirty-five pounds to the standard container number 21. The following sizes may be put up as standard packs in the standard container number 21:

Size 1. Packed with not more than sixty artichokes.

Size 2. More than sixty but not more than seventy-five artichokes.

Size 3. More than seventy-five but not more than ninety-six artichokes.

Size 4. More than ninety-six but not more than one hundred twenty-five artichokes.

Size 5. Shall constitute a standard pack in the standard container number 22 and shall pack not more than one hundred twenty-five artichokes in this container.

13. Cantaloupes, numbers 39, 40, 41, 42, 43, or 44. The following counts of cantaloupes when packed, are hereby established as standard packs for the respective standard containers as follows:

Standard pack counts	Container number	Standard container name.
27, 36, or 45	39	Standard cantaloupe crate.
45 or 54	40	Pony cantaloupe crate.
27, 36, or 45	41	Jumbo cantaloupe crate.
9, 12, or 15	42	Standard cantaloupe flat.
9, 12, or 15	43	Special cantaloupe flat.
8, 9, 11, or 12	44	Special cantaloupe flat.

14. Carrots, number 45.

15. Cauliflower, number 46.

16. Lettuce, numbers 45A and 45B. Head lettuce, when packed as a standard pack and so marked, must, in addition to other packing requirements in this article, contain either two dozen, two and one-half dozen, three dozen, three and one-half dozen, four dozen, five dozen, seventy-five or ninety heads of lettuce per standard container numbers 45A and

45B, with a slight bulge of crates when lidded. Each crate of three and one-half dozen count shall have each layer arranged with four rows of three, four, and four and three heads. In the case of sizes seventy-five and smaller per crate, a bridge of from three to six heads shall be permitted and in the five dozen size a bridge of four heads shall be permitted. Standard containers

17. Sweet potatoes, numbers 27, 47, or 48.

18. Tomatoes, number 27.

19. Asparagus, number 51.

(Amended by Ch. 332, Stats. 1933.)

[As Amended by Ch. 180, Stats. 1933.]

829. The standard containers and packs for the following fruits, nuts and vegetables hereinafter specified shall be as follows:

1. Fresh apricots, numbers 5, 6, 7, 8, 24, or 27.

2. Strawberries, number 3a.

3. Red and blackcap raspberries, blackberries, dewberries and loganberries, numbers 3a or 3b.

4. Cherries, numbers 4, 10, 11, 15, 23, or 27.

5. Oranges, grapefruit and tangerines, numbers 31, or 33; lemons, numbers 35, 36, 37, or 38.

6. Grapes when packed in sawdust, cork or similar packing material, numbers 28, 29, 49, or 50. All other grapes, numbers 1, 2, 5, 6, 7, 8, 26, or 27. Standard containers for grapes are subject to the following restrictions and additions: (a) Container number 27 shall be standard for grapes only when used without cleats or when used with cleats eleven-sixteenths of an inch in depth. (b) Standard display lugs shall have a total inside depth of five and three-fourths inches, including one or more cleats on each end, which shall total one and one-fourth inches in depth with inside width of thirteen and one-half inches, and inside length of sixteen and one-eighth inches. (c) Container number 26 shall be standard for grapes only when used with a cleat on each end eleven-sixteenths of an inch in depth.

7. Fresh peaches, numbers 1, 6, 7, 8, 15, 16, 17, 18, or 27.

8. Fresh pears, numbers 6, 7, 8, 17, 19, 20, or 27. Container number 19 shall be standard only when used with three pads or cushions.

9. Oriental persimmons, numbers 6, 7, 8, 13, 14, 15, 16, 17, 18, 27, or 32.

10. Plums or fresh prunes, numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, 24, 25, 26, or 27.

11. "Wonderful" pomegranates, numbers 33 or 34.

12. Globe artichokes, numbers 21, 22, or 30. Globe artichokes when packed as a standard pack in standard containers shall be tightly packed with a bulge and shall have a minimum net weight of 35 pounds to the standard container number 21. The following sizes may be put up as standard packs in the standard container number 21:

Size 1. Packed with not more than sixty artichokes.

Size 2. More than sixty but not more than seventy-five artichokes.

Size 3. More than seventy-five but not more than ninety-six artichokes.

Size 4. More than ninety-six but not more than one hundred twenty-five artichokes.

Size 5. Shall constitute a standard pack in the standard container number 22 and shall pack not more than one hundred twenty-five artichokes in this container.

13. Cantaloupes, numbers 39, 40, 41, 42, 43, or 44. The following counts of cantaloupes when packed, are hereby established as standard packs for the respective standard containers as follows:

Standard pack counts	Container number	Standard container name
27, 36, or 45	39	Standard cantaloupe crate.
45 or 54	40	Pony cantaloupe crate.
27, 36, or 45	41	Jumbo cantaloupe crate.
9, 12, or 15	42	Standard cantaloupe flat.
9, 12, or 15	43	Special cantaloupe flat.
8, 9, 11, or 12	44	Special cantaloupe flat.

Standard containers.

14. Carrots, number 45.
15. Cauliflower, number 46.
16. Lettuce, numbers 45A and 45B. Head lettuce, when packed as a standard pack and so marked, must, in addition to other packing requirements in this article, contain either two dozen, two and one-half dozen, three dozen, three and one-half dozen, four dozen, five dozen, seventy-five or ninety heads of lettuce per standard containers numbers 45A and 45B, with a slight bulge of crates when lidded. Each crate of three and one-half dozen count shall have each layer arranged with four rows of three, four, and four and three heads. In the case of sizes seventy-five and smaller per crate, a bridge of from three to six heads shall be permitted and in the five dozen size a bridge of four heads shall be permitted.
17. Sweet potatoes, numbers 27, 47, or 48.
18. Tomatoes, number 27.

[ORIGINAL SECTION.]

829. The standard containers and packs for the following fruits, nuts and vegetables hereinafter specified shall be as follows:
1. Fresh apricots, numbers 5, 6, 7, 8, 24, or 27.
2. Strawberries, number 3a.
3. Red and blackcap raspberries, blackberries, dewberries and loganberries, numbers 3a or 3b.
4. Cherries, numbers 4, 10, 11, 15, 23, or 27.
5. Oranges, grapefruit and tangerines, numbers 31, or 33; lemons, numbers 35, 36, 37, or 38.
6. Grapes when packed in sawdust, cork or similar packing material, numbers 28, 29, 49, or 50. All other grapes, numbers 1, 2, 5, 6, 7, 8, 26, or 27. Standard containers for grapes are subject to the following restrictions and additions: (a) Container number 27 shall be standard for grapes only when used without cleats or when used with cleats eleven-sixteenths of an inch in depth. (b) Standard display lugs shall have a total inside depth of five and three-fourths inches, including one or more cleats on each end, which shall total one and one-fourth inches in depth with inside width of thirteen and one-half inches, and inside length of sixteen and one-eighth inches. (c) Container number 26 shall be standard for grapes only when used with a cleat on each end eleven-sixteenths of an inch in depth.
7. Fresh peaches, numbers 1, 6, 7, 8, 15, 16, 17, 18, or 27.
8. Fresh pears, numbers 6, 7, 8, 17, 19, 20 or 27. Container number 19 shall be standard only when used with three pads or cushions.
9. Oriental persimmons, numbers 6, 7, 8, 13, 14, 15, 16, 17, 18, 27 or 32.
10. Plums or fresh prunes, numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, 24, 25, 26, or 27.
11. "Wonderful" pomegranates, numbers 33 or 34
12. Globe artichokes, numbers 21, 22, or 30. Globe artichokes when packed as a standard pack in standard containers shall be tightly packed with a bulge and shall have a minimum net weight of 35 pounds to the standard container number 21. The following sizes may be put up as standard packs in the standard container number 21

Size 1. Packed with not more than sixty artichokes.
Size 2. More than sixty but not more than seventy-five artichokes.
Size 3. More than seventy-five but not more than ninety-six artichokes.
Size 4. More than ninety-six but not more than one hundred twenty-five artichokes.
Size 5. Shall constitute a standard pack in the standard container number 22 and shall pack not more than one hundred twenty-five artichokes in this container.

13. Cantaloupes, numbers 39, 40, 41, 42, 43, or 44. The following counts of cantaloupes when packed, are hereby established as standard packs for the respective standard containers as follows:

Standard pack counts	Container number	Standard container name
27, 36, or 45	39	Standard cantaloupe crate.
45 or 54	40	Pony cantaloupe crate.
27, 36, or 45	41	Jumbo cantaloupe crate.
9, 12, or 15	42	Standard cantaloupe flat.
9, 12, or 15	43	Special cantaloupe flat.
8, 9, 11, or 12	44	Special cantaloupe flat.

14. Carrots, number 45.
15. Cauliflower, number 46.
16. Lettuce, number 45. Head lettuce, when packed as a standard pack and so marked, must, in addition to other packing requirements in this article, contain either two dozen, two and one-half dozen, three dozen, three and one-half dozen, four dozen, five dozen, seventy-five or ninety heads of lettuce per standard container number 45, with a slight bulge of crates when lidded. Each crate of three and one-half dozen count shall have each layer arranged with four rows of three, four, and four and three heads. In the case of sizes seventy-five and smaller per crate, a bridge of from three to six heads shall be permitted and in the five dozen size a bridge of four heads shall be permitted.
17. Sweet potatoes, numbers 27, 47, or 48.
18. Tomatoes, number 27.

Exceptions

830. All fruits, nuts or vegetables, except dates, of a kind specified in this chapter which are not wrapped or packed, and which are intended for use in the State in commercial processing, preserving, or manufacture of by-products for resale or which are being delivered to any person in the State for grading, packing or reconditioning are exempt from the provisions of this chapter. The containers of such fruits, nuts or vegetables must not bear any false or misleading statements and such fruits, nuts or vegetables must not be deceptively packed.

By-products.

The owner or person in possession of fruits, nuts or vegetables, which are to be used or disposed of as provided in this section, must, upon the demand of any enforcing officer, give to such officer a sworn statement in writing, made before a notary public, specifying that the fruit, nut or vegetable will be disposed of as provided in this section, and the name and address of the person, to whom such fruit, nut or vegetable is to be delivered, and an accurate identification of such product. Within a reasonable time after the demand and receipt of such statement by the officer a written receipt must be presented to the commissioner of the county specified in the statement as the destination of the fruit, nut or vegetable, by the person making the above mentioned statement. This receipt must contain a signed statement by the person receiving such fruit, nut or vegetable, that such fruit, nut or vegetable, giving an accurate description of it, has been received.

Permit.

830 5. It is unlawful to sell, transport or deliver any of the commodities mentioned in section 830 without first having secured a permit from the commissioner of the county. Every person who sells, transports or delivers such commodities shall apply to the commissioner of the county of his residence for a permit which shall be issued to him for a period not to exceed twelve months. The permittee shall, upon request of the commissioner, furnish such affidavits, receipts and other evidence as the commissioner reasonably may require as proof that the commodities have been disposed of for commercial processing, preserving, or manufacture of by-products. Such permit may be revoked or suspended for failure to furnish required evidence of lawful disposal of the commodity or commodities or for violation of any other requirement of this chapter, after notice and hearing by the commissioner. Such

notice when mailed to the permittee at the address given in his application shall give the commissioner jurisdiction to revoke or suspend such license. Nothing herein contained shall apply to a common carrier operating over a regular route or between fixed termini and transporting any of the commodities mentioned in section 830 in good faith and in accordance with its duties as a common carrier.

(Added by Ch. 275, Stats. 1933.)

Penalties.

831. The violation of any of the provisions of this chapter is a misdemeanor and punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both.

CHAPTER 3. CANNED FOODS.

Article 1. Canned Fruit and Vegetables.

(Article heading amended by Ch. 402, Stats. 1933.)

[ORIGINAL ARTICLE HEADING.]

Article 1. Canned Fruit.

Standards established

851. There are hereby created, adopted and established certain standards of quality, condition and/or fill of container and requirements for marking of fruits and vegetables, including olives, packed in tin or glass containers.

(Amended by Ch. 402, Stats. 1933.)

[ORIGINAL SECTION.]

851. There are hereby created and established certain standards of quality and size and requirements for marking of ripe olives packed in tin or glass containers and canned peaches, pears, apricots, and cherries.

Certain produce not to be canned

852. No fruits or vegetables which are unclean, immature, mouldy, overripe, infested with brown rot, scab, shot hole fungus, or other defects to the extent of rendering the product unwholesome, and no olives which are unclean, immature, mouldy, overripe, infested with fungus, rot or other defects to the extent of rendering the product unwholesome, or processed or artificially colored to the extent that the meat has been turned black, or the flavor been impaired, shall be canned, packed, shipped or sold within the State.

(Amended by Ch. 402, Stats. 1933.)

[ORIGINAL SECTION.]

852. No peaches, pears, apricots or cherries which are unclean, immature, moldy, overripe, infested with brown rot, scab, shot hole fungus, or other defects to the extent of rendering the product unwholesome, and no olives which are unclean, immature, moldy, overripe, infested with fungus, rot or other defects to the extent of rendering the product unwholesome, or processed or artificially colored to the extent that the meat has turned black or the flavor been impaired shall be canned, packed, shipped, or sold within the State.

853. (Repealed by Ch. 402, Stats. 1933.)

[ORIGINAL SECTION.]

853. The following are the standard sizes of cans for canned peaches, pears, apricots, and cherries, packed, shipped, delivered for shipment, or sold in this State.

(a) Eight-ounce, which is a cylindrical can two and eleven-sixteenths inches in diameter by three or three and one-quarter inches in altitude.

(b) Picnic, which is a cylindrical can two and eleven-sixteenths inches in diameter and four inches in altitude.

(c) No. 1 flat, which is a cylindrical can four inches in diameter and two and three-eighths inches in altitude.

(d) No. 1 tall, which is a cylindrical can three inches in diameter and four and twenty-one-thirty-seconds inches in altitude.

(e) No. 2 tall, which is a cylindrical can three and three-eighths inches in diameter and four and fifteen-thirty-seconds inches in altitude.

(f) No. 2½ tall, which is a cylindrical can four inches in diameter and four and eleven-sixteenths inches in altitude.

(g) No. 10 tall, which is a cylindrical can six and one-eighth inches in diameter and six and fifteen-sixteenths inches in altitude.

Standards Canned ripe olives

854. The standard size of cans for canned ripe olives packed, shipped, delivered for shipment, or sold in the State are:

(a) Buffet can, which is a cylindrical can two and eleven-sixteenths inches in diameter by three or three and one-quarter inches in altitude.

(b) Six ounce, which is a cylindrical can two and eleven-sixteenths inches in diameter and four inches in altitude.

(c) No. 1 tall, which is a cylindrical can three inches in diameter and four and twenty-one-thirty-seconds inches in altitude.

(d) Cylinder pint, which is a cylindrical can two and eleven-sixteenths inches in diameter and six inches in altitude.

(e) Cylinder quart, which is a cylindrical can three and three-eighths inches in diameter and seven and one-quarter inches in altitude.

(f) No. 2½, which is a cylindrical can four inches in diameter and four and eleven-sixteenths inches in altitude.

(g) No. 10, which is a cylindrical can six and one-eighth inches in diameter and six and fifteen-sixteenths inches in altitude.

855 to 859. (Repealed by Ch 402, Stats. 1933.)

[ORIGINAL SECTIONS.]

855. Canned apricots, halved, are seconds:

(a) If more than thirteen pieces are packed in a three-inch eight-ounce can; if more than fifteen pieces are packed in a three and one-fourth inch eight-ounce can; if more than eighteen pieces are packed in a picnic can; if more than twenty-three pieces are packed in a No. 1 flat can; if more than twenty-six pieces are packed in a No. 1 tall can; if more than thirty-one pieces are packed in a No. 2 tall can; if more than forty-two pieces are packed in a No. 2½ tall can; if more than one hundred fifty-one pieces are packed in a No. 10 tall can;

(b) If the packed pieces of the fruit are not substantially uniform in size;

(c) If in any lot thereof, the contents of the can vary more than four pieces per eight-ounce or picnic can; five pieces per No. 1 flat can; six pieces per No. 1 tall can; seven pieces per No. 2 tall can; eight pieces per No. 2½ tall can; twenty-nine pieces per No. 10 tall can;

(d) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in color, degree of ripeness and symmetry.

Standards Canned fruits.

(e) If, at the time of packing, the liquid surrounding the fruit contains less than twenty-five per cent added sugar.

856. Canned pears, halved, are seconds:

(a) If more than seven pieces are packed in an eight-ounce can; if more than nine pieces are packed in a picnic can; if more than eleven pieces are packed in a No. 1 flat can; if more than thirteen pieces are packed in a No. 1 tall can; if more than fifteen pieces are packed in a No. 2 tall can; if more than twenty-one pieces are packed in a No. 2½ tall can; if more than seventy-six pieces are packed in a No 10 tall can.

(b) If the packed pieces of the fruit are not substantially uniform in size.

(c) If in any lot thereof the contents of the cans vary more than three pieces per eight-ounce or picnic can: four pieces per No. 1 flat can; four pieces per No. 1 tall can; five pieces per No. 2 tall can; six pieces per No. 2½ tall can; twenty-two pieces per No. 10 tall can.

(d) If the fruit is not of reasonably good color, or is unripe, mushy, or not reasonably free from blemishes serious for the grade, or not reasonably symmetrical

(e) If at the time of packing, the liquid surrounding the fruit contains less than twenty per cent added sugar.

857. Canned cling peaches and free peaches, halved, are seconds:

(a) If more than seven pieces are packed in an eight-ounce can; if more than nine pieces are packed in a picnic can; if more than eleven pieces are packed in a No. 1 flat can; if more than thirteen pieces are packed in a No. 1 tall can; if more than fifteen pieces are packed in a No. 2 tall can; if more than twenty-one pieces are packed in a No. 2½ tall can; if more than seventy-six pieces are packed in a No. 10 tall can.

(b) If the packed pieces of the fruit are not substantially uniform in size.

(c) If in any lot thereof the contents of the cans vary more than three pieces per eight-ounce or picnic can; four pieces per No. 1 flat can; four pieces per No. 1 tall can; five pieces per No. 2 tall can; six pieces per No. 2½ tall can; twenty-two pieces per No. 10 tall can.

(d) If the fruit is not of reasonably good color, or not reasonably free from blemishes, serious for the grade, or not reasonably uniform in color, degree of ripeness and symmetry.

(e) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty-five per cent added sugar.

858. Canned black cherries and white cherries, whole, are seconds:

(a) If more than fifty-six are packed in a three-inch eight-ounce can; if more than sixty-one are packed in a three and one-fourth inch eight-ounce can; if more than seventy-five are packed in a picnic can; if more than ninety-five are packed in a No. 1 flat can; if more than one hundred seven are packed in a No. 1 tall can; if more than one hundred twenty-nine are packed in a No. 2 tall can; if more than one hundred seventy-five are packed in a No. 2½ tall can; if more than six hundred thirty are packed in a No. 10 tall can.

(b) If the packed cherries are not substantially uniform in size.

(c) If in any lot thereof the contents of the cans vary more than eighteen cherries per eight-ounce can; twenty-five per picnic can; thirty per No. 1 flat can; thirty-five per No. 1 tall can; forty per No. 2 tall can; fifty per No. 2½ tall can; one hundred eighty per No. 10 tall can.

(d) If the fruit is not of reasonably good color, or not reasonably free from blemishes, serious for the grade, or not reasonably uniform in degree of ripeness.

(e) If at the time of packing, the liquid surrounding the fruit contains less than twenty per cent added sugar.

859. Canned Royal Anne cherries, whole, are seconds:

(a) If more than forty-six are packed in a three-inch eight-ounce can; if more than fifty are packed in a three and one-quarter-inch eight-ounce can; if more than sixty-two are packed in a picnic can; if more than seventy-nine are packed in a No. 1 flat can; if more than eighty-nine are packed in a No. 1 tall can; if more than one hundred six are packed in a No. 2 tall can if more than one hundred forty-five are packed in a No. 2½ tall can; if more than five hundred twenty-two are packed in a No. 10 tall can.

(b) If the packed cherries are not substantially uniform in size.

(c) If in any lot thereof the contents of the cans vary more than sixteen cherries per eight-ounce can; twenty per picnic can; twenty-five per No. 1 flat can; thirty per No. 1 tall can; thirty-five per No. 2 tall

can; forty per No. 2½ tall can; one hundred forty-four per No. 10 tall can.

(d) If the fruit is not of reasonably good color, or not reasonably free from blemishes, serious for the grade, or not reasonably uniform in degree of ripeness.

(e) If at the time of packing, the liquid surrounding the fruit contains less than twenty per cent added sugar.

Canned olives Seconds

860. Canned olives are seconds:

(a) If the canned fruit counts more than an average of one hundred forty olives per pound.

(b) If the fruit is not of firm texture.

(c) If the fruit is not reasonably free from woody, spotted, shriveled, misshapen or otherwise defective olives serious for the grade.

(d) If the fruit is not reasonably uniform in size for the variety conforming to the size as marked.

(e) If the fruit is not reasonably free from mixed varieties.

(f) If the fruit has any foreign disagreeable flavor.

The above specifications as to quality and uniformity of size of olives shall apply to olives packed in tin or glass containers of all sizes whether specifically designated in this chapter or not.

(Amended by Ch. 716, Stats. 1933.)

[ORIGINAL SECTION.]

860. Canned ripe olives are seconds:

(a) If the canned fruit counts more than one hundred forty olives per pound.

(b) If the fruit is not of firm texture.

(c) If the fruit is not reasonably free from woody, spotted, shriveled, misshapen or otherwise defective olives serious for the grade.

(d) If the fruit is not reasonably uniform in size for the variety conforming to the size as marked.

(e) If the fruit is not reasonably free from mixed varieties.

(f) If the fruit has any foreign disagreeable flavor.

The above specifications as to quality and uniformity in size of olives shall apply to olives packed in tin or glass containers of all sizes whether specifically designated in this chapter or not.

"Seconds" to be marked.

861. All canned olives, shipped, delivered for shipment, or sold in the State of the grade of "seconds" shall be clearly, indelibly and permanently marked "seconds" in letters not less than one-fourth of an inch high, embossed or lithographed in the tin of the top or cover of the can, except where the space of the lid is insufficient, then letters shall be as large as practicable for the space on the lid.

However, all canned ripe olives harvested after October 1, 1933, of the grade of "seconds" shall, and all canned ripe olives harvested prior to October 1, 1933, may, in lieu of the marking requirements of this section, be prominently marked "seconds" on the label in conjunction with the name of the contents wherever such name appears in fourteen point Cheltenham bold type surrounded by a ten point border on a contrasting solid background.

(Amended by Ch. 716, Stats. 1933.)

[ORIGINAL SECTION.]

861. All canned fruit, including olives, shipped, delivered for shipment, or sold in the State of the grade of "seconds" shall be clearly, indelibly and permanently marked "seconds" in letters not less than one fourth of an inch high, embossed or lithographed in the tin of the top or cover of the can, except where the space of the lid is insufficient, then letters shall be as large as practicable for the space on the lid. No other marking, sticker or wrapping shall be placed on or about said top or cover in a manner which will wholly or partially obscure or divert attention from the above designated marking, and if printed or lithographed labels are placed on the walls of the cans, they shall be so placed that the top of the label corresponds with the top of the can, but with a tolerance of ten per cent to cover errors in so placing the label.

Nothing contained herein prohibits the proper printing of factory can marks in ink or embossing on the top or cover of the can.

862. (Repealed by Ch. 402, Stats. 1933.)

[ORIGINAL SECTION.]

862. The top or cover of any can of apricots, peaches, pears or cherries of the grade of "seconds" shall also be clearly, indelibly and permanently marked in the manner indicated above "wholesome fruit unsuitable for the better table grades" in letters not less than one-eighth inch high and with a statement indicating the character of the liquid surrounding the fruit, in letters not less than one-fourth inch high lithographed in the top or cover of the can as follows:

Where no sugar is added the cans shall be marked "Without added sugar."

Where some sugar, but less than ten per cent, is added the cans shall be marked "In very light sirup," followed by a statement of the actual per cent of added sugar.

Canned cherries and pears to which not less than ten per cent sugar and up to twenty per cent is added shall be marked "In light sirup."

Canned peaches and apricots to which not less than ten per cent sugar and up to twenty-five per cent is added shall be marked "In light sirup."

Canned cherries and pears to which not less than twenty per cent sugar and up to thirty per cent is added shall be marked "In medium sirup."

Canned peaches and apricots to which not less than twenty-five per cent sugar and up to forty per cent is added shall be marked "In medium sirup."

Canned cherries and pears to which not less than thirty per cent sugar and up to forty per cent is added shall be marked "In heavy sirup."

Canned peaches and apricots to which not less than forty per cent sugar and up to fifty-five per cent is added shall be marked "In heavy sirup."

Canned cherries and pears to which forty per cent or more sugar is added shall be marked "In very heavy sirup."

Canned peaches and apricots to which fifty-five per cent or more sugar is added shall be marked "In very heavy sirup."

Olives.

863. Ripe olives of better grade are, in the rising order of grade and quality, "choice" and "fancy."

864 to 869. (Repealed by Ch. 402, Stats. 1933.)

[ORIGINAL SECTIONS.]

864. Apricots, pears, peaches and cherries of better grade are, in the rising order of grade and quality "standard," "choice" and "fancy."

865. Canned peaches and apricots packed, shipped, delivered for shipment, or sold in the State, which are of a quality materially better than seconds as hereinbefore defined and to which less than twenty-five per cent sugar is added to the liquid surrounding the fruit may be marketed without being designated as "Seconds" or being designated "Wholesome fruit unsuited for the better table grades."

The sugar content must be marked in letters not less than one-fourth inch high lithographed on the top or cover of the can as follows:

Where no sugar is added the cans must be marked "Without added sugar."

Where some sugar, but less than ten per cent is added the cans must be marked "In very light sirup," followed by a statement of the actual per cent of added sugar.

Where not less than ten per cent sugar and up to twenty-five per cent is added the cans must be marked "In light sirup."

866. Canned cherries and pears packed, shipped, delivered for shipment, or sold in the State which are of a quality materially better than seconds and to which less than twenty per cent sugar is added to the liquid surrounding the fruit may be marketed without being designated as "Seconds" or being designated as "Wholesome fruit unsuited for the better table grades"

The sugar content must be marked in letters not less than one-fourth inch high lithographed on the top or cover of the can as follows:

Where no sugar is added the cans must be marked "Without added sugar."

Where some sugar, but less than ten per cent, is added, the cans must be marked "In very light sirup" followed by a statement of the actual per cent of added sugar.

Where not less than ten per cent sugar and up to twenty per cent is added the cans must be marked "In light sirup."

867. Either the Brix or Balling scale shall be used on hydrometers or saccharometers to indicate the percentage by weight of sugar going into the sirup, the terms "percentage" and "degree" being synonymous when used with these instruments.

868. The specifications covering the number of pieces packed in cans of the designated sizes and also the specifications covering the variation in the number of pieces packed in cans of the designated sizes, shall not apply to sliced apricots, peaches or pears as distinguished from apricots, peaches, or pears which have only been cut in half. All other specifications shall apply to sliced fruit as well as to fruit which has been cut only in half

869. The specifications as to quality and uniformity of size shall apply to peaches, pears, apricots and cherries packed in cans of all sizes, whether specifically designated in this chapter or not. The size of the fruit packed in cans of any size not designated herein shall be no smaller than is required in the next largest size of can specified herein.

Labels and markers

870. There shall be no false or misleading marking or designation on any container of canned fruit, vegetables or ripe olives. The label covering the walls of a container of olives, except when packed in clear glass, shall show a cut or imprint representing the approximate size of the fruit, followed by a statement of the approximate number of olives contained in the can, in addition to any other marking or wording on the label.

Canned olives Grades

As to canned ripe olives packed after October 1, 1933, when the following size-names are used, the count per pound, as determined by the examination of a representative sample of the olives taken at random from the container, is hereby established as follows:

"Small," "Select," or "Standard(s)"—averaging 135 to the pound.

"Medium"—averaging 113 to the pound.

"Large"—averaging 98 to the pound.

"Extra Large"—averaging 82 to the pound.

"Mammoth"—averaging 70 to the pound.

With a tolerance above or below of seven and one-half per cent by count, except that "Small," "Select," or "Standard(s)" shall not count less than an average of 128 or more than an average of 140 to the pound.

"Giant"—averaging 53 to 57 to the pound, with no tolerance.

"Jumbo"—averaging 46 to 50 to the pound, with no tolerance.

"Colossal"—averaging 36 to 40 to the pound, with no tolerance.

"Super-Colossal"—not to exceed 32 to the pound, with no tolerance.

In determining such count, the samples shall be weighed so as to determine the weight thereof by pounds, ounces and fractions of an ounce.

(Amended by Ch. 716. Stats. 1933.)

[ORIGINAL SECTION.]

870. There shall be no false or misleading marking or designation on any container of canned fruit, including olives. The label covering the walls of a container of olives, except when packed in clear glass, shall show a cut or imprint representing the approximate size and the approximate number of olives contained in the can, in addition to any other marking or wording on the label.

U S Dept. of Agriculture standards

871. The standard of quality, condition and/or fill of container and requirements for marking of canned fruits and vegetables, including olives, shall be, in addition to that set forth in section 852, that promulgated or to be promulgated by the Secretary of the United States Department of Agriculture. The foregoing markings for canned ripe olives shall be enforced until such time as requirements for markings for canned ripe olives shall be promulgated by the United States Department of Agriculture, at which time the above markings for canned ripe olives shall be changed to comply with the regulations of the United States Department of Agriculture.

(Amended by Ch. 402. Stats. 1933.)

[ORIGINAL SECTION.]

871. The provisions of this chapter shall be governed by and subject to rules and regulations of the director which shall conform as nearly as possible to those adopted by the Secretary of the United States Department of Agriculture.

Director of Public Health Powers and duties

872. The Director of Public Health shall enforce this chapter and for that purpose may:

(a) Enter and inspect every place within the State where canned fruits and/or vegetables, including olives, are canned, stored, shipped, delivered for shipment, or sold, and to inspect all fruits and/or vegetables, including olives, and containers found in any such place.

(b) Seize and retain possession of any canned olives or canned fruits and/or vegetables packed, shipped, delivered for shipment, or sold in violation of any of the provisions of this chapter, and hold same pending the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the State in which may be found canned olives or canned fruits and/or vegetables which

are packed, shipped, delivered for shipment, or sold, in violation of any of the provisions of this chapter, an action for the condemnation of canned olives or canned fruits and/or vegetables as provided in an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended. Stats 1907, p 208

(Amended by Ch. 728, Stats. 1933.)

[ORIGINAL SECTION.]

872. The director shall enforce this chapter and for that purpose may:

(a) Enter and inspect every place within the State where fruit, including olives, is canned, stored, shipped, delivered for shipment, or sold, and to inspect all fruit and containers found in any such place.

(b) Seize and retain possession of any canned olives or canned fruit packed, shipped, delivered for shipment, or sold, in violation of any of the provisions of this chapter, and hold same pending decision by the appropriate board of appeal hereinafter provided for, or the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the State in which may be found canned olives or canned fruit which are packed, shipped, delivered for shipment, or sold, in violation of any of the provisions of this chapter, an action for the condemnation of canned olives or canned fruit as provided in section 874.

873 to 875. (Repealed by Ch. 402, Stats. 1933.)

[ORIGINAL SECTIONS.]

873. The director, with the approval of the Governor, shall appoint two boards of appeal, one to be known as the Canned Ripe Olive Appeal Board, and one to be known as the Canned Fruit Appeal Board. Each appeal board shall consist of seven members who are citizens of the State. The Canned Ripe Olive Appeal Board shall consist of men experienced in judging the grade and quality of California canned olives; and the Canned Fruit Appeal Board shall consist of men experienced in judging the grade and quality of California canned fruit. The members of each of the boards shall hold office for one year from the date of appointment, subject to removal by the director with the approval of the Governor. Vacancies shall be filled by appointment by the director, with the approval of the Governor. Any three members of each board may, upon the request of the director, conduct a hearing, but one of the members at each hearing must be a canner. The decision of a majority of the members of each board in session shall control. Each board may make rules and regulations in connection with its official duties.

874. In the event of seizure of any product of a cannery under the provisions of this chapter the director shall immediately give written notice thereof to the party from whom such seizure was made, or to the party who originally packed and sold such product. Within five full business days thereafter the party so notified, or any other party interested therein, may file with the director a written notice of appeal from such seizure, accompanied by a fee of thirty dollars. Upon receiving such notice and fee, the director shall set a time and place for the hearing of such appeal, which shall not be more than ten days from the filing of such notice. The director shall summon any three members of the appropriate board of appeal to conduct such hearing and shall also give written notice of the time and place of such hearing to all parties concerned.

After such hearing if the board of appeal determines that the product under seizure has been packed in conformity with the requirements of this article it shall order that such product be immediately released.

If the board of appeal decides that such product does not conform to the requirements of this chapter, but that there has been no wilful violation of the provisions hereof, it shall order the containers of the product to be, within a reasonable time after actual notice of such decision,

remarked or relabeled, as nearly as can then practically be done in conformity with the provisions of this chapter, and such product shall be released upon such conditions prescribed by the board as will prevent as far as possible the marketing of such product in violation of this chapter. The term "wilful violation" as used herein means a violation committed with actual intent so to do or with actual knowledge at the time that the same is being done. Any failure to conform to such order of the board within the time designated therein is a wilful violation of this chapter, if the court, in any proceeding commenced as hereinafter provided determines that such product does not conform to the provisions of this chapter.

If the board determines that there has been a wilful violation of this chapter, the director shall certify the facts to the district attorney of the proper county, who shall institute and prosecute appropriate court proceedings for the punishment of the violation of this chapter and for the condemnation of any product found to be below second grade.

If no appeal from such seizure is filed within the time allowed as above provided, or in case of an appeal, if no appearance on behalf of the appellant is made at the time and place set for the hearing thereof, the director shall certify the fact of such seizure, together with the facts upon which the same has been based, to the district attorney whose duty shall be as provided in the preceding paragraph.

Those provisions in this section which refer to relabeling and to wilful intent shall not apply to violations of section 852, the procedure against the product or products in such violation or violations being seizure and condemnation in the manner prescribed herein.

875. If the court condemns any of such product, the same may be destroyed, or, under appropriate direction from the court, may be released upon such conditions as the court in its discretion may impose to insure that such product will not be shipped, delivered for shipment, or sold, in violation of this chapter.

Carrier may refuse shipment

876. It is lawful for any person, or for any common carrier to refuse to accept for shipment or transportation and to refuse to ship or to transport any canned fruit, including olives, which upon inspection are found to be, or to be packed, in violation of this chapter, and any such person, or common carrier, may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment or transportation and to return to such consignor, or to hold at the expense and risk of the latter, all canned fruit, including olives, which upon inspection are found to be, or to be packed, in violation of this chapter.

Penalty. Exemption.

877. No person shall be convicted of a violation of any provision of this chapter if he establishes a guaranty, signed by the person residing or lawfully engaged in business in the State, by or for whom the canned fruit, including olives, in question were originally packed, to the effect that the product in question complies in all respects with the provisions of this chapter. Such guaranty, to afford protection, shall contain the name and address of the party making such guaranty, and such guarantor shall be amenable to all of the prosecutions, fines and penalties provided for by this chapter.

Penalties.

878. Any person, firm, company or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Whenever the State Board of Public Health shall find after

investigation and examination that any canned fruits and/or vegetables, including olives, found in the possession of any person, firm, company or corporation are misbranded or mislabeled within the meaning of this chapter, he may seize such canned fruits and/or vegetables, including olives, and tag the same "quarantined," and said canned fruits and/or vegetables, including olives, shall not thereafter be sold, offered for sale, removed or otherwise disposed of pending hearing and final disposition as provided in an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended. Stats. 1907, p. 208

Canned fruits and/or vegetables, including olives found to be mislabeled or misbranded within the meaning of this chapter may, by order of any court or judge, be seized and destroyed.

Disposition of fines

One-half of all fines collected by any court or judge, for the violations of the provisions of this chapter shall be paid to the State Treasurer for credit to the general fund of the State.

(Amended by Ch. 728, Stats. 1933.)

[ORIGINAL SECTION.]

878. The violation of any provision of this chapter is a misdemeanor and is punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months or both.

879. (Repealed by Ch. 402, Stats. 1933.)

[ORIGINAL SECTION.]

879. The members of a board of appeal in attendance at any session of the board at which a hearing is held shall each receive as compensation for such attendance the sum of ten dollars for each half day or part thereof. Such compensation shall be paid out of the fees collected as herein provided.

Effect of chapter

880. No act which is made unlawful by any provisions of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs and making an appropriation therefor," approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this chapter, nor shall this chapter limit the powers of the State Board of Health.

881. (Repealed by Ch. 402, Stats. 1933.)

[ORIGINAL SECTION.]

881. All orders of the board of appeal shall be made in writing and filed in the office of the director. Such orders shall be made and filed within ten days after the close of the hearing.

Exception

882. This chapter shall not apply to olives packed prior to October 1, 1931 or to other fruit packed prior to January 1, 1930.

Director of Public Health to enforce chapter

883. The Director of the Department of Public Health shall be charged with the enforcement of the provisions of this chapter and for that purpose shall have all the powers heretofore conferred upon the Director of Agriculture. Wherever in this chapter the term "Director of Agriculture" shall appear it shall be deemed to mean the Director of the Department of Public Health.

(Added by Ch. 728, Stats. 1933.)

CHAPTER 4. FIELD CROPS.

Field crops.

891. As used in this chapter "field crop products" includes grain crops, dry bean crops, seeds, forage crops, fiber crops and other field crops and the manufactured products and by-products thereof.

Duties of director.

892. The director shall:

(a) Establish uniform standards for field crop products, which shall conform as closely as possible to those established by the Secretary of the United States Department of Agriculture.

(b) Establish inspection districts within the State. When such a district is established inspection service may be rendered therein in accordance with rules and regulations promulgated by the director.

(c) Establish, upon request, inspection stations at warehouses, docks, or industrial plants, which are within or without an established inspection district. The director may make special rules and regulations applicable to each specific inspection station and the conditions under which same shall be established and maintained.

(d) Provide through the regularly established inspection district and stations, sampling, grading, inspection and certification service for field crop products within the State or shipped into or through the State.

(e) Issue certificates as to quality and condition of field crop or other agricultural products in accordance with standards established under authority of this chapter, or any other standards which may be fixed by trade or contract and which do not conflict with official standards.

(f) Promulgate, amend or repeal rules and regulations for sampling, grading, inspection and certification for the purposes of carrying out the provisions of this chapter.

(g) Fix fees for sampling, grading, inspection and certification of field crop products, which fees in the aggregate shall pay the cost of services necessary to perform such sampling, grading, inspection and certification. The director may collect such fees in advance of performing the services, but shall not be required to do so if in his opinion the benefits of such services would be lessened by such advance payments.

(Amended by Ch. 729, Stats. 1933.)

[ORIGINAL SECTION.]

892. The director shall:

(a) Establish uniform standards for field crop products, which shall conform as closely as possible to those established by the Secretary of the United States Department of Agriculture

(b) Establish inspection districts within the State. When such a district is established inspection service may be rendered therein in accordance with rules and regulations promulgated by the director.

(c) Establish, upon request, inspection stations at warehouses, docks, or industrial plants, which are within or without an established inspection district. The director may make special rules and regulations applicable to each specific inspection station and the conditions under which same shall be established and maintained.

(d) Provide through the regularly established inspection district and stations, sampling, grading, inspection and certification service for field crop products within the State or shipped into or through the State.

(e) Issue certificates as to quality and condition of field crop or other agricultural products in accordance with standards established under authority of this article, or any other standards which may be fixed by trade or contract and which do not conflict with official standards.

(f) Promulgate, amend or repeal rules and regulations for sampling, grading, inspection and certification for the purposes of carrying out the provisions of this article.

(g) Fix fees for sampling, grading, inspection and certification of field crop products The director may collect such fees in advance of performing the services, but shall not be required to do so if in his opinion the benefits of such services would be lessened by such advance payments.

Certificates of grading and inspection

893. The director shall inspect and grade upon request and certify to any interested party the quality and condition of any field crop or other agricultural product under such rules and regulations as he may prescribe. Certificates issued by authorized agents of the director shall be received in the courts in the State as prima facie evidence of the truth of the statements therein contained. Such inspection shall not be made or such certificates issued by any person not specifically authorized by the director in reference to any field crop product for which State standards have been established. Any person so authorized shall comply with the rules and regulations issued by the director relative to the certification of field crop products.

Authority to agents

894. The director shall issue to each employee authorized to grade and inspect the products included under this chapter a certificate showing such authority, which shall be posted in a permanent and conspicuous place at the official station of such employee.

Employees bond

895. The director shall require from each employee who is responsible for the sampling, grading, inspection, and certification of any product covered by this chapter a bond in amount to be determined by the director, and the costs of said bond shall be borne by the department.

Hearings to establish standards

896. The director may hold hearings for the presentation of facts and information relative to the promulgation of standards under the provisions of this chapter. Any standard established hereunder shall become effective thirty days after official promulgation of the same.

Inspection

897. The director may enter any place where field crop products are stored, shipped, or sold, for the purpose of carry-

ing out the provisions of this chapter. The director may, for the purpose of inspection and examination, break the seals of cars and after such inspection has been made shall securely close and reseal such doors as were broken open using a special seal provided by the department for the purpose. A record of all original seals broken, the date when broken, a record of all seals substituted thereafter and the date and number of said seals shall be made

Railroad cars

898. Any railroad delivering field crop products in cars at any of the places provided with inspection service under this chapter shall provide convenient and suitable sidetracks at such places as the director may designate, on which all cars of field crop products delivered by them shall, upon arrival, be set and conveniently arranged for inspection, whenever such cars of field crop products are to be inspected.

Appeal

899. Any person aggrieved by the grading by any authorized inspector of any of the products for which standards have been established under the provisions of this chapter may appeal to the director in accordance with such rules as he may establish. If the appeal pertains to a commodity moving in intrastate commerce but for which standards have been established under the provisions of a compulsory United States act, the appellant may, with the approval of the Secretary of the United States Department of Agriculture, appeal to the Federal grain supervisor of the supervision district in which the product was located when inspected and certified.

Disposal of receipts.

900 All moneys received under the provisions of this chapter shall be paid monthly into the State treasury and placed to the credit of the Department of Agriculture fund. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of ten thousand dollars, which shall be placed to the credit of the Department of Agriculture fund for use as a revolving fund to carry out the provisions of this chapter until such time as the revenue derived from collected fees shall be sufficient to pay the costs thereof. After January 1, 1934, five per centum of the collected fees shall be paid quarterly into the general fund of the State treasury until such time as an amount equivalent to that herein appropriated has been repaid.

(Amended by Ch. 729, Stats. 1933.)

[ORIGINAL SECTION.]

900. All moneys received under the provisions of this chapter shall be paid monthly into the State treasury and placed to the credit of the general fund.

CHAPTER 5. SEEDS.

Article 1. Agricultural Seeds.

911. As used in this article:

Definitions.

(a) "Agricultural seeds" means all domesticated grasses, cereals, legumes such as alfalfa, sweet clover, red clover, crim-

son clover, alsike clover, white clover, field peas, cowpeas, beans, soy beans, and vetches, and the seeds of all other crops that are or may be grown commercially on a field scale in this State, not including flower, sugar beet, and garden vegetable seeds. Definitions.

(b) "Primary noxious weeds," means any of the following plants:

1. Johnson grass (Holcus halepensis).
2. Camel's thorn (Alhagi camelorum).
3. Hoary cress (Lepidium draba).
4. Morning glory (Convolvulus arvensis).
5. Canada thistle (Cirsium arvense).
6. Russian knapweed (Centaurea repens).

(c) "Secondary noxious weeds," means any of the following plants:

1. Yellow star thistle (Centaurea solstitialis).
2. Poverty weed (Iva axillaris).
3. Goat grass (Aegilops triuncialis).
4. Coast dandelion, cat's ear (Hypochaeris radicata).
5. Russian thistle (Salsola kali).
6. Silver leaf nightshade (Solanum elaeagnifolium).
7. Creeping sow thistle (Sonchus arvensis).
8. Klamath weed, St. John's-wort (Hypericum perforatum).
9. Nut grass (Cyperus spp.).
10. White or creeping mallow (Sida hederacea).
11. Dodders (Cuscuta spp.).
12. Puncture vine (Tribulus terrestris).

(d) "Weed seeds" means any and all noxious weed seeds and any and all seeds not included in the definition of agricultural seeds.

(e) "Label" means a tag or label affixed in a conspicuous place on the exterior of a package or other container, plainly written or printed in type not smaller than seven point.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION.]

911. As used in this article:

(a) "Agricultural seeds" means all domesticated grasses, cereals, legumes such as alfalfa, sweet clover, red clover, crimson clover, alsike clover, white clover, field peas, cowpeas, beans, soy beans, and vetches, and the seeds of all other crops that are or may be grown commercially on a field scale in this State, not including flower, sugar beet, and garden vegetable seeds.

(b) "Primary noxious weeds," means any of the following plants:

1. Johnson grass (Sorghum halepense).
2. Camel's thorn (Alhagi camelorum).
3. Hoary cress (Lepidium draba).
4. Morning glory (Convolvulus arvensis).
5. Canada thistle (Carduus arvensis).
6. Russian knapweed (Centaurea repens).

(c) "Secondary noxious weeds," means any of the following plants:

1. Yellow star thistle (Centaurea solstitialis).

2. Poverty weed (Iva axillaris).
3. Goat grass (Aegilops triuncialis).
4. Coast dandelion, cat's ear (Hypochaeris radicata).
5. Russian thistle (Salsola pestifer).
6. Silver leaf night shade (Solanum eleagnifolium).
7. Creeping sow thistle (Sonchus arvensis).
8. Klamath weed, St.-John's-wort (Hypericum perforatum).
9. Nut grass (Cyperus spp.).
10. White or creeping mallow (Sida hederacea).
11. Dodders (Cuscuta spp.).
12. Puncture vine (Tribulus terrestris).

(d) "Weed seeds" means any and all noxious weed seeds and any and all seeds not included in the definition of agricultural seeds.

(e) "Label" means a tag or label fixed in a conspicuous place on the exterior of a package or other container, plainly written or printed in type not smaller than seven point

Labels.

912. Every lot of agricultural seeds of an amount of five pounds or more by weight, except as herein otherwise provided, when sold in bulk, packages or other containers must bear a label stating:

(a) The commonly accepted name of such agricultural seed.

(b) The approximate percentage, by weight, of purity, meaning the freedom of such agricultural seeds from other kinds of seeds distinguishable by their appearance and from inert matter.

(c) The approximate total percentage by weight of weed seeds.

(d) The name and number per pound of each kind of seeds of primary noxious weeds which are present.

(e) The name of each kind of seed or bulblet of secondary noxious weeds which are present singly or collectively, as follows:

(1) in excess of one seed in each five grams of timothy, redtop, tall meadow oat grass, orchard grass, crested dog's tail, Canada blue grass, Kentucky blue grass, fescues, brome grasses, perennial and Italian rye grass, western rye grass, crimson clover, red clover, white clover, alsike clover, sweet clover, alfalfa, and all other grasses and clovers not otherwise classified;

(2) in excess of one seed in each twenty-five grams of millets, rape, flax, sudan grass and other seeds not specified in (1) or (3) of this subsection;

(3) in excess of one seed in each one hundred grams of wheat, oats, rye, barley, buckwheat, vetches and other seeds as large or larger than wheat.

(f) The approximate percentage of germination of such agricultural seeds together with the month and year said seed was tested.

(g) The name and address of the vendor of such agricultural seed.

Labels. Mixtures

913. Mixtures of agricultural seeds of an amount of five pounds or more by weight, which contain not more than two kinds of such seed in excess of five per cent by weight of each, when sold as mixtures in bulk, packages or other containers must bear a label stating:

(a) That such seed is a mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per cent by weight of the total mixture.

(c) The approximate percentage by weight of weed seeds.

(d) The name and number per pound of each kind of seeds of primary noxious weeds which are present in such mixture.

(e) The name of each kind of seeds or bulblets of secondary noxious weeds which are present singly or collectively in excess of one seed or bulblet in each fifteen grams of such mixture.

(f) The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per cent by weight, together with the month and year said seed was tested.

(g) The name and address of the vendor of such mixture.

Labels Special mixtures

914. Special mixtures of agricultural seeds, in an amount of eight ounces or more by weight, except as specified in section 913, when sold as mixtures, in bulk, packages or other containers must bear labels stating:

(a) That such seed is a special mixture.

(b) The name of each kind of agricultural seed which is present in proportion of five per cent or more of the total mixture.

(c) The approximate total percentage by weight of weed seeds.

(d) The approximate percentage by weight of inert matter.

(e) The name and number per pound of each kind of seeds of primary noxious weeds which are present in such special mixture.

(f) The name of each kind of seeds or bulblets of secondary noxious weeds which are present singly or collectively in excess of one seed or bulblet in each fifteen grams of such special mixture.

(g) The name and address of the vendor of such special mixture.

Exemptions

915. Agricultural seeds, mixtures or special mixtures of the same are exempt from the provisions of this article:

(a) When possessed or sold for food or manufacturing purposes only.

(b) When sold to merchants to be recleaned before being sold for seeding purposes.

(c) When in store for the purpose of recleaning or not possessed or sold for seeding purposes within the State.

(d) When any lot of wheat, oats, rye or barley, which has been produced within the State, is sold it shall be exempt from the requirements of subsection (f) of section 912, but all other information required under section 912 shall be stated on the label, and each lot of California grown wheat, oats, rye or barley, when sold shall bear on said label the words, "Grown in California."

Duties of director.

916. The director shall:

(1) Enforce this article by himself, his agents, or through the commissioners acting under his supervision and control.

(2) Adopt and publish in the agricultural bulletin of the department, rules and regulations for the enforcement of this article.

(3) Maintain a properly equipped laboratory for making the laboratory tests required by this article.

Same: Inspection, testing, etc.

917. The director shall inspect, examine, analyze and test any agricultural seed sold within this State for seeding purposes within this State, at such time and place, and to such extent as he may determine. The director shall have free access at all reasonable hours to any premises or conveyances, to examine any such agricultural seeds, and may, upon notice to the dealer, his agent or the representative of any warehouse, elevator, or transportation company, if present, take for analysis a composite sample of such agricultural seeds upon payment of a reasonable purchase price for the same when demanded.

Said sample shall be thoroughly mixed and two official samples taken therefrom. Each official sample shall be securely sealed. One of said samples shall be left with or upon the premises of the party in interest, and the other retained by the director for analysis.

In case a sample drawn as provided herein upon test or analysis is found to fall below the statement on the tag or label attached to the lot from which said sample was secured, or to violate any of the provisions of this article, the vendor or consignee of said lot of seed shall be notified and a copy of said notice shall be mailed to the person whose tag or label is affixed thereto.

Hearing on violation.

918. Any person who appears to have violated any of the provisions of this article shall, before the filing of a complaint against said person, be granted opportunity for a hearing before the director under such rules and regulations as may be adopted by the director which shall include the giving of proper written notice. At the hearing said person may be represented by counsel.

Sale in violation of article.

919. Any lot of agricultural seed offered for sale in violation of the provisions of this article must, in accordance with rules and regulations of the director, be removed from sale by the vendor thereof upon his receiving notice from the director of such violation. The vendor must withhold such agricultural seed from sale until such violation has been corrected.

Any citizen of this State may submit to the director samples of agricultural seeds for test and analysis, subject to rules and regulations as adopted by the director. The director may by regulations fix the maximum number of samples that may be tested free of charge for any one citizen in any period of time and fix charges for tests or samples submitted in excess of those tested free of charge.

920. The violation of any provision of this article is a misdemeanor, and punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or both. For a subsequent offense a fine, if imposed, shall not be less than one hundred dollars nor more than one thousand dollars. Penalty

Article 2. Cottonseed.

931. The director shall establish regulations and standards as the basis for the certification of pure cottonseed in the State and fix and collect reasonable fees for the certification of pure cottonseed. Duties of director

932. The director shall cooperate in the discharge of the duties which this article authorizes him to perform with the United States Department of Agriculture.

933. The director shall make rules and regulations to carry out the provisions of this article, and to make possible careful checking of previous crops, foundation seed, and necessary field inspections.

934. The director shall establish stations for the inspection and certification of pure cottonseed at such points in the State as in his judgment are convenient and advisable.

935. The director shall issue to the sellers of certified pure cottonseed certificates showing that the same has been inspected and certified and authorizing such seller to represent that such cottonseed has been certified by the department. Certificate

936. The director shall issue to each inspector or employee assigned by him to inspect and certify pure cottonseed under this article a certificate showing such authority. Authority of agents

937. The director may enter and inspect any place where cottonseed is stored, shipped, or sold, for the purpose of carrying out the provisions of this article.

938. It is unlawful to use the term "certified" upon any cottonseed sold in the State unless the same has been certified by the department as provided in this article. Penalty

939. It is unlawful to sell within the State any cottonseed labeled, designated, or represented as "certified pure cotton-seed" or "certified cotton seed" unless the same has been inspected, approved and certified by the department.

940. All moneys collected under the provisions of this article shall be credited to the Department of Agriculture fund. Disposal of receipts

Article 3. One Variety Cotton District.

951. In the districts in this article defined, it is unlawful to plant, possess for planting, pick, harvest, or gin any variety or species of cotton other than that variety or species known as "Acala." Cotton districts

952. District number one shall consist of the county of Riverside; district number two shall consist of the county of Kern; district number three shall consist of the county of

Madera; district number four shall consist of the county of Fresno; district number five shall consist of the county of Kings; district number six shall consist of the county of Tulare; district number seven shall consist of the county of Merced; district number eight shall consist of the county of Stanislaus; district number nine shall consist of the county of San Joaquin.

Penalty. 953. Any person who violates any of the provisions of this article is guilty of a misdemeanor, and, in addition thereto, is liable in a civil action for all damages that may be occasioned or caused by a violation of this article.

Exemptions 954. This article does not apply to the planting or growing of cotton by the United States Department of Agriculture or by the department, nor to the transportation of cottonseed through such districts from a point without the district to a destination without the district.

Article 4. Seed Potatoes.

Seed potatoes. 961. The director shall promote and protect the potato industry of California, and establish and enforce such rules and regulations as he deems necessary for the examination and certification of potatoes grown within the State, to produce improved varieties or a higher quality of seed. He shall issue Certificate. to each grower a certificate showing the variety, quality and freedom from insect pests and diseases of the seed crop examined, and each certificate shall show the amount of seed which can be sold thereunder. All such certified potato seed shall be labeled with copies of the certificate, such additional copies to be furnished by the director. The director shall fix a reasonable charge to cover the cost of such inspection and certification, and shall publish a list of all growers of all such seeds.

Application 962. Any person who desires to engage in the growing of certified seed potatoes within this State shall make application to the director and shall establish to the satisfaction of the director the fact that the initial planting of such seed potatoes will be made from fields where masking of the mosaic diseases has not occurred and that such intended planting will be located where masking of mosaic or other disease is not likely to occur. If the director approves the application of such prospective grower of certified potatoes he shall thereupon notify the applicant and also advise the commissioner of the county where the planting is to occur, and he may instruct the commissioner to make the necessary inspections and certification.

Experiments. 963. The director may maintain potato seed test plats, under such climatic conditions as he may deem necessary, where samples of potato seed to be certified from any county may be sent, to assure that such planting is maintained free from the masked or incipient stage of mosaic or other disease.

964. Any person who wilfully misbrands, adulterates, or otherwise misrepresents or interferes with the grade or quality of certified seed, or who in any way changes the certificates issued by the director is guilty of a misdemeanor. Penalty.

Chapter 6. Capri Figs.

991. As used in this chapter:

(a) Profichi crops means the crop of Capri figs maturing in June and July and used to caprify or pollinate the main crop of the Smyrna type of figs. Definitions

(b) Mamme crop means the winter crop of Capri figs.

(c) Matured pollen means pollen in a powdery condition which can be dusted or shaken out from the anthers in appreciable quantities.

(d) Spent figs means Capri figs from which all the female Blastophaga insects have issued.

(e) Blanks means Capri figs which are devoid of Blastophaga insects or galls containing Blastophaga insects.

992. Every person who packs, ships, delivers for shipment, or sells in any container any Capri figs of the profichi crop, which do not contain matured pollen, or which do not contain living Blastophaga insects in the adult stage, or which contain more than twenty-five per cent of spent figs, or more than ten per cent of blanks, is guilty of a misdemeanor. Penalty

993. Every person who packs, ships, delivers for shipment, or sells in any container any Capri figs of the mamme crop, which contain more than twenty-five per cent of spent figs, or more than ten per cent of blanks, is guilty of a misdemeanor.

994. The director shall, through his duly authorized agents and the commissioner of each county, acting under his supervision and control, enforce the provisions of this chapter, and promulgate and enforce such rules and regulations as he may deem necessary thereto. All enforcing officers under this chapter may enter any place where Capri figs are produced, packed, stored, shipped, delivered for shipment, or sold, and inspect the same, and seize and hold for evidence any Capri figs packed, shipped, delivered for shipment, or sold in violation of any of the provisions of this chapter, and prosecute actions for violation of the provisions hereof. Enforcement

Chapter 7. Agricultural Chemicals.

Article 1. Spray Residue.

1011. It is unlawful to pack, ship, store, deliver for shipment, or sell any fresh or dried fruits or vegetables carrying spray residue or other added deleterious ingredients in excess of the quantity prescribed under the laws of the United States. Spray residue

(Amended by Ch. 426, Stats. 1933.)

[ORIGINAL SECTION.]

1011. It is unlawful to pack, ship, store, deliver for shipment, of sell any fresh or dried fruits or vegetables carrying spray residue or other

added deleterious ingredients in excess of the quantity prescribed under the laws of the United States.

Power of director.

1012. The director may:

(a) Enter every place within the State where fresh or dried fruits or vegetables are produced, packed, stored, shipped, transported, delivered for shipment, or sold and inspect all fresh or dried fruits or vegetables found therein or in transit.

(b) Seize and quarantine any or all lots of fresh or dried fruits or vegetables which carry spray residue or other added deleterious ingredients pending examination and chemical analysis and final disposition.

(c) When any lot of fresh or dried fruits or vegetables has been found to carry spray residue in excess of the quantity prescribed by the laws of the United States, the director may permit the lot to be cleaned or reconditioned and release such lot after such treatment if the same is found to comply with the provisions of this article.

(d) The director shall make rules and regulations to carry out the provisions of this article.

Seizure of produce

1013. Any fresh or dried fruits or vegetables when packed, shipped, stored, delivered for shipment, or sold in violation of any of the provisions of this article may be seized by the director and by order of the superior court condemned or destroyed or released upon such conditions as the court, in its discretion, may impose.

Stats. 1907, p. 208

1014. Nothing in this article repeals or amends any of the provisions of the California Pure Foods Act of March 11, 1907, as amended.

Article 2. Fertilizing Materials.

Application of article

1021. The provisions of this article apply to any substance or mixture of substances intended to be used for promoting or stimulating the growth of plants, increasing the productiveness of plants, improving the quality of crops or producing any chemical or physical change in the soil. They do not apply to sales for export outside the State, nor to sales of agricultural minerals to any registered producer, manufacturer, importer, agent or dealer in agricultural minerals, nor to sales of fertilizing materials to any registered producer, manufacturer, importer, agent or dealer in commercial fertilizers.

Definitions

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

(a) "Commercial fertilizers" are substances and mixtures of substances containing five per cent or more in available form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively or in combination, except manures, hays, straws, peat and leaf mold.

(b) "Agricultural minerals" are mineral substances, mixtures of mineral substances, and mixtures of mineral and organic substances, containing less than five per cent in avail-

able form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively, or in combination, except sand and soil.

(c) "Manures" are the excreta of domestic animals or domestic fowls when not artificially mixed with any material or materials other than those which have been used for bedding, sanitary or feeding purposes for said animals or fowls or for the preservation of manure.

(d) "Soil amendments" are all substances, except those included within subdivisions (a), (b), and (c), and includes hays, straws, peat, leaf mold and sand.

(Amended by Ch. 426, Stats. 1933.)

[ORIGINAL SECTION.]

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

(a) "Commercial fertilizers" are substances and mixtures of substances containing five per cent or more in available form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively or in combination, except manures, hays, straws, peat and leaf mold.

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

(c) "Manures" are the excreta of domestic animals or domestic fowls when not artificially mixed with any material or materials other than are used for bedding, sanitary or feeding purposes or for the preservation of manure.

(d) Soil amendments are all substances, except those included within subdivisions (a), (b), and (c), and includes hays, straws, peat, leaf mold and sand.

Labels

1023. Every lot, parcel or package of commercial fertilizer and agricultural mineral sold within this State shall have attached thereto so as to be visible a plainly printed label or descriptive tag, stating:

(a) The name, brand and trade-mark, if any, under which the commercial fertilizer or agricultural mineral is sold.

(b) The name and address of the registered producer, manufacturer, importer, or dealer.

(c) The place of manufacture or production.

(d) A chemical analysis, stating the percentages of every constituent of agricultural value claimed to be therein, and the materials from which all of said constituents are derived.

Chemical analysis

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

1025. The chemical analysis as to agricultural minerals shall state the percentages represented to be therein as follows:

(a) Limestone, limerock, chalk, dolomite, marl, oyster shells, shells and every other agricultural mineral the principal con-

stituent of which is calcium carbonate, the percentage of calcium carbonate therein.

(b) Burnt lime, quick lime and every agricultural mineral the principal constituent of which is calcium oxide, the percentage of calcium oxide therein.

(c) Hydrated lime, slacked lime and every agricultural mineral the principal constituent of which is calcium hydroxide, the percentage of calcium hydroxide therein.

(d) By-products in the manufacture of sugar or acetylene, and every other agricultural mineral obtained as a by-product, the principal constituent of which is a compound of calcium, the percentage of calcium in terms of calcium carbonate, calcium hydroxide, or of calcium oxide therein.

(e) Gypsum, land plaster, plaster, and every agricultural mineral the principal constituent of which is calcium sulphate, the percentage of calcium sulphate therein.

(f) Sulphur, brimstone and every agricultural mineral the principal ingredient of which is sulphur, the percentage of sulphur therein.

(g) Phosphate rock, and every other agricultural mineral the principal constituent of which is calcium phosphate, the percentage of phosphoric acid therein in terms of phosphorus pentoxide.

(h) In the case of any agricultural mineral not specifically mentioned herein, the percentage of all constituents claimed to be therein in terms or equivalents prescribed by the director

(i) In the case of any mixture of two or more agricultural minerals, the percentage of each principal constituent as above prescribed.

Exception

1026. In the case of commercial fertilizers, the selling price of which is less than eight dollars per ton, no registration is required and no fee need be paid and the label need only name correctly the principal constituents without percentages.

Method of analysis

1027. In determining the percentage of component parts of any substance or mixture of substances to which this article applies, for the purpose of proper labeling, registration or determining compliance with representations, all analyses shall be made according to such method as may be determined by the director, which shall conform to the method, if any, agreed upon by the American Association of Official Agricultural Chemists.

Undesirable substances

1028. No person shall sell as a commercial fertilizer, or as an ingredient thereof, any leather, hair, hoofs, horns, wool waste, unless it be so treated as to make the nitrogen content available as plant food, or any street sweepings unless there is affixed to every lot, parcel or package a label stating that it contains such substance.

1029. No person shall sell any manure to which water or any material or substance not commonly used for bedding of domestic animals or fowls, sanitary or feeding purposes, or for the preservation of manures has been artificially added, unless there is affixed to every lot or container delivered to

a particular purchaser a statement of the fact that such artificial addition has been made.

Certificate of registration

1030. The producer, manufacturer, importer, agent or dealer in any commercial fertilizer or any agricultural mineral, except as provided in section 1026, shall, before the engaging in the sale thereof obtain a certificate of registration from the director, authorizing him to sell commercial fertilizers or agricultural minerals, as the case may be, and shall securely fix to each container of commercial fertilizer or agricultural mineral the word "Registered" with the number of registry. In case one person desires authority to sell both commercial fertilizer and agricultural minerals, he shall register and pay the fee required for each registry. The producer, manufacturer, importer, agent, or dealer, obtaining such registry, shall pay to the director the sum of fifty dollars ($50), to be applied in carrying out the provisions of this chapter. The registration shall expire on the thirtieth day of June of the fiscal year for which it was given. The provisions of this section do not apply to any agent whose principal has obtained a certificate of registration.

(Amended by Ch. 426, Stats. 1933.)

[ORIGINAL SECTION.]

1030. The producer, manufacturer, importer, agent or dealer in any commercial fertilizer or any agricultural mineral, except as provided in section 1026, shall, before the engaging in the sale thereof obtain a certificate of registration from the director, authorizing him to sell commercial fertilizers or agricultural minerals, as the case may be, and shall securely fix to each container of commercial fertilizer or agricultural mineral the word "Registered" with the number of registry. In case one person desires authority to sell both commercial fertilizer and agricultural minerals, he shall register and pay the fee required for each registry. The producer, manufacturer, importer, agent, or dealer, obtaining such registry, shall pay to the director the sum of fifty dollars ($50), to be applied in carrying out the provisions of this article. The registration shall expire on the thirtieth day of June of the fiscal year for which it was given. The provisions of this section do not apply to any agent whose principal has obtained a certificate of registration.

Brands, Trade-names, etc

1032. Every registered producer, manufacturer, importer, agent, or dealer, who makes or sells any commerical fertilizer or agricultural mineral under a name or brand, shall file on or before the first day of July in each year a statement under oath with the director, stating such name or brand, and the component parts of the substances to be sold, or manufactured under each such name or brand.

Investigation by director

1033. The director shall take samples of the substances and mixtures of substances to which this article applies, make analyses or examinations thereof, and make investigations concerning the use, sale, adulteration or misbranding thereof, at such times and to such extent as are necessary for the full enforcement of this article. The results of examinations or chemical analyses of official samples of commerical fertilizers and agricultural minerals, and such additional information as to him may seem advisable shall be published by the director, at least annually.

Tolerance Commercial fertilizer.

1034. Whenever the analysis of a sample of commerical fertilizer shows a deficiency of not more than one-fourth of one per cent of nitrogen, or not more than one per cent of available phosphoric acid, or not more than one-half of one per cent of potash soluble in distilled water, the statement of the producer, manufacturer, importer, agent or dealer, as required in this article, is not false within the meaning of this article.

Same Agricultural minerals.

1035. Whenever the analysis of a sample of agricultural mineral shows a deficiency in any constituent of not more than five per cent of the guaranteed total percentage of such constituent, the statement of the producer, manufacturer, importer, agent or dealer, as required in this article, is not false within the meaning of this article.

Tests of samples

1036. The director shall, upon the receipt of a sample of any substance or mixture of substances to which this act applies accompanied by the required fee, cause such analysis, examination or test to be made thereof, as will establish the conformity or nonconformity of said sample to the guarantee under which it is sold or to be sold, and shall inform the sender thereof the results of all such analyses, examinations or tests. The schedule of all fees required for such analyses, examinations or tests shall be determined by the director. This section shall apply only to a sample received from a person who is actually using or who intends to use such material for fertilizing purposes.

Fees.

(Amended by Ch. 426, Stats. 1933.)

[ORIGINAL SECTION.]

1036. The director shall, upon the receipt of a sample of any substance or mixture of substances to which this act applies accompanied by the required fee, cause such analysis, examination or test to be made thereof, as will substantially establish the conformity of said sample to the guarantee under which it is sold or to be sold, and shall inform the sender thereof the results of all such analyses, examinations or tests. The schedule of all fees required for such analyses, examinations or tests shall be determined by the director.

Taking samples

1037. The director may take a sample, not exceeding two pounds, for analysis from any lot of commercial fertilizer or agricultural mineral which may be in the possession of any producer, manufacturer, importer, agent, or dealer. The sample shall be drawn in the presence of the party or parties in interest, or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or, if less than ten packages are present, all shall be sampled; in lots of over five tons, not less than twenty packages shall be sampled, or if less than twenty packages are present, all shall be sampled. The samples so drawn shall be thoroughly mixed, and two equal samples shall be drawn therefrom and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the director or the deputy making such inspection, and by the

party or parties in interest, or their representatives present at the drawing and sealing of said samples. One of the samples shall be retained by the party whose stock was sampled, and the other by the director.

Tax on sales.

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay twenty-five cents per ton, and upon such a sale of agricultural minerals, ten cents per ton except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales, sworn to by the registered seller, shall be rendered to the director quarterly within thirty days after March 31, June 30, September 30, and December 31, of each year, and shall be accompanied by the amount of tonnage license tax required by this section.

Report

On receipt of the tonnage license tax and statement, the director shall issue to the registered seller a certificate of compliance with this section.

Whenever a registered person shall have paid the tonnage license tax herein required, any person acting as his selling agent shall not be required to pay the tonnage license tax.

(Amended by Ch. 426, Stats. 1933.)

[ORIGINAL SECTION.]

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay twenty-five cents per ton, and upon such a sale of agricultural minerals, ten cents per ton except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales, sworn to by the registered seller, shall be rendered to the director quarterly within thirty days after March 31, June 30, September 30, and December 31, of each year, and shall be accompanied by the amount of license fees required by this section.

On receipt of the license fee and statement, the director shall issue to the registered seller a certificate of compliance with this section.

Whenever a registered person shall have paid the license fee herein required, any person acting as his selling agent shall not be required to pay the license fee.

Penalty

1039. Any person selling, offering or exposing for sale, any commercial fertilizer or agricultural mineral without the statement required by this article or with a label stating that said commercial fertilizer or agricultural mineral contains a larger percentage of any one or more of the constituents than is actually contained therein, or failing to comply with any of the provisions of this article is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than fifty dollars ($50) and costs for the first offense, and not less than one hundred dollars ($100) and costs for each subsequent

offense. Such fines shall be paid into the school fund of the county in which conviction is had.

Certificate of director Evidence

1040. In any action civil or criminal, in any court in this State, a certificate of the director stating the results of any analysis, purported to have been made under the provisions of this act, shall be prima facie evidence of the fact that the sample or samples mentioned in said analysis or certificate were properly analyzed; that such samples were taken as herein provided; that the substances analyzed contained the component parts stated in such certificate and analysis; and that the samples were taken from the lots, parcels or packages mentioned in said certificate.

Cancellation of registration

1041. The director, after hearing, may cancel the registration of or refuse to register any person who sells or proposes to sell any commercial fertilizers or agricultural minerals detrimental or injurious to plants when applied as directed, or which are known to be of little or no value for the purpose for which they are intended, or as to which false or misleading claims are made or implied. He may cancel the registration of any person who repeatedly violates the provisions of this article.

Penalty.

1042. Any person, who, by himself, or through another, in connection with the sale of any substance or mixture of substances included within the scope of this article:

(a) Makes any material or substantial misrepresentation.

(b) Makes any false promises of a character likely to influence, induce or deceive.

(c) Engages in illegitimate business or dishonest dealing.

(d) Causes to be published or distributed false or misleading literature, or causes to be displayed false or misleading advertisements.

Is guilty of a misdemeanor.

Licenses

1043. Every person who sells or deals in any of the substances defined in subdivisions (a), (b) and (c) of section 1022, before engaging in such occupation, shall be licensed by the director. If the applicant is employed in such business the application shall state the name and address of the employer. All licenses issued under the provisions of this section shall expire on December 31 of each year. Each application shall be accompanied by a fee of two dollars. When a license is issued to a corporation upon an application signed by or bearing the name of the president of the corporation a display license shall be issued to the corporation and a personal license to the president. For each officer and employee engaged in selling, other than the president, an additional fee of two dollars shall be paid, and a personal license issued to each such person. When the license is issued to a partnership a display license shall be issued to the partnership and a personal license issued to one member of the partnership whose name is designated in the application. For each additional member or employee engaged in selling, an additional fee of two dollars is required and a personal license shall be issued to each such

person. When a license is issued to an individual engaged in such business both a display license and a personal license shall be issued to him. All display licenses shall be posted conspicuously in the place of business of the licensee. Where a licensee maintains more than one place of business duplicate display licenses shall be applied for and issued upon the payment of a fee of one dollar each. The director may investigate the actions of any licensee and may, after notice and hearing, suspend or revoke the license.

(Amended by Ch. 426, Stats. 1933.)

[ORIGINAL SECTION.]

1043. Every person who sells or deals in any of the substances defined in section 1022, before engaging in such occupation, shall be licensed by the director. If the applicant is employed in such business the application shall state the name and address of the employer. All licenses issued under the provisions of this section shall expire on December 31 of each year. Each application shall be accompanied by a fee of two dollars. When a license is issued to a corporation upon an application signed by or bearing the name of the president of the corporation a display license shall be issued to the corporation and a personal license to the president. For each officer and employee, other than the president, an additional fee of two dollars shall be paid, and a personal license issued to each such person. When the license is issued to a partnership a display license shall be issued to the partnership and a personal license issued to one member of the partnership whose name is designated in the application. For each member or employee of such partnership an additional fee of two dollars is required and a personal license shall be issued to each such person. When a license is issued to an individual engaged in such business both a display license and a personal license shall be issued to him. All display licenses shall be posted conspicuously in the place of business of the licensee. Where a licensee maintains more than one place of business duplicate display licenses shall be applied for and issued without additional cost. The director may investigate the actions of any licensee and may, after notice and hearing, suspend or revoke the license.

Article 3. Economic Poisons.

Definitions.

1061. As used in this article:

(a) "Economic poisons" includes any substance, or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all insects, fungi, bacteria, weeds, rodents, predatory animals or any other form of plant or animal life which is, or which the director may declare to be, a pest, which may infest or be detrimental to vegetation, man, animals or households, or be present in any environment whatsoever.

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

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

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

Application of article.

1062. The provisions of this article do not apply to any of the preparations, drugs or chemicals intended to be used or sold for medicinal or toilet purposes which conforms to the standard tests prescribed in the latest edition of the United

States Pharmacopoeia or National Formulary, nor to any preparations or substances manufactured and intended to be used or sold exclusively for toilet or medicinal purposes and guaranteed under the United States pure food and drugs act of June 30, 1906, and the California Pure Food and Drugs Act, Statutes of California for 1907, chapter one hundred and eighty-seven.

Adulteration.

1063. Economic poison is adulterated when:

(a) Its strength or purity falls below the standard or quality under which it is represented to have.

(b) Any ingredient necessary to its effectiveness has been wholly or in part abstracted or omitted in its manufacture, or other materials substituted therefor.

(c) It is intended for use on vegetation and contains any substance or substances which is seriously injurious to vegetation, except weeds, when used according to the directions furnished therewith.

Misbranding.

1064. Economic poison is misbranded when:

(a) The package or label thereon bears any false or misleading statement, design, or device regarding such article or the ingredients or substances contained therein.

(b) The package or label is falsely branded as to the place of manufacture or production.

(c) It is an imitation or offered for sale under the name of another article.

(d) It is labeled or branded so as to deceive or mislead the purchaser.

(e) The contents of the package as originally put up have been removed in whole or in part and other contents placed in such packages.

(f) In package form, and the contents, if stated in terms of weight or measure, are not plainly and correctly stated on the outside of the package.

(g) It consists partially or completely of any inert ingredients which are not effective as economic poisons, and does not have the names and percentage of each such inert ingredient plainly and correctly stated on the label. In lieu of naming and stating the percentage of each such inert ingredient, the producer may state the correct names and percentage of each active ingredient which is effective as economic poisons, and the total percentage of such inert ingredients present.

Labels

1065. Every separate lot, container, or package of economic poisons intended to be sold, within this State, shall have attached a plainly printed label, stating the name, brand or trade-mark, if any, under which it is sold, and the name and address of the registered manufacturer, importer, or dealer.

Unlawful sale

1066. It is unlawful to manufacture, transport or sell, any adulterated or misbranded economic poison.

Defense

1067. In any prosecution of any agent or dealer under the provisions of section 1066 it is a complete defense to prove that the adulterated or misbranded economic poison which is

the basis of said prosecution was guaranteed by the party from whom said agent or dealer purchased the same to be not adulterated or misbranded.

Rules and regulations.

1068. The director shall make rules and regulations for carrying out the provisions of this article. No rule or regulation shall become effective until the expiration of thirty days after it shall have been first promulgated by a proclamation signed by the director. A copy of such rules and regulations shall be mailed to each person registered in compliance with the provisions of this article on the day the rules and regulations are promulgated. The failure to receive such copy is no defense to a violation of such rules or regulations.

Samples

1069. The director shall take samples of economic poisons, make analyses or examinations thereof, and make such investigations as are necessary for the full enforcement of this article.

Reports on analyses, etc.

1070. The director shall periodically, at least annually, print and distribute the results of examinations or chemical analyses of official samples of economic poisons taken by him, and such additional information as he deems advisable.

Licenses.

1071. Every manufacturer of, importer of, or dealer in any economic poison, except dealers or agents selling economic poison which has been registered by the manufacturer or wholesaler thereof, and persons selling raw material to manufacturers of economic poisons, before the same is offered for sale, shall obtain a license from the department. The annual fee is fifty dollars, payable to the director. Persons manufacturing an economic poison intended to be used in households or their immediate environment which does not exceed a total retail value of five hundred dollars per annum shall pay an annual license fee of ten dollars to the director. County, State, and Federal officers or employees selling economic poison at cost shall not be required to pay a license fee. Each applicant for a license shall also file a statement of the brands, trade-marks, and kinds of economic poisons intended to be manufactured or sold, the correct name and percentage of each active ingredient and the total percentage of inert ingredients contained therein. In lieu of the statement of the correct names and percentages of the active and inert ingredients there may be delivered to the director a representative sample of not less than one pound of each economic poison desired to be registered.

Additions or corrections to the above statement or new samples may be submitted at any time without additional charge. When any manufacturer, importer, or dealer in economic poisons has complied with this article and the rules and regulations provided for therein and applies for registration of economic poisons, and for a license, the director shall register each economic poison sought to be registered and issue a license to the applicant authorizing the manufacture and sale of economic poison in the State. All licenses and registrations expire on June thirtieth of each year.

It shall be unlawful to manufacture, deliver, or sell, any economic poison without a license or which is not registered and described as required by this article.

(Amended by Ch. 426, Stats. 1933.)

[ORIGINAL SECTION.]

1071. Every manufacturer of, importer of, or dealer in any economic poison, except county, State, and federal officials or employees selling the same at cost, and persons manufacturing an economic poison intended to be used in households or their immediate environments which does not exceed a total retail value of five hundred dollars per annum, and dealers or agents selling economic poison which has been registered by the manufacturer or wholesaler thereof, and persons selling raw material to manufacturers of economic poisons, before the same is offered for sale, shall obtain a license from the department. The annual license fee is fifty dollars, payable to the director. Each applicant for a license shall also file a statement of the brands, trade-marks, and kinds of economic poisons intended to be manufactured or sold, the correct name and percentage of each active ingredient and the total percentage of inert ingredients contained therein. In lieu of the statement of the correct names and percentages of the active and inert ingredients there may be delivered to the director a representative sample of not less than one pound of each economic poison desired to be registered.

Additions or corrections to the above statements or new samples may be submitted at any time without additional charge. When any manufacturer, importer, or dealer in economic poisons has complied with this article and the rules and regulations provided for therein and applies for registration of economic poisons, and for a license, the director shall register each economic poison sought to be registered and issue a license to the applicant authorizing the manufacture and sale of economic poison in the State. All licenses and registrations expire on June 30 of each year.

It shall be unlawful to manufacture, deliver, or sell, any economic poison without a license or which is not registered and described as required by this article.

Cancellation of registration

1072. The director may, after hearing, cancel the registration of, or to refuse to register, any economic poison:

(a) Which is of little or no value for the purpose for which it is intended, or which is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety when properly used, and may require such practical demonstration as may be necessary to determine said facts.

(b) Concerning which false or misleading statements are made or implied by the registrant or his agent, either verbally or in writing or in the form of advertising literature.

The director may cancel the license of, or, refuse to license any manufacturer, importer, or dealer in economic poison who repeatedly violates any of the provisions of this article or the rules and regulations of the director.

Analysis

1073. The director shall, upon the receipt of a sample of economic poison, accompanied by the required fee, make an analysis, examination or test thereof, and shall inform the sender thereof the results of such analysis, examination or test. The schedule of fees required for analyses, examinations or tests shall be fixed by the director.

Fees.

Violation.

1074. When the director becomes cognizant of an apparent violation of any provision of this article or of any rule or regulation promulgated hereunder, he shall cause notice of such

fact, together with a copy of the charges to be served on the person suspected of the violation. The person notified shall be given an opportunity to be heard under rules and regulations promulgated for that purpose.

Seizure of misbranded, etc., goods

1075. Any economic poison that is condemned as being adulterated, or misbranded within the meaning of this article, or detrimental to agriculture or to the public health shall be seized and disposed of in such manner as the director, after notice to all interested parties and hearing may direct. Any order made by the director under this section may be reviewed upon application of any interested party by any court of competent jurisdiction.

Enforcing officers.

1076. No person charged with the enforcement or execution of any of the provisions of this article shall be directly or indirectly interested in the sale, manufacture or distribution of any economic poison.

Sale of serums, toxins, etc

1077. It is unlawful knowingly to transport, ship, prepare, possess, sell or otherwise dispose of any viruses, serums, toxins or analogous products intended for use in the treatment of domestic animals unless such products have been produced under license of the Bureau of Animal Industry of the United States Department of Agriculture.

CHAPTER 7a. COMMERCIAL FEEDING STUFFS.

(Heading amended by Ch. 426, Stats. 1933.)

[ORIGINAL HEADING.]

Article 4. Commercial Feeding Stuffs.

Commercial feeding stuffs.

1081. "Commercial feeding stuffs" includes all feeding stuffs used for feeding live stock and poultry except the following:

(a) Whole seeds or grains.

(b) Fresh green roughage, milk, skimmed milk, whey and buttermilk, the unmixed meals made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, milo and also light rice labeled "light rice" when ground; and not excepting ground barley exceeding nine per cent in fiber or five per cent ash, ground oats exceeding fourteen per cent fiber or five per cent ash ground corn exceeding four per cent fiber or three per cent ash, milo exceeding five per cent fiber or four per cent ash, and kaffir exceeding five per cent fiber or four per cent ash.

(c) Whole hays, straws, cottonseed hulls and corn stover, when unmixed with other materials.

Standards

1082. The standards for commercial feeding stuffs shall be fixed by the director and shall conform as nearly as possible to the latest revision of the definitions of feeding stuffs adopted by the Association of American Feed Control Officials, excepting that alfalfa meal shall contain not less than fourteen per cent protein, and not more than thirty per cent crude fiber.

Labels

1083. Every lot or parcel of commercial feeding stuffs sold or distributed within this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement certifying:

(a) The net weight of the contents of the lot or parcel.

(b) The name, brand or trade-mark.

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market.

(d) The minimum per cent of crude protein.

(e) The minimum per cent of crude fat.

(f) The maximum per cent of crude fiber.

(g) The maximum per cent of ash.

(h) The specific name of each ingredient used in its manufacture.

(i) The per cent of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, when such constitute a portion of the lot or parcel.

(j) The per cent of grit or mineral matter it contains. The director of the Department of Public Health shall fix the methods of determining the crude protein, crude fat, crude fiber and ash, which methods shall conform as nearly as possible to the methods in force at the time by the Association of Official Agricultural Chemists of North America.

Data on invoices.

1084. Any person who manufactures or mixes any commercial feeding stuffs, for another, shall, when such commercial feeding stuffs are not to be resold, furnish those for whom said commercial feeding stuffs are manufactured or mixed a numbered invoice which shall have written or printed thereon the date of sale and the name and the number of pounds of each ingredient entering into such commercial feeding stuffs. Each package of such commercial feeding stuffs mixture shall have attached thereto a written or printed tag showing the number and date of said invoice and the name of the mixer or manufacturer. All such invoices shall remain on file for six months, subject to inspection under the provisions of this chapter. No two invoices issued in one calendar year shall bear the same number.

Inspection

1085. The Department of Public Health and its agents and inspectors shall have free access to all premises or conveyances used in the manufacture, transportation, importation, sale or storage of any commercial feeding stuffs, and may open any parcel containing or supposed to contain any commercial feeding stuffs, and upon tender and full payment of the selling price of said samples, take therefrom samples and analyze the same.

Adulterated.

1086. Commercial feeding stuffs are adulterated if they do not conform to the analysis on the label or tag.

Mislabeled.

1087. Commercial feeding stuffs are mislabeled if they are not labeled or tagged in accordance with the provisions of this chapter.

Notice and hearing

1088. If it appears from an analysis by the Department of Public Health that any provision of this chapter has been vio-

lated it shall notify the manufacturer or dealer and shall afford any party so notified an opportunity to be heard in his defense, under such rules and regulations as the Department of Public Health may prescribe. After such hearing the department shall dismiss the charges or shall certify the facts to the proper district attorney with a copy of the result of the analysis sworn to by the officer making the same. Such sworn copy of the determination is prima facie evidence of the facts stated therein.

Violation

1089. Any person who:

(a) Sells or distributes in this State, any commercial feeding stuffs without having attached thereto such labels or tags as are required by this chapter.

(b) Obstructs or prevents or attempts to prevent the Department of Public Health or its authorized agent in the performance of its duty in connection with the provisions of this chapter.

(c) Sells or distributes in this State any commercial feeding stuffs without complying with the requirements of the provisions of this chapter.

(d) Sells or distributes in this State any commercial feeding stuffs which contain a smaller per cent of crude protein or crude fat or a larger per cent of crude fiber or ash than is certified to be contained therein.

(e) Fails to properly state the specific name of each ingredient used in its manufacture.

(f) Fails to properly state the per cent of such ingredients as corncobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, when such constitute a portion of the package, lot or parcel or the per cent of grit or mineral matter.

Penalty

Is guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars for the first violation and not less than one hundred dollars for each subsequent violation.

1090. Any person who mixes or adulterates any feeding stuffs with any substance injurious to the health of live stock or poultry is guilty of a misdemeanor and in addition to the penalty provided in the preceding section, the lot of feeding stuffs shall be subject to seizure, condemnation and sale as the court may direct. The court may in its discretion release the mixed or adulterated feeding stuffs so seized when the requirements of the provisions of this chapter have been complied with, and upon payment of all costs and expenses incurred by the State in any proceedings connected with such seizure.

Disposal of fines

One-half of all fines, and the proceeds from condemned foodstuffs collected by any court or judge for the violations of the provisions of this chapter shall be paid to the State Treasurer. and the State Treasurer shall deposit such money to the credit of the fund for the maintenance of the State laboratory, to be drawn against by warrants of the State Controller upon claims, in accordance with law.

Exemption

1091. No dealer shall be prosecuted under the provisions of this chapter when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party, residing in the United States, from whom he purchased such commercial feeding stuffs to the effect that the same are not adulterated, mislabeled or misbranded within the meaning of this chapter, and can also establish by satisfactory evidence that the commercial feeding stuffs sold or distributed in this State were mislabeled or did not conform to the analysis declared on the label or tag affixed thereto, and that at the time of selling, or distributing in this State such commercial feeding stuffs, the dealer was not aware of that fact.

Such guaranty may be either general or special. A general guaranty shall guarantee without conditions or restriction all of the commercial feeding stuffs purchased, prepared, compounded, packed, distributed or sold by the guarantor as not mislabeled or adulterated within the meaning of this chapter. A special guaranty shall guarantee in the same manner the particular commercial feeding stuffs listed in an invoice of the same and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such commercial feeding stuffs to said dealer. If the guaranty is to the effect that such commercial feeding stuffs are not adulterated, mislabeled or misbranded within the meaning of the National Pure Food Act, approved June 30, 1906, it is sufficient for the purposes of this chapter and has the same force and effect as though it referred to this chapter, except that a guaranty referring to the said National Pure Food Act alone is not sufficient for the purposes of this chapter in any case where at any time the standard for the commercial feeding stuffs concerned under this chapter is higher than the standard for like commercial feeding stuffs under said National Pure Food Act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this State and it appears from the certificate of the director of the State laboratory that such commercial feeding stuffs were adulterated, mislabeled or misbranded, within the meaning of this chapter or the National Pure Food Act approved June 30, 1906, the district attorney must forthwith notify the Attorney General of the United States of such violation.

Enforcement.

1092. The Department of Public Health shall enforce the provisions of this chapter and prescribe and enforce such rules and regulations relating to the sale of commercial feeding stuffs as it may deem necessary to carry into effect the full intent and meaning of this chapter.

CHAPTER 8. EGGS AND EGG PRODUCTS.

Article 1. Standards.

Sales unlawful.

1101. It is unlawful to sell for human consumption any eggs unfit for human food as determined by candling. Any

egg is unfit for human food if it is addled or moldy; if it contains black spot, black rot, white rot or blood; if it has an adherent yolk or a bloody or green white (albumen); or if it is filthy, decomposed or putrid.

Definitions.

1102. As used in this article with relation to eggs:

(a) "Addled" or "white rot" means putrid or rotten.

(b) "Moldy" means mold has developed inside the shell.

(c) "Black spot" means molds or bacteria have developed in isolated areas inside the shell.

(d) "Black rot" means deteriorated to such an extent that the whole interior presents a blackened appearance.

(e) "Blood" means germ development has taken place to the point that blood veins have formed or blood is diffused through the white.

(f) "Adherent yolk" means the yolk has become fastened to the shell.

(g) "Retailer" means any person who sells eggs to a consumer.

(h) "Consumer" means any person purchasing eggs for his own family use or consumption.

(i) "Manufacturer" means any restaurant, hotel, boarding house, bakery, or other institution purchasing eggs for serving to guests, or patrons, or for use in the manufacture or preparation of any product intended for human consumption.

(j) "Eggs" means eggs in the shell, except as otherwise defined in this article.

(k) "Candling" means the practice of examining the interior of an egg by the use of transmitted light.

Labels

1103. It is unlawful to sell to a consumer any eggs intended for human consumption, other than those of the seller's own production sold without solicitation by him and upon the premises on which produced, without giving notice by suitable sign or label, to the person purchasing or intending to purchase the same, of the quality and weight of such eggs according to the standards prescribed in this article. When so labeled, no other labeling or marking is required.

Candling certificate

1104. Every person selling to a retailer or manufacturer eggs other than those of his own production shall furnish an invoice or candling certificate showing the exact quality and weight specifications of such eggs according to the standard prescribed by this article. A copy of such invoice or candling certificate shall be kept on file by the seller and by the purchaser at their respective places of business for thirty days and shall be available for inspection at all reasonable times by the Department of Public Health. No retailer or manufacturer shall be prosecuted under the provisions of this article if he can show a proper invoice or candling certificate from the person from whom the eggs are purchased, if said eggs have been labeled by the retailer for resale in accordance with the purchase invoice or candling certificate therefor. No retailer or manufacturer is exempt from prosecution who may have kept eggs, covered by an invoice or candling certificate, for such a

time after purchase or under such conditions as to cause said eggs to deteriorate into a lower grade.

Quality specifications.

1105. Quality specifications are:

(a) Specials: Eggs uniform in size; reasonably clean and sound; air cell localized and not over three-sixteenths of an inch in depth; clear firm whites; no visible germ development; may contain not more than two eggs per dozen of the grade of "extras."

(b) Extras: Eggs uniform in size; reasonably clean and sound; air cell not over one-fourth inch in depth; clear firm whites; no visible germ development; may contain not more than two eggs per dozen of the grade of "standards."

(c) Standards: Eggs uniform in size; reasonably clean and sound; air cell not over three-eighths inch in depth. The germ development may be slightly visible.

(d) Trades: Shall apply to all edible eggs falling below the quality specifications for standards.

(Amended by Ch. 423, Stats. 1933.)

[ORIGINAL SECTION.]

1105. Quality specifications are:

(a) Specials: Eggs uniform in size; reasonably clean and sound; air cell localized and not over three-sixteenths of an inch in depth; clear firm whites; no visible germ development; may contain not more than two eggs per dozen of the grade of "extras."

(b) Extras: Eggs uniform in size; reasonably clean and sound; air cell localized and not over one-fourth inch in depth; clear firm whites; no visible germ development; may contain not more than two eggs per dozen of the grade of "standards."

(c) Standards: Eggs uniform in size; reasonably clean and sound; air cell may be slightly tremulous but not over three-eighths inch in depth. The germ development may be slightly visible.

(d) Trades: Shall apply to all edible eggs falling below the quality specifications for standards.

Weight specifications.

1106. Weight specifications are:

(a) Large eggs shall weigh not less than 1⅝ ounces each and shall average not less than 23½ ounces per dozen.

(b) Medium eggs shall weigh not less than 1 7/12 ounces each and shall average not less than 20 ounces per dozen.

(c) Small eggs shall weigh not less than 1¼ ounces each and shall average not less than 16 ounces per dozen.

(d) Peewee eggs shall include all eggs weighing less than 1¼ ounces each.

Other specifications.

1107. The terms "eggs," "ranch eggs," "farm eggs," or any terms similar thereto, when not otherwise modified, and when used on a sign or label mean eggs of the quality and size herein defined as "large extras" or better, and said eggs need not be otherwise marked as to quality or size. If eggs of a lower quality grade or of smaller size are offered for sale, the consumer must be notified by a suitable sign or label of the correct quality and size. Dirty eggs must be sold as such and the buyer must also be informed of the correct quality and weight or size. Checked or broken eggs must be sold as such and the buyer must be informed of the correct weight.

No eggs below the quality of "standards" shall be sold to a consumer, except as provided in section 1103.

1108. The violation of any provision of this article is a misdemeanor and punishable by a fine of not less than ten dollars nor more than fifty dollars; for the second offense a fine of not less than ten dollars nor more than one hundred dollars; for the third and any subsequent offenses a fine of not less than twenty-five dollars nor more than two hundred dollars. All fines shall be paid to the county treasurer of the proper county, who shall remit one-half thereof to the Department of Public Health for payment into the State treasury to the credit of the general fund. Penalty. Disposal of fines.

1121 to 1124. (Repealed by Ch. 380, Stats. 1933.)

[ORIGINAL SECTIONS.]

Article 2. Storage Eggs.

1121. Every person who sells, consigns, ships or gives away to any person any egg produced at any place requiring thirty-one days or more to transport the same to the selling point, shall, before so doing, cause to be stamped, marked or branded upon the container thereof in black-faced letters not less than one-half inch in height the word "storage."

1122. Every person selling any eggs which were produced at any place requiring thirty-one days or more to transport the same to the selling point, shall display in a conspicuous place in his public salesroom a sign not less than one foot in height and six feet in length, bearing the words "storage eggs sold here" in black-faced letters not less than six inches in height and one inch in width upon a white ground.

1123. Every person who receives eggs that have been produced at any place requiring thirty-one days or more to transport the eggs to the selling point, prior to their sale or offering for sale, shall report to the department of public health the number of eggs received, the date when received and the place where such eggs were produced, and the name of the person to whom sold.

1124. The violation of any provision of this article is a misdemeanor and is punishable by imprisonment in the county jail for not more than six months, or by a fine of not more than two hundred dollars, or both.

Article 3. Cold Storage Eggs.

1131 to 1133. (Repealed by Ch. 380, Stats. 1933.)

[ORIGINAL SECTIONS.]

1131. Every person who sells any eggs that have been in cold storage for a longer period than three months shall before so doing cause to be stamped, marked or branded upon all sides of each receptacle containing the same in black-faced letters two inches in length the period of time during which the same have been in cold storage, and such eggs shall be "cold storage eggs" within the meaning of this article

1132. Every person selling any cold storage eggs shall display in a conspicuous place in his salesroom, a sign bearing the words "Cold storage eggs sold here" in black-faced letters not less than six inches in height, upon a white ground.

1133. The violation of this article is a misdemeanor and is punishable by imprisonment in the county jail for a term not exceeding six months, or a fine of two hundred fifty dollars, or both.

1134. It is unlawful to sell cold storage eggs as fresh eggs or to represent the same to be fresh eggs.

Article 4. Egg Products.

Definition

1141. As used in this article "egg products" means "liquid eggs," "frozen eggs," "dried eggs" or other egg products intended for human consumption.

Standards.

1142. Egg products shall be prepared only from eggs that are fit for human food, under sanitary conditions that meet the approval of all State rules and regulations prescribed under authority of the California pure food act, approved March 11, 1907, and the food sanitation act, approved March 6, 1909. Egg products prepared outside of the State but within the United States, must bear a certificate of an authorized representative of any Federal or State department that is authorized to inspect food products, which certificate shall state that the egg products have been prepared from eggs fit for human food and in accordance with the sanitary laws of the State or Territory of origin.

Stats. 1907, p 208.

Imported eggs.

1143. No person shall sell for human consumption in the State any egg products imported into the State from without the United States until they have been inspected by the Department of Public Health and are found to be fit for human consumption and a permit authorizing such sale has been issued. The Department of Public Health shall cause an inspection of all such egg products to be made, and if the same are found to be in fit condition for human consumption, it shall issue to the importer or consignee a permit authorizing the sale thereof for such purpose, together with certificates of inspection equal in number to the number of containers in which said egg products are packed. Such certificates of inspection shall be in such form as the Department of Public Health deems appropriate and shall have printed upon a white background in plain black letters, not less than one inch high, "frozen eggs (or, as the case may be, liquid eggs, dried eggs or egg products) imported into the State of California from without the United States, inspected (inserting the date) by California Department of Public Health." Such certificates shall be printed upon gummed, adhesive labels, and the importer or consignee shall affix or cause to be affixed one such certificate to each of such containers in such manner that the inspection certificate shall be plainly visible to the buyer. All such egg products imported into the State from without the United States shall be sold only from the original containers. No certificate of inspection shall be removed from the container or defaced, and no container upon which such inspection certificate has been affixed shall be used as a receptacle for any egg products imported into the State from without the United States which have not been so inspected and pronounced fit for human consumption. The importer or consignee shall pay for such inspection an inspection fee to be fixed by the Department of Public Health for each certificate of inspection.

1144. All importers and wholesale distributors of egg products imported into the State from without the United

States, when so requested shall furnish the Department of Public Health a record of the manufacturers to whom such products are sold.

Labels on imported eggs and products thereof.

1145. The container in which egg products imported into the State from without the United States are sold in the State shall have the words "frozen eggs (or liquid eggs, dried eggs, or egg products, as the case may be) imported from without the United States" displayed on said case or container in letters not less than two inches high and said container shall bear the name of the manufacturer by whom the product was prepared or manufactured and the country in which the product was prepared or manufactured. All retailers of egg products imported into the State from without the United States shall sell the same from the container in which the retailers received such products and shall inform each purchaser of the origin of said eggs or egg products. All restaurants, hotels, cafes, bakeries and confectioneries using or serving egg products imported from without the United States must place a sign in letters not less than four inches high in some conspicuous place in their places of business so that the customer entering their places of business can see it, which sign shall read "frozen eggs (or dried eggs, or liquid eggs, or egg products, as the case may be) imported from without the United States used here."

All food products containing egg products imported from without the United States shall have stamped on the outside of each individual package or container thereof in plain view of in letters not less than one-quarter inch in size a statement to the effect that frozen eggs (or liquid eggs, or dried eggs, or other egg products, as the case may be) imported from without the United States have been used in the manufacture of the product.

Every person selling food products, in the manufacture of which are used egg products imported from without the United States, where such food products are not packed in individual packages or containers, and marked as provided herein, shall display, in a conspicuous place in the place of business where such food products are sold so that a customer entering such place of business can see it, a sign in letters not less than four inches in height to the effect that frozen eggs (or liquid eggs, or dried eggs, or other egg products, as the case may be) are used in the manufacture of food products sold therein.

(Amended by Ch. 290, Stats. 1933.)

[ORIGINAL SECTION.]

1145. The container in which egg products imported into the State from without the United States are sold in the State shall have the words "frozen eggs (or liquid eggs, dried eggs, or egg products, as the case may be) imported from without the United States" displayed on the outside of said case or container in letters not less than two inches high and said container shall bear the name of the manufacturer by whom the product was prepared or manufactured and the country in which the product was prepared or manufactured. All retailers of egg products

imported into the State from without the United States shall sell the same from the container in which the retailers received such products and shall inform each purchaser of the origin of said eggs or egg products. All restaurants, hotels, cafes, bakeries and confectioneries using or serving egg products imported from without the United States must place a sign in letters not less than four inches high in some conspicuous place in their places of business so that the customer entering their places of business can see it, which sign shall read "frozen eggs (or dried eggs, or liquid eggs, or egg products, as the case may be) imported from without the United States used here."

All manufacturers of any food products using egg products imported from without the United States in the manufacture of food products shall stamp on the outside of each individual package or container of said food products in letters not less than one-quarter inch in size a statement to the effect that frozen eggs (or liquid eggs, or dried eggs, or other egg products, as the case may be) imported from without the United States have been used in the manufacture of the product.

Penalty.

1146. The violation of any provision of this article, or any rule or regulation made pursuant thereto by the Department of Public Health is punishable for the first offense by a fine not exceeding five hundred dollars and for the second offense by a fine not exceeding one thousand dollars or by imprisonment for not more than ninety days, or both.

Article 5. Enforcement.

Enforcement.

1147. The Department of Public Health shall enforce the provisions of this chapter and shall make all necessary rules and regulations therefor.

DIVISION VI.

MARKETS.

CHAPTER 1. GENERAL PROVISIONS.

Definitions

1151. As used in this chapter:

(a) "Products" means agricultural, dairy and farm products produced, grown, raised, manufactured or processed within the State.

(b) "Organization of producers and distributors" includes all corporations, societies, associations and organizations of producers or of producers and distributors, or of distributors, cooperative, or otherwise, formed for the purpose of facilitating the marketing of products.

Powers of director.

1152. The director may:

(a) Act as adviser for producers and distributors when requested and assist them in economical and efficient distribution of products at fair prices.

(b) Gather and disseminate impartial information concerning supply, demand, prevailing prices and commercial movements, including common and cold storage of products.

(c) Promote, assist and encourage the organization and operation of cooperative and other associations and organizations for improving the relations and services among producers,

distributors and consumers of products, and protect and conserve the interests of the producers and consignors thereof.

(d) Foster and encourage cooperation between producers and distributors of products, in the interest of the general public.

(e) Foster and encourage the standardizing, grading inspection, labeling, handling, storage and sale of products.

(f) Act as a mediator or arbitrator, when invited by both parties in any controversy or issue that may arise between producers and distributors of products.

(g) Certify, for the protection of owners, buyers or creditors, when so requested, warehouse receipts for any such products, verifying quantites and qualities thereof, and charge for such service, fees sufficient to make the service self-supporting.

(h) Issue labels on request of the producer, packer, canner or distributor, for products for which labels have not otherwise been authorized by law, under such rules and regulations as he deems necessary and charge for such labels such fees as in his judgment are proper.

(i) Act on behalf of the consumers of products in conserving and protecting their interests in every practicable way.

(j) Improve, broaden and extend in every practicable way, the distribution and sale of California products throughout the markets of the world.

(k) Promote in the interest of the producer, the distributor, and consumer, economical and efficient distribution and marketing of products produced or processed within the State.

Bureau of correspondence

1153. The director shall have a Bureau of Correspondence for gathering and disseminating information on all subjects relating to the market of California products, and may issue bulletins thereon, and by every practicable means keep the producers informed of the supply and demand and at what market their products can best be handled.

Fees

1154. All fees, charges and costs collected under this chapter shall be paid into the State treasury to the credit of the general fund.

Investigation

1155. The director may make pertinent investigations concerning the aggregate amount of products held in common and cold storage. In connection with any such investigation, the director may inspect only the pertinent books and records of common or cold storage warehouses for the purpose of determining and publishing aggregate amounts of products held in storage, and may issue subpenas for the attendance of witnesses and the production of pertinent books, papers, accounts, documents and testimony in any such investigation.

CHAPTER 2. DESTRUCTION OF FOODSTUFFS IN RESTRAINT OF TRADE.

Destruction unlawful

1161. It is unlawful to destroy, in restraint of trade, any fowl, animal, vegetable, or other stuffs, products or articles which are customary food, or which are proper for food, for

human beings, and are in fit sanitary condition to be used as such.

Permit to destroy products.

1162. No person who receives any agricultural products, for sale on commission or for sale or exchange for the benefit of any other person, shall destroy, abandon, discard as refuse, or dump, such products, without a permit in writing from the commissioner, county health officer, director, Secretary of the State Board of Health, or from some other official now or hereafter authorized by law to issue permits for the destruction of such products. Such permits, together with a detailed statement of all products destroyed thereunder, shall be kept on file by the person to whom issued.

A copy of each such permit together with a copy of each such detailed statement shall, on the day such permit is issued, be served personally by the consignee, upon the consignor of the destroyed products, or in lieu of such personal service, shall on said day be served by the consignee on the consignor by depositing the same in the post office, inclosed in a sealed envelope, postage fully prepaid, addressed to the consignor of said destroyed products at said consignor's address, if known, or if not known, then to the place whence said shipment or consignment of said products originated.

CHAPTER 3. PRODUCE EXCHANGES.

Produce exchanges.

1171. Any association of persons, firms, corporations and/or associations organized for the purpose of furnishing a medium for trading in butter, cheese or eggs, to facilitate the marketing of said products, or to establish their wholesale market value is a dairy produce exchange.

Dairy produce exchange

1172. It is unlawful to establish or operate a dairy produce exchange without first obtaining from the director a license to do so.

1173. Every dairy produce exchange, and any person, firm, association or corporation hereafter desiring to operate a dairy produce exchange, before engaging in such activity, shall file with the director a written application for a license, accompanied by the license fee of one hundred dollars, and shall state the following information:

Application

(a) The name under which said exchange proposes to operate.

(b) The location of its place of business.

(c) The names of its officers, directors, and the persons, firms, corporations or associations constituting its membership.

(d) A certified copy of its articles of incorporation, its constitution and by-laws, and the rules and regulations and bases of trade under which it proposes to operate.

License

1174. The director shall examine the application, and if he finds that the applicant has fully complied with the provisions of this chapter, he shall issue a license authorizing the applicant to operate a dairy produce exchange The license shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or indorsement of

the rules and regulations or bases of trade under which said applicant proposes to operate.

Revocation of license

1175. The director may upon his own motion and shall, upon the verified complaint in writing of any person, investigate the actions of any dairy produce exchange and may temporarily suspend or permanently revoke licenses issued under the provisions of this chapter whenever the holder thereof is guilty of:

(a) Failure to supply all the information required by the provisions of subdivisions a, b, c, and d of section 1173.

(b) Making any false statements or misrepresentations of facts to the director.

(c) Fraud or deception in his or its application for or procurement of a license.

(d) Any other conduct, whether of the same or a different character than herein above specified, which is unlawful.

(e) Violation of any law or ordinance of the State or any city or county of the rules of the Federal Trade Commission governing unfair trade practices in the handling of butter, cheese or eggs.

Notice.

1176. Before suspending or revoking any license, the director shall notify in writing the applicant or holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto.

Appeal

1177. Every order, decision or other official act of the director, including every decision suspending or revoking any license under this chapter, shall be subject to review, in accordance with the provisions of Chapter I of Title I of Part III of the Code of Civil Procedure, and any party aggrieved by any such order, or decision of the director, may, within thirty days from date of written notice of said decision or order, appeal therefrom to the superior court of the State of California, in and for the county in which the said dairy produce exchange affected by such decision has its place of business, under the terms of this chapter, by serving upon the director a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing. Thereupon the director shall, within thirty days, upon payment of the costs therefor by the appealing party, make and certify such transcript. The applicant shall, within fifteen days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of said appeal the burden of proof shall lie upon the party appealing and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the director from which the appeal is taken.

Effect of appeal on decision of director

1178. In the event of the suspension or revocation of any license the decision of the director shall not take effect until thirty days after its date. In the event of an appeal from the decision of the director to any court of competent jurisdiction

the decision of the director shall remain in effect pending the determination of such appeal, unless the party appealing and aggrieved by such decision of the director shall file with said court a bond in a sum to be fixed by said court, in favor of the people and conditioned upon the faithful performance of all those things which are ordered to be done, or the faithful observance of such restraint as may be directed by the director. Said bond shall be for the benefit of any person having dealings with such appellant, and any such person so dealing with the same shall have the right to commence a suit thereon in his own name against appellant and his sureties.

Fees

1179. For each license, the director shall charge the sum of one hundred dollars, which sum must accompany the application for the license. Except as otherwise provided herein each license issued by the director shall continue in effect so long as the licensee shall continue in business, and shall pay a fee of one hundred dollars annually to the director. Such fee is payable on the first Monday of each calendar year.

Reports

1180. The director may require such monthly or other periodical reports, records of market quotations and other statistical information as may be necessary to him in administering this chapter, and all such reports, statistics or information pertinent to each licensee shall be kept on file in the office of the director and subject to public inspection.

Records

1181. The director shall have access to all records of every licensed dairy produce exchange, and may appoint a representative to sit with the board of directors or other governing body of such exchange.

Director to arbitrate disputes

1182. The director shall act as arbitrator in all cases of dispute or contention concerning the maintenance or operation of any licensed dairy produce exchange, or the by-laws, rules or regulations pertaining thereto. Upon receipt of any verified complaint concerning a licensed dairy produce exchange the director shall proceed to make a thorough investigation. In this connection, he may conduct hearings, of which all interested parties shall receive due notice, and may require written statements setting forth the views of any or all contending parties. In this connection he shall invite the cooperation and solicit the opinion of the Federal Trade Commission and the Bureau of Agricultural Economics of the United States Department of Agriculture. On the basis of the information so obtained the director shall prescribe a tentative rule which shall be effective in the operation of any licensed dairy produce exchange for a period not to exceed ninety days. If, after such trial period, it shall appear that said tentative rule operates in a fair and equitable manner, it shall then upon order of the director be made a permanent rule of said licensed dairy produce exchange. If, in the conduct of any such investigation, it shall appear that any unlawful act or acts have been committed by any licensed dairy produce exchange, the director may initiate appropriate legal proceedings against such licenses.

1183. Any person who operates a dairy produce exchange without a license is guilty of a misdemeanor and shall also pay to the State one hundred dollars for each and every day of such operation; said moneys to be recovered by an action at law brought by the Attorney General in the name of the people. Penalties.

1184. Any person who makes any false statement in applying for a license or violates any rule or decision of the director authorized by this chapter is guilty of a misdemeanor.

CHAPTER 4. NONPROFIT COOPERATIVE MARKETING ASSOCIATIONS.

1191. As used in this chapter: Definitions.

(a) "Products" includes horticultural, viticultural, forestry, dairy, live stock, poultry, bee and any farm products.

(b) "Member" includes members of associations without capital stock and holders of common stock in associations organized with shares of stock.

(c) "Association" means any corporation organized under this chapter.

1192. Associations organized hereunder shall be deemed "nonprofit," inasmuch as they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers.

1193. Five or more persons, a majority of whom are residents of this State, engaged in the production of products, may form a nonprofit cooperative association, with or without shares of stock, under the provisions of this chapter. Formation

1194. Each association incorporated under this chapter may: Powers

(a) Engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling or utilization of any products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or any activity in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this section.

(b) Borrow without limitation as to amount of corporate indebtedness or liability and may make advances to members.

(c) Act as the agent or representative of any member or members in any of the above-mentioned activities.

(d) Purchase or otherwise acquire, hold, own, and exercise all rights of ownership in, sell, transfer, pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing or packing or manufacturing or processing or preparing for market of any of the products handled by the association.

(e) Establish reserves and invest the funds thereof in bonds or in such other property as may be provided in the by-laws.

(f) Buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto.

(g) Levy assessments in the manner and in the amount as may be provided in its by-laws.

(h) Do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and contract accordingly; and in addition exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this chapter; and do any such thing anywhere.

(i) Use or employ any of its facilities for any purpose, provided the proceeds arising from such use and employment shall go to reduce the cost of operation for its members; and provided, further, that the products of nonmembers shall not be dealt in to an amount greater in value than such as are handled by it for its members.

1195. (a) Under the terms and conditions prescribed in the by-laws adopted by it, an association may admit as members, or issue common stock to, only such persons as are engaged in the production of products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent all or part of the crop raised on the leased premises.

(b) If a member of a nonstock association be other than a natural person, such member may be represented by any individual, associate, officer or manager or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

Articles.

1196 The articles of incorporation of any such association shall state

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The county where the principal office for the transaction of business of the corporation is to be located.

(d) The number of directors thereof, which shall be not less than three and may be any number in excess thereof; the term of office of such directors; and the names and residence of those who are to serve as directors for the first year, or until election and qualification of their successors.

(e) If organized without shares of stock, whether the voting power and the property rights and interest of each member are equal or unequal; and if unequal, the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may be and are determined and fixed; and provide for the admission of new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule or rules.

(f) If organized with shares of stock, the number of shares which may be issued and if the shares are to have a par value, the par value of each share, and the aggregate par value of all shares; if the shares are to be without par value it shall be so stated.

If the shares are to be classified, a description of the classes of shares and a statement of the number of shares of each kind or class and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock; and except as to the matters and things so stated no distinction shall exist between said classes of stock or the holders thereof. One class of stock shall always be known as common stock and voting power may be restricted to holders of common stock.

Nonpar stock

1197. If an association organized hereunder issues nonpar value stock the issuance of such stock shall be governed by the terms of all general laws covering the issuance of nonpar value stock in domestic corporations.

Signing articles

1198. Articles of incorporation must be signed, acknowledged and filed in the manner prescribed by the general laws of this State for domestic corporations.

Amending articles

1199. The articles of incorporation of any association may be altered or amended in the manner and for the purposes prescribed in section 362 of the Civil Code and by the general corporation laws of this State covering domestic corporations.

By-laws

1200. Each association shall within thirty days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this chapter. A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote, is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked. Each association, under its by-laws, may provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings. Meetings of members or stockholders shall be

By-laws.

held at the place as provided in the by-laws; and if no provision be made, then in the city where the principal place of business is located at a place designated by the board of directors. Meetings of the board of directors may be held at any place within or without the State fixed by a quorum thereof unless otherwise provided in the articles of incorporation or by-laws.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both, and the conditions, manner, form and effects of such votes; the right of members or stockholders to cumulate their votes and the prohibition, if desired, of cumulative voting.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers and the time of their election.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight (8) per cent per annum and which dividends shall be in the nature of interest and shall not affect the nonprofit character of any association organized hereunder.

(j) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their

disqualification as stockholders. In case of the expulsion of a member, and where the by-laws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

Directors

1201. The affairs of the association shall be managed by a board of not less than three directors, elected by the members or stockholders from their own number.

By-laws
Other provisions

1202. The by-laws may provide that:

(a) The territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association.

(b) Primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary elections in the various districts shall be final and must be ratified at the annual meeting of the association.

(c) The territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisers, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisers to be elected by each district, the manner and method of reapportioning the representatives or advisers and of redistricting the territory covered by the association.

(d) Directors shall be elected for terms of from one to five years; provided, that at each annual election the same fraction of the total number of directors shall be elected as the year bears to their term of office.

(e) One or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such director shall represent primarily the interest of the general public in such associations. The directors so nominated need not be members or stockholders of the association, but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

(f) The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

Compensation

1203. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee.

Vacancy

1204. When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board by a majority vote, shall fill the vacancy, provided that when the by-laws provide for an election of directors by districts, the vacancy shall be filled by the election of a director from the district in which the vacancy occurs; or the board of directors may call a special meeting of the members or stockholders in that district to fill the vacancy.

Organization of directors

1205. The directors shall elect from their number a president and one or more vice presidents. They shall also elect a secretary and a treasurer, who need not be directors or members of the association; and they may combine the two latter offices and designate the combined office as secretary-treasurer; or unite both functions and titles in one person. The treasurer may be a bank or any depository and as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as and where authorized by the board of directors.

Membership certificate

1206. When a member of an association established without shares of stock has paid his membership fee in full, he shall receive a certificate of membership.

Stock certificate

No association shall issue a certificate for stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote.

An association, in its by-laws, may limit the amount of common stock which one member may own.

The by-laws shall prohibit the transfer of the common stock or membership certificates of the associations to persons not engaged in the production of the products handled by the association; and such restrictions must be printed upon every certificate of stock subject thereto.

The association may, at any time, as specified in the by-laws, except when the debts of the association exceed fifty per cent of the assets thereof, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors, and pay for it in cash within one year thereafter.

No member or stockholder shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory note given in payment thereof.

Removal of officers

1207. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by five per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regu-

lar or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer, against whom such charges have been brought, shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director; and by a vote of the majority of the members of that district, the director in question shall be removed from office.

Marketing contracts

1208. The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over fifteen years, all or any specified part of their products or specified commodities exclusively to or through the association, or any facilities to be created by the association. If they contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens, to the association upon delivery; or at any other specified time if expressly and definitely agreed in the said contract. The contract may provide that the association may sell or resell the products delivered by its members, with or without taking title thereto; and pay over to its members, the resale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight per cent per annum upon common stock.

Damages for breach

1209. The by-laws or the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this State; and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties.

Injunction

1210. In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing

a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

Landowner presumed to control disposal of product.

1211. In any action upon such marketing agreements, it shall be conclusively presumed that a landowner or landlord or lessor is able to control the delivery of products produced on his land by tenants or others, whose tenancy or possession or work on such land or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landowner or landlord or lessor, of such a marketing agreement; and in such actions, the foregoing remedies for nondelivery or breach shall lie and be enforceable against such landowner, landlord or lessor.

Purchase by exchange of stock.

1212. Whenever an association, organized hereunder with preferred shares of stock, shall purchase the stock or any property, or any interest in any property of any person, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred stock to an amount which at par value would equal the fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

Effect on existing laws.

1213. Any provisions of law which are in conflict with this chapter shall not be construed as applying to the associations herein provided for.

Any exemptions under any and all existing laws applying to agricultural products in the possession or under the control of the individual producer, shall apply similarly and completely to such products delivered by its farmer members, in the possession or under the control of the association.

Use of "cooperative"

1214. No person, firm, corporation or association, hereafter organized or doing business in this State, shall be entitled to use the word "cooperative" as part of its corporate name or other business name or title for producers' cooperative marketing activities, unless it has complied with the provisions of this chapter.

Association as member in another association

1215. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing or selling of the products handled by the association, or the by-products thereof.

If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities delivered by it, or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this State or

the United States, its warehouse receipt delivered to the association on commodities of the association or its members, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Any two or more corporations organized hereunder may be merged into one such constituent corporation or consolidated into a new corporation, such merger or consolidation to be made in the manner prescribed by the general laws of the State covering domestic corporations.

Contracts.

1216. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative or other corporation, association or associations, formed in this or in any other State, for the cooperative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same personnel, methods, means and agencies for carrying on and conducting their respective business.

Associations previously organized

1217. Any corporation or association organized under previously existing statutes for the purpose of cooperatively marketing products as defined in this chapter shall be deemed organized and existing under and by virtue of the terms of this chapter, and all of the provisions of the terms of this chapter, and any of the restrictions and benefits thereof shall apply in all of their terms to such corporation. The repeal of any acts under which such corporation or association has been incorporated shall not dissolve such corporation or association, but such corporation or association shall continue in existence as if organized under the provisions of this chapter.

Corporations brought under chapter

1217.5. Any corporation organized or existing pursuant to provisions other than those of Title XXIII of Part IV of division one of the Civil Code, may be brought under the provisions of this chapter by amending its articles of incorporation in the manner prescribed by the General Corporation Laws to conform to the provisions of this chapter, and whenever any corporation shall have amended its articles of incorporation to conform to the provisions of this chapter, it shall be deemed to be then organized and existing under and entitled to the benefit of and subject to the provisions of this chapter for all purposes and as fully as though originally organized hereunder. Articles of incorporation shall be deemed to conform to the provisions of this chapter within the meaning of the foregoing whenever (a) it is provided or declared therein, in substance, regardless of form, that the corporation is organized and exists as a nonprofit cooperative corporation for the purposes provided for in or permitted by the provisions of this chapter, or one or more of said purposes; or (b) it clearly appears therefrom that the corporation

desires to be subject to, and to be organized, exist and function under and pursuant to the provisions of this chapter. Whenever amended articles conform, as aforesaid, provisions therein that appeared in the original articles or some previous amended articles, shall be deemed ineffective if and to the extent the same are inapplicable to or inconsistent with the provisions of this chapter.

The provisions of this section shall be construed and applied as retrospective as well as prospective, and may be availed of by a corporation regardless of time of incorporation, whether prior or subsequent to the adoption of this section, and shall apply to amendments to articles of incorporation whether made prior or subsequent to the adoption of this section, and all amendments made prior to the adoption of this section shall be effective and valid to the same extent as though made subsequent to the adoption of this section.

(Added by Ch. 193, Stats. 1933.)

Corporations not in restraint of trade

1218. Any association organized hereunder shall be deemed not to be a conspiracy nor a combination in restraint of trade nor an illegal monopoly; nor an attempt to lessen competition or to fix prices arbitrarily or to create a combination or pool in violation of any law of this State; and the marketing contracts and agreements between the association and its members and any agreements authorized in this chapter shall be considered not to be illegal nor in restraint of trade nor contrary to the provisions of any statute enacted against pooling or combinations.

Law applicable

1219. The general corporation laws of this State and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter.

Not subject to corporate securities act

1220. No corporation organized or existing under or by virtue of the terms and provisions of this chapter shall be subject in any manner to the terms of the corporate securities act of the State as approved May 18, 1917, or as amended, and any and all corporations organized under and by virtue of the terms of this chapter may and shall issue their membership certificates or stock or other securities as provided herein without the necessity of any permit from the commissioner of corporations.

Contracts enforceable

1221. A contract entered into by a member or stockholder of a nonprofit cooperative association or corporation, providing for the delivery to such association or corporation of products produced or acquired by the member or stockholder, may be specifically enforced by the association or corporation to secure the delivery to it of such products, any provisions contained in the Civil Code to the contrary notwithstanding.

CHAPTER 5. AGRICULTURAL WAREHOUSES.

Definitions

1231. As used in this chapter:

(a) "Warehouse" means every elevator, building, structure, or other protected enclosure within the State, in which any agricultural product is or may be stored.

(b) "Product" means cotton, wool, hay, fertilizer, grain products, grains, tobacco, rice, beans and flaxseed, or any by-product thereof, and other agricultural products customarily handled in warehouses.

(c) "Fungible product" means grain, rice, beans or other products handled in bulk and does not include these products when handled in sacks.

(d) "Warehouseman" means a person lawfully engaged in the business of storing products.

(e) "Receipt" means a warehouse receipt.

Powers of director

1232. The director is authorized:

(a) To investigate the storage, warehousing, classifying according to grade and otherwise, weighing and certification of products.

(b) Upon application to him by any person applying for license to conduct a warehouse under this chapter, to inspect such warehouse or cause it to be inspected.

(c) At any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this chapter.

(d) To determine whether warehouses for which licenses are applied for or have been issued under this chapter are suitable for the proper storage of products.

(e) To classify warehouses licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this chapter.

(f) To prescribe, within the limitations of this chapter, the duties of the warehousemen conducting warehouses licensed under this chapter with respect to their care of and responsibility for products stored therein.

License

1233. The director may, upon application to him, issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this chapter and such rules and regulations as may be made hereunder. Each such warehouse shall be suitable for the proper storage of the particular product or products for which a license is applied for, and each warehouseman shall agree, as a condition to the granting of the license, to comply with and abide by all the terms of this chapter and the rules and regulations prescribed hereunder.

1234. Each license issued under this chapter shall terminate as therein provided or in accordance with the terms of this chapter and the regulations thereunder, and may from time to time be modified or extended by a written instrument.

Bond.

1235. Each warehouseman applying for a license to conduct a warehouse in accordance with this chapter shall, as a condition to the granting thereof, execute and file with the director a bond to the State to secure the faithful performance of his obligations as a warehouseman under the laws of the State and the rules and regulations prescribed under this chapter, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of products in such warehouse. Said bond shall be in such form and amount, and shall contain such terms and conditions as the director may prescribe. Whenever the director determines that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same is given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

1236. Any person injured by the breach of any obligation to secure which a bond is given, under the provisions of this chapter, may sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

Bonded warehouse.

1237. Upon the filing with and approval by the director of a bond, for the conduct of a warehouse, such warehouse shall be designated as "California bonded" hereunder; but no warehouse shall be designated as bonded under this chapter, and no name or description conveying the impression that it is so bonded, shall be used until a bond such as provided for in this chapter has been filed with and approved by the director, nor unless the license issued under this chapter for the conduct of such warehouse remains unsuspended and unrevoked.

Publicly owned warehouse

1238. The director may issue a license to any person to accept the custody of products and to store the same in a warehouse or warehouses owned, operated, or leased by the State or any municipality, upon condition that such person agree to comply with and abide by the terms of this chapter and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the products placed in his custody, and shall give bond, in accordance with the provisions of this chapter, and the rules and regulations affecting warehousemen licensed under this chapter, and shall otherwise be subject to this chapter and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

Fees.

1239. The director shall collect a reasonable fee for every examination or inspection of a warehouse when such examination or inspection is made upon the application of a warehouseman and an annual fee based upon the capacity of the warehouse and the character of the commodity or commodities stored therein for each license or renewal thereof issued to a warehouseman, which fee shall be based upon the following schedule:

Grain and hay warehouses, 1¢ per ton, with a minimum of $25.00 and a maximum of $100.00;

Cannery warehouses, 50¢ per 1000 cases, with a minimum of $50.00 and a maximum of $200.00;

Dried fruit warehouses, 2¢ per ton, with a minimum of $50 00 and a maximum of $200.00;

Miscellaneous agricultural warehouses other than those listed, $25.00.

All such fees shall be reported monthly by the director to the State Controller and such fees shall be deposited monthly in the State treasury to the credit of the Department of Agriculture fund. There is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, the sum of ten thousand dollars, which shall be placed to the credit of the Department of Agriculture fund and used to carry out the provisions of this chapter until such time as the revenue derived from collected fees shall be sufficient to pay the costs thereof. After July 1, 1934, five per centum of the collected fees shall be paid quarterly into the general fund of the State treasury until such time as an amount equivalent to that herein appropriated has been repaid.

(Amended by Ch. 730, Stats. 1933.)

[ORIGINAL SECTION.]

1239. The director shall collect a reasonable fee for every examination or inspection of a warehouse when such examination or inspection is made upon the application of a warehouseman, and a fee of not exceeding two dollars per annum for each license or renewal thereof issued to a warehouseman. All such fees shall be reported monthly by the director to the State Controller and such fees shall be deposited monthly in the State treasury to the credit of the general fund.

License to classify products

1240. The director may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any product or products, stored or to be stored in a warehouse licensed under this chapter, according to grade or otherwise and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agrees to comply with and abide by the terms of this chapter and of the rules and regulations prescribed hereunder.

1241. Any license issued to any person to classify or to weigh any product under this chapter may be suspended or revoked by the director whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product correctly.

Products to be stored

1242. Every warehouseman conducting a licensed warehouse shall receive for storage therein, so far as its capacity permits, any product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing in the usual manner in the ordinary and usual

course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

1243. Any person who deposits products for storage in a licensed warehouse deposits the same subject to the terms of this chapter and the rules and regulations prescribed hereunder.

Fungible products

1244. All fungible products stored in intrastate commerce in a warehouse licensed under this chapter shall, except when the identity thereof is preserved, be inspected and graded by a person duly licensed to grade the same.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION]

1244. All fungible products stored in intrastate commerce in a warehouse licensed under this chapter shall be inspected and graded by a person duly licensed to grade the same.

Products kept separate.

1245. Every warehouseman conducting a licensed warehouse shall keep the products therein of one depositor so far separate from products of other depositors, and from other products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible products with other products of the same kind and grade. He is severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the products had been kept separate. He shall not mix fungible products of different grades, except upon written order of the owner or his agent and the surrender of the warehouse receipts.

Receipts.

1246. For all products stored for intrastate, interstate or foreign commerce, in a licensed warehouse original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued for products not actually stored in the warehouse at the time of the issuance thereof.

(Amended by Ch. 723, Stats. 1933.)

[ORIGINAL SECTION]

1246. For all products stored for State, interstate or foreign commerce, in a licensed warehouse original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued for products not actually stored in the warehouse at the time of the issuance thereof.

Form of receipt.

1247. Every receipt issued for products stored in a warehouse shall embody within its written or printed terms:

(a) The location of the warehouse in which the products are stored.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the products received will be delivered to the bearer, to a specified person, or to a specified person or his order.

(e) The rate of storage charges.

(f) A description of the products received, showing the quantity, or, in case of products customarily put up in bales or packages, the marks, numbers, or other means of identification and the weight of such bales or packages.

(g) The grade or other class of the products received and the standard or description in accordance with which such classification has been made. Such grade or other class shall be stated according to the standard of the State applicable to such products as the same may be fixed and promulgated under authority of law. Until official standards of the State for any product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the director.

(h) A statement that the receipt is issued subject to this chapter and the rules and regulations prescribed thereunder.

(i) The fact of ownership of the products by the warehouseman, solely, jointly, or in common with others, if such is the fact.

(j) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(k) Such other terms and conditions within the limitations of this chapter as may be required by the director.

(l) The signature of the warehouseman, or his authorized agent. Unless otherwise required by law, if a statement of the grade is not requested by the depositor of other than fungible products, a receipt omitting compliance with subdivision (g) of this section may be issued, without reference on the receipt as to why the grade of the product has been omitted therefrom.

Standards

1248. The director, from time to time, may establish and promulgate standards for products by which their quality or value may be judged or determined. Federal standards for grain established under authority of the United States Grain Standards Act shall be followed as closely as possible by the director.

Only one receipt at one time outstanding

1249. While an original receipt is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the State.

Delivery by warehouseman

1250. A warehouseman conducting a warehouse shall, without unnecessary delay, in the absence of some lawful excuse, deliver the products stored therein upon a demand made either by the holder of a receipt for such products or by the depositor thereof if such demand is accompanied by offers to: (a) satisfy the warehouseman's lien, (b) surrender the receipt, if negotiable, with indorsements necessary for the negotiation thereof, and (c) sign, when the products are delivered, an acknowledgment that they have been delivered.

Receipt canceled.

1251. Each receipt returned to a warehouseman shall be plainly canceled on its face by him upon the delivery by him of the products for which the receipt was issued.

Records

1252. Every warehouseman conducting a warehouse shall safely keep complete and correct records of all products stored therein and withdrawn therefrom, all warehouse receipts issued by him, and the receipts returned to and canceled by him. He shall report to the director concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as the director may require.

Examination

1253. The director may examine any product stored in any warehouse. Whenever, after opportunity for hearing is given to the warehouseman, it is determined that he is not performing fully the duties imposed on him by this chapter and the rules and regulations made hereunder, the director may publish his findings.

License revoked

1254. The director may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued under this chapter, for any violation of or failure to comply with any provisions of this chapter or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the director, whenever he deems necessary, may suspend a license temporarily without hearing.

Powers of director

1255. The director from time to time may publish the results of any investigations made under section 1232, and he shall distribute to interested parties a list of the names and addresses of persons and warehouses licensed under this chapter and lists of all licenses terminated under this chapter and the causes therefor.

1256. The director may examine all books, records, papers, and accounts of licensed warehouses and of the warehousemen conducting such warehouses relating thereto.

1257. The director shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this chapter.

Penalties

1258. Every person who forges, alters, counterfeits, simulates, falsely represents, or, without proper authority, uses any license issued by the director under this chapter, or violates any provision of section 1237, or issues or utters a false or fraudulent receipt or certificate, is guilty of a felony.

CHAPTER 5a. GRAIN WAREHOUSE INSPECTION

(Heading added by Ch. 1038, Stats. 1933.)

1260. As used in this chapter:

Definitions

(a) "Warehouse" means every elevator, building, structure, or other protected enclosure within the State, in which any grain is or is to be regularly stored for the public.

(b) "Grain" means any cereal grain customarily handled in warehouses, either in bulk or sacks.

(c) "Warehouseman" means a person lawfully engaged in the business of storing grain for compensation.

(d) "Receipt" means a warehouse receipt.

(Added by Ch. 1038, Stats. 1933.)

Powers of director

1260.1. For the purpose of controlling insect pests of grain in public warehouses, the director is authorized:

(a) To investigate and regulate the storage and warehousing of grain.

(b) At any time, with or without application to him, and in order to determine its condition to examine or cause to be examined any warehouse or any grain stored in any warehouse.

(c) When the extent of the infestation is such as to be a menace to other grain, to order the treatment of an infested warehouse or the disposal of infested grain therein.

(d) To prescribe, within the limitations of this chapter, the duties of warehousemen with respect to the care of grain stored in their warehouses.

(e) To enforce such rules and regulations hereunder as are necessary.

(Added by Ch. 1038, Stats. 1933.)

Registration.

Fee.

1260.15. It shall be unlawful to operate, conduct or maintain a public warehouse for grain storage without having registered such warehouse with the director. Such warehouseman shall pay a registration fee of ten dollars ($10) for each warehouse each year, but in no case shall the total of registration fees for one warehouseman exceed one hundred fifty dollars ($150) in any one fiscal year. If a warehouse is licensed and bonded under the provisions of chapter 5 of Division VI of the Agricultural Code, the registration fee for such warehouse shall be waived. Each such licensee and warehouseman who registers one or more warehouses shall file with the director the address to which notices under this chapter shall be mailed and notices mailed to such address shall be conclusively presumed to have been received.

(Added by Ch. 1038, Stats. 1933.)

Monthly report.

1260.2. The director at least once each month shall report to the State Controller the total amount of moneys collected for fees, penalties, judgments or otherwise, and at the same time shall pay into the State treasury the entire amount of such moneys, which shall be credited to the Department of Agriculture fund and expended in carrying out the provisions of this chapter.

(Added by Ch. 1038, Stats. 1933.)

Inspection by director

1260.25. At least once each year the director shall make or cause to be made an inspection of each warehouse registered under the provisions of this chapter for the purpose of determining the extent, if any, of insect infestations existing in each warehouse or in any of the grain stored therein. A written record of the results of all such inspections shall be kept in the department and shall be available to all interested parties upon application.

(Added by Ch. 1038, Stats. 1933.)

Public nuisance

1260.3. Every lot of grain stored in any warehouse, and every warehouse, infested with insect pests of stored grain to such a degree as to constitute a menace to any uninfested grain that is or may be stored therewith or therein is hereby declared to be a public nuisance and the director is hereby empowered to cause the abatement of every such nuisance found upon inspection made or caused to be made by him. Upon the finding of such infestation in any warehouse the director, in writing, shall notify the warehouseman that said warehouse or the contents thereof is a public nuisance in accordance with the provisions of this section. Such notification may be made by mail to his filed address and shall require him to abate or cause to be abated such nuisance within the time specified in the notice.

(Added by Ch. 1038, Stats. 1933.)

Inspection by warehouseman

1260.35. Every warehouseman who registers a warehouse under this chapter and with whom grain has been stored shall make monthly inspections of the grain stored therein, and upon any finding of insect infestation in any such lot of grain he shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified.

(Added by Ch. 1038, Stats. 1933.)

Notices

1260.4. The director, in notifying any warehouseman that any lot of grain stored in his warehouse constitutes a public nuisance, shall supply such warehouseman with an additional copy of the notice. Within three (3) days after receipt of the additional copy, the warehouseman shall deliver in the manner and to the person or persons specified in section 1260.35 of this chapter such copy accompanied by a statement requiring said owner or owners to abate such nuisance either by removal of the grain or by authorizing its treatment by the warehouseman whereby the nuisance shall be abated within the time specified by the director in the notice; provided, that in the event of a failure on the part of the warehouseman to give the notice required by section 1260.35 of this chapter, such warehouseman shall be liable for the cost of such treatment as the director may require if such infestation was previously known to the warehouseman or by due diligence would have been known to him.

(Added by Ch. 1038, Stats. 1933.)

Abatement of nuisance

1260.45. If any warehouseman shall fail before the end of the time specified in the notice from the director to abate or cause to be abated the nuisance therein specified, the director shall notify the district attorney of the county in which the nuisance exists and upon receipt of such notice such district attorney shall forthwith bring an action in the name of the people of the State of California against the warehouseman and the owner of infested grain to abate said nuisance.

(Added by Ch. 1038, Stats. 1933.)

1260.5. Any warehouseman who, after receipt of notice to abate such nuisance, fails to abate it within the time specified in the notice, and accepts for storage, without notice of such nuisance to the storer or his delivering agent as soon as practical, any grain in the warehouse which or the contents of which is a public nuisance under the provisions of this chapter, shall be liable to any storer of said grain for any and all damages occasioned by subsequent infestation of grain so stored from such nuisance.

(Added by Ch. 1038, Stats. 1933.)

Removal of infestation

1260.55. In any case in which a lot of grain has been declared to be a nuisance and has been required to be abated, the director shall also require the warehouseman to eliminate or control any infestation of the premises resulting from or in the infestation of the grain.

(Added by Ch. 1038, Stats. 1933.)

Duty of owner

1260.6. Within the number of days specified in the notice, after notification as provided in section 1260.4 of this chapter, the owner of any lot of infested grain specified therein shall either remove the grain from the warehouse mentioned in the copy of notice and statement or shall cause the same to be treated so as to abate the nuisance. If such owner shall fail to remove said grain, or shall fail to cause its treatment or to authorize the warehouseman to treat the same, the warehouseman may treat the grain or may sell said grain at public sale without further notice, or, if it can not be sold, the warehouseman may make such other disposition of it as is possible and shall incur no liability by reason of any such disposition. Except in those cases in which the warehouseman is liable for the cost of treatment to abate the nuisance, such cost shall be a lien against the grain.

(Added by Ch. 1038, Stats. 1933.)

Proceeds of sale

1260.65. From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charge of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered to the person to whom he would have been bound to deliver or justified in delivering the goods.

(Added by Ch. 1038, Stats. 1933.)

Treatment of grain

1260.7. In case the owner authorizes the warehouseman to treat the infested grain, the warehouseman shall proceed with

such treatment as shall be prescribed by the director. The cost of such treatment shall become a lien against such grain.

(Added by Ch. 1038, Stats. 1933.)

Enforcement.

1260.75. The director and the commissioner of each county of the State, his deputies and inspectors, under the supervision and control of the director, shall enforce this chapter.

(Added by Ch. 1038, Stats. 1933.)

Constitutionality.

1260.8. If any clause, sentence, paragraph, or part of this chapter shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Chapter 5a, embracing sections 1260 to 1260.8 added by Ch. 1038, Stats. 1933.)

CHAPTER 6. PRODUCE DEALERS.

Definitions.

1261. As used in this act:

(a) The term "person" includes any individual, firm, association, partnership or corporation.

(b) The term "producer" means any person engaged in the business of growing or producing any farm product.

(c) "Farm products" shall include all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, live stock and live stock products, honey and cut flowers, but shall not include timber and timber products, milk and milk products, hay, field grains, dried beans, and seeds.

(d) The term "consignor" includes any person who ships or delivers to any commission merchant or dealer any farm products for handling, sale or resale.

(e) The term "commission merchant" means any person who shall receive on consignment or solicit from the producer thereof any farm product for sale on commission on behalf of such producer, or who shall accept any farm product in trust from the producer thereof for the purpose of resale, or who shall sell or offer for sale on commission any farm product, or who shall in any way handle for the account of or as an agent of the producer thereof any farm product.

(f) The term "dealer" means any person other than a commission merchant who for the purpose of resale at wholesale obtains from the producer thereof possession or control of any farm product except by payment to the producer, at the time of obtaining such possession or control, of the full agreed price of such commodity in lawful money of the United States; provided, that any person licensed as a slaughterer under the provisions of Article 3 of Chapter 1 of Division III of this code shall not be required to obtain a license as a dealer under this chapter.

(g) The term "broker" means any person engaged in the business of soliciting or negotiating the sale of any farm product.

(h) The term "agent" means any person who, on behalf of any commission merchant, or dealer, or broker receives, contracts for or solicits any farm product from a producer thereof or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer or broker.

(i) The term "director" means State Director of Agriculture.

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1261. As used in this chapter:

(a) "Produce dealer" means every person who receives produce for sale on commission or contract with the producer thereof for farm products to be sold by him on commission or accepts in trust from the producer thereof for the purpose of resale, or who sells on commission or solicits consignments within the State of any kind of farm products, or who in any way handles for the account of or as an agent of the producer thereof any kind of farm products.

(b) "Farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, live stock and live stock products, honey and cut flowers, but does not include timber and timber products, milk and milk products, hay, field grains and dried beans

(c) "Consignor" includes every person or exchange who ships or delivers to any produce dealer any farm products.

Exceptions

1262. This chapter does not apply to or include:

(a) Any cooperative organization, operating under and by virtue of the laws of this State or of any other State or the District of Columbia or the United States or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or agent, as involves the handling or dealing in the farm products of nonmembers of such organization.

(b) Any person or exchange buying farm products for the purpose of reselling the same in dried, canned or other preserved form.

(c) Any person or exchange dealing in live stock and operating at a public live stock market and subject to and operating under a bond required by the United States to secure the performance of their obligations.

(Amended by Ch. 411, Stats. 1933.)

[ORIGINAL SECTION.]

1262. This chapter does not apply to or include:

(a) Any cooperative organization, operating under and by virtue of the laws of this State or of any other State or the District of Columbia or the United States or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or agent, as involves the handling or dealing in the farm products of nonmembers of such organization.

(b) Any person or exchange buying farm products for the purpose of reselling the same in dried, canned or other preserved form.

License

1263. No person shall act as a commission merchant, dealer, broker or agent without having obtained a license as provided in this chapter. Every person, acting as a commission merchant, dealer, broker or agent as herein defined shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, and/or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

Application

Such application shall in each case state the class or classes of farm products applicant proposes to handle, the full name of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

Requirements

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of application noted:

(a) Commission merchants: Each application shall include a schedule of commissions and charges for services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties.

(b) Agents: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of each commission merchant, dealer or broker represented or sought to be represented by said agent, and the written indorsement or nomination of such commission merchant, dealer or broker.

The director shall thereupon issue to such applicant, a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof or until the same shall have been revoked for cause. The director may also issue to each agent a card or cards, which shall bear the signature of said agent and his principal, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of California and each licensee

shall be entitled to the possession thereof only for the duration of said license.

For filing the applications herein described, each applicant must pay a fee as follows: Fees

(a) Commission merchants: Twenty-five dollars for each year; provided, that a person licensed as a slaughterer under the provisions of Article 3 of Chapter 1 of Division III of this code shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) Dealers: Twenty-five dollars for each year.

(c) Brokers: Twenty-five dollars for each year.

(d) Agents: One dollar for each year.

Any person who shall have been licensed as a commission merchant shall, upon application, be licensed also as a dealer and as a broker as defined herein, without payment of further fees, and shall thereupon conform to the parts of this chapter regulating the business of a dealer and/or broker. Any person who has applied for and received a license as a dealer or broker in the manner and upon payment of the fee herein set forth may apply for and secure a license as a commission merchant in addition to the license issued to him as such dealer or broker, without payment of further fee and upon further complying with those parts of this chapter regulating the licensing of a commission merchant

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1263. No person shall act as a produce dealer without having obtained a license as provided in this chapter. Every person acting as a produce dealer shall file an application with the director for a license to transact the business of produce dealer and such application shall be accompanied by a license fee of twenty-five dollars for each year or part thereof. Such application shall state:

(a) The class or classes of farm products applicant proposes to handle, the name of the applicant and if the applicant is a firm, exchange, association or corporation, the name of each member of the firm, or the names of the officers of the exchange, association or corporation.

(b) The principal business address of the applicant in the State and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business of produce dealer.

The director shall thereupon issue to such applicant upon the execution and delivery of a bond as hereinafter provided, a license entitling the applicant to conduct the business of produce dealer at the place named in the application until the first day of January next following or until the same is revoked for cause.

1264. The director may publish in pamphlet form as often as he thinks necessary a list of all licensed commission merchants, dealers, brokers and agents together with all necessary rules and regulations concerning the enforcement of this chapter. Each licensed commission merchant, dealer, broker or agent shall post his license or a copy thereof in his office or salesroom in plain view of the public. All license fees collected under the provisions of this act shall be paid into the State treasury monthly and shall be credited to the Depart- Publication Brokers, rules, etc. Disposal of fees

ment of Agriculture fund and expended in carrying out the provisions of this chapter.

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1264. The director shall publish in pamphlet form as often as he thinks necessary, a list of all licensed produce dealers together with rules and regulations concerning the enforcement of this chapter. Each licensed produce dealer shall post his license or a copy thereof in his office or salesroom in plain view of the public. Any agent of a licensed produce dealer shall show in writing his authority from his principal or employer to act as such agent.

All license fees collected under the provisions of this chapter shall be paid into the Department of Agriculture fund.

Bond

1265. Before any license is issued to any commission merchant, the applicant shall execute and deliver to the director a surety bond in the sum of five thousand dollars executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be conditioned upon compliance with the provisions of the chapter and upon the faithful and honest handling of farm products in accordance with the terms of this chapter. Said bond shall be to the State in favor of every consignor of farm products Any consignor of farm products claiming to be injured by the fraud, deceit or wilful negligence of any commission merchant may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit or wilful negligence, or the failure to comply with the provisions of this chapter. In case of failure by a commission merchant to pay consignor creditors for farm products received from said consignors to be sold, the director shall proceed forthwith to ascertain the names and addresses of all consignor creditors of such commission merchant, together with the amounts due and owing to them and each of them by such commission merchant, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Thereupon the director shall bring an action on the bond in behalf of said consignor creditors. Upon any action being commenced on said bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such commission merchant shall file a new bond and upon failure to file the same within ten days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1265. Before any license is issued, the applicant shall execute and deliver to the director a surety bond in the sum of five thousand dollars executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be conditioned upon compliance with the provisions of this chapter and upon the faithful and honest handling of farm products in accordance with the terms of this chapter. Said bond shall be to the State in favor of

every consignor of farm products. Any consignor of farm products claiming to be injured by the fraud, deceit or wilful negligence of any produce dealer may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit or wilful negligence, or the failure to comply with the provisions of this chapter. In case of failure by a produce dealer to pay consignor creditors for farm products received from said consignors to be sold, the director shall proceed forthwith to ascertain the names and addresses of all consignor creditors of such produce dealer, together with the amounts due and owing to them and each of them by such produce dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Thereupon the director shall bring an action on the bond in behalf of said consignor creditors. Upon any action being commenced on said bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such produce dealer shall file a new bond and upon failure to file the same within ten days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

1266. (Repealed by Ch 778, Stats. 1933.)

[ORIGINAL SECTION.]

1266. The applicant shall file with the director at the time of furnishing said bond a schedule of his maximum and minimum commissions and charges for services in connection with produce handled on account of or as an agent for other parties and such designated commissions and charges shall not be changed or varied for one year thereafter, except by a written contract and agreement between the produce dealer and consignor of farm products.

Enforcement.

1267. For the purpose of enforcing the provisions of this chapter the director is authorized to receive verified complaints against any commission merchant, dealer, broker or agent or any person, assuming or attempting to act as such, and upon receipt of such verified complaint shall have full authority to make any and all necessary investigations relative to the said complaint. He shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities in which any produce is kept, stored, handled or transported. He shall have full authority to administer oaths and take testimony thereunder, to issue subpenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpenas of said director shall be guilty of contempt and shall be certified to the superior court of the State for punishment for such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the director shall be prima facie evidence of the matters therein contained.

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1267. The director may receive verified complaints against any produce dealer or any person assuming or attempting to act as such, and upon receipt of such verified complaint may make necessary investigations relative to said complaint, and he shall have at all times free and

unimpeded access to all buildings, yards, warehouses, storage and transportation facilities in which any farm products are kept, stored, handled or transported. He may administer oaths and take testimony thereunder, issue subpenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpenas of the director are guilty of contempt and shall be certified to the superior court of the State for punishment for such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the director shall be prima facie evidence of the matters therein contained.

Inspection and investigation

1268. The director on his own motion may or upon the verified complaint of any interested party shall investigate, examine or inspect any transaction involving solicitation, receipt, sale or attempted sale of farm products by any person or persons acting or assuming to act as a commission merchant, dealer, broker or agent; failure to make proper and true account of sales and settlement thereof as in this act required; the intentional making of false statements as to condition, and quantity of any farm products received or in storage; the intentional making of false statements as to market conditions; the failure to make payment for farm products within the time required by this act; or investigate, examine or inspect any and all other injurious transactions, and in furtherance of any such investigation, examination or inspection, the director or any authorized representative, may examine that portion of the ledgers, books, accounts, memoranda and other documents, farm products, scales, measures, and other articles and things used in connection with the business of such person relating to the transactions involved. When a consignor of farm products fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, a verified complaint may be filed with the director who shall undertake to effect a settlement, and in the event that he shall fail to effect such settlement, he shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon such person. Such service shall be made at least ten days before the hearing, which shall be held in the city or town in which is situated the business location of the licensee, or in which the transaction complained of is said to have occurred. At the time and place appointed for such hearing the director or his agents, shall hear the parties to such complaint, and shall enter in the office of the director at Sacramento a decision either dismissing such complaint or specifying the facts established on such hearing. A copy of such decision shall be furnished to each, every and all the respective parties thereto.

Settlement of disputes

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION]

1268. Upon the verified complaint of any interested party the director shall, or on his own motion may, investigate any transaction involving solicitation, receipt, sale or attempted sale of farm products by any person acting or assuming to act as a produce dealer; failure to make proper and true account of sales and settlement thereof as in this chapter

required; the intentional making of false statements as to condition or quantity of any farm products received or in storage; the intentional making of false statements as to market conditions; the failure to make payment for farm products within the time required by this chapter; or any other injurious transactions, and in furtherance of such investigation or inspection, the director may examine any books, documents, farm products, scales, measures, or other things used in connection with the business of such produce dealer relating to the transactions involved. When a consignor of farm products fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, a verified complaint may be filed with the director, who shall undertake to effect a settlement, and in the event that he fails to effect such settlement he shall cause a copy of such complaint, together with a notice of time and place of hearing of such complaint, to be served personally or by mail upon such produce dealer. Such service shall be made at least ten days before the hearing, which shall be held in the city or town in which is situated the business location of the licensee, or in which the transaction complained of is said to have occurred. At the time and place appointed for hearing the director shall hear the parties to such complaint, and shall render a decision either dismissing such complaint or specifying the facts established on such hearing. A copy of such decision shall be furnished to each of the parties thereto.

Revocation of license

1269. The director may refuse to grant a license and may revoke or suspend any license, as the case may require, when he is satisfied of the existence of any of the following facts:

(a) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any farm products.

(b) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for farm products, received within the time and in the manner required by this chapter.

(c) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of farm products received, handled, sold or stored by him.

(d) That the applicant, or licensee, directly or indirectly, has purchased for his, or its own account farm products received by him upon consignment without prior authority from consignor together with price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(e) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm products.

(f) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer.

(g) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant for the purpose of receiving, collecting, or charging by such means more than one commission for making the sale therefor for the consignor, unless by consent of such consignor.

(h) That the licensee was intentionally guilty of fraud or deception in the procurement of such license.

(i) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with produce handled on account of or as an agent of another; that the applicant, or licensee has indulged in any unfair practice.

Previous violation by the applicant or by any person connected with him or it of any of the provisions of this chapter shall be good and sufficient ground for denial of a license.

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1269. The director may refuse to grant a license and may revoke any license, as the case may require, when he is satisfied of the existence of any of the following facts:

(a) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any farm products.

(b) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, within the time and in the manner required by this chapter.

(c) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of farm products received, handled, sold or stored by him, as a produce dealer.

(d) That the applicant, or licensee, directly or indirectly, has purchased for his, or its own account farm products received by him upon consignment without prior authority from consignor together with price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any produce dealer from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such produce dealer shall forthwith enter such transaction on his account of sales.

(e) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm products.

(f) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer.

(g) That the produce dealer to whom any consignment is made has reconsigned such consignment to another produce dealer for the purpose of receiving, collecting or charging by such means more than one commission for making the sale therefor for the consignor, unless by consent of such consignor.

(h) That the licensee was intentionally guilty of fraud or deception in the procurement of such license.

(i) That the licensee or applicant has failed or refused to file with the director a schedule of his maximum and minimum commission and other charges for services in connection with produce handled on account of or as an agent of another on or prior to February first of each year.

Appeal

1270. Any action of the director with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation or suspension of any license granted under the provisions of this chapter, may be reviewed by any court of competent jurisdiction, but pending final determination of any such review, in the case of the revocation or suspension of the license of any person licensed hereunder, such license shall be deemed in full force and effect pending the expiration of the license period or the final determination of such proceedings whichever is first in point of time.

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1270. Any action of the director with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation of any license granted under the provisions of this chapter may be reviewed by any court of competent jurisdiction, but pending final determination of any such review, in the case of the revocation of or refusal to renew the license of any produce dealer, such license shall be deemed in full force and effect until the final determination of such proceedings. No license shall be refused during or on account of the pendency of any review proceedings.

Records of merchants, etc

1271. Every commission merchant, having received any farm products for sale as such commission merchant, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale, or storage of such farm products.

(a) The name and address of the consignor.

(b) The date received.

(c) The condition and quantity upon arrival.

(d) Date of such sale for account of consignor.

(e) The price for which sold.

(f) An itemized statement of the charges to be paid by consignor in connection with the sale.

(g) The names and addresses of the purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise.

(h) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and/or other essential records needed to show what the produce actually sold for.

(i) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such farm products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of farm products for whom such claim or claims are made.

(Amended by Ch. 778, Stats. 1933.)

[AS AMENDED BY CH. 715, STATS. 1933.]

1271. Every produce dealer, having received any farm products for sale as such dealer, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale, or storage of such farm products:

(a) The name and address of the consignor.

(b) The date received.

(c) The condition and quantity upon arrival

(d) Date of such sale for account of consignor.

(e) The price for which sold.

(f) An itemized statement of the charges to be paid by consignor in connection with the sale.

(g) The names and addresses of the purchasers if said produce dealer has any financial interest in the business of said purchasers, or if said

purchasers have any financial interest in the business of said produce dealer, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise.

(h) The charges to be paid by consignor in connection with the sale.

(i) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and/or other essential records needed to show what the produce actually sold for.

(j) Any claim or claims which have been or may be filed by the produce dealer against any person for overcharges or for damages resulting from the injury or deterioration of such farm products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of farm products for whom such claim or claims are made

[ORIGINAL SECTION.]

1271. Every produce dealer, having received any farm products for sale as such dealer, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale, or storage of such farm products:

(a) The name and address of the consignor.

(b) The date received.

(c) The condition and quantity upon arrival.

(d) Date of such sale for account of consignor.

(e) The price for which sold.

(f) An itemized statement of the charges to be paid by consignor in connection with the sale.

(g) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and/or other essential records needed to show what the produce actually sold for

(h) Any claim or claims which have been or may be filed by the produce dealer against any person for overcharges or for damages resulting from the injury or deterioration of such farm products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of farm products for whom such claim or claims are made.

Daily reports and settlements

1272. When requested by his consignor, a commission merchant shall before the close of the next business day following the sale of any farm products consigned to him transmit or deliver to the owner or consignor of the farm products a true written report of such sale, showing the amount sold, and the selling price. Remittance in full of the amount realized from such sales, including all collections, overcharges and damages, less the agreed commission and other charges, together with a complete account of sales, shall be made to the consignor within ten days after receipt of the moneys by the commission merchant, unless otherwise agreed in writing. In the account the names and addresses of purchasers need not be given, except as required in section 1271.

Every commission merchant shall retain a copy of all records covering each transaction, for a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the director and the consignor, or authorized representative of either. In the event of any dispute or disagreement between a consignor and a commission merchant arising at the time of delivery as to condition, quality, grade, pack, quantity or weight of any lot, shipment or consignment of farm products, the department shall furnish upon the payment of a reasonable fee therefor by the requesting party a certificate establishing the

condition, quality, grade, pack, quantity, or weight of such lot, shipment or consignment. Such certificate shall be prima facie evidence in all courts of this State as to the recitals thereof. The burden of proof shall be upon the commission merchant to prove the correctness of his accounting as to any transaction which may be questioned. Daily reports and settlements

Every dealer must pay for farm products delivered to him or it at the time and in the manner specified in the contract with the producer, but if no time is set by such contract, or at the time of said delivery, then within thirty days from the delivery or taking possession of such farm products.

(Amended by Ch. 778, Stats. 1933.)

[As Amended by Ch. 715, Stats. 1933.]

1272 The money returns, if any, collections, or damages received by said produce dealer from said persons for and on behalf of consignor or consignors of farm products by reason of said overcharges, damages, or deterioration shall forthwith be paid to the consignor of farm products, less charges for collection thereof in accordance with the schedule of charges filed under section 1216. A copy of record and account of sales of farm products together with remittances in full of the amount realized by such sales, less the agreed commission and other charges, shall be delivered to the consignor upon the consummation of the sale together with all moneys received in payment for any consignment of farm products, less the agreed commission and other charges, within ten days after receipt of said moneys by said dealers, unless otherwise agreed in writing. In the account the names and addresses of the purchasers need not be given, except as required in section 1271.

Every produce dealer shall retain a copy of all records including sales tags, account sales, and other records covering each transaction, for a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the director and the consignor, or authorized representative of either. In the event of any dispute or disagreement between a consignor and a produce dealer arising at the time of delivery as to condition, quality, grade, pack, quantity or weight of any lot, shipment or consignment of farm products, the department shall furnish upon the payment of a reasonable fee therefor by the requesting party a certificate establishing the condition, quality, grade, pack, quantity or weight of such lot, shipment or consignment. Such certificate shall be prima facie evidence in all courts of this State as to the recitals thereof. The burden of proof shall be upon the produce dealer to prove the correctness of his accounting as to any transaction which may be questioned.

[Original Section.]

1272 The money returns, if any, collections, or damages received by said produce dealer from said persons for and on behalf of consignor or consignors of farm products by reason of said overcharges, damages, or deterioration shall forthwith be paid to the consignor of farm products, less charges for collection thereof in accordance with the schedule of charges filed under section 1216. A copy of record and account of sales of farm products together with remittances in full of the amount realized by such sales, less the agreed commission and other charges, shall be delivered to the consignor upon the consummation of the sale together with all moneys received in payment for any consignment of farm products, less the agreed commission and other charges, within ten days after receipt of said moneys by said dealers, unless otherwise agreed in writing. In the account the names and addresses of the purchasers need not be given.

Every produce dealer shall retain a copy of all records including sales tags, account sales, and other records covering each transaction, for a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the director and the consignor, or authorized representative of either. In the event

of any dispute or disagreement between a consignor and a produce dealer arising at the time of delivery as to condition, quality, grade, pack, quantity or weight of any lot, shipment or consignment of farm products, the department shall furnish upon the payment of a reasonable fee therefor by the requesting party a certificate establishing the condition, quality, grade, pack, quantity or weight of such lot, shipment or consignment. Such certificate shall be prima facie evidence in all courts of this State as to the recitals thereof. The burden of proof shall be upon the produce dealer to prove the correctness of his accounting as to any transaction which may be questioned.

Fraud
Sale at less than current price.

1272.5. Any sale of farm products made by a produce dealer for less than the current market price to any person with whom he has any financial connection, directly or indirectly, as owner of its corporate stock, as copartner, or otherwise, or any sale out of which said produce dealer receives, directly or indirectly, any portion of the purchase price, other than the commission allowed in section 1266, shall be prima facie evidence of fraud within the meaning of this chapter.

(Added by Ch. 715, Stats. 1933.)

NOTE.—See also following section bearing same number.

Same

1272.5. Any sale of farm products made by a commission merchant for less than the current market price to any person with whom he has any financial connection, directly or indirectly as owner of its corporate stock, as copartner, or otherwise, or any sale out of which said commission merchant receives, directly or indirectly, any portion of the purchase price, other than the commission allowed in section 1266, shall be prima facie evidence of fraud within the meaning of this chapter.

(Added by Ch. 778, Stats. 1933.)

NOTE.—See also preceding section bearing same number.

Penalties

1273. Any person is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year or by both who assumes or attemps to act as a commission merchant, dealer, broker or agent without a license, or who, being a commission merchant:

(a) Imposes false charges for handling or services in connection with farm products.

(b) Fails to account promptly, correctly, fully and properly and to make settlement therefor as herein provided.

(c) Intentionally makes false or misleading statement or statements as to market conditions.

(d) Makes fictitious sales or is guilty of collusion to defraud the producer.

(e) Directly or indirectly purchases for his own account, goods received by him upon consignment without prior authority from the consignor, or fails promptly to notify the consignor of such purchases, if any, on his own account. This clause does not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold,

if such commission merchant forthwith enters such transaction on his account of sales.

(f) Intentionally makes false statement or statements as to the grade, condition, markings, quality or quantity of goods shipped or packed in any manner.

(g) Fails to comply in every respect herewith. Civil suits and criminal prosecutions arising by virtue of any of the provisions of this chapter may be commenced and tried in either the county where the products were received by the commission merchant, or within the county in which the principal place of business of such commission merchant is located, or within the county in which the violation of this chapter occurred.

(Amended by Ch. 778, Stats. 1933.)

[ORIGINAL SECTION.]

1273. Any person is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year or by both who assumes or attempts to act as a produce dealer of farm products without a license, or who, being a produce dealer of farm products:

(a) Imposes false charges for handling or services in connection with farm products.

(b) Fails to account promptly, correctly, fully and properly and to make settlement therefor as herein provided.

(c) Intentionally makes false or misleading statement or statements as to market conditions.

(d) Makes fictitious sales or is guilty of collusion to defraud the producer.

(e) Directly or indirectly purchases for his own account, goods received by him upon consignment without prior authority from the consignor, or fails promptly to notify the consignor of such purchases, if any, on his own account. This clause does not prevent any produce dealer from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such produce dealer forthwith enters such transaction on his account of sales.

(f) Intentionally makes false statement or statements as to the grade, condition, markings, quality or quantity of goods shipped or packed in any manner.

(g) Fails to comply in every respect herewith.

Civil suits and criminal prosecutions arising by virtue of any of the provisions of this chapter may be commenced and tried in either the county where the products were received by the produce dealer, or within the county in which the principal place of business of such produce dealer is located, or within the county in which the violations of this chapter occurred.

CHAPTER 7. DECIDUOUS FRUIT DEALERS.

1281. As used in this chapter: Definitions

(a) "Deciduous fruit" means all deciduous fruits, including grapes and dates.

(b) "Cash buyer" means every person:

(1) Who has a regular business address in California and who has registered the same in the office of the director.

(2) Who, if his permanent business address is located outside of California, has also registered such business address in the office of the director.

(3) Who furnishes in writing to each grower with whom he does business his regular California business address.

(4) Who represents himself as a "cash buyer."

(5) Who purchases any deciduous fruits in California from the grower or producer thereof for the purposes of resale.

(6) Who agrees by his contract of purchase to pay the purchase price upon demand following delivery.

(7) Who within forty-eight hours (Sundays and legal holidays excepted) after demand has been made by said grower upon him pays or remits to said grower the full purchase price of all or any delivered portion of said deciduous fruits either in lawful money of the United States or by bank check of said buyer certified by the bank upon which it is drawn, or by a cashier's check of a bank in California, payment of which can not be stopped. Demand for the purchase price must be made upon the cash buyer in writing and the mailing of a registered letter making such demand, addressed to said buyer at his said California business address, shall be conclusive evidence that demand was made upon the mailing of said letter.

(c) "Consignment shipper" means every person who:

(1) Represents himself as a "consignment shipper."

(2) Contracts with the grower of deciduous fruits for the marketing thereof for the sole account and risk of said grower and who pays to said grower the net proceeds derived from said sale.

(3) Does not, either in writing or verbally guarantee any price to said grower for his deciduous fruits, but a consignment shipper may, at his option, by a written contract with the grower recite that said shipper has an order for any deciduous fruits of the variety covered by the contract at a named price and that said shipper agrees to use said grower's fruit to fill such order.

(d) "Dealer" includes every person other than a cash buyer or consignment shipper who attempts to make money on any deciduous fruit by dealing with the grower thereof.

Exemptions

1282. This chapter does not apply to any "cash buyer" except to such a person who fails to make payment as required by paragraph (b) of section 1281; nor to any "consignment shipper" except in so far as any consignment transaction involves a written or verbal price guarantee or involves a verbal contract of the person soliciting deciduous fruits that he has an order for said deciduous fruits at a named price and that he desires said grower's products to fill such order; nor does this chapter apply to any deciduous fruit consumed fresh in this State, or dried, canned, preserved or concentrated in this State, and the purchase of any deciduous fruit from the grower for the purpose of any such use is hereby declared to be beyond the application of this chapter provided said deciduous fruit is actually so used.

Cash buyer becomes dealer, when

1283. Whenever any person, although claiming to be a cash buyer, either (1) causes a grower to part with the control of all or any portion of his deciduous fruits by any means of proposed payment other than that specified in paragraph (b) of section 1231, or (2) causes a grower to

part with the control of all or any portion of his deciduous fruits by means of any contract under which the grower has waived the right to demand the purchase price as and when he parts with said control, then in either of said events said person is not a cash buyer but is a dealer within the meaning of this chapter. Whenever any person although claiming to be a consignment shipper either (1) causes the grower to part with control of a portion or all of his deciduous fruits under any agreement by which the price thereof is guaranteed to said grower either verbally or in writing, or (2) causes a grower to part with control of a portion or all of his deciduous fruit by any representation that said person has an order at a named price for deciduous fruit of the variety produced by said grower and that said grower's fruit is desired to fill said order, then in either of said events the said person is not a consignment shipper but is a dealer within the meaning of this chapter, notwithstanding the fact that the grower, because of said representation, is induced to, and does, enter into a consignment contract with said person in which no mention is made of said guaranteed price or of said order; and in all cases where any person represents to the grower either verbally or in writing that he holds or will get a cash deposit to support an order for deciduous fruit and by means of such representation causes a grower to part with control of a portion or all of his deciduous fruit, then such person shall upon the removal of said deciduous fruits from the grower's control be liable to said grower for the amount of said deposit less said person's legal charges. In the event any litigation is instituted by the person making said deposit to compel the return or release of said deposits then a consignment shipper may hold said deposit until the litigation is determined.

Consignment shipper becomes dealer, when

1284. It is unlawful for any person to engage in the business of a dealer in the State unless and until he has fully complied with the provisions of this chapter.

1285. Any person desiring to engage in the business of a dealer in the State shall file in the office of the director an application for a license executed under oath upon a form provided therefor by the director, which application shall set forth the following information:

License application.

(a) The name and business address of the applicant.

(b) Whether applicant is an individual, exchange, partnership, association, a group of persons, or a corporation, and if a corporation in what State organized and where its principal place of business is located; and if incorporated in any State or country other than California, the address of its office in California, together with the name and address of a person in California upon whom service of legal process can be made in suits against the applicant brought in California.

(c) How long the applicant has been engaged in business as a dealer in the State of California.

(d) Whether or not the applicant has made settlement in full with the growers of deciduous fruit handled by the applicant in either one of the two immediately preceding calendar years and if such settlement has not been made, the name and address of each grower that the applicant has not settled with.

(e) Whether or not the applicant has been in control of, or conducted the operations of, any organization which has been previously engaged in handling deciduous fruits, as a dealer, in a manner set forth in this chapter, and whether the applicant in such previous capacity has made settlement with all growers within the State.

(f) The names and addresses of three persons, including at least one bank, all within the State, to whom inquiries concerning the applicant may be made.

(g) A statement of the approximate number of tons of deciduous fruits that the applicant expects to deal with during the next twelve months, detailing the number of tons of each kind of deciduous fruit included within the total.

(h) Such additional and different information concerning applicant or his business as the director deems advisable in order to determine whether the applicant is qualified to engage in said business.

Fee.

1286. For filing such application, the applicant must pay a fee of twenty-five dollars.

Examination of applicant

1287. The director shall examine such application and cause an investigation to be made of said applicant and his business, business rating, character and reputation. If from such examination and investigation the director determines that the applicant is not properly qualified to engage in business as a dealer, he shall refuse to grant a license and deny the application, and notify the applicant of his decision. Any applicant whose application is denied by the director may, within ten days after the mailing of said notice of rejection, petition the director for a hearing and thereupon the director shall afford applicant an opportunity for a hearing on a date not less than ten nor more than twenty days after the receipt of said petition. All persons and growers to whom the applicant is indebted or any and all persons who may have objected to the licensing of applicant shall be given at least ten days' notice of said hearing by mail. Said hearing shall be informal and the director shall hear any and all evidence which may be offered or adduced either for or against said applicant, in the matter of his business, business rating, character and reputation. After hearing all of said evidence, the director shall make his findings of fact on which he may again deny the said application or grant the same as he finds the facts to be, and the findings of fact so made by the director shall be conclusive.

Hearing.

Bond.

1288. Before any license is granted by the director, the applicant therefor must deliver to the director a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified and authorized to do busi-

ness in this State as surety, in the amount of five dollars for each ton of deciduous fruits that the said applicant intends to deal with during the next twelve months as set forth in his application, up to and including one thousand tons and in addition the sum of one dollar per ton for each ton in excess of one thousand tons, but no bond shall be less than five thousand dollars in amount. Said bond shall be in the form approved by the director and shall be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the conditions of all contracts, verbal or written, made by the dealer with growers of deciduous fruit relative thereto and upon applicant's accounting for the proceeds of any fruit contracted for in accordance with the terms of the contracts with growers. Said bond shall be to the State in favor of every person with whom applicant deals in the marketing of deciduous fruits. Every such bond shall continue in force and effect until notice of the termination thereof is given by registered mail to the director and every such bond shall set forth such fact. Any person claiming to be injured or damaged by any act of said dealer, or the director on behalf of all growers contracting with the said dealer may maintain an action on said bond against the dealer and the surety named in said bond, or either of them, and any judgment against the dealer or surety in any such action shall include costs.

Schedule of charges

1289. If the applicant deals with deciduous fruit by guaranteeing a grower a minimum price, but at the same time handled the fruit for the account of the grower, said applicant shall file with the director before the issuance of a license a schedule of applicant's maximum and minimum commissions and other charges for service in connection with said deciduous fruit handled on account of or as agent for growers.

Issuance of license

1290. When an applicant for a license has met all of the requirements therefor, the director shall issue and deliver to the applicant a license which will authorize the applicant, and none other, to engage in businses as a dealer for a year from the date thereof. Said license is not assignable and shall become void upon any assignment or transfer. Each dealer shall notify the director whenever he intends to handle a greater or less number of tons than specified in the dealer's original application and thereupon the bond of said dealer shall be increased or decreased, as the case may be, in the same manner as the original bond was fixed, and no dealer shall handle any greater number of tons of deciduous fruit than provided for in dealer's bond on file.

Enforcement

1291. For the purpose of enforcing the provisions of this chapter, the director upon his own motion may, or upon a verified complaint against any dealer, or any person assuming or attempting to act as such, must make any investigations he deems necessary, and he shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation or any other facilities or places in which any

deciduous fruits are kept, stored, handled or transported. He shall have full authority to administer oaths and take testimony hereunder, to issue subpenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpenas of said director shall be guilty of contempt and shall be certified to the superior court of the State, which court shall punish any such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the director shall be prima facie evidence of the matters therein contained.

Investigations.

1292. The director, upon his own motion or upon the receipt of a verified complaint, shall investigate:

(a) Any transaction involving the solicitation, receipt, sale or attempted sale, of any deciduous fruit, by any person or persons assuming to act as a dealer.

(b) Any alleged failure to account and settle for deciduous fruit as required in this chapter.

(c) The making of alleged false statements concerning the condition and quality of deciduous fruit received or placed in storage or in transit by dealer.

(d) The alleged solicitation of growers' fruit by the making of false or misleading statements as to market conditions.

(e) Any alleged deceptive, fraudulent or dishonest act with respect to such fruit, or any violation hereof. In furtherance of such investigations or inspections, the director, or any authorized representative, may examine that portion of the ledger, books, accounts, memoranda, documents, scales, measures and other articles and things used in connection with the business of said dealer relating to the transactions involved. If the director, upon investigation, shall have reason to believe that any dealer is not acting in accordance with the provisions of this chapter, or has been guilty of any of the matters and things described in this section, he shall have personal service made on said dealer or mail by registered mail a complaint against said dealer, and in the event dealer fails to make informal adjustment or settlement of the charges set forth therein, to the satisfaction of the director, the director shall give notice of the time and place of a formal hearing thereon. Notice of any hearing shall be given at least ten days prior thereto and said hearing shall be held in any city or town in which the dealer has an office, or in any city or town in or near which the transaction complained of is alleged to have occurred. At the time and place appointed for such hearing, the director shall hear all parties and their evidence and thereupon the director shall dismiss the charges or suspend the license of said dealer for a specified period or revoke the same or make such other appropriate order as may be deemed just and proper; any order shall specify the effective date thereof and any order other than one

suspending or revoking a license shall automatically suspend such license until said order is complied with.

Appeal

1293. Any action of the director with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation or suspension of any license granted under the provisions of this chapter, may be reviewed by any court of competent jurisdiction.

Record of dealers

1294. Every dealer shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale or storage (in transit or otherwise) of said fruit:

(a) The name and address of the growers.

(b) The date fruit is received and the amount thereof.

(c) The condition of such fruit upon receipt by the dealer.

(d) Date of sale for the account of the grower if a minimum price guarantee is provided for.

(e) The price for which sold if a minimum price is guaranteed to growers.

(f) An itemized statement of the charges to be paid by the grower in connection with any sale involving a minimum price guarantee to growers.

(g) A detailed statement of all claims made by growers against the dealer, a copy of each, when received, to be certified to and filed with the director.

(h) A copy of the record and account of sales of fruit, the possession of which is obtained by dealer on a contract involving a minimum price guarantee, shall be delivered to the grower upon the consummation of the sale, together with all moneys received by dealer in payment for such transaction made upon account of the grower, less the agreed commission and other charges, and said payment and accounting must be made by said dealer to the grower within ten days after said dealer receives the money in payment of said fruit.

Settlement of contracts

1295. All deciduous fruit, except that obtained and handled by a dealer solely on a consignment basis without any price guarantee, shall be settled for by every dealer on the basis of the grade or quality that is referred to in the contract, whether written or oral, pursuant to which dealer obtained possession or control of such fruit, unless said fruit is inspected by a State or by a State and Federal inspector in the State and found to be of a different grade or quality than that referred to in said contract, but in lieu of such an inspection any dealer and grower may, in writing only, agree that the grade or quality of any lot of deciduous fruit was different from that referred to in said contract. If a contract between a dealer and a grower does not specify a date for settlement, then the dealer shall settle therefor within thirty days from the delivery of the fruit into the dealer's control, and the dealer shall then account to and pay over to said grower the full amounts called for by the contract, including any minimum price guaranteed by said dealer. For any failure by a dealer to settle with a grower in the manner provided

for above regardless of the terms of the contract made by dealer with said grower, the director may suspend or revoke the license of said dealer in the manner provided for in this act and on account thereof the director may refuse to grant a license to an applicant therefor.

Penalties.

1296. Any person who acts as a dealer as defined in this chapter without a license or having a license wilfully violates any provision of this chapter; or any person who represents himself as a "cash buyer" but who is not a cash buyer as defined in this chapter; or any person who represents himself as a "consignment shipper" but who is not a consignment shipper as defined in this chapter; or any cash buyer as defined in this chapter who wilfully refuses to make payment for deciduous fruits as and when required by this chapter, is guilty of a felony, and, upon conviction thereof shall be punished by a fine of not to exceed five thousand dollars, or by confinement in the State prison for not more than one year, or by both. Civil suits and criminal prosecutions arising by virtue of any of the provisions of this chapter may be commenced and tried in the county where the said deciduous fruit was received by the dealer, or in the county in which the principal place of business of such dealer is located within the State of California, or within the county in which the violations of this chapter occurred.

Licensees under Ch 6

1297. The requirements for licensing and bonding of dealers in deciduous fruits, prescribed by this chapter, are in addition to all of the requirements and provisions of Chapter 6 of this division of this code, except that any person required by Chapter 6 to give a bond, may have said bond so drawn that it will also apply to the first one thousand tons of deciduous fruits that he may during the same time handle as a dealer under this chapter, and in such a case the additional bond required of him under this chapter shall be computed upon the tonnage in excess of said one thousand tons.

Disposal of fees

1298. All license fees collected under the provisions of this article shall be paid by the director into the State treasury monthly to the credit of the general fund of the State.

DIVISION VII.

REPEALS.

1301. The following acts and sections, together with all amendments thereof and all acts supplementary thereto, are hereby repealed:

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1859	266	279
1860	33	19
1860	179	146
1860	185	153
1860	307	286
1861	50	40
1861	62	50
1861	228	228
1861	271	271
1861	274	272
1861	312	305
1861	385	407
1861	390	411
1861	440	501
1861	441	501
1861	468	523
1862	119	214
1862	133	118
1862	192	210
1862	232	250
1862	289	330
1862	311	425
1862	369	490
1863	4	7
1863	152	185
1863	277	358
1863	278	359
1863	335	496
1863	393	581
1863	396	590
1863	425	697
1863	534	774
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1863–4	224	225
1863–4	276	289
1863–4	301	309
1863–4	305	313
1863–4	338	366
1863–4	372	418
1863–4	424	475
1865–6	192	173
1865–6	227	225
1865–6	255	279
1865–6	257	282
1865–6	271	305
1865–6	289	322
1865–6	301	332
1865–6	357	436
1865–6	361	440
1865–6	375	457
1865–6	471	612
1867–8	234	235
1867–8	237	239
1867–8	466	625
1869–70	195	298
1869–70	214	316
1869–70	220	321
1869–70	374	512
1869–70	425	584
1869–70	494	723
1869–70	550	820
1869–70	561	860
1871–2	68	63
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1871–2	179	214
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1875–6	288	385
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1877–8	271	332
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1877–8	324	435
1877–8	327	437
1877–8	332	441
1877–8	352	535
1877–8	354	536
1877–8	381	563
1877–8	445	685
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1877–8	523	815
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1880	45	36
1880	60	49
1880	69	62
1881	20	14
1883	11	20
1883	39	64
1883	79	368
1883	81	369
1885	36	40
1885	165	216
1889	74	68
1889	182	216
1889	252	375
1891	126	138
1891	205	283
1893	191	235
1893	219	302
1895	38	41
1895	189	235
1897	75	65
1897	34	30
1897	76	69
1897	137	198
1897	225	304
1899	27	27
1901	197	603
1901	246	802
1903	225	259
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1903	379	524
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1905	200	193
1905	278	249
1905	302	316
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1907	332	612
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1919	325	542
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1921	693	1178
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1925	48	107
1925	273	457
1925	299	491
1925	385	712
1925	421	907
1925	425	924
1925	474	1011
1927	29	31
1927	75	131
1927	143	280
1927	269	489
1927	562	946
1927	807	1594
1927	847	1724
1927	860	1812
1927	888	1944
1929	70	148
1929	247	489
1929	344	665
1929	572	972
1931	38	22
1931	43	24
1931	193	326
1931	275	567
1931	280	584
1931	313	744
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CHAPTER 26.

An act to amend section 3669c of the Political Code, relating to taxation for State purposes and declaring that this act shall take effect immediately.

[Approved by the Governor March 4, 1933. In effect immediately.]

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

Stats. 1931, p 1302.

SECTION 1. Section 3669c of the Political Code is hereby amended to read as follows:

Suspension of corporate powers on failure to pay taxes

3669c. 1. Within ten days after the first Monday in February, the Controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties and costs, and that if the said taxes, penalties, and costs are not paid on or before the Saturday preceding the first Monday in March next thereafter at six o'clock p.m. of said day, the corporate powers, rights and privileges of such delinquent company, if it be a domestic corporation, will be at that time suspended and thereafter incapable of exercise, and that if the delinquent company be a foreign corporation it will thereupon forfeit its right to do intrastate business in this State. If the taxes, penalties, and costs are not paid within the time specified in said notice, the Controller shall, on said Saturday preceding the first Monday in March at six o'clock p.m. of said day, mark on the record of assessments for State taxes opposite the assessment of the delinquent corporation the words "corporate powers suspended," if the delinquent corporation be a domestic corporation, and thereupon said corporate powers shall be suspended and incapable of exercise until restored as hereinafter provided; and if the delinquent corporation be a foreign corpo-

ration, the Controller shall mark on the record of assessments for State taxes opposite the assessment of such delinquent corporation the words "right to do intrastate business forfeited" and thereupon said right to do such business shall be so forfeited. He shall at once report to the Secretary of State the name and number of charter of each corporation whose corporate powers have been suspended or right to do business has been forfeited for nonpayment of taxes.

List sent to recorder

On on before the first Monday in April of each year the Controller shall make a list of all corporations subject to the tax imposed under sections 3664a, 3664b, 3664c, and 3664d of this code and which have failed to pay the same and transmit a certified copy thereof to each county clerk and county recorder in this State. Said county clerks and county recorders shall file such certified copies in their respective offices in such manner that the same shall be preserved in the form of a permanent record of such office and easily identified by and available to the public. Said copies so certified by the Controller and filed as herein provided shall in the case of each corporation state whether such corporation is a domestic or foreign corporation and specify the penalty which each corporation has incurred for failure to pay the tax imposed by this act. Such certified copies so filed with either of said county officers, or any copy thereof certified by the Controller shall be received in evidence in any court in lieu of the original record on file with the Controller and shall be prima facie evidence of the truth of all statements contained therein.

When corporate powers suspended

2. After six o'clock p.m. of the Saturday preceding the first Monday in March in any year, the corporate rights, privileges and powers of every domestic corporation which has failed to pay said tax and money penalty shall, from and after said hour of said day, be suspended, and incapable of being exercised for any purpose or in any manner, except to defend any action brought in any court against such corporation, until said tax with all accrued penalties, and all taxes and charges due the State under the Corporation License Act are paid as hereinafter provided. The right and privilege of every foreign corporation to transact intrastate business in this State shall, for failure to pay said tax and money penalty, be forfeited at said hour of said day, and the Controller shall make a record of such forfeiture. In the case of foreign corporations such forfeiture may be relieved and the corporation's privilege to transact intrastate business in this State restored in the manner hereinafter provided. After said hour of said day and until such taxes, penalties and charges are paid, every person who attempts or purports to exercise any of the rights, privileges or powers of any delinquent corporation, or, who transacts or attempts to transact any intrastate business in this State in behalf of any forfeited foreign corporation, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not exceeding one thousand dollars, or by imprisonment in the

Penalty for exercising suspended powers

county jail not less than fifty days or more than five hundred days, or by both such fine and imprisonment. The jurisdiction of such offense shall be held to be in any county in which any part of such attempted exercise of such powers, or any part of such transaction of business was had or occurred. Every contract made in violation of this section is hereby declared to be void.

Special provisions for 1933.

Notwithstanding any other provision of this section the date of suspension or forfeiture of corporate rights, privileges or powers under this section in the year 1933 shall be at six o'clock p.m. of the Saturday preceding the first Monday in April, and the date of preparation and transmission of the lists provided for in subdivision one hereof in the year 1933 shall be between the first Monday in April and the first Monday in May.

Restoration of powers.

3. All corporate powers, rights and privileges suspended or forfeited may be revived and restored to full force and effect by the payment of all accrued taxes and penalties due to the State under sections 3664a, 3664b, 3664c, and 3664d of this code and also, in addition thereto, a sum of money equal to the tax last assessed under the provisions of said sections of this code, for each year succeeding the year in which such tax was levied, and to the time of such revivor. "Year" within the meaning of the preceding sentence is hereby defined as the period between the first Monday in March of any calendar year and the first Monday in March of the following calendar year. In addition to the payment of the amounts above provided for, such reviving corporation shall pay to the Secretary of State that proportion of the license tax specified in section 3 of any act known as the "corporation license act," as now in force or as hereafter amended, which the unexpired number of months of the calendar year in which such revivor or reinstatement occurs (including the month in which such revivor or reinstatement occurs) bears to the entire year. Upon payment of all such taxes and penalties the State Controller shall issue a certificate under his seal evidencing such payment and restoration, which certificate when recorded in the office of any county recorder shall constitute a release of all existing liens for such taxes upon the property of such corporation. Each county recorder shall keep an index of all such Controller's certificates recorded by him. Upon presentation of such Controller's certificate of revivor to any county clerk said officer shall make a record thereof in his office in a book kept for such purpose. The records so made by said county clerk shall be prima facie evidence of the restoration to such corporation of all previously suspended or forfeited rights, powers and privileges unless it appears from the records in the office of such county clerk or of the Secretary of State that subsequent to the date of such certificate of revivor the powers of said corporation have been suspended or its right to do intrastate business forfeited.

Certificate of restoration

Collection of delinquent taxes

4. The Controller may, on or before the thirtieth day of April next following said delinquency and suspension or forfeiture, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this code and appearing delinquent upon the record of assessments for State taxes hereinbefore mentioned, and such actions shall be tried in the county of Sacramento unless the court, with the consent of the Attorney General, order a change of place of trial.

Duty of Attorney General

The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required.

Service of summons

In the case of companies whose right to do business has been forfeited or corporate powers suspended, service of summons may be made upon the persons provided for by law to be served as agents or officers of any of such companies and such persons shall be deemed to be the agents of such companies for all purposes necessary in order to prosecute such action. In the case of corporations whose powers have been suspended, the persons constituting the board of directors thereof shall have the power and right to defend such action. Payment of the taxes and penalties, or amount of the judgment recovered in such action must be made to the State Treasurer. In such actions the record of assessments for State taxes, or a copy of so much thereof as is applicable in said action, duly certified by the Controller, or by the secretary of the State Board of Equalization, showing unpaid taxes against any company, person or association assessed by the State Board of Equalization, is prima facie evidence of the assessment upon the property and franchises, the delinquency, the amount of the taxes, penalties, and costs due and unpaid to the State, and that the company, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Evidence of unpaid taxes

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1, Article IV of the Constitution and shall, therefore, take effect immediately. The facts constituting such necessity are as follows: Due to present economic conditions and more particularly to the fact that it has been necessary for most of the banks in the State to close for a limited period of time, it has become impossible for many corporations to comply with the requirements of the section amended by this act, and as a result unless this act takes effect immediately corporate

powers, rights and franchises of such corporations will be suspended or forfeited. The suspension or forfeiture of such corporate rights, powers and privileges would result in the loss to the State of a considerable portion of the revenue due from such corporations and in the cessation of many businesses that are of vital concern to the welfare of the State. It is therefore imperative that such suspension or forfeiture be prevented, and that this act take effect immediately.

CHAPTER 27.

An act to amend section 3.90 of the School Code, relating to days upon which the public schools shall close, and declaring the urgency thereof.

[Approved by the Governor March 4, 1933. In effect immediately.]

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

Sch. C., p 110

SECTION 1. Section 3.90 of the School Code is hereby amended to read as follows:

Holidays

3.90. The public schools of this State shall, unless otherwise provided, close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the ninth day of September, the eleventh day of November, the twenty-fifth day of December, and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or holiday; provided, that the Governor in appointing any day for a holiday may provide whether or not the public schools shall close on such holiday.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: The public schools having been closed by the proclamation of the Governor declaring the second, third and fourth days of March, 1933, public holidays, by reason of the existing provisions of School Code section 3.90, and it being possible that other public holidays may be proclaimed by the Governor, the public schools are therefore unable to perform their function of educating and providing for the welfare of the youth of this State, and it is necessary that the public schools be permitted to discharge their functions during any holiday appointed by the Governor when in the judgment of the Governor the public schools should not be closed.

CHAPTER 28.

An act to amend section 10 of the Political Code, relating to holidays, to take effect immediately.

[Approved by the Governor March 6, 1933. In effect immediately.]

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

SECTION 1. Section 10 of the Political Code is hereby amended to read as follows: Stats. 1927, p. 1648. See Stats. 1933, Ch. 407.

Sec. 10. Holidays within the meaning of this code, are every Sunday, the first of January, twelfth day of February, to be known as Lincoln Day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October to be known as "Columbus Day," twenty-fifth day of December, eleventh day of November, known as "Armistice Day," every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving or general or special holiday, except that on any day appointed by the Governor as a special holiday all public offices and courts and all public schools, of or under this State or any city, county, city and county, township, district or political subdivision thereof, shall be open for transaction of business as on days which are not holidays. Holidays.

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the eleventh day of November or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; provided, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoon; and provided further, that the public schools of this State shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the ninth day of September, eleventh day of November, the twenty-fifth day of December, and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or general holiday; provided still further, that the governing board of any junior college may provide for the maintenance of classes on Saturday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day.

Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

All public offices of the State and all State institutions, including the State University and all public schools in the State shall be closed on the ninth day of September of each year, known as "Admission Day." All public offices of the State and all State institutions, except the State University, shall be closed on the eleventh day of November of each year, known as "Armistice Day."

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect.

The facts constituting the necessity are as follows: Present economic conditions demand that legislation be enacted to empower the Governor to immediately declare such holidays as he may deem necessary to relieve business from such economic conditions as threaten our financial structure, and to provide by legislation that such holidays shall not impede or imperil the proper functioning of our schools and public offices and courts.

CHAPTER 29.

An act to add sections 12a and 13a to, and to amend sections 134, 135, 660 and 939 of the Code of Civil Procedure, relating to holidays, and declaring the urgency thereof, to take effect immediately.

[Approved by the Governor March 10, 1933. In effect immediately.]

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

New section

SECTION 1. A new section, numbered 12a, is hereby added to the Code of Civil Procedure, to read as follows:

Holidays Performance of acts.

12a. As to any act provided or required by law to be performed within a specified period of time, such period of time is hereby extended—

(a) To and including the next day which is not a holiday (other than a special holiday), if the last day of such period falls upon a holiday; and

(b) By such number of days as equals the number of holidays (other than special holidays) appointed by the President or by the Governor and which occur within or during such period; and

(c) In any event, as to any such period of time which commenced prior to the date this act takes effect, by not less than ten days.

The term "special holiday" is used herein in the same sense as used in section 10 of the Political Code.

SEC. 2. A new section, numbered 13a, is hereby added to the Code of Civil Procedure, to read as follows: New section

13a. Any act required by law to be performed on a particular day or within a specified period of time may be performed (but is not hereby required to be performed) on a special holiday as that term is used in section 10 of the Political Code, with like effect as if performed on a day which is not a holiday. Special holidays Performance of acts.

SEC. 3. Section 134 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1931, p. 1984.

134. No court, other than the Supreme Court and the District Courts of Appeal, must be open for the transaction of judicial business on any of the holidays, other than special holidays, mentioned in section 10 of the Political Code, except for the following purposes: Holidays Courts

1. To give, upon their request, instructions to jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

4. In all counties with a population of two hundred fifty thousand or over, the presiding judge of the superior court shall appoint or designate some judge or judges to be available nights and Sundays and holidays for the purpose of issuing and approving bail and original writs and signing orders on bonds and for any other legal matters concerning the fixing of bail or issuing release for a person's property and title thereto.

SEC. 4. Section 135 of the Code of Civil Procedure is hereby amended to read as follows: Stats Ex Sess 1907, p 9

135. On all special holidays, as the term "special holidays" is used in section 10 of the Political Code, the courts of this State shall be open for the transaction of any and all judicial business. If any day mentioned in section 10 of the Political Code, other than such a special holiday, happen to be the day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day. Special holidays Courts

SEC. 5. Section 660 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929, p. 839.

660. On the hearing of such motion, reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript of such report or if there be no such report or Hearing on motion for new trial, reference to proceedings

certified transcript, to such proceedings occurring at the trial as are within the recollection of the judge; when the proceedings at the trial have been phonographically reported, but the reporter's notes have not been transcribed, the reporter must upon request of the court or either party, attend the hearing of the motion and shall read his notes, or such parts thereof as the court, or either party, may require.

Precedence. The hearing and disposition of the motion for a new trial shall have precedence over all other matters except criminal cases, probate matters and cases actually on trial, and it shall be the duty of the court to determine the same at the earliest possible moment.

Motion, when to be passed on Except as otherwise provided in section 12a of this code, the power of the court to pass on motion for a new trial shall expire sixty (60) days from and after service on the moving party of written notice of the entry of the judgment, or if such notice has not theretofore been served, then sixty (60) days after filing of the notice of intention to move for a new trial. If such motion is not determined within said period of sixty (60) days, or within said period as thus extended, the effect shall be a denial of the motion without further order of the court.

Stats 1915, p 205. SEC. 6. Section 939 of the Code of Civil Procedure is hereby amended to read as follows:

Appeal, when to be taken. 939. An appeal may be taken from any judgment or order of a superior court from which an appeal lies under any provision of this code, or of any other code, or under any other statute, within sixty days from the entry of said judgment or order. No appeal, however, shall be dismissed on the ground that it was taken after the rendition of such judgment or order and before formal entry. If proceedings on motion for a new trial are pending, the time for appeal from the judgment shall not expire until thirty days after entry in the trial court of the order determining such motion for a new trial, or other termination in the trial court of the proceedings upon such motion. The time for appeal is also extended in the manner, for the period and under the circumstances prescribed in section 12a of this code.

Application of Sec 12a, C C P. SEC. 7. The provisions of section 12a, hereby added to the Code of Civil Procedure, apply also to sections 659, 659a, 946, 953a, and 974 to 982 of the Code of Civil Procedure and the periods of time severally therein prescribed or provided for, and to all other provisions of law, howsoever stated or wheresoever expressed, providing or requiring an act to be performed on a particular day or within a specified period of time. The mention of said sections herein or the specific amendment by this act of sections 660 and 939 of this code are not intended and shall not be construed to exclude the application of the provisions of said section 12a to such other provisions of law whether the latter are expressed in this or any other code or statute, ordinance, rule or regulation.

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect. Urgency

The facts constituting the necessity are as follows:

The necessity of declaring holidays by executive proclamation, due to economic conditions, and the possible continuance of such necessity for a greater or shorter period, require that suitable changes in the law, effected by this act, be made immediately, in order to avoid or prevent the loss or impairment of rights dependent upon the performance of acts required to be performed within a specified period of time.

CHAPTER 30.

An act relating to and providing for a moratorium in respect to the sale of farms, dwelling houses and outbuildings, whether on execution, under power of sale contained in a mortgage or deed of trust or in an action for the recovery of a debt or the enforcement of a right secured by mortgage or other lien, and declaring the urgency thereof, to take effect immediately.

[Approved by the Governor March 10, 1933. In effect immediately.]

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

SECTION 1. From the date this act takes effect until sixty days thereafter, no sale on execution or under power of sale contained in any mortgage or deed of trust or by direction of court in an action for the recovery of a debt or the enforcement of a right secured by mortgage or other lien, shall be made of the dwelling house in which the owner resides or of any of the necessary outbuildings, or of the land upon which situated and necessary for the convenient use thereof, or of land used by the owner in farming or ranch operations conducted by him or under his immediate supervision, or of any interest therein or in either thereof. "Owner" as used herein includes the debtor, mortgagor or trustor or his successor in interest in respect to such dwelling house, outbuildings or land. Any such sale held contrary to the provisions of this act, or any deed given or executed pursuant to any such sale, is void. Certain sales under mortgages and trust deeds prohibited

SEC. 2. Notwithstanding any provision of law or any obligation or agreement affected by the provisions of this act, the period of time during which proceedings must be instituted or a sale had on execution or under power contained in any mortgage or deed of trust or by direction of court in an action for the recovery of a debt or the enforcement of a right secured by mortgage or other lien is hereby extended for sixty days, and Time extended.

any such sale heretofore set for a date which occurs during the period of time mentioned in section 1 of this act may legally and effectually be postponed to a date subsequent to the expiration of said period of time. The owner has not the right to waive any of the provisions or benefits of this act. Any such waiver by or for the owner is wholly null, void and ineffectual, whether executed heretofore or hereafter or before or after the event.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The facts constituting such necessity are as follows:

Due to the existing economic crises and the proclamation of the President of the United States restricting the withdrawal of funds from the banks of the nation, it is impossible for home owners to obtain money with which to pay the obligations mentioned in this act. As a result, unless this act takes immediate effect obligors will lose their farms, dwelling houses, outbuildings and the land on which they are situated and many people will be homeless.

It is therefore necessary that this act go into effect immediately to curb the effects of the existing national crises.

CHAPTER 31.

Stats 1931, p 483, amended

An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal title sixteen of part four of division

one of the Civil Code, chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, by amending sections numbered 6.02 and 6.03 relating to withdrawals, 6.06 relating to payments entitled to preference, 6.07 relating to minimum amount of withdrawals and acceptance of investment certificates or shares in payment for loans or property, 8.07 relating to attachments, injunctions or executions, 9.01 relating to investments and loans, 9.03 relating to acquisition, disposition and encumbrance of property; repealing section 5.04 of said act relating to cash fund for investment certificates; adding a new section numbered 8.09 to said act regulating dividends and interest; and declaring the urgency of this act and providing that it shall take effect immediately.

[Approved by the Governor March 10, 1933. In effect immediately.]

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

SECTION 1. Section 5.04 of an act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal title sixteen of part four of division one of the Civil Code, chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, is hereby repealed. Stats 1931, p 483

SEC. 2. Section 6.02 of said act is hereby amended to read as follows for the emergency period as hereafter in said section 6.02 defined: Stats 1933, Ch 4. See Stats 1933, Ch 431

Sec. 6.02. Limitation on Withdrawals. The term "matured withdrawal claims," as used in this article, shall include each Limitations on withdrawals

and all of the following, to wit, (1) the value of all shares or investment certificates or parts thereof, in respect of which valid notices of intention to withdraw shall be on file, matured and unpaid, including notices of intention to withdraw by defaulting shareholders pursuant to section 3.05 of this act, as well as notices of withdrawal generally pursuant to section 6.01 of this act; (2) the value of all shares which shall have matured pursuant to section 3.03 of this act and which shall be unpaid; (3) the value of all investment certificates in respect of which the holders, pursuant to section 5.07 of this act but subject to section 6.02 of this act, shall be entitled to receive the redemption price, but which shall be unpaid; and (4) the value of all definite term investment certificates which shall have reached the expressed date of their maturity but which shall be unpaid.

Preferences

Regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be secondary and subsequent to the right of such association to pay, and to provide reasonable reserves for the payment of, the following: taxes, assessments, insurance, repairs, alterations and other sums necessary to protect and preserve or to furnish or equip its properties and its interest in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association, otherwise than through the issuance of investment certificates; interest on investment certificates and dividends on shares; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association; and commitments on its incomplete loans or investments; provided, however, that an association on notice or on a pro rata basis shall not pay any dividends on its stock or distribute any profits to its stockholders or make any loans or investments, except loans or investments pursuant to its obligations incurred before it became an association on notice, and except loans expressly permitted by section 9.01 of this act; provided further, that an association on notice and not on a pro rata basis may with the prior consent of the commissioner, and an association not on notice and not on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, make or purchase loans or investments not exceeding the principal amount of moneys borrowed by such association from a Federal home loan bank, or other similar Federal agency, and not theretofore repaid; and provided further, that an association which is either on notice or on a pro rata basis may with the prior consent of the commissioner, and an association which is neither on notice nor on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, invest in stock issued by any Federal home loan bank or other Federal agency of

Limitations on payments.

Federal moneys

which such association may be eligible to be a member. Moreover, regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be limited to payments from its cash on hand or in bank, proceeds from sale of investments and loans and other cash receipts of such association; and shall be further limited to payments pursuant to the subsequent provisions of this section. The cash, proceeds and other receipts aforesaid which shall remain after deducting therefrom all payments, reserves, loans and investments above-mentioned in this paragraph, are hereafter in this section 6.02 called the "available funds." "Available funds"

The term "free money," as hereafter used in this section 6.02, is hereby defined as that part of the available funds which may be used at the option of the association to pay any or all withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw and regardless of the nonpayment of any or all matured withdrawal claims, or to pay any or all definite term investment certificates before the expressed date of maturity subject to such adjustment of interest, if any, as may be provided in such certificates, or for the purpose of making loans or investments, or for any other purpose not prohibited by law. "Free money"

If the association is neither on notice nor on a pro rata basis, and if there are no matured withdrawal claims (excepting claims for the payment of which funds have been set aside by the association) then all of the available funds shall be free money.

If there are matured withdrawal claims (for the payment of any of which funds have not been set aside by the association), then not to exceed twenty-five per cent of the available funds shall be free money (but in such case no part of such free money shall be used to pay dividends on stock or be distributed as profits to stockholders), and all the remainder shall be applied to the payment of withdrawals. The commissioner is hereby authorized, in the case of any or all associations, to reduce the amount of such free money from twenty-five per cent of the available funds to such smaller per cent of the available funds as he may from time to time prescribe, and in such case all the remainder shall be applied to the payment of withdrawals. Whether or not the commissioner shall have reduced such amount of free money such remainder of the available funds shall be applied (regardless of whether or not the association is on notice or on a pro rata basis) at such times as the commissioner shall prescribe to the payment of matured withdrawal claims as follows: Reduction of free money

First: To all matured withdrawal claims in respect of investment certificates until all sums payable thereon are paid and, as between several holders thereof, pro rata according Payment of matured withdrawal claims

to the unpaid principal thereof at the time of each such payment.

Second: To all matured withdrawal claims in respect of shares until all sums payable thereon are paid and, as between the several holders thereof, pro rata according to the unpaid value thereof at the time of each such payment.

Except ons. Notwithstanding anything to the contrary in this act, however, any association (whether or not it is on notice or on a pro rata basis) may at its option pay in each month, with or without requiring notice of intention to withdraw, and regardless of the nonpayment of any or all matured withdrawal claims, to any one or more of its shareholders or certificate holders, not to exceed whichever of the two following amounts shall be the greater (1) twenty-five dollars per person, or (2) one per cent of the value of such person's shares or investment certificates (in addition to any free money which may be applied to the payment of withdrawals); and withdrawals may be made at any time from pledged shares and investment certificates, whether or not the association is on notice or on a pro rata basis, and without notice; provided, the full amounts of such withdrawals shall be used to pay the indebtedness for which such shares or investment certificates are pledged, or any part thereof; and provided further, that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

Free money surplus If in any accounting period an association has not used as free money the full amounts which such association is permitted by this section 6.02 to use for such purposes, then (unless the commissioner shall otherwise order in the case of such association) the amounts not so used shall be available to the association in any subsequent period for such purpose until such amounts shall have been so used, in addition to the amounts which would otherwise be available for such purpose in such subsequent period.

No association shall make any contract waiving in any manner any of the provisions of this section and, if any such contract shall be so made, such contract shall be void.

Effect The provisions of this act shall govern, during the existence of the emergency period as hereinafter defined and only during such period, the withdrawal and other rights of the holders of all shares and investment certificates whether heretofore or hereafter issued, and whether or not withdrawal claims shall have heretofore been filed or shall have heretofore matured.

Emergency period The term "emergency period" as used in this section 6.02 shall mean the period commencing with the effective date of this section 6.02 as amended and ending September 1, 1935; provided, however, that said emergency period may be terminated at any time prior to September 1, 1935, by order of the commissioner.

SEC. 3. Section 6.03 of said act is hereby amended to read as follows: Stats 1931, p. 483. See Stats 1933, Ch. 431.

Sec. 6.03. Withdrawals Without Notice or Before Maturity. No association shall agree in advance to pay withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw. Except as otherwise provided in this act in respect of shares and investment certificates pledged to the association issuing the same and except as otherwise so provided in respect of free money or payments in each month not to exceed the amount per person permitted by section 6.02 of this act to any one or more shareholders or certificate holders, no association having matured withdrawal claims (for the payment of any of which funds have not been set aside by the association) shall pay any withdrawals except upon matured notice of intention to withdraw, nor allow the withdrawal of any definite term investment certificate before the expressed date of its maturity; provided, however, that an association on a pro rata basis shall pay withdrawals of definite term investment certificates after the maturity of notices of intention to withdraw subject to the same conditions as investment certificates of other classes. Any agreement contrary to the provisions of this section shall be void. Advance payment of withdrawals.

SEC. 4. Section 6.06 of said act is hereby amended to read as follows: Stats 1931, p. 483.

Sec. 6.06. Payments Entitled to Preference. In the event of the liquidation or dissolution of any association, then notwithstanding anything to the contrary in section 13.16 of this act or elsewhere in this act, all sums heretofore or hereafter paid in to such association on investment certificates or shares while such association shall have been on a pro rata basis and all sums which shall hereafter be paid in to such association on investment certificates or shares prior to the expiration of the emergency period as hereinafter in this section 6.06 defined, shall be repaid in full before any payments shall be made to other certificate holders or other creditors or other shareholders, or to stockholders, unless after the receipt of such money and prior to the liquidation or dissolution of such association, there shall have been a period of six consecutive months within which such association shall have had no matured withdrawal claims (except claims for the payment of which funds shall have been set aside by the association). An association which has issued and outstanding both shares and investment certificates shall not accept any money on account of free shares if such money might be entitled to a preference under the provisions of this section 6.06. No association shall accept any money on account of investment certificates or shares, except investment certificates and shares pledged to such association in connection with loans secured by real property, if such money might be entitled to Preferred payments. Free shares. Investment certificates.

preference pursuant to this section 6 06, if the commissioner in writing shall have directed the association not to accept such money. The term "emergency period" as used in this section 6.06 shall mean the period commencing with the effective date of this section 6.06 as amended and ending September 1, 1935; provided, however, that said emergency period may be terminated at any time prior to September 1, 1935, by order of the commissioner.

Emergency period

Stats 1931, p 483

SEC. 5. Section 6.07 of said act is hereby amended to read as follows:

Investment certificates or shares when acceptable

Sec. 6.07. Acceptance of Investment Certificates or Shares in Payment for Loans or Property. Any association may at its option, with the prior approval of the commissioner and subject to such rules and regulations as he may from time to time prescribe, but no association shall be obligated to, accept its own outstanding investment certificates, and any association not issuing investment certificates may at its option, with the prior approval of the commissioner and subject to such rules and regulations as he may from time to time prescribe, but no association shall be obligated to, accept its own outstanding shares, in partial or full payment for property sold by such association or in partial or full payment of loans; provided, however, notwithstanding anything to the contrary herein contained that, subject to such reasonable rules and regulations as the commissioner may from time to time prescribe, any person who, on the date this section 6.06 as amended takes effect, is the record owner of any outstanding investment certificate of any association may, at his option, apply or set off the value of such investment certificate or any part thereof to the payment, in whole or in part, of any loan held by the association issuing such investment certificate, if such loan was originally made to, or prior to the effective date of this section 6 06 as amended was endorsed or guaranteed by, such certificate holder or is secured by property, record or registered title to which is, on the effective date of this section 6.06 as amended, vested in such certificate holder. The provisions of this section shall apply to any association, regardless of whether or not it is on notice or on a pro rata basis, and regardless of the nonpayment of any or all matured withdrawal claims, but shall not apply to any association the property, business and assets of which shall be in the possession of the commissioner.

Application of section

Stats 1931, p 483

SEC. 6. Section 8.07 of said act is hereby amended to read as follows:

Attachment

Sec. 8.07. Attachment. In the case of any attachment levied upon any shares or investment certificates of any association or upon any debts owing by any association, the copy of writ and notice must be left, if such association maintains branches, with the manager or any other officer of such association at the office or branch thereof at which such shares or investment certificates were issued or such debt incurred if such office or branch is still being maintained, and otherwise

at the principal office of such association; and no attachment not served as aforesaid shall be effective as to any share or investment certificate issued by any such association or as to any debt owing by any such association if such share or certificate was issued or such debt incurred at an office or branch thereof not so served. No attachment or execution shall be issued against any association or its property in any suit, action or proceeding arising out of the claim of any shareholder or certificate holder to withdraw before final judgment that such shareholder or certificate holder is presently entitled to payment of such withdrawal.

SEC. 7. A new section, numbered 8.09, is hereby added to said act to read as follows: Stats 1931, p 483

Sec. 8.09. Regulation of Interest and Dividends. Notwithstanding anything to the contrary contained in this act or in any investment certificate or certificate evidencing shares or in any agreement or elsewhere, no association shall hereafter at any time pay, credit, declare or allow any interest or dividends in excess of the rate of four per cent per year in respect of interest or dividends which shall accrue or be earned during the emergency period (but only during such period) as hereinafter in this section 8.09 defined, upon investment certificates or shares, whether heretofore or hereafter issued and whether or not withdrawal claims shall have heretofore been filed or shall have heretofore matured. The commissioner is hereby authorized, however, during such emergency period, in the case of any or all associations, to increase such rate to a rate not in excess of five per cent per year, or to decrease such rate or to postpone the time for the payment of such interest or dividends, or any part thereof, or to decrease such rate and to postpone such time of payment, if he shall determine that such increase is reasonably justified in the interest of the certificate holders or shareholders, or is in the public interest, or that such decrease or postponement, or decrease and postponement, is reasonably necessary for the protection of the investment in such association of its certificate holders or shareholders, or is in the public interest; provided, however, that in the event the authority granted the commissioner by this section 8.09 to increase or decrease such rate or to postpone such time of payment shall be held invalid, then it is hereby declared to be the intention of the Legislature that the invalidity of such authority shall not affect the validity of the remaining portions of this section; provided further, that in no case shall the commissioner increase or decrease such rate or postpone such time of payment unless he shall have caused a notice of such intended action to be published, at least five days before such intended action is taken, in a newspaper of general circulation published in the county or city and county in which such association's principal office in this State is located; and provided further, that such association or any of its certificate holders or shareholders aggrieved by the action of the commissioner may at

Regulation of interest and dividends

Notice of change

any time within ten days after the taking of such action apply to the Supreme Court of the State of California for a review of such action, and such action shall not be set aside or modified unless such court shall determine that the commissioner in taking such action committed an abuse of discretion.

Maximum rate of interest

Notwithstanding anything to the contrary contained in this act or in any outstanding note, mortgage, deed of trust or other instrument or elsewhere, no association, nor the commissioner while in possession of the property, business and assets of any association, shall hereafter at any time demand, charge or collect any interest in excess of the rate of seven and two-tenths per cent per year in respect of the interest which shall accrue during said emergency period (but only during such period), upon any loan, secured by real property, held or heretofore or hereafter made by any association, or held by the commissioner while in possession of the property, business and assets of any association; provided, however, that nothing herein contained shall prevent any association or the commissioner while in possession of the property, business and assets of any association, from collecting interest at such maximum yearly rate monthly in advance, nor from charging or collecting usual and ordinary fees and expenses in connection with the making or renewing of any loan.

Definitions

Solely for the purpose of this section, and notwithstanding anything to the contrary in this act contained, the term "investment certificate" as used in this section 8.09 shall be deemed to include any instrument issued to its savers by a borrowers' mutual building and loan association as defined in section 15.01 of this act, and the term "association" as used in this section 8.09 shall be deemed to include a borrowers' mutual building and loan association as defined in section 15.01 of this act. Notwithstanding anything to the contrary herein contained, the commissioner may in his discretion permit any association which has neither stock nor investment certificates issued or outstanding to pay, credit, declare or allow during said emergency period, a dividend on its shares in excess of said maximum yearly rate of four per cent. Notwithstanding the respective rates of interest and dividends prescribed by this section 8.09, or by the commissioner pursuant to this section 8.09, interest on unpaid interest or dividends on unpaid dividends may be paid, credited, declared, allowed, demanded, charged or collected at a like rate.

Dividend rate

Emergency period defined.

The term "emergency period" as used in this section 8.09 shall mean the period commencing with the effective date of this section 8.09 and ending September 1, 1935; provided, however, that said emergency period may be terminated at any time prior to September 1, 1935, by order of the commissioner. Any agreement contrary to any of the provisions of this section shall be void.

Net profits

If, during said emergency period, any association shall make any net profits after dividends on shares, computed in accordance with accounting practices prescribed or approved

by the commissioner, the total amount of such net profits after dividends on shares shall be set aside as a loss reserve which shall be available at all times to meet any losses whether arising from loans or otherwise, and no part of such loss reserve may be used to pay dividends on stock.

SEC. 8. Section 9.01 of said act is hereby amended to read as follows: Stats 1931, p 483.

Sec. 9.01. Investments and Loans Limited by Act. No association shall hereafter make or purchase any investments or loans except investments or loans authorized or permitted by this act. Nothing contained in this act shall require any association to sell, transfer or dispose of any investment or loan heretofore made or purchased by such association. Notwithstanding anything to the contrary in this act, any association, without limitation or restriction, may renew, extend the time of payment of, or rewrite any loan heretofore made, and may make additional advances or loans for the purpose of preserving the security of any loan or of protecting the property securing any loan and may make any such renewal, extension, advance, or loan, as aforesaid, to the borrower or any successor in interest in the property securing the loan, and may make loans on property sold by an association or extend credit thereon for the purpose of facilitating the sale of such property. Loan and investment limitation

SEC. 9. Section 9.03 of said act is hereby amended to read as follows: Stats 1931, p 483

Sec. 9.03. Acquisition, Disposition and Encumbrance of Property. Any association may purchase at any sale, public or private, any real or personal property upon which it may have a mortgage, judgment, trust deed, pledge, lien or other encumbrance, or in which it may have an interest, and may acquire any real or personal property which may be conveyed or transferred to it in full or partial satisfaction, discharge or release of loans for which such property is security. Any association may sell, convey, lease, exchange, improve, repair, mortgage, convey in trust, pledge or encumber any real or personal property purchased or acquired by it in the manner authorized or permitted by this section; provided, however, that except with the consent of the commissioner, no association shall mortgage, convey in trust, pledge, or encumber any property owned by it and used primarily as the principal office or branch of such association; and provided further that, except with the consent of the commissioner, no association shall (a) exchange any real property owned by it for any property other than investments expressly permitted by section 9.02 of this act, or real property, nor (b) mortgage, convey in trust or encumber any real property owned by it nor (c) assume the payment of any mortgage or deed of trust upon any real property received by it in any such exchange. Acquisition, disposition and encumbrance of property

SEC. 10. If any section, subsection, paragraph, sentence, clause, phrase or other part of this act is for any reason held to be unconstitutional, such decision shall not affect the Constitutionality

validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, paragraph, sentence, clause, phrase or other part thereof irrespective of the fact that any one or more of the sections, subsections, paragraphs, sentences, clauses, phrases or other parts thereof be declared unconstitutional.

Police power

SEC. 11. The Legislature hereby declares that this act is enacted in the exercise of the police powers of this State in view of the existing emergency.

Urgency

SEC. 12. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity: There exist throughout the United States economic conditions which have engendered financial disturbances requiring the immediate enactment of legislation which shall be immediately effective protecting investors in building and loan associations subject to the laws of this State. It is essential to the preservation of the public peace, health and safety that building and loan associations in this State be permitted to pay withdrawals proportionately, after payment of small sums which will alleviate distress; that they be no longer required to maintain cash funds or liquid funds; that new moneys hereafter invested in such associations shall receive preference upon liquidation or dissolution; that restrictions on minimum amount of withdrawals be eliminated and that associations be permitted to accept investment certificates or shares in payment for loans or property; that associations be protected against premature or unjustified attachments and executions; that dividends and interest be regulated in order that the capital investment of certificate holders and shareholders shall not be impaired and that the solvency of such associations may be maintained; and that necessary changes be made as to investments and loans and as to acquisition, disposition and encumbrance of property. Unless such associations are immediately regulated by the provisions of this act great distress will be suffered by several hundred thousand investors in such associations. It is essential to the immediate preservation of the public peace, health and safety that each and all of the sections, subsections, paragraphs, sentences, clauses, phrases or other portions of this act be enacted and be immediately effective.

CHAPTER 32.

Stats 1909, p 87, amended

An act to add sections 135b, 135c, 135d, 135e and 135f to the "Bank Act" defining and regulating the business of bank-

ing and declaring the urgency therefor, and that the same shall take effect immediately.

[Approved by the Governor March 14, 1933. In effect immediately.]

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

SECTION 1. Five new sections to be numbered sections 135b, 135c, 135d, 135e and 135f are hereby added to the Bank Act to read as follows: New section

Sec. 135b. In order to provide for the safer and more effective operation of the banks of this State, to preserve for the people of this State the full benefits to be derived from national legislation and to relieve the banks of this State from undue pressure in times of financial stress which might arise from lack of uniformity in their operations with those of the national banking system and the Federal Reserve System. Bank regulations Federal-State cooperation.

(a) During any emergency period prescribed by the President of the United States, by proclamation or otherwise, each State bank shall conform to any order or orders of the Superintendent of Banks, directed to any such bank, with relation to the regulation or regulations, limitation or limitations, restriction or restrictions, which are applicable thereto, prescribed by the Secretary of the Treasury or the Comptroller of the Currency or the Federal Reserve Board regulating or governing the operation of any bank which may be a member of the Federal Reserve System.

(b) During any emergency period prescribed by the Governor of this State, by proclamation or otherwise, no bank organized under the laws of this State shall transact any banking business except to such extent and subject to such regulation or regulations, limitation or limitations, restriction or restrictions directed to any such bank as may be prescribed by the Superintendent of Banks and as are made effective by the Secretary of the Treasury or the Comptroller of the Currency or the Federal Reserve Board with relation to the operation of banks which are members of the Federal Reserve System.

The Superintendent of Banks is authorized to assess against and collect from such banks as become subject to the provisions of this section their ratable share of the costs incurred in the administration thereof.

Sec. 135c. Whenever he shall deem it necessary in order to conserve the assets of any bank for the benefit of the depositors and other creditors thereof, the Superintendent of Banks may appoint a conservator for such bank and require of him such bond and security as the Superintendent of Banks deems proper. The conservator under the direction of the Superintendent of Banks shall take possession of the books, records and assets of every description of such bank, and take such action as he may deem necessary to conserve the assets of such bank pending further disposition of its business as provided by New section. Bank conservator.

law. Such conservator shall have all the rights, powers and privileges now possessed by or hereafter given the Superintendent of Banks, with relation to banks of which he has taken charge under the provisions of section 136 of this act, and shall be subject to the obligations and penalties, not inconsistent with the provisions of this section to which the Superintendent of Banks now or may hereafter become subject. During the time that such conservator remains in possession of such bank the rights of all parties with respect thereto, subject to the other provisions of this section, shall be the same as if the Superintendent of Banks had taken such bank into possession for purposes of liquidation. All expenses of any such conservatorship shall be paid out of the assets of such bank and shall be a lien thereon, which shall be prior to any other lien provided by this act or otherwise. The conservator shall receive as salary an amount no greater than paid by the Superintendent of Banks to his special deputies in charge of the liquidation of State banks.

Examination of banks

(1) The Superintendent of Banks shall cause to be made such examination of the affairs of any bank for which he has appointed a conservator as shall be necessary to inform him as to the financial condition of such bank and the examiner shall make a report thereon to the Superintendent of Banks at the earliest practicable date.

Termination of conservatorship

(2) If the Superintendent of Banks becomes satisfied that it may safely be done and that it would be in the public interest, he may, in his discretion, terminate the conservatorship and permit such bank to resume the transaction of its business, subject to such terms, conditions, restrictions and limitations as he may prescribe.

Conservator's fund for depositors and creditors

(3) While any bank for which the Superintendent of Banks has appointed a conservator is in the hands of such conservator, the Superintendent of Banks may require the conservator to set aside and make available for withdrawal by depositors and payment to other creditors on a ratable basis such amounts as in the opinion of the Superintendent of Banks may safely be used for this purpose; and the Superintendent of Banks may, in his discretion, permit the conservator to receive deposits; but deposits received while the bank is in the hands of the conservator shall be held as trust funds, and shall not be subject to any limitation as to payment or withdrawal, and such deposits shall be segregated and shall not be used to liquidate any indebtedness of such bank existing at the time such conservator was appointed for it, or any subsequent indebtedness incurred for the purpose of liquidating any indebtedness of such bank existing at the time such conservator was appointed. Such deposits received while the bank is in the hands of the conservator shall be kept on hand in cash, invested in the direct obligations of the United States Government or deposited with the Federal Reserve Bank.

New deposits

Reorganization

(4) Any bank, including a bank in the possession of the Superintendent of Banks pursuant to the provisions of section

136 of this act, may be reorganized under a plan which requires the consent,

(a) Of depositors and other creditors, or

(b) Of stockholders, or

(c) Of both depositors and other creditors and stockholders.

Such reorganization shall become effective only,

When effective

I. When the Superintendent of Banks shall be satisfied that the plan of reorganization is fair and equitable as to all depositors, other creditors and stockholders and is in the public interest, and shall have approved the plan subject to such conditions, restrictions and limitations as he may prescribe, and

II. When, in any such reorganization, in this paragraph mentioned, after notice thereof satisfactory to the Superintendent of Banks, as the case may be:

(a) Depositors and other creditors of such bank representing at least seventy-five per cent in amount of its total deposits and other liabilities as shown by the books of such bank, or

(b) Stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of such bank, or

(c) Both depositors and other creditors representing at least seventy-five per cent in amount of the total deposits and other liabilities and stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of such bank, have consented in writing to the plan of reorganization; provided, however, that claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of such bank in determining the seventy-five per cent thereof as above provided. When such reorganization becomes effective, all books, records, and assets of such bank shall be disposed of in accordance with the provisions of the plan and the affairs of such bank shall be conducted by its board of directors in the manner provided by the plan and under the conditions, restrictions and limitations which may have been prescribed by the Superintendent of Banks. In any reorganization which shall have been approved and shall have become effective as provided herein, all depositors and other creditors and stockholders of such bank, whether or not they have consented to such plan of reorganization, shall be fully and in all respects subject to and bound by its provisions, and claims of all depositors and other creditors shall be treated as if they had consented to such plan of reorganization.

Conduct of bank under plan

(5) After thirty days after the affairs of a bank shall have been turned back to its board of directors by the conservator, either with or without a reorganization as provided in this section, the provisions of paragraph (3) hereof with respect to the segregation of deposits received while it is in the hands of the conservator and with respect to the use of such deposits to liquidate the indebtedness of such bank shall no longer be effective; provided, that before the conservator shall turn back the affairs of the bank to its board of directors, if any deposits have been received since the conservator was

Notice of return of management to directors

appointed, he shall cause to be published in a newspaper published in the city, town or county in which such bank is located, and if no newspaper is published in such city, town or county, in a newspaper to be selected by the Superintendent of Banks published in this State, a notice in form approved by the Superintendent of Banks stating the date on which the affairs of the bank will be returned to its board of directors and that the said provisions of paragraph (3) hereof will not be effective after thirty days after such date; and on the date of the publication of such notice the conservator shall immediately send to every person who is a depositor in such bank under paragraph (3) hereof a copy of such notice by mail addressed to the last known address of such person as shown by the records of the bank, and the conservator shall send similar notice in like manner to every person making deposit in such bank under paragraph (3) hereof after the date of such newspaper publication and before the time when the affairs of the bank are returned to its directors.

Creditor's security.

(6) No creditor having security for the payment of his claim shall be affected in his right to enforce such security by the provisions of any plan for the reorganization of any such bank. Any plan of reorganization involving the reduction of claims of creditors shall, as to secured creditors, apply to the amounts of their claims against any such bank after collateral has been realized upon.

Expenses.

(7) The Superintendent of Banks is authorized to assess against and collect from such banks as become subject to the provisions of this section their ratable share of the costs incurred in the administration thereof.

New section Preferred stock.

Sec. 135d. Notwithstanding any other provision of law, any bank may, with the approval of the Superintendent of Banks and by vote of shareholders owning a majority of the stock of such bank, upon not less than five days' notice, given by registered mail pursuant to action taken by its board of directors, issue preferred stock in such amount and with such par value as shall be approved by the Superintendent of Banks, and make such amendments to its articles of incorporation as may be necessary for this purpose; but, in the case of any newly organized bank which has not yet issued common stock, the requirement of notice to and vote of shareholders shall not apply. No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in.

Dividends

The holders of such preferred stock shall be entitled to cumulative dividends at a rate not exceeding 6 per centum per annum, but shall not be held individually responsible as such holders for any debts, contracts, or engagements of such

Liability

bank and shall not be liable for assessments to restore impairments in the capital of such bank as now provided by law with reference to holders of common stock. Notwithstanding any other provision of law, the holders of such preferred stock shall have such voting rights, and such stock shall be subject to retirement in such manner and on such terms and

conditions, as may be provided in the articles of incorporation with the approval of the Superintendent of Banks.

Common stock dividends

No dividends shall be declared or paid on common stock until the cumulative dividends on the preferred stock shall have been paid in full; and, if the bank is placed in liquidation or a conservator is appointed therefor, no payments shall be made to the holders of the common stock until the holders of the preferred stock shall have been paid in full the par value of such stock plus all accumulated dividends.

New section Loans from Reconstruction Finance Corporation

Sec. 135e. If in the opinion of the Superintendent of Banks any bank is in need of funds for capital purposes either in connection with the organization or reorganization of such bank or otherwise, such bank may with the approval of the Superintendent of Banks request the Reconstruction Finance Corporation to subscribe for preferred stock in such bank or to make loans secured by such stock as collateral.

New section Loans from Federal Reserve Bank

Sec. 135f. Subject to the approval of the Superintendent of Banks any bank is authorized, pursuant to the provisions of section 13 of the Federal Reserve Act, as amended, to apply for and receive from the Federal Reserve Bank loans secured by direct obligations of the United States, and to make, execute and deliver to the Federal Reserve Bank a promissory note or notes evidencing such loans, subject to such terms and conditions as may be fixed by the Federal Reserve Bank or the Federal Reserve Board.

Constitutionality

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Construction

Sec. 3. Nothing in this act contained shall be construed to limit, modify or in any way affect any powers now vested in the Superintendent of Banks under the terms of the Bank Act.

Urgency

Sec. 4. This act is hereby declared to be an urgency measure, within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

The facts constituting such necessity are as follows: There exist throughout the United States economic conditions which have engendered financial disturbances requiring the immediate effective enactment of legislation protecting the depositors in financial institutions subject to the laws of this State. It is essential to the preservation of the public peace, health and safety that the financial institutions of this State be afforded an opportunity for the orderly payment of moneys due depositors and other creditors. This act will aid materially in accomplishing this necessary result.

CHAPTER 33.

An act making an appropriation to pay the claims for services, subsistence, supplies, transportation and other expenses of the National Guard of California called into service by order of the Governor in the months of March and April, 1933. To take effect immediately.

[Approved by the Governor March 14, 1933. In effect immediately.]

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

Appropriation: National Guard

SECTION 1. The sum of fifty thousand dollars ($50,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claims for services, subsistence, supplies, transportation and other expenses of the National Guard of California called into service by order of the Governor in the months of March and April, 1933, said money to be available immediately upon the taking effect of this act. Said claims to be audited by The Adjutant General before being paid.

SEC. 2. The Controller is hereby directed to draw his warrant in payment of said claims in favor of the person or persons designated by The Adjutant General, and the Treasurer is hereby directed to pay the same.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: The recent earthquake in Los Angeles County and the resulting confusion and disorder has made it necessary for the Governor to immediately call upon the National Guard for the purpose of patrolling and keeping order in the earthquake area. It is necessary that this act take effect immediately in order to provide transportation and supplies for the National Guard employed on this work.

CHAPTER 34.

An act authorizing the Department of Public Works to repair, reconstruct, resurface, clear, and otherwise restore public highways in the counties of Los Angeles and Orange damaged by the earthquake of March, 1933, making an appropriation therefor and providing that this act become effective immediately.

[Approved by the Governor March 15, 1933. In effect immediately.]

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

Highway repair

SECTION 1. The Department of Public Works is hereby authorized, empowered and directed to expend the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary for the purposes of repairing, reconstructing, resurfacing, clearing, or otherwise restoring public highways of any character in the counties of Los Angeles and Orange, including streets within municipalities in said counties, which public highways have been closed, obstructed or damaged in any way by the earthquake occurring in the month of March, 1933.

Supervision Department of Public Works

SEC. 2. The said sum shall be expended on such public highways as may be designated by the Department of Public Works, and the director of said department is hereby fully authorized and empowered to cause said work, or any part thereof, to be done directly with State forces under his control, by agreements with the boards of supervisors of said counties, by agreements with the legislative bodies of any incorporated cities therein, or by any or all of the said methods.

Appropriation Department of Public Works

SEC. 3. The sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of moneys in the State treasury to be expended in accordance with law by the Department of Public Works, Division of Highways, in carrying out the provisions of this act; of which, the sum of fifty thousand dollars is appropriated out of the State highway construction fund, but only from that portion of the available money in said fund allocated for the construction or improvement of primary State highways in the group of counties designated as Group No. 2 in section 4 of that certain act of the Legislature classifying the highways of the State into primary and secondary highways, approved May 26, 1927, chapter 794 of the Statutes of 1927; and the remainder thereof is appropriated out of the State highway general fund.

Stats 1927, p 1562

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into effect immediately.

The facts constituting the necessity are as follows: The recent earthquake in the southern part of the State partially destroyed, damaged, obstructed and injured many of the public highways in the counties of Los Angeles and Orange, in addition to doing serious damage to many other kinds of property, rendering many persons temporarily homeless. Adequate and serviceable facilities for transportation in all parts of the affected area are essential to its speedy rehabilitation and to the proper policing of the area and the care of its inhabitants. The serious condition of unemployment has been aggravated by the earthquake. The immediately available resources of the said counties and of the municipalities therein are overburdened with the immediate demands thereon for the care of the inhabitants, and if this act does not go into effect immediately the important work of all governmental units and organizations in caring for the needs of the people, and in the restoration of the affected area will be delayed.

CHAPTER 35.

An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

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

Reclamation bonds validated

SECTION 1. Whenever proceedings have heretofore been taken by any reclamation district organized or existing under any law or laws of this State, for the issuance and sale of bonds, including refunding bonds, of such district for any purpose or purposes, all acts and proceedings of the board of trustees of such district and all acts of the board of supervisors of the county or counties in which such district or any part thereof is situated and all acts of public officers in connection therewith leading up to and including the issuance of such bonds, including refunding bonds, if they have hitherto been issued or sold, and all such acts and proceedings heretofore taken if such bonds, including refunding bonds, are not yet issued or sold, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to issue such bonds, including such refunding bonds, is hereby ratified, confirmed, and declared, and such bonds and refunding bonds heretofore issued and sold are declared to be and shall be, in the form and manner in which such bonds and refunding bonds have been actually issued and delivered, the legal and binding obligations of and against such district, and the bonds and refunding bonds heretofore

authorized to be issued which may be hereafter issued and sold are declared to be and shall be the legal and binding obligations of such district, and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, including refunding bonds.

Tax for payment

SEC. 2. For the purpose of paying the interest on such bonds or refunding bonds as it becomes due and the principal thereof at maturity, the board of trustees of the district and the board of supervisors of the county or counties in which such reclamation district, or any part thereof, lies, and the various county officers of the respective counties who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds, for the payment of the principal and interest of bonds of such districts, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts.

CHAPTER 36.

An act confirming and validating the formation, organization and existence of reclamation districts.

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

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

Reclamation districts validated

SECTION 1. In all cases where the board of supervisors of any county in this State has purported to form or organize a reclamation district under any law or laws of this State, and such purported formation or organization has been completed for a period of one year previous to the taking effect of this act, and such reclamation district has acted or functioned as a district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the purpose of forming or organizing such district are hereby legalized, validated and declared to be sufficient, and such reclamation district is hereby declared to be duly formed and organized under its appropriate name as of the time of its purported formation, with boundaries as shown or indicated in the order of said board of supervisors, and shall have all the rights and privileges and be subject to all the duties and obligations of a duly formed or organized reclamation district.

CHAPTER 37.

An act confirming and validating the formation, organization and existence of irrigation districts.

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

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

Irrigation Districts validated
Stats 1897, p 254.

SECTION 1. In case the board of supervisors of any county in this State has heretofore declared any territory to be organized as an irrigation district under the California Irrigation District Act and has designated a name for such district and has declared certain persons elected as the officers thereof, and the persons declared elected as directors thereof have organized as a board and said board has acted as the board of directors of such district for at least one year before this act takes effect, all acts and proceedings of such board of supervisors and of all public officers in or in connection with the organization of such district are hereby validated, confirmed and declared sufficient and such district is hereby recognized and established as an irrigation district with the name designated by said board of supervisors and with the boundaries established by said board of supervisors or with such modifications of said boundaries as may have been made by order of the board of directors of such district on petition or petitions for the inclusion of land therein or the exclusion of land therefrom.

CHAPTER 38.

Stats 1897, p 254, amended

An act to amend an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, by amending section 27b, relating to the deposit in banks of moneys of irrigation districts organized or existing under said act.

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

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

Stats 1929, p 686.

SECTION 1. Section 27b of the act cited in the title hereof is hereby amended to read as follows:

Deposit of irrigation district funds.

Sec. 27b. Notwithstanding the provisions of any other law relating to the deposit of public money, any money belonging to an irrigation district organized or existing under this act may be deposited by the treasurer or any officer of such

district having legal custody of such money in any State or national bank or banks in this State, and such bank or banks are authorized to accept such deposits and to give security for the same as herein provided, and said district shall receive such rate of interest therefor as may be agreed upon by the officer making such deposit and said bank or banks. Such treasurer or other officer shall require such bank or banks in which such money is deposited to furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality, school district, metropolitan water district, or irrigation district within this State that are legal investments for savings banks of this State, the market value of which bonds shall at all times be at least ten per cent in excess of the amount of the deposits secured thereby; or in lieu of such bonds such treasurer or said other officers shall be entitled to take as security for such fund so deposited, depositary bonds duly executed and delivered by a surety company duly authorized to do business in the State of California, which depositary bonds shall be and remain in an amount not less than the amount of the funds so deposited and held in said bank or banks. The cost of such depositary bond or bonds may be borne by the district. Such treasurer or said other officers shall not be responsible for any loss of public moneys resulting from the deposit thereof in banks when made in accordance with the provisions of this section but such treasurer shall be chargeable with the safe-keeping, management and disbursement of the bonds deposited with him as security for the deposits of such moneys, and the respective irrigation district shall be responsible for the custody and safe return of any bonds so deposited.

Security

Depositary bonds

CHAPTER 39.

An act to prohibit the possession of all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm, and providing a penalty for violation thereof.

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

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

SECTION 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Prison not to exceed three years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Silencers for firearms prohibited

Exception

SEC. 2. Nothing in this act shall prohibit any city, city and county, county, State or federal officer, or the military or naval forces of this State or of the United States from possessing such silencers for official use in the discharge of their duties.

Definition

SEC. 3. The term "silencer" as used in this act shall be construed to apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

CHAPTER 40.

Stats 1917, p 563, amended

An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State Nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along the highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the sale of nursery stock.

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

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

Stats 1917, p 563

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Duties of State Forester

Sec. 2. The State Forester shall construct and maintain such buildings, improvements and equipment, and shall employ and fix the compensation of such employees as may be necessary to carry out the provisions of this act. He may also purchase nursery stock and seed and distribute the same at cost for public planting or reforestation. All trees, plants, nursery stock or seeds sold under the provisions of this act must be sold at a price not less than the actual cost of production.

CHAPTER 41.

Stats 1927, p 51, amended

An act to amend section 15 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927

[Approved by the Governor March 27, 1933. In effect August 21, 1933.]

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

Stats 1927, p. 51

SECTION 1. Section 15 of the act cited in the title hereof is hereby amended to read as follows:

Oath of credit union officials

Sec. 15. Each director, officer and member of committee, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly

administer the affairs of the credit union, and will not knowingly violate or willingly permit to be violated, any of the provisions of law applicable to such corporation, and that he is the owner in good faith and in his own right of at least one share subscribed for by him or standing in his name on the books of the credit union and that the same is not hypothecated, or in any way pledged as security for any loan or debt, and, in case of reelection, that such share was not hypothecated, or in any way pledged as security for any loan or debt during his previous term. Such oath shall be subscribed by the directors, officers and members of committees making it and verified by an officer authorized by law to administer oaths, and immediately transmitted to the Commissioner of Corporations.

CHAPTER 42.

An act to add section 11a to an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to the operation of the business of industrial loan companies, and providing that this act shall take effect immediately.

Stats. 1917, p. 658, amended

[Approved by the Governor March 27, 1933. In effect immediately.]

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

SECTION 1. A new section is hereby added to the act cited in the title hereof to be numbered 11a and to read as follows:

New section

Sec. 11a. The Corporation Commissioner whenever it may appear that such action is necessary for the protection of the interests of the investment certificate holders, stockholders, investors or any other creditors of any industrial loan company or to protect such company itself which is organized and/or operating under this act or that such action is in the public interest, order such company or companies forthwith to suspend as herein set forth the payment in lawful money of the liabilities of such company or limit the payment of same in such manner as he may prescribe. Such order shall become effective upon receipt by such company of notice thereof and shall continue in full force and effect until rescinded or modified by the Corporation Commissioner in writing and delivered to the manager or executive officer thereof, but in no event to exceed a period of sixty days; provided that such suspension or limitation may be extended for further successive periods not to exceed sixty days each upon the order of the Corporation Commissioner. Whenever during any such sixty-day period in the judgment of the Corporation Commissioner the condition of any such company warrants such action, the lia-

See Stats. 1933, Ch. 132.

Suspension or limitation of payments by industrial loan companies

Order

bilities, the payment of which have been so suspended, may be paid in lawful money by such company in whole or pro rata in part upon such terms and conditions as the Corporation Commissioner may prescribe.

Operating expenses

Nothing herein contained shall affect the right of any such company to pay its current operating expenses and liabilities incurred during such period of suspension or limitation.

Effect of order

After such order of suspension or limitation and until such order of suspension or limitation shall be rescinded, no assignment or hypothecation shall be made by such company of any indebtedness due to it from an investor without first crediting thereon the investment liability of the company to such investor-borrower.

Rules and regulations

The Corporation Commissioner is hereby authorized and empowered to prescribe such rules and regulations as he may deem necessary to carry out the provisions of this act.

Nothing herein contained shall be construed to limit the powers of the commissioner pursuant to this act or any other laws now in effect.

The authority herein contained is in addition to the other powers provided in this act and, in the discretion of the commissioner, may be exercised by him in conjunction therewith or independently thereof.

Injunction

Whenever the commissioner shall believe from evidence satisfactory to him that any company, director, officer, agent or employee thereof has violated or is about to violate any of the provisions of this act, or any order, license, permit, decision, demand or requirement of the commissioner, or any part or provision thereof, he may bring an action in the name of the people of the State of California in the superior court of the State of California against such company, director, officer, agent or employee thereof to enjoin such company, director, officer, agent or employee thereof from continuing such violation or engaging therein or the attempt to violate said act or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

The facts constituting such necessity are as follows: There exist throughout the United States economic conditions which have engendered financial disturbances requiring the immediate effective enactment of legislation protecting the investors in financial institutions subject to the laws of this State. It is essential to the preservation of the public peace, health and safety that the financial institutions of this State be afforded an opportunity for the orderly payment of moneys due investors and other creditors. This act will aid materially in accomplishing this necessary result.

CHAPTER 43.

An act to repeal "An act to provide for the support of vocational reeducation and rehabilitation of workmen disabled in industry in this State, and to create a fund for these purposes to be known as the 'Industrial Rehabilitation Fund' by fixing an additional liability upon all employers liable under said act in cases where employees receive fatal compensable injury and leave no dependents," approved May 2, 1919. Stats. 1919, p 273, repealed

[Approved by the Governor April 1, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby repealed. Repeal

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CHAPTER 44.

An act to repeal "An act to require the payment of certain premiums to counties, and cities and counties, by fire insurance companies not organized under the laws of the State of California, but doing business therein, and providing for the disposition of such premiums," approved March 3, 1885. Stats 1885, p 13, repealed

[Approved by the Governor April 1, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby repealed. Repeal

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CHAPTER 45.

An act to amend section 3716 of the Political Code, relating to the operation of taxes as a judgment or lien against property.

[Approved by the Governor April 1, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3716 of the Political Code is hereby amended to read as follows: Stats 1931, p 144

3716. Every tax has the effect of a judgment against the person, and every lien created by this title has the force and effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold for the payment thereof; provided, that the lien of every tax whether now Tax lien.

existing or hereafter attaching shall cease to exist for all purposes after thirty years from the time said tax became a lien;

Limitation

And provided further that every tax whether now existing or hereafter levied shall be conclusively presumed to have been paid after thirty years from the time the same became a lien, unless the property subject thereto has been sold in the manner provided by law for the payment of said tax.

Construction

SEC. 2. This act is enacted pursuant to and by virtue of the provisions of section 31b of Article IV of the Constitution, relating to tax liens, and is not intended as a disavowal of the validity of Chapter 108 of the Statutes of 1931, amending section 3716 of the Political Code.

CHAPTER 46.

An act to add a new section to the Political Code to be numbered 528a, relating to the printing of new or revised codes.

[Approved by the Governor April 1, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 528a and to read as follows:

Codes Form in which printed

528a. Whenever a new or a revised code is established, the law as signed by the Governor shall not be printed until after thirty days after the final adjournment of the Legislature, when it shall be prepared by the Legislative Counsel and printed by the State Printer with all amendments and superseding sections enacted during the session properly inserted, and with proper notes indicating the original text and any intermediate amendments. The act as so printed shall be included in its proper sequence in the bound volume of the statutes of the session. If a new or revised code is passed as an urgency measure, this section shall not apply. A code is defined for the purposes of this section as any act of the Legislature which is entitled a code.

CHAPTER 47.

Stats 1917, p 1378, amended.

An act to amend the title and section 2 of an act entitled "An act to provide for the establishment and maintenance by fire insurance corporations of guaranty surplus funds and special reserve funds and thereby limiting liability and to provide for the waiver by policyholders of recourse against

stockholders of such corporations," approved May 31, 1917, as amended.

[Approved by the Governor April 6, 1933 In effect August 21, 1933]

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

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows: Title

An act to provide for the establishment and maintenance by fire insurance corporations of guaranty surplus funds and special reserve funds and thereby limiting liability of such corporations.

SEC. 2. Section 2 of said act is hereby amended to read as follows: Stats. 1923, p. 177

Sec. 2. Such guaranty surplus fund shall be held and invested by such corporation in the same manner as its capital stock and surplus accumulations, and shall be liable and applicable in the same manner as the capital of the corporation to the payment generally of its losses. Such special reserve fund, until it shall amount to a sum equal to the minimum amount of capital required by the laws of this State to be maintained by fire insurance companies admitted to do business in this State, shall be invested in the same manner as the capital of the corporation, and any additional sum added to such fund shall be invested by the corporation in any securities in which the corporation is by law authorized to invest its capital or its surplus accumulations, and shall be deposited from time to time, as the same shall accumulate and be invested, with the Insurance Commissioner. Such special reserve fund shall be deemed a fund to protect such corporation and its policyholders other than claimants for losses already existing or then occurred in case of any extraordinary conflagration or conflagrations as hereinafter mentioned, and shall not be regarded as any part or portion of the assets of the corporation so as to be liable for any claim for loss by fire or otherwise, except as herein provided. Guaranty surplus fund. Special reserve fund. Use

When such corporation has created and while it maintains, as herein provided, a guaranty surplus fund and a special reserve fund each in amount equal to the minimum amount of capital required by the laws of this State to be maintained by fire insurance companies admitted to do business in this State it may thereafter insert in any policy of fire insurance it may thereafter issue a provision to the effect that the insured, by accepting the policy agrees, in case of making any claim thereunder, to look solely to the assets and property of the corporation as and to the extent herein provided. Policy provisions

CHAPTER 48.

Stats 1923, p. 429, amended.

An act to amend sections 2 and 5 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, relating to the office of State Fire Marshal.

[Approved by the Governor April 6, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 983.

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Duties of State Fire Marshal.

Sec. 2. For the purpose of safeguarding life and property, it shall be the duty of the State Fire Marshal to aid in the enforcing of all laws and ordinances relating to fires and fire prevention and protection and to attend, if possible, fires other than forest, brush or grain fires occurring outside the corporate limits of any city or town maintaining a fire department, or outside the limits of a county fire protection district and counties where there is no regularly appointed county fire warden, for the purpose of taking charge of and protecting all property which may be imperiled thereby.

It shall also be his duty to make and enforce orders, rules and regulations not inconsistent with any existing law or ordinance relating to

(a) The protection from fire in the design and construction of all State institutions; the means and adequacy of exits therefrom, and the installation and maintenance of fire alarm and fire extinguishment systems therein;

(b) The installation of equipment and furnishings that present unusual fire hazards, and the means and adequacies of exits in case of fire, from factories, asylums, hospitals, sanitariums, churches, schools, halls, theaters, amphitheaters and all other places where large numbers of persons work, live or congregate for any purpose.

It shall also be his duty to carry on educational work throughout the State, encouraging the adoption of fire prevention measures, and to prepare or cause to be prepared information relating to the subject of the fire prevention and extinguishment, for dissemination.

Any person, copartnership, firm, association, corporation or organization who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and punishable by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for a term of not less than thirty days nor more than one hundred eighty days, or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this act, or any order, rule or regulation made hereunder, is committed, continued or permitted by him.

SEC. 2. Section 5 of said act is hereby amended to read as follows: Stats 1931, p 980.

Sec. 5. The State Fire Marshal shall have power to appoint the active chiefs of fire departments, city fire marshals and/or his salaried field assistants, as he may deem necessary, to serve as assistant or deputy State fire marshals. The State Fire Marshal and the assistant or deputy State fire marshals shall exercise the functions of police officers. Deputies

The State Fire Marshal and his regularly appointed and salaried assistants shall have authority to enter any factory, asylum, hospital, sanitarium, church, school, hall, theater, amphitheater or other place where large numbers of persons work, live or congregate at any reasonable hour for the purpose of enforcing this act or any other act which has been or may be enacted by the Legislature designating the State Fire Marshal as enforcing officer thereof, and it shall be unlawful for any owner, lessee, manager or operator thereof to refuse said officers the right to enter and inspect such premises or buildings at the time and for the purpose aforesaid. Authority

The State Fire Marshal shall also have the power to employ such salaried office and field assistants as he may deem necessary. Office and field deputies.

All moneys now in the clothes cleaning establishment fund are hereby transferred to the State Fire Marshal's fund and all appropriations heretofore or hereafter made to or from the clothes cleaning establishment fund shall be deemed to be made to or from the State Fire Marshal's fund. Use of moneys.

The clothes cleaning establishment fund is hereby abolished, and wherever in any statute heretofore or hereafter enacted reference is made to the clothes cleaning establishment fund, such reference shall be deemed to be a reference to the State Fire Marshal's fund.

The moneys in the State Fire Marshal's fund shall be expended by the State Fire Marshal for purposes of enforcing this act or any other act which has been or may be enacted by the Legislature, designating the State Fire Marshal, or the Division of Fire Safety in the Department of Industrial Relations, as the enforcing officer thereof.

CHAPTER 49.

An act to amend section 429 of the Civil Code, relating to the funds from which corporations formed under the laws of this State having a capital stock and transacting fire, marine or inland navigation insurance business may make dividends.

[Approved by the Governor April 6, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 429 of the Civil Code is hereby amended to read as follows: Stats. 1923, p 1116.

Dividends Limitation on payment

429. Corporations formed under the laws of this State, having a capital stock and transacting fire, marine or inland navigation insurance business shall be governed in the making of dividends exclusively by the provisions of this section, and may make dividends only from funds remaining on hand after retaining unimpaired:

1. The aggregate par value of the entire issued or subscribed shares.

2. All the premiums received and receivable upon all unexpired marine and inland navigation risks, except time risks.

3. A fund equal to one-half of the amount of all premiums received and receivable upon all unexpired fire risks running one year or less from the date of the policy and upon all marine time risks.

4. A pro rata amount of all premiums received and receivable upon all unexpired fire risks running more than one year from the date of the policy.

5. A sum sufficient to pay all losses reported or in course of settlement and all liabilities for expenses and taxes.

CHAPTER 50.

An act giving the Insurance Commissioner power to limit payments or loans of funds of life insurance companies and to generally regulate such companies for the protection of policyholders during periods of extraordinary economic and financial conditions, defining the term "life insurance companies" as used herein, reciting the establishment of similar control and limitations in other States, and declaring the urgency thereof and that the same shall take effect immediately

[Approved by the Governor April 3, 1933. In effect immediately.]

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

Limitation on withdrawals.

SECTION 1. Whenever it shall appear to the Insurance Commissioner of the State of California that, by reason of the existence of extraordinary economic and financial conditions throughout the State or the United States, such action is necessary for the protection of the interests of the policy holders of life insurance companies doing business in this State, and that such action is in the public interest, the said commissioner may order simultaneously all such companies forthwith to uniformly limit the payment by such companies and the withdrawal by the policyholders thereof or any other persons of any moneys in excess of one hundred dollars to each policyholder on account of any loans on or surrenders of any policies, or dividends to policyholders of such companies; provided that during any period of limitation prescribed by said commissioner hereunder no dividend to stockholders of any such

companies shall be paid. Nothing herein contained shall be construed to permit the commissioner to limit or prevent the payment of any claims for death, disability, matured endowment or annuity, nor the making of a loan or payment of a cash surrender value in any amount where the proceeds of such loan or surrender value are applied to pay premiums or any other policy obligation to the same company. Such order shall become effective upon the receipt thereof by each company, and shall continue in effect for a period of sixty days unless previously rescinded or modified by said commissioner; provided that if it appears necessary to said commissioner, he may extend said limitation for further successive periods not to exceed sixty days each. Exceptions

SEC. 2. The Insurance Commissioner is hereby authorized and empowered to prescribe such rules and regulations as he may deem necessary to carry out the provisions of this act, which shall supersede all existing rules, regulations and laws inconsistent therewith. Nothing herein contained shall be construed to limit the powers of said commissioner pursuant to any laws now in effect. Rules.

SEC. 3. Any order of the Insurance Commissioner made in pursuance of this act shall be a complete defense to any action brought after the effective date of such order against any life insurance company on account of or by reason of its observance of or compliance with said commissioner's order. Effect of orders.

SEC 4. The term, "life insurance companies," as used in this act, shall be construed to include all companies, corporations, associations, and fraternal benefit societies transacting any life insurance business in this State. Definition.

SEC. 5. This act shall become ineffective at twelve o'clock noon on August 31, 1935. Expiration of act

SEC. 6. If any portion of this act is invalid the Legislature hereby declares that had it known of the invalidity of the portion at the time of this enactment it would have passed the remainder of this act without the invalid portion, and it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion of this act. Constitutionality

SEC. 7. This act is hereby declared to be an urgency measure, within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. The facts constituting such necessity are that there exist throughout the United States economic conditions which have engendered financial disturbances requiring the immediate enactment of effective legislation protecting life insurance companies and their policyholders; that measures generally similar to this act have been recently enacted, by reason of such conditions, in many other States; that regulations and orders promulgated by State Insurance Commissioners under those enactments will seriously prejudice life insurance companies doing business in this State unless they are similarly regu- Urgency

lated and their policyholders similarly protected; and that it is also essential to the preservation of the public peace, health and safety that life insurance companies be afforded reasonable opportunity for the orderly payment of moneys due their policyholders, and that this act will aid materially in accomplishing that result.

CHAPTER 51.

An act to impose an excise tax on the manufacture and distribution of certain beverages, to provide for the collection and disposition thereof, to provide penalties for the violation hereof, and to declare that this act shall take effect as a statute immediately.

[Approved by the Governor April 6, 1933. In effect immediately.]

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

SECTION 1. As used in this act:

Definitions. (a) "Beverage" means and includes any beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, or other fermented beverage containing not less than one-half of one per cent and not more than three and two-tenths per cent of alcohol by weight.

(b) "Manufacturer" means every person who, within the State of California, produces, brews, ferments or manufactures a beverage as herein defined, or who, in the case of a beverage produced, brewed, fermented or manufactured outside of the State of California, is the first in possession thereof within the State after completion of the act of importation.

(c) "Sell" or "sale" or any form of said words means any sale, exchange, barter or other act whereby the title to beverage is transferred for a consideration from a manufacturer to any other person.

(d) "Person" means natural person, partnership, association, company, corporation, organization or the manager, agent, servant, officer or employee of any of them.

(e) "Board" means the "State Board of Equalization."

Application for permit. SEC. 2. Every person who engages in business as a "manufacturer," as herein defined, shall make an application to the "Board" for a permit to engage in such business. The application shall be made on forms to be prescribed, prepared and furnished by the board and shall be accompanied by a fee of one hundred dollars. The application shall be signed and the signature verified if the applicant be a natural person, or if an association (or partnership) by a member or partner thereof, or if a corporation, by an executive officer thereof or by some person authorized by the corporation to sign the application.

Permit

SEC. 3. Upon the payment of the application fee prescribed by section 2 hereof and filing with the board of a photostatic copy of a permit issued to applicant under the laws of the United States of America, if such permit be required under said laws, establishing the right of the applicant to engage in said business, the board shall issue to the applicant a permit which shall not be assignable, shall be valid only for the person in whose name it is issued, and shall at all times be conspicuously displayed at the place or places of business for which it is issued.

Bond.

Every manufacturer who is the first in possession of a beverage produced, brewed, fermented or manufactured outside of this State after completion of the act of importation shall, at the time of the issuance to said manufacturer of a permit by the board, file and deposit with the said board a bond in such amount as said board shall fix and determine, but not to exceed the penal sum of one thousand dollars. Said bond shall be payable to the State of California and shall be conditioned upon the faithful performance of all of the provisions hereof and payment to the said State of California of all of the taxes and penalties hereof.

Renewal of permit

SEC. 4. All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued. Permits issued under the provisions of this act must be renewed annually upon application made to the board, in such form as the board may prescribe. Such application for renewal must be accompanied by the fee prescribed by section 2, hereof, and by a photostatic copy of a valid and effective permit issued under the laws of the United States as required by section 3, hereof. Upon payment of said fee and filing of said photostatic copy the board shall renew said permit. Said application for renewal shall be filed not less than ten days nor more than sixty days before the first day of January of the year for which the permit is to be issued.

Excise tax

SEC. 5. An excise tax is hereby imposed on all beverage sold by a manufacturer, as said term is herein defined, at the rate of sixty-two cents for every barrel containing not more than thirty-one gallons and at the rate of two cents per gallon for any other quantity thereof.

Accounting

SEC. 6. Every manufacturer, as herein defined shall render to the board on or before the tenth day of each month a verified statement of the quantity of beverage sold by such manufacturer during the preceding month. Said statement shall be in such form as the board may prescribe, together with such other information as the board may require. Said statement shall be accompanied with the amount of tax due to the State for all beverage sold by the manufacturer during the next preceding month, said amount to be computed at the rate hereinabove prescribed.

Examination of records.

SEC. 7. The board may at any time within one year after said statement is due examine the books and records of any person required to make said statement, and such books and

papers shall at all times be subject to the board's inspection, or that of the board's representatives, during regular business hours.

Penalties.

SEC. 8. Any person refusing to permit the board or any of the board's representatives to make the inspection provided for in the preceding section of this act or failing to keep books of account as may be prescribed by the board, or failing to preserve such books for the period for which they are to be open to the inspection of the board, and any person altering, canceling or obliterating entries in such books of account for the purpose of falsifying the records of sales of beverage made under this act shall be guilty of a misdemeanor and shall be punished by fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

SEC. 9. Any manufacturer who fails to pay the excise tax herein prescribed at the time at which it is due shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Revocation and suspension of permits

SEC. 10. The board on five days' notice and after a hearing duly held shall have power to revoke or suspend the permit of any manufacturer who fails or neglects to comply with any of the provisions of this act.

Construction

SEC. 11. None of the provisions of this act shall apply, or be construed to apply, to commerce with foreign nations or commerce with the several States, except in so far as the same may be permitted under the provisions of the Constitution and laws of the United States, nor shall the same be construed to apply to beverage manufactured or sold within the State of California for purposes of export outside of said State.

Rules

SEC. 12. The board shall administer all of the provisions of this act and to that end shall prescribe all necessary rules and regulations to carry out such provisions.

Penalties

SEC. 13. Any person who sells beverage as a manufacturer without having first obtained a permit therefor or who violates any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Disposition of moneys.

SEC. 14. All moneys collected under the provisions of this act and all fines and forfeitures imposed and collected for violation of any of the provisions hereof shall be paid into the State treasury to the credit of the general fund. The board shall from time to time and at least once in every month transfer and report all moneys collected hereunder to the State treasury.

Effective date

SEC. 15. The provisions of this act shall become operative and applicable and shall be administered upon the occurrence of an event, which event shall be whenever the sale in California of beverage as defined herein is not prohibited by the laws of the United States.

SEC. 16. Inasmuch as this act provides for a levy of taxes Tax levy. it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately as a statute, but shall become operative, applicable and administrable upon the occurrence of the events, under the circumstances, in the manner, and to the extent provided in section 15 of this act.

CHAPTER 52.

An act to amend section 384a of the Penal Code, relating to the protection of native trees, shrubs, ferns, herbs, bulbs, cacti and flowers.

[Approved by the Governor April 6, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 384a of the Penal Code is hereby Stats. 1929, p 304 amended to read as follows:

384a. Every person who within the State of California Destruction of native plants wilfully or negligently cuts, destroys, mutilates, or removes any native tree or shrub, or fern or herb or bulb or cactus or flower, or portion of any native tree or shrub, or fern or herb or bulb or cactus or flower, growing upon State or county highway rights of way; provided, however, that the provisions of this section shall not be construed to apply to any employee of the State or of any political subdivision thereof engaged in work upon any State, county or public road or highway while performing such work under the supervision of the State or of any political subdivision thereof, and every person who for commercial purposes wilfully or negligently cuts, destroys, mutilates or removes any native tree or shrub, or fern or herb or bulb or cactus or flower, or portions of any native tree or shrub, or fern or herb or bulb or cactus or flower, growing upon public land or upon land not his own, without a written permit from the owner of the land signed by such owner or his authorized agent, and every person who knowingly sells, offers, or exposes for sale, or transports for sale, any native tree, or shrub, or fern or herb or bulb or cactus or flower, or portion of any tree or shrub, or fern or herb or bulb, or cactus or flower, so cut or removed from State or county highway rights of way, or removed from public land or from land not owned by the person who cut or removed the same without the written permit from the owner of the land, signed by such owner or his authorized agent, shall be guilty of a misdemeanor and Penalty upon conviction thereof shall be punished by a fine of not more than two hundred dollars or by imprisonment in a county jail for not more than six months or by both such fine and imprisonment.

Enforcement.

Any county or State Fire Warden, or any peace officer of the State of California, shall have full power to enforce the provisions hereof and to confiscate any and all such shrubs, trees, ferns or herbs or bulbs or cacti or flowers, or parts thereof unlawfully cut or removed or knowingly sold, offered or exposed or transported for sale as hereinbefore provided.

Construction

The provisions of this act shall not be construed to apply to any native tree or shrub, or fern or herb or bulb or cactus or flower, which is declared by law to be a public nuisance.

The provisions of this act shall not be deemed to apply to the necessary cutting or trimming of any such trees, shrubs, or ferns or herbs or bulbs or cacti or flowers, if done for the purpose of protecting or maintaining an electric power line or telephone line or other property of a public utility.

CHAPTER 53.

An act authorizing the city of Richmond to lease certain tide and submerged lands heretofore granted by the State of California to said city in trust.

[Approved by the Governor April 6, 1933. In effect August 21, 1933.]

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

Lease authorized

SECTION 1. The city of Richmond, a municipal corporation of the State of California, is hereby authorized and empowered to lease and let unto the Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Railroad Company, their successors and assigns, for the term of ninety-nine years from and after the first day of January, 1933, the following described premises:

Description

A strip of land 50 feet wide situate, lying and being in the City of Richmond, County of Contra Costa, State of California, the center line of which is identical with the center line of the main track of the Richmond Belt Railway and more particularly described as follows:

Beginning at Engineer's Station 205 + 88.63 on said center line of main track of said Richmond Belt Railway, a point on the exterior boundary of the Rancho San Pablo as shown on "Map of the San Pablo Rancho, accompanying and forming a part of the Final Report of the Referees in Partition" filed March 1, 1894, in the office of the County Recorder of the County of Contra Costa, State of California, bearing North 80° 15′ East a distance of 72.95 feet from Station 130 of said exterior boundary; thence North 72° 20′ West, a distance of 444.85 feet to Engineer's Station 210 + 33.48 on said center line; thence along the arcs of a series of compound curves, concave to the left (tangent to the first curve of said series at the last mentioned point is the last described course) with radii and arc distances as follows:

Radius of 2864.825 feet, an arc distance of 30 feet to a point; Radius of 1432.467 feet, an arc distance of 30 feet to a point; Radius of 955.039 feet, an arc distance of 30 feet to a point; Radius of 716.343 feet, an arc distance of 30 feet to a point; Radius of 573.140 feet, an arc distance of 30 feet to a point; Radius of 477.683 feet, an arc distance of 6.05 feet to Engineer's Station 211 + 89.50 on said center line, being a point on the exterior boundary line of said Rancho San Pablo, bearing South 53° East, a distance of 62.2 feet from Station 133 of said exterior boundary, containing 0.690 acres, more or less.

The side lines of the above described parcel of land terminate in the said exterior boundary of the said Rancho San Pablo.

CHAPTER 54.

An act to amend section 4082 of the Political Code, relating to lost or destroyed county warrants issued in favor of the State.

[Approved by the Governor April 6, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4082 of the Political Code is hereby amended to read as follows: Stats 1927, p 791.

4082. Whenever any warrant legally drawn by the county auditor shall have been lost or destroyed before the same shall have been paid by the county treasurer, the amount due thereon may be recovered by the legal owner or custodian thereof, by filing with the county auditor: See Stats 1933, Ch 503 Lost and destroyed warrants

First—An affidavit setting forth the fact of the loss or destruction of such county warrant, giving the number, date, amount and name of the payee, together with all material facts relative to the loss or destruction of the same. Procedure for replacement.

Second—A bond of indemnity, with two good and sufficient sureties, in double the amount of the face of the particular warrant, which bond shall be referred to the county auditor and to the district attorney, county counsel, or other officer who is the legal advisor of the board of supervisors, for approval or rejection.

It shall be the duty of the county auditor and of the district attorney, county counsel or other officer who is the legal advisor of the board of supervisors to examine and to pass upon the sufficiency of said bond and to approve or reject the same within thirty days after it shall have been filed with the county auditor.

Upon the filing of the approved bond, the county auditor is hereby authorized and directed to issue and to deliver to the legal owner or claimant, on demand, a duplicate warrant for

the full amount of the original warrant, and the county treasurer is hereby authorized and directed to pay the duplicate, in lieu of the original warrant.

The auditor and the treasurer shall each make the proper entries on their books, showing such warrants to have been lost or destroyed and the issuance of duplicate warrants in lieu thereof.

Whenever any warrant legally drawn in favor of the State of California shall have been lost or destroyed, the State shall not be required to file such bond of indemnity as hereinbefore provided. Upon the filing of an affidavit as hereinbefore provided, the county auditor is hereby authorized to issue and deliver to the State of California, on demand, a duplicate warrant for the full amount of the original warrant and the county treasurer is hereby authorized and directed to pay the duplicate in lieu of the original warrant.

CHAPTER 55

An act to amend section 4017 of the Political Code, relative to consolidation of county offices.

[Approved by the Governor April 6, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1996

SECTION 1. Section 4017 of the Political Code is hereby amended as follows:

Consolidation of county offices

4017. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this title, the duties of certain of the county offices are hereby consolidated as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; treasurer and recorder; treasurer and assessor; treasurer, assessor, and tax collector; assessor and tax collector; treasurer and public administrator; public administrator and coroner; district attorney and public administrator; district attorney and coroner; sheriff and coroner; sheriff and public administrator; county agricultural commissioner and county sealer of weights and measures.

CHAPTER 56.

An act to amend section 16x30 of the "Weights and Measures Act," relating to the salary of the sealer of weights and measures in counties of the thirtieth class.

Stats 1913, p 1086, amended

[Approved by the Governor April 6, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 16x30 of the Weights and Measures Act is hereby amended to read as follows:

Stats 1931, p 1999

16x30. The sealer of weights and measures in counties of the thirtieth class shall receive a salary of one hundred fifty-two dollars per month, and deputies shall receive four and 75/100 dollars per day for each day actually employed.

Kings County Sealer

CHAPTER 57.

An act to amend section 4259 of the Political Code, relating to salaries of officers of the counties of the thirtieth class.

[Approved by the Governor April 7, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4259 of the Political Code is hereby amended to read as follows:

Stats 1931, p 1086

4259. In counties of the thirtieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Kings County Salaries

1 The county clerk, twenty-four hundred thirty dollars per annum, one deputy at a salary of fifteen hundred thirty-nine dollars per annum, and one deputy at a salary of twelve hundred fifty-four dollars per annum. The salaries of said deputies are to be payable monthly in the same manner as the salaries of the other county officers are paid; provided further, however, that in each even-numbered year the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year; and provided, further, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. The salaries of such deputies shall be paid out of the same fund from which the salaries of the other county officers are paid.

Clerk

In counties of this class the county clerk shall be and is hereby authorized to retain for his own use and benefit such fees or parts of fees as are now or hereafter may be allowed to the county clerk by the laws of the State of California

pertaining to hunting and fishing licenses; also such fees or parts of fees as are now or hereafter may be allowed to the county clerk by the laws of the United States pertaining to the naturalization of citizens.

Sheriff. 2. The sheriff, twenty-seven hundred dollars per annum and all fees for the service of process issued without this county; one undersheriff at a salary of nineteen hundred ninety-five dollars per annum; one deputy at a salary of seventeen hundred ten dollars per annum, and two deputies, each at a salary of fourteen hundred twenty-five dollars per annum. The salaries of said undersheriff and said deputies are payable monthly in the same manner as the salaries of other county officers are paid.

Recorde 3. The recorder, twenty-one hundred sixty dollars per annum. He shall have one deputy at a salary of fifteen hundred thirty-nine dollars per annum, and one copyist at a salary of eleven hundred forty dollars per annum. The salaries of said deputy and copyist are payable monthly in the same manner as the salaries of other county officers are paid.

Auditor. 4. The auditor, twenty-one hundred sixty dollars per annum, and one deputy at a salary of fourteen hundred eighty-two dollars per annum, and one deputy at a salary of eleven hundred forty dollars per annum, and one deputy for two months of each year at a salary of ninety-five dollars per month. The salaries of said deputies are payable monthly in the same manner as the salaries of other county officers are paid.

Treasurer. 5. The treasurer, twenty-one hundred sixty dollars per annum; provided, however, that the treasurer shall retain for his own use all fees now, or which may hereafter be legally collected by his office; except, however, that said treasurer shall pay into the county treasury the statutory fee of one per cent allowed to the treasurer on all money handled by him in estates which are handled by the public administrator by section 1148 of the Probate Code.

Tax collector 6. The tax collector, twenty-one hundred sixty dollars per annum. He shall have one deputy at a salary of fourteen hundred twenty-five dollars per annum, and two deputies for four months of each year at a salary of ninety-five dollars per month each. The salaries of said deputies are payable monthly in the same manner as the salaries of other county officers are paid.

Assessor 7. The assessor, twenty-one hundred sixty dollars per annum. He shall have one chief deputy assessor at a salary of fifteen hundred thirty-nine dollars per annum; one deputy assessor for seven months in each year from January first to August first at a salary of ninety-five dollars per month; one copyist for five months in each year from March first to August first at a salary of ninety-five dollars per month. The salaries of said chief deputy assessor, said deputy assessor and said copyist are payable monthly in the same manner as the salaries of the other county officers are paid.

The assessor may appoint the following field deputies who shall receive as compensation for all services performed by them the following sums for each day actually and necessarily employed: One field deputy at a salary of nine and fifty one-hundredths dollars per day, six field deputies at a salary of seven dollars per day, and one field deputy at a salary of four and seventy-five one-hundredths dollars per day; provided that the total compensation of such field deputies shall not exceed the total sum of thirty-six hundred dollars in any one year; and provided that said field deputies shall file monthly with the assessor and the county auditor a verified statement showing in detail the amount of time consumed in actual assessment work. The salaries of said field deputies shall be paid by the county monthly in the same manner as the salaries of other county officers are paid. Said salary of the assessor shall be in full for all services rendered by him and he shall pay all fees received into the county treasury.

District attorney

8. The district attorney, twenty-four hundred thirty dollars per annum; one deputy at a salary of fourteen hundred twenty-five dollars per annum, and one stenographer at a salary of eleven hundred forty dollars per annum. The salaries of said deputy and stenographer are payable monthly in the same manner as the salaries of other county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be provided by law.

Public administrator.

10. The public administrator, such fees as are now or may hereafter be provided by law.

Superintendent of schools.

11. The superintendent of schools, nineteen hundred eighty dollars per annum, and one deputy at a salary of fourteen hundred twenty-five dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; provided that in counties of this class the county superintendent of schools shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Surveyor.

12. The surveyor, ten dollars per day and actual, reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

Supervisors

13. Supervisors, each the sum of twelve hundred dollars per annum in full for all services performed by them as supervisors and as members of the board of equalization and road commissioners and in any and every capacity, and also all actual and necessary traveling expenses in the performance of all such duties.

Justices of peace.

14. Justices of the peace shall receive the following monthly salaries to be paid each month in the same manner and out of the same funds as the salaries of county officers are paid, which shall be in full for all services rendered by them in all

cases: In townships having a population of seven thousand or more, seventeen hundred ten dollars per annum; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population of less than three thousand and more than seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month.

Constables

15. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same funds as the salaries of county officers are paid, which shall be in full for all services rendered by them in all cases: In townships having a population of seven thousand or more, seventeen hundred ten dollars per annum; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population of less than three thousand and more than seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. Constables shall also be allowed mileage of eight cents per mile each way for necessary mileage traveled within the county, in the performance of their official duties both civil and criminal. No mileage shall be allowed constables for traveling outside the county on civil or criminal cases.

Jurors

16. Grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars per day. In justices' courts in civil and criminal cases the jurors sworn to try the case shall receive for each day's attendance the sum of two dollars per day. Each juror shall receive mileage at the rate of six cents per mile each way for every mile actually traveled in attending court, mileage to be allowed for each trip necessarily made to the place of service; provided that in justices' courts mileage shall be allowed only to those sworn to try the case

Librarian.

17. The county librarian shall receive one thousand seven hundred ten dollars per annum.

CHAPTER 58.

Stats 1909, p 87, amended

An act to amend section 29 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," relating to the definition and regulation of the business of banking.

[Approved by the Governor April 8, 1933. In effect August 21, 1933.]

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

Stats 1909, p 87.

Section 29 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended,

designated the "Bank Act," relating to the definition and regulation of the business of banking is hereby amended so as to read as follows:

Sec. 29. Every corporation created under the laws of this State, doing a banking business therein, and which has no capital stock, may elect to have a capital stock, and may, in the manner which may be provided by law or in its by-laws not in conflict with law, issue certificates of stock therefor; provided, however, that notwithstanding its election to have a capital stock and the creation thereof, said corporation shall maintain an aggregate of paid-up capital, together with surplus, in an amount equal to or in excess of the requirements now or hereafter prescribed by section 19 of this act, or any other law of this State, to be in lieu of the amount of reserve fund theretofore required of a corporation without a capital stock pursuant to section 19 of this act or any other law of this State. Before such change is made, a majority of the members of such corporation present at a meeting called for the purpose of considering the proposition whether it is best to have a capital stock, its amount, the number of shares into which it shall be divided and the par value of each share, must vote in favor of having a capital stock, and fix the amount thereof, the number of shares into which it shall be divided and the par value of each share and may prescribe any additional details in respect of said capital stock as shall not be contrary either to law or its by-laws. Said corporation may at said meeting adopt a code of by-laws for the future government of the corporation. Notice of the time and place of holding such meeting, and its object, must be given by the president of such corporation by mailing notice of such meeting to each member of such corporation at his last known post-office address at least ten days prior to the day fixed for such meeting, and by publication in some newspaper printed and published in the county, or city and county, in which the principal place of business or the principal office of the corporation is situated, at least once a week for three successive weeks prior to the holding of the meeting. A copy of the proceedings of this meeting, giving the number of persons present, the votes taken, the notice calling the meeting, the proof of its mailing, the proof of its publication, the amount of capital actually subscribed and by whom, all duly certified by the president and secretary of the corporation, must be filed in the office of the Secretary of State and a certified copy of said copy must be filed in the office of the clerk of the county or city and county in which the principal place of business or principal office of said corporation is situated. Thenceforth said corporation shall have a capital stock in the amount, divided into the number of shares with the par value of each share, all as fixed at said meeting and such corporation shall be possessed of all the rights and powers, and shall be subject to all the obligations, restrictions and limitations, as may be provided by law.

Capital stock

Procedure

This section shall apply to all corporations existing at the time the Civil Code of the State of California took effect and

Construction

still existing, whether they have heretofore elected or shall hereafter elect to continue their existence under the provisions of said code applicable thereto, or not, and shall also apply to all corporations formed and existing under the laws of this State since the said Civil Code took effect.

CHAPTER 59.

An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately.

[Approved by the Governor April 10, 1933. In effect immediately.]

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

Construction of schools.

SECTION 1. The Division of Architecture of the State Department of Public Works is hereby vested with authority under the police power of the State and directed to supervise the construction of any new school building or, if the estimated cost exceed one thousand dollars, the reconstruction or alteration of or addition to any school building, for the protection of life and property as hereinafter provided.

The term "school building" as herein used means and includes any building used or designed to be used for elementary or secondary school or junior college purposes and constructed, reconstructed, altered or added to, by the State or by any county, city, city and county, or other political subdivision or by any school or junior college district of any kind or character whatsoever within the State.

Division of Architecture to approve plans

SEC. 2. For such purposes it is the duty of the Division of Architecture to pass upon and approve or reject all plans for such school buildings or for the construction, reconstruction, or alteration thereof or addition thereto. To enable it to do so, all district boards of trustees, city boards of education and other appropriate school authorities before adopting any such plans for a school building must submit the same to the Division of Architecture for approval, and are hereby authorized and directed to pay the fees hereinafter in this section prescribed. Before letting any contract or contracts for any such construction, reconstruction or alteration of or addition to any school building, the written approval of such plans, as to safety of design and construction, by the Division of Architecture, must be first had and

obtained. In each case the application for approval of such plans must be accompanied by the plans and full, complete and accurate specifications, and structural design computations, and estimates of cost, which must comply in every respect with any and all requirements therefor prescribed by the Division of Architecture. The application shall also be accompanied by a filing fee based on the estimated cost and according to the following schedule: For the first two hundred fifty thousand dollars, a fee of one-half of one per cent of the estimated cost and for all costs in excess of two hundred fifty thousand dollars a fee of one-fourth of one per cent, the minimum fee in any case to be fifty dollars. If the actual cost exceeds the estimated cost by more than ten per cent a further fee shall be paid to the Division of Architecture. Such further fee shall be one-half of one per cent of the amount by which the actual cost exceeds the amount of the estimated cost. All such fees shall be paid into the State treasury and credited to the Division of Architecture public building fund, which fund is hereby created, and are hereby made available without regard to fiscal years for the use of the Division of Architecture, subject to approval of the Department of Finance, in carrying out the provisions of this act. All such plans, specifications and estimates must be prepared by a certified architect holding a valid license under the State act regulating the practice of architecture or by a structural engineer holding a valid certificate to use the title structural engineer under the law regulating the practice of civil engineering and the supervision of the work of construction, reconstruction, alteration or addition shall be under the responsible charge of such an architect or structural engineer.

Filing fees

SEC. 3. No contract for the construction, reconstruction or alteration of or addition to any school building, made or executed by the district board of trustees, city board of education or other public board, body or officer otherwise vested with authority to make or execute such a contract, shall be valid, nor shall any public moneys be paid for any work done under such a contract or for any labor or materials furnished in constructing, reconstructing or altering any such building or making any such addition thereto, unless such plans, specifications and estimates comply in every particular with the applicable provisions of this act and the applicable requirements therefor prescribed by the Division of Architecture and the approval thereof in writing has first been had and obtained from said division.

Invalid contracts

SEC. 4. From time to time, as the work of construction, reconstruction, alteration or addition progresses and as frequently and at such intervals as the Division of Architecture shall require, the certified architect or structural engineer in charge of the work and the inspector on the work and the contractor shall each make to the Division of Architecture a report, duly verified by him, upon a form or forms prescribed by the division, showing, of his own personal knowledge, that

Reports

the work during the period covered by the report has been performed and materials used and installed, in every particular, in accordance with and in conformity to the duly approved plans and specifications therefor, setting forth therein such detailed statements of fact as shall be required by the Division of Architecture.

Rules

SEC. 5. The Division of Architecture is hereby granted full power and authority from time to time to make all such rules and regulations as to it may seem necessary, proper or suitable effectually to carry out the provisions of this act.

Penalty

SEC. 6. Any person who violates any of the foregoing provisions of this act or makes any false statement in any verified report or affidavit required hereby or hereunder, is guilty of a felony.

Inspection.

SEC. 7. The State Division of Architecture has full power and authority and it shall be its duty to make such inspection of such school buildings and of such work of construction, reconstruction, alteration or addition as in its judgment may be necessary or proper for the enforcement of the provisions of this act and the protection of the safety of the pupils, the teachers and the public, and the school district, county, city, city and county or other political subdivision within the jurisdiction of which any school building is constructed, reconstructed, altered or added to, must provide for and require competent, adequate and continuous inspection during construction by an inspector satisfactory to the architect and/or structural engineer and the Division of Architecture, and under the direction of and responsible to the architect and/or structural engineer, for any and all such buildings and for any and all such work of construction, reconstruction, alteration or additions

Inspection Existing buildings

SEC. 8. Upon request of the board of trustees of any school district or at least ten per cent of the parents having pupils enrolled in said school district as certified to by the county superintendent of schools, the Division of Architecture shall make an examination and report on the structural condition of any public school building, subject to the payment of the actual expenses incurred by said Division of Architecture, provided that payment of such expenses may be waived by the Division of Architecture on recommendation of the State Superintendent of Public Instruction when it appears to the latter that the financial condition of the school district in which such public school building is located is not such as to permit of the payment of such expenses.

Urgency

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: The series of earthquakes occurring in the southern portion of the State has caused great loss of life and damage to property.

The public school buildings, constructed at public expense, were among the most seriously damaged buildings. Much of this loss and damage could have been avoided if the buildings and other structures had been properly constructed. The school buildings which will be erected, constructed and reconstructed to replace the buildings damaged or destroyed by the earthquakes should be so constructed as to resist, in so far as is possible, future earthquakes. These buildings will be erected, constructed and reconstructed at once and accordingly it is necessary that this act go into immediate effect in order that the lives and property of the people will be protected.

CHAPTER 60.

An act to amend "The California Districts Securities Commission Act" approved June 19, 1931, by repealing section 11 thereof and adding a new section 11 thereto, providing that defaulting irrigation districts under certain circumstances shall be subject to said section and shall be under the control of The California Districts Securities Commission to the extent and for the time set forth; providing for the levy, and the manner of levy, of the annual assessment of such defaulting districts in an amount it will be reasonably possible for the lands to pay without exceeding a delinquency of fifteen per cent and for the allocation of the proceeds of said annual assessment, notwithstanding any other provisions of law governing said districts; providing that said section shall remain in operation only until November 1, 1935, unless sooner repealed; and declaring same an emergency measure enacted under the police power.

Stats 1931 p 2263, amended

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 11 of "The California Districts Securities Commission Act" is hereby repealed and a new section 11 is hereby added thereto to read as follows:

Repeal New section.

Sec. 11. Whenever any district has levied the annual assessment required by the California Irrigation District Act or any acts amendatory thereof or supplemental thereto and when the money derived from said assessment, together with any other revenue allocated to payment of bond interest and principal, is insufficient to meet the bond interest or principal when due and said district defaults on its bond principal or interest, or both to the extent of not less than twenty per cent (20%) of the amount due, said defaulting district shall be subject to this section and shall be under the control and direction of the commission to the extent herein

Defaulting irrigation districts

provided. Thereafter it shall continue subject to this section and to such control and direction during the effective period of this section unless and until the amount raised by its annual assessment as hereinafter provided, together with other revenue derived from any source and allocated to bond service or other outstanding obligations, shall sooner be sufficient to meet and pay off all matured and uncanceled or unrefunded obligations of such district, bonded or otherwise, in which event it shall cease to be subject to this section and such control and direction shall terminate so long as said district does not again default as aforesaid. Upon receipt of written notice from any such district or any creditor thereof, the California Districts Securities Commission shall make such an investigation of the affairs of the district at the expense of the district as it may deem proper and for which funds are available in order to inform itself as to the financial affairs of the district and its lands, and to enable it to carry out the provisions of this section intelligently.

Amount of assessments

The board of directors of any such defaulting district, in levying the annual assessment of the district, may, notwithstanding section 39 of the California Irrigation District Act or any other provision of law governing such district, levy only for such total amount as in their judgment by a finding of fact, approved by the Districts Securities Commission it will be reasonably possible for the lands in said district, taken as a whole to pay without exceeding a delinquency of fifteen per cent. In determining the amount it is possible for the lands to pay, at the time of each annual assessment, the board of directors shall consider the productivity of lands in the district, crops growing and to be grown during the year, market conditions as well as they can be forecast, the cost of producing and marketing crops, and obligations of the land respecting taxes and public liens. Out of the money derived from such annual assessment the board of directors of the district may set aside such sum as, in the judgment of said board, and approved by the commission, may be necessary, in addition to other revenue allocable to that purpose, for the operation and maintenance of said district and its works for the ensuing year. The balance of said money derived from such annual assessment shall be prorated to bond interest, bond principal and to other outstanding obligations of the district in the proportion that the total amount due on each of said items shall bear to the said balance.

Expiration of act

This section shall remain in effect only until the first day of November, 1935, unless sooner repealed. The Legislature expressly declares that this section is intended to be applicable to all bonds, obligations and assessments of districts which have defaulted to the extent hereinbefore set forth, and the Legislature expressly declares that it applies to all bonds now or hereafter issued and outstanding, including bonds issued before this law was enacted. Nothing in this section contained, how-

ever, shall be deemed to extinguish or cancel any obligation due from any district, and whenever the annual assessment, levied as hereinbefore provided, leaves matured bond principal or interest, or other matured obligations, unpaid, said unpaid balance shall continue as a district obligation until paid or refunded in accordance with law. Obligations not canceled

SEC. 2. The Legislature hereby declares that a public emergency and social problem of grave character now exists which requires the foregoing enactment of section 11 under the exercise of the police power of the State and in order to conserve the public welfare. Emergency police power measure.

The following is a statement of facts constituting the emergency:

Due to the existing agricultural depression, many districts in the State have been unable to raise sufficient revenue to meet the annual obligations of their bonded indebtedness notwithstanding that they have levied the annual assessment in all respects as provided by section 39 of the California Irrigation District Act and notwithstanding that they have included an estimated delinquency of fifteen per cent as required by section 60 of said act. The situation is rapidly getting worse, both as to amounts of money in default and number of districts involved. Assessments and their delinquencies have proved uncollectible and the lands remain, subject to such delinquencies, unredeemed. Under present conditions, land deeded to districts after the period of redemption has expired, is in most instances unmarketable, nor can it be made to produce any substantial revenue. As a result of the foregoing, the burden of each succeeding annual assessment is falling upon a progressively lessening body of lands which in turn is forced to default in greater and greater quantities with the result that unless such process of pyramiding delinquencies is checked at once all lands in defaulting districts will soon be deeded to said districts for nonpayment of assessments and it will be impossible for said districts to resell the same. No appreciable sum can, under such conditions, be collected to meet district bonds or other obligations and the fiscal machinery devised for their payment will break down. There will necessarily follow an utter collapse of such districts and their obligations representing a substantial part of the wealth and productivity of the State. The property within such district will be left unoccupied and unproductive and there will be a complete destruction of values in the cities and other territory within, or tributary to, such districts and in the bonds of the districts themselves.

The Legislature hereby declares that the welfare of the State, the solvency of its banking institutions and the interests of the property owners and bondholders alike, require that the foregoing process of wholesale forced liquidation be stopped immediately, and for such temporary period as will permit ordinary economic processes to rehabilitate themselves and enable districts and bondholders to work out refinancing plans now under

consideration before all values within the districts have been destroyed.

CHAPTER 61.

Stats 1913, p 1379, amended.

An act to amend section 5 of the direct primary law, relating to sponsors' pamphlets.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

Stats 1929, p 495.

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Method of getting name on ballot

Sec. 5. (a) The name of no candidate shall be printed on the official ballot to be used at the August primary election unless at least sixty days and not more than ninety days prior thereto there shall be filed a declaration of his candidacy, by such candidate, or a declaration of candidacy by sponsors on behalf of such candidate, and an acceptance of such candidacy by the candidate so proposed. The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside, in securing the signatures of sponsors to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure the signatures of sponsors to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the time the sponsor certificates of the candidate are left with the county clerk or registrar of voters for filing or for examination. Said document shall be in substantially the following forms:

Verification deputies

Form of appointment

I, the undersigned, a candidate for the_____party nomination for the office of_____, which nomination is to be made by direct vote at a primary election to be held on the_____ day of August, 19__, do hereby appoint the following registered qualified electors of the county of_____, as verification deputies to obtain signatures of sponsors in said county to a nomination paper placing me in nomination as a candidate of said_____ party for said office of_____

Verification Deputies.

Name	Residence
_____	_____
_____	_____
_____	_____
_____	_____
etc.	etc.

(Signature)_____
(Residence)_____

Filed in the office of the county clerk (or registrar of voters) of the county of_____, this_____ day of_____, 19__.

Additional deputies

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a nonpartisan office all reference to party candidacy shall be omitted.

Deputies appointed by sponsors

In the event the said declaration of candidacy is made by sponsors, as herein provided, any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination, and in appointing verification deputies to serve within the county or city and county in which such deputies reside in securing the signatures of sponsors to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the declaration of candidacy by sponsors is left with the county clerk or registrar of voters for filing or examination.

Form of appointment

In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office; and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. Said document shall be substantially in the following form:

State of California,
County of_____ } ss.

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of_____, State of California, and that we are each registered as intending to affiliate with the_____party and we do hereby propose_____, who resides at No. ____, _____street in the city of (or in the town of) _____, county of_____, as a candidate for the nomination of such party for the office of

_____ _____, to be voted for at the primary election to be held on the _____ day of August, 19__; and we do solemnly swear (or affirm) that said_____ has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in this county to the declaration of candidacy by sponsors of said_____to said office of_____.

Verification Deputies.

Name	Residence
_____	_____
_____	_____
etc.	etc.

(Signed)

_____	_____
_____	_____
_____	_____

Subscribed and sworn to before me this_____day of_____, 19__.

[SEAL] _____
Notary Public (or other official).

The declaration of such candidacy by such candidate shall be substantially as follows:

Declaration of Candidacy.

Candidate's declaration of candidacy

I hereby declare myself a_____party candidate for nomination to the office of_____ to be voted for at the primary election to be held_____ _____, 19____, and declare the following to be true:
My name is_____
My present residence is_____
My present occupation is_____
My present business address is_____
The name of my employer (if any) is_____
The address of my employer (if any) is_____
My occupation for the past three years has been as follows:
_____
_____
The duration of my residence in California is_____years.
I have been a citizen of the United States for _____ years.
My address for the past five years has been as follows:
_____
_____
I am at present an incumbent of the following public office (if any):_____
I have held the following public offices (if any):_____

_____ for _____years,
_____ for _____years.

I am registered as affiliated with the_____ party. (The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated, I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

_____

_____
Signature of Candidate.

State of California, } ss.
County of_____.}

Subscribed and sworn to before me this_____ day of_____, 19____.

_____
Notary Public (or other official).

Examined and certified by me this_____ day of_____, 19____.

_____
Registrar of Voters—County Clerk.

In the event the said declaration of candidacy is made by sponsors, as herein provided, each such declaration of candidacy shall be substantially as follows:

Declaration of Candidacy by Sponsors.

Declaration of candidacy by sponsors.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of the County of_____, State of California, and that I am registered affiliated with the_____ party, and I do hereby sponsor, propose and nominate_____ who resides at No._____ street in the city of (or in the town of)_____, county of_____, State of California, as a party candidate for the nomination of such party for the office of_____, to be voted for at the primary election to be held on the_____ day of _____, 19____, and I hereby assert as follows:

My knowledge of the said_____ is sufficient to warrant my urging his election to the office of_____ and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am not at this time a signer of any other declaration of candidacy, nominating, proposing or sponsoring any other candidate for the above named office, or in case there are several places to be filled in the above named office, I have

not signed more declarations of candidacies than there are places to be filled in the above named office. My residence and occupation are correctly set forth after my signature hereto:

Name	Residence	Occupation
_____	_____	_____
_____	_____	_____

Verification Deputy's Affidavit.

Verification deputy's affidavit

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision a, section five of the direct primary law, as a verification deputy to secure signatures of sponsors in the county of_____to the nomination paper of_____as a candidate for the nomination of the_____party for the office of_____; that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed)_____
Verification Deputy.

Subscribed and sworn to before me this_____day of _____, 19__.

[SEAL] _____
Notary Public (or other official).

Examined and certified by me this_____ day of_____, 19____.

_____
Registrar of voters—County Clerk.

Signatures.

Such declaration or declarations of candidacy by sponsors shall contain, in the aggregate, the same number of signatures as required by subdivision (d) hereof, and no further signatures shall be necessary or required to place such candidate so proposed on the official primary ballot.

Declaration of acceptance of nomination

Such candidate so nominated or proposed by said sponsors shall, if he accepts such nomination, file with the proper officials and within the time provided by law, an affidavit of acceptance, which affidavit shall be substantially as follows:

Declaration of Acceptance of Nomination.

I hereby accept the nomination as proposed by a certain declaration of candidacy by sponsors, as a candidate of the _____party for nomination to the office of _____, to be voted for at the primary election to be held_____, 19____, and declare the following to be true:
My name is_____

My present residence is_____
My present occupation is_____
My present business address is_____
The name of my employer (if any) is_____
The address of my employer (if any) is_____
My occupation for the past three years has been as follows:
_____
_____
The duration of my residence in California is_____years.
I have been a citizen of the United States for _____ years.
My address for the past five years has been as follows:
_____
_____
I am at present an incumbent of the following public office (if any):_____
I have held the following public offices (if any):
_____ for _____years,
_____ for _____years.
I am registered as affiliated with the_____party.
(The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)
_____
If nominated I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

_____
Signature of candidate.

State of California, }
County of_____} ss.

Subscribed and sworn to before me this_____day of _____, 19____.

_____
Notary Public (or other official).

(b) The declaration shall be subscribed and sworn to before some officer authorized to administer oaths, and thereupon at least sixty-five days before the August primary election shall be delivered to the county clerk or registrar of voters in the county in which the candidate resides. Such clerk or registrar of voters shall forthwith certify and transmit to the Secretary of State the declaration of candidacy and acceptance as herein provided, for each candidate for State officers, United States Senators, Representatives in Congress, members of the State Senate and Assembly, delegates to State conventions from hold-over senatorial districts, and all officers to be voted for in districts comprising more than one county. Filing of declarations

(c) A candidate for a nonpartisan office shall omit all reference to party candidacy or party affiliations from said declaration. Nonpartisan offices.

Number of sponsor certificates.

(d) Said declaration shall be signed, certified and filed as provided in this section, and at least sixty-five days before said primary election, the candidate shall cause to be filed sponsor certificates herein provided for, of not less than sixty-five nor more than one hundred sponsors if the candidate is a candidate for a State office or for United States Senator, and not less than forty nor more than sixty if the candidacy is for Representative in Congress, member of the Board of Equalization, or for any office voted for in more than one county, and not state-wide, except for the State Senate or for the Assembly, and not less than twenty nor more than thirty if the candidacy is for the State Senate or for the Assembly, or a candidacy in a single county or any political subdivision thereof, or for delegate to State convention from a hold-over senatorial district. In the case of every candidate to be voted for at the primary election for whom the number of sponsor certificates is not above provided, the number shall be not less than ten nor more than twenty; provided, that if any political party has less than fifty registered voters in the State or in the county or district in which the election is to be held, a candidate for nomination by such party need not have more sponsors than one-tenth the number of said registered voters of said party; provided, further, that if there are less than one hundred fifty registered voters in the county or district in which the election is to be held, the number of sponsors shall not be less than ten nor more than twenty.

Qualifications of sponsors.

Sponsors must be electors and qualified to vote at the ensuing primary election in the district or political subdivision in which the candidate is to be voted on, and shall be affiliated with the party, if any, in which the nomination is proposed.

Filing.

(e) Sponsor certificates and declarations of candidacy by sponsors shall be delivered to the county clerk or registrar of voters of the county in which the sponsor resides and is a registered voter and the county clerk or registrar of voters shall not accept for filing any declaration or sponsor certificate unless all blanks therein are filled. The county clerk or registrar of voters shall forthwith file said certificates in his office or forward the same for filing as provided in this act.

Verification of signatures.

The county clerk or registrar of voters before filing or forwarding for filing any declaration or sponsor certificate shall verify the signature on each declaration and certificate and the political affiliation set forth therein with the registration affidavits on file in his office and mark "not sufficient" any signature in any declaration or certificate which does not appear in the same handwriting as appears on the affidavit of registration in his office or in which the declaration of party affiliation is not in accordance with the declaration of party affiliation in such affidavit of registration. No more sponsors shall be secured for any candidate than the maximum number required in subdivision (d) of this section; provided, that if, through miscalculation or otherwise, more sponsors are secured than said maximum number, the officer with whom

said sponsor's certificates are filed, shall with the written consent of the candidate withdraw such excess number. No fee or charge whatsoever shall be made or collected by any officer for the verifying or any declaration of candidacy, sponsors certificates, declaration of acceptances or verification affidavit.

Nonpartisan offices

(f) Sponsors for candidates for nonpartisan offices shall omit all reference to party candidacy or affiliations from their declarations and certificates.

Delivery of certificates

(g) All sponsor certificates which by section 6 of this act are required to be filed in the office of the Secretary of State shall be delivered to the county clerk or registrar of voters as provided herein at least sixty-five days prior to the August primary election and within five days after being so left such certificates shall be forwarded by such county clerk or registrar of voters to the Secretary of State, who shall receive and file the same. The county clerk or registrar of voters shall forward with said sponsors' certificates a statement showing the total number which have not been marked "not sufficient," as hereinabove provided, and shall include therewith a typewritten list of the sponsors not marked "not sufficient," their addresses and occupations, and shall file a copy of such statement and list in his office.

All sponsor certificates which are not required by this act to be filed in the office of the Secretary of State shall be filed in the office of the county clerk or registrar of voters. All sponsor certificates shall be so arranged, by pluralizing of pronouns and otherwise, as to admit of the signatures of not exceeding thirty sponsors on the same sponsors' certificates.

Sponsors, other than those who shall sign declarations of candidacy by sponsors, shall certify to the qualification of the candidate as follows:

Sponsor's Certificate.

Sponsor's certificate

I, the undersigned sponsor for_____ for the_____party nomination to the office of_____, to be voted for at the primary election to be held on the_____ day of_____, 19____, hereby assert as follows:

My knowledge of the said_____ _____is sufficient to warrant my urging his election to the office of_____and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am a qualified elector of_____county and I am registered as affiliated with the_____party and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more certificates than there are places to be filled in the above-named office. My residence and occupation are correctly set forth after my signature hereto.

Name	Residence	Occupation

Verification Deputy's Affidavit.

Verification deputy's affidavit

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision a, section five of the direct primary law, as a verification deputy to secure signatures of sponsors in the county of_____to the nomination paper of_____as a candidate for the nomination of the_____party for the office of_____; that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed)_____
Verification Deputy.

Subscribed and sworn to before me this_____day of _____, 19____.

[SEAL] _____
Notary Public (or other official).

Examined and certified by me this_____day of_____, 19____.

_____
Registrar of Voters—County Clerk.

Defects

(h) No defect in any declaration or sponsor certificate presented shall prevent the filing of another declaration or sponsor certificate which is presented within the period allowed for presenting the declaration or sponsor certificate.

Preservation of documents

(i) The Secretary of State, county clerk or registrar of voters shall preserve in his office, for a period of four years, all declarations and sponsors' certificates filed in accordance with this section.

Sponsors

(j) Each signer of a sponsor certificate must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office signed to more certificates for candidates for that office than there are places to be filled for such office.

Independent nominations.

(k) Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1188 of the Political Code, as said section reads at the time of said nomination; except one whose name has appeared upon the ballot as a candidate of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination as an independent candidate,

or as a candidate named by a party central committee to fill a vacancy as provided in section 25 of this act for the same or any other office at the ensuing general election; and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of said section 1188 of the Political Code, or of section 25 of this act providing for the filling of vacancies by party central committees, unless at such primary election he shall have received for such office votes equal in number to one per cent of all votes cast for such office at the last preceding general State election.

Records.

(l) The officer with whom declarations of candidacy are filed shall keep a record in which he shall enter the name of the candidate, the title of the office, the party, if any, and the time of filing.

Construction

(m) The provisions of this section of the direct primary law shall not apply to municipal elections nor to the May presidential primary election, but nominations under the provisions of the presidential primary act and under the provisions of section 1188 of the Political Code shall be made through the method of nomination papers provided by the direct primary law as it existed in 1926.

CHAPTER 62.

Stats 1913, p. 1379, amended

An act to amend Section 23 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

Stats 1921, p 1217.

SECTION 1. Section 23 of the act cited in the title hereof is hereby amended to read as follows:

Names on final election ballot.

Sec. 23. Except in the case of a candidate for nomination to a judicial, school, county, township or municipal office the

person receiving the highest number of votes at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; provided, he has paid the filing fee as required by section 7 of this act; and provided, further, that no candidate for a nomination for other than a judicial, school, county, township or municipal office who fails to receive the highest number of votes for the nomination of the political party with which he was affiliated on the date his declaration of candidacy or his declaration of acceptance of nomination was filed as ascertained by the Secretary of State from the affidavit of registration of such candidate in the office of the county clerk of the county in which such candidate resides, shall be entitled to be the candidate of any other political party.

Nonpartisan offices.

In the case of a judicial, school, county, township, or municipal office, the candidates, equal in number to twice the number to be elected to such office, or less, if the total number of candidates is less than twice the number of offices to be filled, who receive the highest number of votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; provided, however, that in case there is but one person to be elected at the November election to any judicial, school, county, or township office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot at the ensuing election; and provided, further, that in case there are two or more persons to be elected at the November election to any judicial, school, county, or township office, and in case any candidate for such office receive at the August primary election the votes of a majority of all the voters participating in the primary election in the State or political subdivision in which said office is voted upon, such candidates being herein designated as "majority candidates," said "majority candidates" shall, if their number is equal to the number of persons to be elected to such office, be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; or, if the number of such "majority candidates" is greater than the number of persons to be elected to such office, then the names of such "majority candidates" receiving the highest number of votes, and equal in number to the number of persons to be elected to such office, shall be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; or, if the number of such "majority candidates" falls short of the number of persons to be elected to such office, then the names of such "majority

"Majority candidates."

candidates," if any, shall be printed on the ballot at the ensuing November election in a group (such group being herein designated as "majority group"), said group on the ballot being preceded by the designation of the office and the words: "vote for ------." the blank being filled by a number equal to the number of names in such "majority group"; and in addition to the "majority group" there shall be printed on the ballot in a separate group, and separated from such "majority group," such number of additional names only of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number of persons to be elected to such office less twice the number of names in the "majority group" (or a smaller number if the list of said other candidates be exhausted), such group to be preceded by the designation of the office and the words "vote for ------," the blank being filled by a number equal to the number of persons to be elected to such office, less the number of names in the "majority group." In case of a tie vote, the names of all candidates receiving the same number of votes shall appear on the ballot in that group which would have contained any one of them had no tie occurred, whether or not the inclusion of such candidates in any group would cause such group to contain more names than hereinabove provided; and this provision as to tie votes shall, in all cases where two or more persons are to be elected to any office, be applied in lieu of the provisions of section 26 of the Direct Primary Law.

Tie vote.

Of the candidates for election to membership in the county central committee, the candidates equal in number to the number to be elected receiving the highest number of votes in their supervisorial district or assembly district, as the case may be in accordance with the provisions of subdivision 5 of section 24 of this act, shall be declared elected as the representatives of their district to membership in such committee. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates (other than congressional and legislative candidates, candidates for the State Board of Equalization, and delegates to the State convention from a holdover senatorial district) as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to each delegate elected to the State convention from a holdover senatorial district wholly within one county or city and county and to each member of a county central committee a certificate of his election, said certificates of nomination or election, as the case may be, to be issued immediately upon the completion of the canvass as to such party offices as provided in section 22 of this act; and to cause to be issued official certificates of nomination to

County central committee candidates.

Certificates of nomination

such candidates for judicial, school, county, township or municipal offices voted for wholly within one county or city and county as may be entitled to nomination under the provisions of this section. It shall be the duty of the Secretary of State to issue official certificates of nomination to candidates nominated under the provisions of this act for Representatives in Congress, members of the State Senate and Assembly, members of the State Board of Equalization, and for all officers voted for in more than one county or city and county; and to issue a certificate of election to each delegate elected to the State convention from a holdover senatorial district comprising more than one county or city and county; and to issue certificates of election to all persons elected at the May presidential primary election as delegates to their respective national party conventions.

List of persons entitled to receive votes.

Not less than thirty days before the November election the Secretary of State shall certify to the county clerks or registrars of voters of each county or city and county within the State, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said Secretary of State and filed in his office, as provided in section 22 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated.

CHAPTER 63.

An act to amend section 4238 of the Political Code, relating to compensation of county and township officers in counties of the ninth class.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

Stats 1931, p 157.

SECTION 1. Section 4238 of the Political Code is hereby amended to read as follows:

Orange County Salaries

4238. In counties of the ninth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries to wit:

Clerk

1. Clerk. The county clerk, three thousand eight hundred twenty-five dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior

court, which offices are hereby created, as provided, in section 4290 of the Political Code of the State of California, said deputies shall be appointed by said county clerk, shall be courtroom clerks of the departments of the superior court, and shall each receive a salary of two thousand forty dollars per annum. There shall be also, and is hereby allowed the said county clerk one deputy who shall be known and designated as "chief deputy," and one deputy to be known and designated as "master calendar deputy," and four office deputies and one copyist, which offices are hereby created. Said deputies shall be appointed by the county clerk, the chief deputy shall receive a salary of two thousand four hundred dollars per annum, the master calendar deputy shall receive a salary of two thousand two hundred ninety-five dollars per annum; one of the office deputies to receive a salary of one hundred seventy dollars per month; one of the office deputies to receive a salary of one hundred thirty-six dollars per month; and two of the office deputies, each to receive a salary of one hundred twenty-seven dollars and fifty cents per month, and the copyist to receive a salary of one hundred twelve dollars and fifty cents per month; all of said salaries shall be paid by the said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid. In the registration of voters, as required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed.

In each year in which a general election is held, the county clerk may appoint assistant clerks which offices are hereby created, and whose compensation shall not exceed the sum of two thousand seven hundred dollars in the aggregate of all assistants so employed.

All fees received by this office shall be turned over to the county and become the property of the county. All of the provisions of this paragraph are to apply to present incumbents.

2. Sheriff. The sheriff, two thousand eight hundred ninety- Sheriff.
two dollars per annum, and such mileage as is now allowed by law, and also, all fees for service of papers in actions arising outside of this county; provided, that in counties of this class there shall be and hereby is allowed to the sheriff twenty-one deputies whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: one chief deputy sheriff at a salary of two thousand two hundred ninety-five dollars per annum; one deputy sheriff, to act as fingerprint expert and photographer, at a salary of two thousand two hundred ninety-five dollars per annum; one deputy sheriff to act as assistant fingerprint expert and

photographer, at a salary of one thousand five hundred thirty dollars per annum; one deputy sheriff to act as assistant finger-print expert and stenographer, at a salary of one thousand four hundred eighty-five dollars per annum; one deputy sheriff to act as chief criminal deputy at a salary of two thousand two hundred ninety-five dollars per annum; six deputy sheriffs at a salary of one thousand seven hundred eighty-five dollars each per annum; one deputy sheriff to act as jailer at a salary of one thousand seven hundred eighty-five dollars per annum; two deputy sheriffs to act as assistant jailers at a salary of one thousand five hundred thirty dollars each per annum; two deputy sheriffs to act as turnkeys in the jail at a salary of one thousand five hundred thirty dollars each per annum; one deputy sheriff to act as office deputy at a salary of one thousand six hundred thirty-two dollars per annum; three deputy sheriffs to act as court bailiffs in the several departments of the superior court at a salary of one thousand three hundred fifty dollars each per annum; one deputy sheriff to act as stenographer at a salary of one thousand five hundred thirty dollars per annum; provided, that the board of supervisors may in its discretion appoint five deputy sheriffs to be known as the "farm detail," who may be appointed by a majority of the board of supervisors with the approval of the sheriff, who shall operate under the jurisdiction of the sheriff and who shall be subject to discharge by the sheriff or a majority of the board of supervisors, and who shall receive a salary of one thousand five hundred sixty dollars each per annum. The salaries of all said deputies shall be paid by said county in equal monthly installments at the same time, in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions except as hereinbefore in this paragraph mentioned, shall be turned over to the county and become the property of the county. All paragraphs relating to salaries of deputies shall apply to incumbents.

Recorder

3. Recorder. The recorder, three thousand sixty dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder seven deputies, who shall be appointed by the recorder, and shall be paid the following salaries, to wit: one chief deputy at a salary of two thousand forty dollars per annum; one deputy (who shall have charge of the Torrens title work) at a salary of one thousand seven hundred eighty-five dollars per annum; three deputies at a salary of one thousand six hundred thirty-two dollars each per annum; one deputy at a salary of one thousand five hundred thirty dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid. The recorder may also appoint such number of copyists as may be required, who shall be paid by the county at the rate of four cents per folio. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and

allowed; provided, also that in counties of this class there shall be and is hereby allowed the recorder such additional assistants and deputies as the recorder may require to properly and efficiently care for the work of the office, and whose compensation in the aggregate shall not exceed two thousand seven hundred dollars in any one year. All fees and commissions received by this office shall be turned over to the county and become the property of the county, except that the recorder shall be and is hereby allowed for his services such compensation as is allowed by section 3079 of the Political Code.

Auditor.

4. Auditor. The auditor, three thousand four hundred dollars per annum; in counties of this class there shall be and there is hereby allowed to the county auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries; one chief deputy, two thousand two hundred ninety-five dollars per annum; three deputies, one thousand five hundred thirty dollars each per annum; one deputy, one thousand three hundred fifty dollars per annum; one deputy assistant penalty segregation clerk, one thousand five hundred thirty dollars per annum; and such other assistants as the auditor may require; provided, that the compensation of such assistants shall not in the aggregate exceed the sum of five thousand two hundred fifty dollars in any one year; and provided further, that the auditor shall file with the county clerk a certified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer

5. Treasurer. The treasurer, three thousand sixty dollars per annum. In counties of this class there shall be and there is hereby allowed to the treasurer two deputies, which offices are hereby created, who shall be appointed by the treasurer and receive the following salaries: one chief deputy, two thousand one hundred sixty-eight dollars per annum; one deputy, one thousand seven hundred eighty-five dollars per annum; and also such assistants as the treasurer may require; provided, that the compensation of such assistants shall not in the aggregate exceed the sum of one thousand three hundred fifty dollars in any one year; and provided further, that the treasurer shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of such deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the treasurer is paid. All fees received by this office shall be turned over to the county and become the property of the county, except that the treasurer shall have, and is hereby allowed for his services the fees, commissions and compensation allowed to him by the Inheritance Tax Act of California.

Tax collector.

6. Tax Collector. The tax collector, three thousand four hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the tax collector the following deputies whose offices are hereby created and who shall be appointed by the tax collector; one chief deputy at a salary of two thousand one hundred sixty-seven dollars and fifty cents per annum; one deputy at a salary of one thousand six hundred and thirty-two dollars per annum; one deputy at a salary of one thousand four hundred fifty-eight dollars per annum; one deputy at a salary of one thousand three hundred fifty dollars per annum; and such assistants as the tax collector may require; provided, that the compensation of such assistants shall not in the aggregate exceed the sum of eighteen thousand dollars in any one year; and provided further, that the tax collector shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

Assessor

7. Assessor The assessor, three thousand eight hundred twenty-five dollars per annum. In counties of this class, there shall be allowed to the assessor, the following deputies, whose offices are hereby created and who shall be appointed by the assessor; one deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum; two office deputies at a salary of one thousand seven hundred eighty-five dollars each per annum; and such office and field deputies as the assessor may require and whose compensation in the aggregate shall not exceed thirty thousand dollars per annum; and provided that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The assessor shall also be allowed his necessary traveling expenses, not exceeding in any one year the sum of three hundred dollars. The salaries of such deputies shall be paid by the county in monthly installments at the same time, in the same manner and out of the same funds as county officers are paid. All fees and commissions, including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county. The provisions of this paragraph relating to deputies shall apply to incumbents.

District attorney

8. District Attorney. The district attorney, three thousand eight hundred twenty-five dollars per annum. In counties of this class there shall be and there is hereby allowed to the district attorney, one chief deputy to be known as assistant district attorney, and four deputies, all to be appointed by the district attorney, all of whom shall be regularly admitted to practice before the courts of the State of California, and

said assistant shall receive a salary of two thousand eight hundred eighty dollars per annum; one deputy to receive a salary of two thousand eight hundred eighty dollars per annum; one deputy to receive a salary of two thousand seven hundred dollars per annum, one deputy to receive a salary of two thousand four hundred dollars per annum; and one deputy to receive a salary of two thousand forty dollars per annum, which said salaries shall be paid by the county in equal monthly installments at the same time, in the same manner and out of the same funds as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney one secretary at a salary of one thousand seven hundred eighty-five dollars per annum, one stenographer at a salary of one thousand three hundred fifty dollars per annum; and one clerk to act as stenographer and telephone operator at a salary of one thousand one hundred and forty dollars per annum; all to be appointed by the district attorney; and a detective to be known as county investigator, to be appointed by the district attorney, who shall receive a salary of two thousand forty dollars per annum. All of said salaries shall be paid in equal monthly installments at the same time, in the same manner and out of the said fund as the salary of the district attorney is paid provided, further, that in counties of this class, the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime, the prosecution of criminal and civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. The provisions of this paragraph relating to deputies and assistants shall apply to incumbents.

Coroner.

9. Coroner. The coroner shall be entitled to such fees as are now or may hereafter be allowed by law.

Public administrator

10. Public Administrator. The public administrator shall be entitled to such fees as are now or may hereafter be allowed by law.

Superintendent of schools

11. Superintendent of Schools. The superintendent of schools, three thousand two hundred thirty dollars per annum, and his actual traveling expenses when visiting the schools of the county. In counties of this class there is hereby allowed to the superintendent of schools the following deputies: one office deputy at a salary of one thousand six hundred fifty-seven dollars and fifty cents per annum; one office deputy at a salary of one thousand four hundred eighty-five dollars per annum; which officers are hereby created and who shall be appointed by the said superintendent of schools. The salaries of the said deputies herein provided for shall be paid by said county in monthly installments at the same time and

in the same manner and out of the same funds as the salary of the superintendent of schools is paid. All fees pertaining to this office shall be paid to the county. The provisions of this paragraph relating to deputies shall apply to incumbents.

Surveyor

12. Surveyor. The surveyor shall receive as compensation ten dollars per day for each day actually employed by the county.

Justices.

13. Justices. Justices of the peace shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them as such officers:

(1) In townships having a population of thirty thousand or over, one hundred fifty-seven dollars and fifty cents per month.

(2) In townships having a population of more than twenty thousand and not exceeding thirty thousand, one hundred thirty-five dollars per month.

(3) In townships having a population of more than fifteen thousand and not exceeding twenty thousand, one hundred eighteen dollars and seventy-five cents per month.

(4) In townships having a population of more than twelve thousand and not exceeding fifteen thousand, one hundred eighteen dollars and seventy-five cents per month.

(5) In townships having a population of more than nine thousand and not exceeding twelve thousand, ninety-five dollars per month.

(6) In townships having a population of more than six thousand and not exceeding nine thousand, seventy-five dollars per month.

(7) In townships having a population of more than three thousand and not exceeding six thousand, fifty dollars per month.

(8) In townships having a population of less than three thousand, twenty-five dollars per month.

Justice clerks

13½. Justice Clerks. In townships having a population of thirty thousand or more, there is hereby created an office to be known as clerk of the justice court, which office shall consist of one clerk and one deputy clerk, both to be appointed by the justice of the peace to hold office during the pleasure of said justice of the peace, who shall receive the following salaries: the clerk of the justice court one hundred twenty-seven dollars and fifty cents per month; the deputy clerk one hundred twelve dollars and fifty cents; said salaries to be paid monthly as the salaries of other county officers are paid. Each of said clerks shall give a bond in the sum of three thousand dollars to be approved by a judge of the superior court of the county in which said township is situated, conditioned upon the faithful discharge of the duties of the office. The clerk of the justice's court shall keep a record of the proceedings of the said court and shall have custody of all records and papers in said justice court, shall be authorized

in all actions to issue, sign, certify and file all pleadings, summons, writs, writs of attachments, writs of execution, notices, subpenas, abstracts, certificates, transcripts, records, papers and proceedings, which are required to be issued, signed, certified or filed by the justice of the peace of said township; enter default judgments; enter satisfaction of judgment; shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceeding in said justice court, shall prepare bonds and justify bail when the amount has been fixed by the court; and all such instruments shall be issued and signed in substantially the following form:

Justice of the Peace.

Attest:

Clerk of Justice Court.

By ---

Deputy.

and said clerk shall collect and receive all civil fees, all fines and forfeitures in criminal cases and pay the same to the authorities regularly entitled to receive them at the time and in the manner provided by law.

Constables

14. Constables. Constables shall receive the following monthly salaries, to be paid each month in the same manner, out of the same fund as other officers are paid, which salaries shall be in full for all services rendered by them in criminal cases:

(1) In townships having a population of thirty thousand or over, one hundred fifty-seven dollars and fifty cents per month;

(2) In townships having a population of more than twenty thousand and not exceeding thirty thousand, one hundred thirty-five dollars per month;

(3) In townships having a population of more than fifteen thousand and not exceeding twenty thousand, one hundred eighteen dollars and seventy-five cents per month;

(4) In townships having a population of more than twelve thousand and not exceeding fifteen thousand, ninety-five dollars per month;

(5) In townships having a population of more than six thousand and not exceeding twelve thousand, seventy-five dollars per month;

(6) In townships having a population of more than three thousand and not exceeding six thousand, fifty dollars per month;

(7) In townships having a population of less than three thousand twenty-five dollars per month; provided, further, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court, or to the county jail. In addition to the compensation received in

criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions, provided, in counties of this class in townships having a population of thirty thousand or more, there shall be one deputy constable, who shall act as office deputy for the constables office, said deputy constable to be appointed by the constables of said townships, subject to the confirmation of such appointment by the board of supervisors, said deputy constable to receive ninety-five dollars per month, the said salary to be paid monthly as salaries of other officers are paid.

Supervisors. 15. Supervisors. Each supervisor shall receive two thousand five hundred fifty dollars per annum, payable in monthly installments, and the necessary and actual expenses incurred by him while engaged in county business outside of his own district, not exceeding in the aggregate the sum of two hundred dollars per annum.

Live stock inspector. 16. Live Stock Inspector. A live stock inspector to be appointed by the board of supervisors and who shall receive for his services one thousand six hundred twenty dollars per annum; which shall be in full payment for all expenses incurred and services rendered by said inspector.

Population of townships. 17. Population of Townships. For the purposes of subdivisions 13 and 14 of this section, the population of the several judicial townships shall be determined by the United States census taken in 1930; provided, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables.

Jurors 18. Jurors. In counties of this class grand and trial jurors, in superior courts shall receive for each day's attendance, per day, the sum of three dollars. In justice courts in civil cases, jurors shall receive for each day's attendance, per day, the sum of two dollars. In justice courts and city courts in criminal cases jurors shall receive for each day's attendance, per day, the sum of one dollar and fifty cents and all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of ten cents per mile, such mileage to be allowed but once during the trial of any single cause and in any event not more than once in any one day, during any session of the court where such jurors serve; provided, however, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in city court shall be paid by the municipality in which such court is or may be established.

Interpreter 19. Court Interpreter. In counties of this class, the board of supervisors may appoint a court interpreter which office is hereby created. Said interpreter shall receive a salary of one hundred fifty dollars per month in full compensation for

all services rendered by him, and shall pay all fees received by him into the county treasury.

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

CHAPTER 64.

An act to amend section 16x9 of the Weights and Measures Act, relating to sealers of weights and measures in counties of the ninth class. Stats. 1913, p. 1086, amended

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 16x9 of the Weights and Measures Act is amended to read as follows: Stats. 1931, p 142.

Sec. 16x9. The sealer of weights and measures in counties of the ninth class shall receive a salary of one hundred twenty-seven dollars and fifty cents per month and shall have one deputy sealer of weights and measures who shall receive a salary of one hundred twenty-seven dollars and fifty cents per month. Orange County. Sealer.

CHAPTER 65.

An act to amend section 19x9 of the Juvenile Court Law, relating to probation officers in counties of the ninth class. Stats 1915, p 1225, amended

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x9 of the Juvenile Court Law is hereby amended to read as follows: Stats 1931, p. 141.

Sec. 19x9. In counties of the ninth class there shall be one probation officer, whose salary shall be two hundred dollars per month, and also three assistant probation officers. Salaries of the assistant probation officers shall be as follows, to wit: One assistant probation officer, one hundred fifty-nine dollars and fifty cents per month; one assistant probation officer, one hundred fifty-nine dollars and fifty cents per month; one assistant probation officer, one hundred one dollars Orange County Probation officer

and seventy-five cents per month; and one clerk at seventy-five dollars per month; and one social investigator at a salary of one hundred twenty-seven dollars and fifty cents per month.

The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof, and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 66.

Stats 1911, p. 80, amended

An act to add a new section to be numbered 9a9, to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems approved April 12, 1909, and all acts and parts of acts in conflict with this act,'" approved February 25, 1911, as amended, relating to libraries in counties of the ninth class.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. Section 9a9 is hereby added to the act cited in the title hereto, to read as follows:

Orange County-Librarian

Sec. 9a9. In counties of the ninth class the salary of the county librarian shall be one thousand seven hundred eighty-five dollars per annum, payable monthly as other county officers are paid.

The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 67.

An act to amend section 1315 of the Political Code, relating to Electors of the President and Vice President of the United States.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

Stats 1889, p 1.

SECTION 1. Section 1315 of the Political Code is hereby amended to read as follows:

1315. The electors chosen must assemble at the seat of government on the first Wednesday in January next following their election, at two o'clock in the afternoon. Presidential electors

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CHAPTER 68.

An act to amend section 12 of Chapter 690, Statutes of 1913, entitled the Direct Primary Law, as amended, relating to direct primary elections. Stats 1913, p 1379, amended.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 12 of the Direct Primary Law is hereby amended to read as follows: Stats 1931, p. 2272

Sec. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color for each of the political parties participating in the primary election. There shall also be printed and provided a nonpartisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the nonpartisan ballots shall, at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a nonpartisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate. Official ballots.

It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May presidential primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the Secretary of State, in the manner provided by section 1196 of the Political Code,

and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

Designations.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

a. Words designating the city, county, district or State office which the candidate then holds.

b. If the candidate be a candidate for the same office which he then holds, the word "incumbent."

c. The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of such candidate; provided, however, the word "incumbent" shall be used only under subsection (b) herein. Such designation shall remain the same for all purposes of both primary and general election, unless canceled by the candidate.

In all cases words so used shall be printed in eight point roman boldface capitals and lower case type.

Dimensions.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general State election, except as provided in subdivision five of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballots shall be less than six and one-half inches wide.

Printing.

3. Across the top of the ballot shall be printed in heavy-faced gothic capital type, not smaller than forty-eight point, the words: "Official primary election ballot"; providing, that on a nonpartisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy-faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "Nonpartisan ballot." Beneath the party designation or the words "Nonpartisan ballot," as the case may be, insert the respective number of the congressional, senatorial, or assembly district in which the ballot is to be voted, in black-faced type, as large as the width of the ballot shall make possible. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general State election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official primary election ballot" shall be printed thereon in heavy-faced gothic capital type, not smaller than twenty-four point. The party or nonpartisan designation shall be printed in

heavy-faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

Instructions to voters

4. At least three-eighths of an inch below the district designation shall be printed in ten point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose."

Candidates' names.

5. The instructions to voters shall be separated from the lists of candidates and the designation of the several officers to be nominated for by one light and one heavy line of rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one-half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for party and nonpartisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the list of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general State election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading State shall be printed the groups of names of candidates for State offices, except judicial and school offices, and for members of the State Board of Equalization. In the second column, under the heading Congressional shall be printed the groups of names for United States Senator in Congress, if any, and for Representative in Congress. Next, under the heading Legislative shall be printed the groups of names for State Senator, if any, for member of Assembly, and for election as delegate to the State convention from a "hold-over senatorial district," if any. Finally under the heading County Committee shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections where State officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to judicial, school, county, and township offices in the following order: Under the heading Judicial shall be printed all the names of candidates for judicial offices, in the order of Chief Justice Supreme Court, associate justices Supreme Court, judge of District Court of Appeal, judge of superior court and justice of the peace. Next, under the heading School shall be printed all the names of candidates for school offices in the order of State Superintendent of Instruction, superintendent of schools, and school district

Order of precedence

officers, if any. Next, under the heading County and Township shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The nonpartisan ballot provided for in subdivision one of this section shall be identical as to offices and names of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.

Tally sheets

Nonpartisan offices.

6. The group of names of candidates for nomination to any judicial office, school office, county office, or township office shall include all the names receiving the requisite number of signatures on a nomination paper for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election; but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by such party.

Order of list of candidates.

7. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

State-wide vote.

(a) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for such succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each

county clerk or registrar of voters the certified list of names as required in section 10 of this act, the Secretary of State shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, the order in which the names filed with the Secretary of State shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Local vote

(b) If the office is an office to be voted on throughout, but wholly within, one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county, or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

Office of State Senator etc

(c) If the office is that of State Senator or Assemblyman, or delegate to the State convention from a "hold-over senatorial district," or member of a county central committee, or any office except the office of Representative in Congress to be voted on wholly within any county or city and county but not throughout such county or city and county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Municipal offices.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Order of publishing names

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and coun-

ties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

Designation of office and direction for voting.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "vote for one" or "vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy-faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

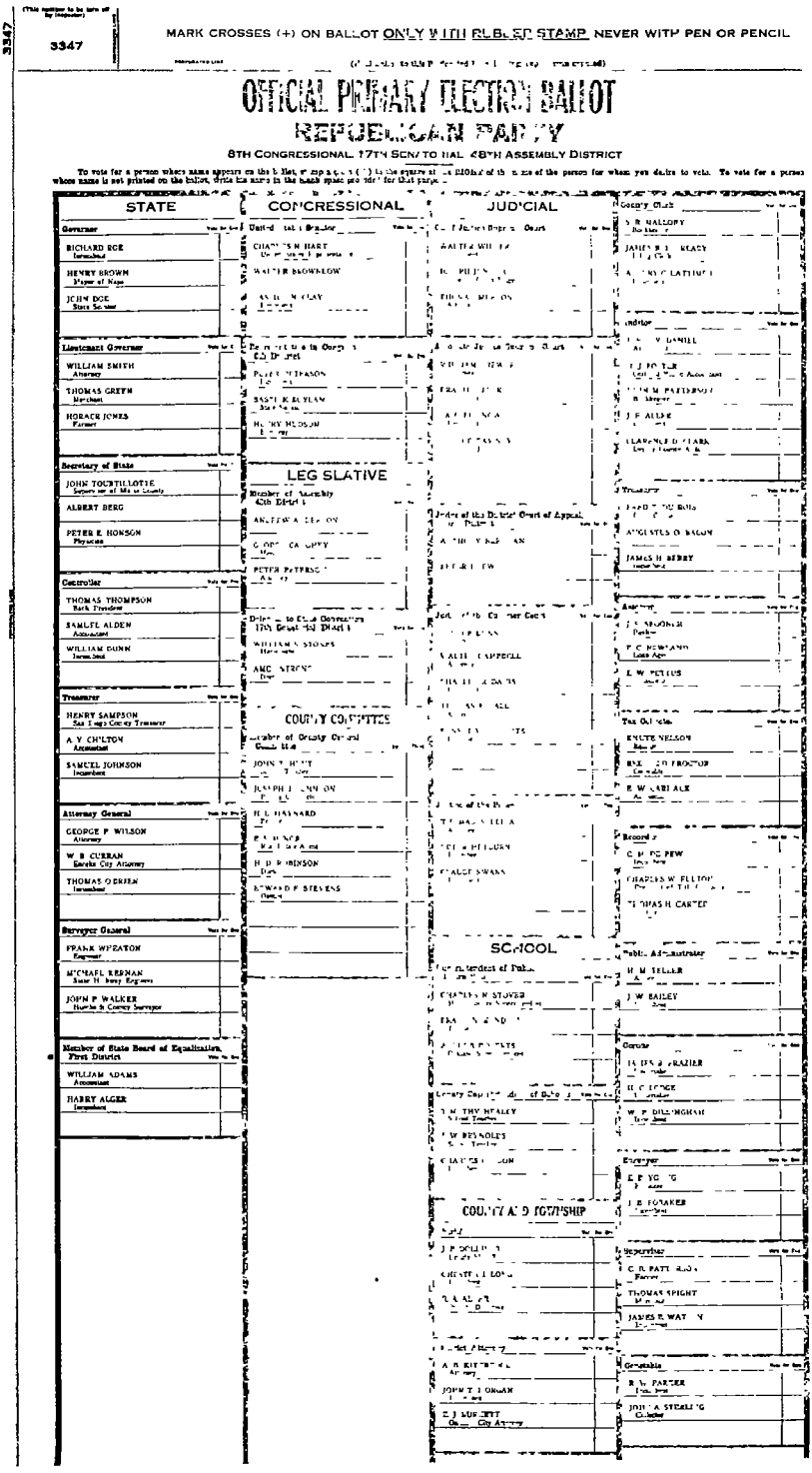
Printing names of candidates: Style

10. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "congressional," "legislative," "county and township" or "municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve point. The left-hand side of the first column of names on the ballot, and also the right-hand side of the last column of voting squares on the ballot shall be bordered by a broad printed line one-twelfth of an inch wide. The binding or stitching of each package of ballots shall be on the left side thereof. The ballots shall be printed on the same leaf with a stub not over one and one-half inches in width, and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parentheses in small type as follows: "(This number to be torn off by inspector)"; and one-half inch to the right of this ballot number there shall be a short perforated line extending from

Stub

the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type, at least twelve point in size, and enclosed in parentheses, the following: "Fold ballot to this perforated line, leaving top margin exposed.)" Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type, at least twelve point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "Mark crosses (+) on ballot only with rubber stamp; never with pen or pencil." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; provided, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one. The official ballots of each political party shall be made up in stub books, each book to contain ten, or some multiple of ten, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

Stub books



3347

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP. NEVER WITH PEN OR PENCIL

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

8TH CONGRESSIONAL 17TH SENATORIAL 48TH ASSEMBLY DISTRICT

To vote for a person whose name appears on the ballot, make a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

STATE

Governor
RICHARD ROE
HENRY BROWN
JOHN DOE

Lieutenant Governor
WILLIAM SMITH
THOMAS GREEN
HORACE JONES

Secretary of State
JOHN TOUTILLOTTE
ALBERT BERG
PETER R. HONSON

Controller
THOMAS THOMPSON
SAMUEL ALDEN
WILLIAM DUNN

Treasurer
HENRY SAMPSON
A. V. CHILTON
SAMUEL JOHNSON

Attorney General
GEORGE P. WILSON
W. B. CURRAN
THOMAS O'BRIEN

Surveyor General
FRANK WHEATON
MICHAEL KEENAN
JOHN P. WALKER

Member of State Board of Equalization, First District
WILLIAM ADAMS
HARRY ALGER

CONGRESSIONAL

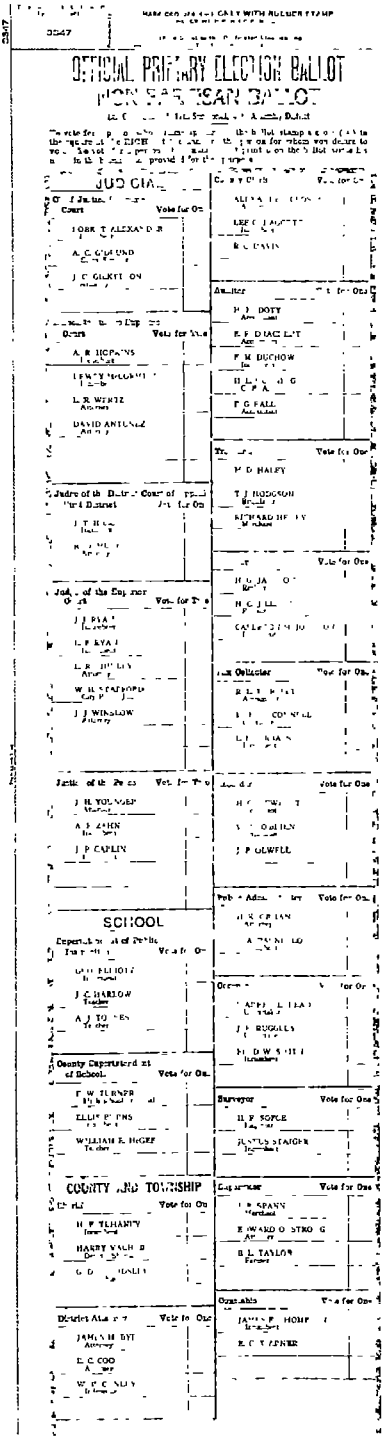
LEGISLATIVE

COUNTY COMMITTEE

JUDICIAL

SCHOOL

COUNTY AND TOWNSHIP



OFFICIAL PRIMARY ELECTION BALLOT

NON-PARTISAN BALLOT

JUDICIAL

SCHOOL

COUNTY AND TOWNSHIP

CHAPTER 69.

An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

School districts' boundaries validated

SECTION 1. The boundaries of every school district, high school district or junior college district, of any kind or class, as the same were established or were actually defined in the records of the board of supervisors of the county or counties in which such district, or any part thereof, is situated one year prior to the taking effect of this act, are hereby confirmed, validated and declared to be legally established; provided, that within one year prior to the taking effect of this act any school tax purporting to be for school purposes of such school district, high school district or junior college district has been levied in such district.

CHAPTER 70.

Stats 1901, p 27, amended.

An act to amend section 5 of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof" which became a law under constitutional provision without the Governor's approval (February 25, 1901), relating to the issuance of municipal improvement bonds; and declaring the urgency of this act and that this act shall take effect immediately.

[Approved by Governor April 11, 1933 In effect immediately.]

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

Stats 1929, p 696

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Issue of bonds

Sec. 5. Subject to the provisions of this act, the legislative body of the municipality shall prescribe the form of the bonds to be issued hereunder, and of the interest coupons appertaining thereto. An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the municipality in conformity with the provisions of this act, but no indebtedness shall be deemed to have been contracted within the meaning of this act until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and

delivered. The legislative body of the municipality issuing the bonds shall fix the date of the bonds and may, in its discretion, divide the aggregate principal amount of any authorized issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the municipality separate and distinct from the time or times of payment of bonds of any other division or series of the same issue; provided that the maturity or maturities of each separate division or series shall in each separate case comply with the provisions of this act. Each issue of bonds, or in the event such issue is divided into two or more divisions or series, then each such division or series as the case may be issued under the provisions of this act shall be payable substantially in the following manner: a part to be determined by the legislative body of the municipality, which shall be not less than one-fortieth part of the whole amount of such indebtedness evidenced by each issue or each series or division of such issue, as the case may be, shall be paid each and every year on a day and date, and at a place or places to be fixed by the legislative body of the municipality issuing the bonds and designated in such bonds, together with the interest on all sums unpaid at such date; provided, however, that, in case of bonds issued for the acquisition, construction or completion of waterworks or light or power works or plants, or any other authorized revenue-producing public works, plant, utility or property, the legislative body of the municipality may, in its discretion, determine and fix a date for the earliest maturity of the principal of such issue, or of each separate division or series thereof, not more than ten years from the date of such issue, or separately in the case of each separate series or division of such issue not more than ten years from the date of each such division or series, respectively, but, in this event, the whole amount of such indebtedness evidenced by such issue, or if such issue has been divided into two or more divisions or series, then the separate amount of the indebtedness evidenced by each of such divisions or series must be made payable in equal annual parts in not to exceed forty years from the time of contracting the indebtedness evidenced by such issue or from the time of contracting the indebtedness evidenced by each separate series or division of such issue if such issue has been divided into two or more divisions or series. The bonds shall be issued in such denominations as the legislative body of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place or places fixed in such bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of six per cent per annum,

Series

Payment

Exception

Denomination

Rate of interest

and shall be payable semiannually, and said bonds shall be signed by the executive of the municipality, or by such other officer thereof as the council, board of trustees, or other legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose; and also signed by the treasurer thereof, and shall be countersigned by the clerk, or one or more of his deputies. The coupons of said bonds shall be numbered consecutively and signed by the treasurer. All such signatures and countersignatures excepting that of the clerk, or his deputies, may be printed, lithographed, or engraved. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

Coupons

Signatures

Urgency

SEC. 2. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The facts constituting such urgency are as follows: Certain municipalities in this State have heretofore authorized the issuance of bonds for the purpose of providing pure water for the use of such cities and their inhabitants. The proceeds of the sale of such bonds will be devoted to necessary construction which will afford immediate relief to many persons in this State now unemployed and who are without funds to support themselves and are likely to become a charge upon this State and the public authorities thereof. The issuance and sale of all of such bonds at this time would render an increased burden upon the taxpayers but said bonds may be issued in series or divisions from time to time as funds are needed, and if this act is made effective immediately, such bonds can and will be so issued in such series as to make possible such construction, provide employment and furnish pure water to municipalities.

CHAPTER 71.

Stats 1913, p 279, amended

An act to amend section 43½ of the Workmen's Compensation, Insurance and Safety Act, relating to the revolving fund of the State Compensation Insurance Fund.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

Stats 1929, p 1094

SECTION 1. Section 43½ of the act cited in the title hereof is hereby amended to read as follows:

Sec. 43½. The commission is hereby authorized and empowered, with the approval of the State Department of Finance, to withdraw from the State Compensation Insurance Fund in the State treasury, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate five hundred thousand dollars to be used as a cash revolving fund and for such use to be deposited in such banks and under such conditions as may be determined by the commission, with the approval of the State Department of Finance, and the Controller is hereby authorized to draw his warrants in favor of said commission for the amounts so withdrawn, and the Treasurer is authorized and directed to pay the same. Expenditures made from said cash revolving fund in payment or part payment of claims arising out of policies issued by the State Compensation Insurance Fund are exempted from the operation of section 669 of the Political Code; and reimbursement of said cash revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of said expenditures, in such form as the Controller requires. Revolving fund

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CHAPTER 72.

An act to add section 32 to the Land Settlement Act, ratifying and confirming the execution of a certain agreement between the Federal Land Bank of Berkeley, the Delhi National Farm Loan Association and the State of California, relating to the transfer of properties at the Delhi State Land Settlement to the Federal Land Bank at Berkeley, and the satisfaction of certain obligations of the State of California which said agreement was executed subject to the confirmation and ratification of the Legislature of the State of California Stats. 1917 p. 1566, amended.

[Approved by the Governor April 11, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the act cited in the title hereof to be numbered 32 and to read as follows: New section

Sec. 32. That certain agreement dated February 11, 1933, by and between the Federal Land Bank of Berkeley, party of the first part, the Delhi National Farm Loan Association, a corporation chartered by the Federal Farm Loan Board, party of the second part, and the State of California, by and through its duly appointed, qualified and acting Director of Finance, party of the third part, which said agreement was executed by the Director of Finance subject to the confirmation and ratification of the Legislature of the State of California, and a true and correct copy of which said agreement is on file with the Chief Clerk of the Assembly, is hereby confirmed and ratified. Ratification of agreement

CHAPTER 73 *

An act to establish a Fish and Game Code, therein revising and consolidating the law relating to fish and game and other wild life, and repealing certain provisions of law therein specified.

[Approved by the Governor April 11, 1933 In effect August 21, 1933.]

NOTE.—This chapter contains all the amendments made thereto during the fifteth session of the Legislature, namely by chapters 167, 168, 169, 196, 240, 241, 251, 297 302, 305, 312, 313, 314, 318, 320, 321, 322, 361, 362, 372, 373, 374, 375 389, 399, 400, 447, 459, 467, 468, 476, 479, 486, 492, 590, 656, 657, 694, 696, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 714, 717, 720, 721, 722, 724, 725, 726, 727, 731, 777, 780, 781, 782, 825, 1034 and 1056.

Said amendatory chapters become effective August 21, 1933, with the following exceptions:

Chapters 1034 and 1056—October 25, 1933.

Chapters 656 and 657—January 1, 1934.

For the approval dates, see said chapters in their numerical sequence

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

GENERAL PROVISIONS.

"Fish and Game Code"

1. This act shall be known as the "Fish and Game Code" and is composed of the following divisions:

I. Division of Fish and Game.
II. Districts.
III. Refuges and Preserves.
IV. Birds, Mammals, and Fish.
V. Fines and Penalties.
VI. Construction and Repeals.

Definitions

2. As used in this code:

a. "Person" includes association, partnership, and corporation.

b. "Department" means Department of Natural Resources.

c. "Commission," means the Fish and Game Commission and "commissioner" means a member of the Fish and Game Commission.

d. "District" means fish and game district.

e. "Take" means hunt, pursue, catch, capture, or kill.

f. "Bird" means wild bird.

g. "Mammal" means wild mammal.

h. "Bag limit" means the maximum limit, in number or amount, of birds, mammals, fish, mollusks, or crustaceans which may lawfully be taken by any one person during a specified period of time.

i. "Open season" means that period of time during which the taking of birds, mammals, fish, mollusks, or crustaceans is allowed.

j. "Closed season" means that period of time during which the taking of birds, mammals, fish, mollusks, or crustaceans is prohibited.

* A cross-reference table showing the origin of each section appears in the appendix to this volume.

k. "Transport" includes offer or receive for transportation.

l. "Sell" includes offer for sale, possess for sale, barter, exchange, and trade.

m. "Day" means calendar day.

n. Whenever in this code the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified. The first date specified designates the first day of the period, and the second day specified designates the last day of the period. No period of time specified in this code exceeds one year unless otherwise expressly provided. Dates

o. "Section" means a section of this code unless some other statute is expressly mentioned.

3. Whenever any statement or report is required to be made, it must be made in the English language. Statements and reports

4. The provisions of this code so far as they are substantially the same as existing statutes, must be construed as continuations thereof, and not as new enactments. This code shall not impair any privilege granted or right acquired under any of the laws of this State prior to the date it takes effect. Construction

DIVISION I.

DIVISION OF FISH AND GAME.

CHAPTER 1 FISH AND GAME COMMISSION.

10. There shall be a Division of Fish and Game in the Department of Natural Resources, which division shall be administered through a Fish and Game Commission consisting of three members appointed by and holding office at the pleasure of the Governor. Commission

11. The commissioners shall receive no compensation but shall receive their actual and necessary expenses incurred in the performance of their duties. Expenses

12. The commissioners shall elect one of their number as president, who, before entering upon his duties, shall execute an official bond in the sum of $4,000. President

CHAPTER 2. POWERS AND DUTIES.

20. The commission shall, from time to time, employ such deputies, with, or without pay, clerks, assistants and other employees as they may need to discharge in proper manner the duties imposed upon them by law. Deputies

(Added by Ch. 375, Stats. 1933.)

21. All deputies appointed to enforce the provisions of this code are public officers and have all the powers and authorities of peace officers to make arrests for violations of this code, and may serve all processes and notices throughout the State. Enforcement

Every deputy so appointed receiving a salary of less than twenty-five dollars a month, except employees of the Federal Government employed on temporary employment for a limited period on a per diem basis, shall execute an official bond in the sum of two thousand five hundred dollars. The premium on such bond shall be paid out of the fish and game preservation fund.

Counsel

21.5. It is the duty of the attorney for the Division of Fish and Game to act as counsel in defense of any officer or deputy of said division, in any suit for damages brought against said officer or deputy on account of injuries to persons or property alleged to have been received as a result of the negligence or misconduct of said officer or deputy occurring while said officer or deputy was performing his official duties.

(Added by Ch. 700, Stats. 1933.)

Duties generally.

22. The commission shall provide for the enforcement of the laws relating to the protection and preservation of mammals, birds and the nests and eggs thereof, fish and the eggs thereof, mollusks, crustaceans and all other forms of aquatic animals and plants and, unless otherwise herein provided, of all provisions of this code.

23. The commission shall inspect regularly (1) all boats, markets, stores and other buildings, except dwellings, and all receptacles except the clothing actually worn by a person at the time of inspection, where birds, mammals, fish, mollusks, or crustaceans may be stored, placed, or held for sale or storage, and (2) all boxes and packages containing birds, mammals, fish, mollusks, or crustaceans, which are held for transportation by any common carrier.

24. The commission shall seize all birds, mammals, fish, mollusks, or crustaceans, or any part thereof, which have been taken, possessed, sold, or transported, contrary to any of the laws of this State. The commission shall donate all such birds, mammals, fish, mollusks, and crustaceans to some charitable or public institution, or shall otherwise dispose of them in such manner as a court having jurisdiction may direct.

25. The commission shall establish and maintain fish-breederies or hatcheries for stocking the waters of this State with foreign and native fish.

26. The commission shall purchase and import spawn or ova of fish suitable for food, and stock with such spawn or ova the waters of this State.

27. The boards of supervisors of the several counties may establish and maintain fish hatcheries, and may purchase the spawn or ova of fish.

28. The commission shall import, propagate and distribute birds, mammals, fish, mollusks, and crustaceans.

29. The commission may take any bird, mammal, or fish which, in the opinion of the commission, is unduly preying upon another bird, mammal, or fish.

30. The commission shall investigate all diseases of, and problems relating to birds, mammals, fish, mollusks and crus-

taceans and establish and maintain laboratories to assist in such investigation.

31. The commission shall expend such funds as may be necessary for biological research and field investigation and for the collection and diffusion of such statistics and information as shall pertain to the conservation, propagation, protection and perpetuation of birds and the nests and eggs thereof, mammals, fish and the eggs thereof, mollusks, and crustaceans.

32. The commission shall report biennially to the Governor concerning all transactions and disbursements under this code.

33. Nothing in this code or any other law shall prohibit the commission from taking, for scientific or propagation purposes, fish and the eggs thereof, mammals, birds and the nests and eggs thereof, mollusks, crustaceans, and any other form of plant or animal life.

34. The United States Commissioner of Fisheries and his duly authorized agents may conduct fish cultural operations and scientific investigations in the waters of this State in such manner and at such times as may be jointly considered necessary and proper by the commissioner and his agents, and the commission.

35. The commission may issue permits, subject to such restrictions as the commission deems desirable, to take, in any part of the State, for scientific and propagation purposes, mammals, birds and the nests and eggs thereof, fish and the eggs thereof, mollusks, crustaceans, or any other form of plant or animal life.

36. Anything taken under the authority of such permit must be accompanied by such permit while being transported, and shall be exempt from seizure while being transported, or while in possession, in accordance with such permit.

Chapter 3. County Fish and Game Wardens

40. The county fish and game warden shall enforce the State laws relating to the protection of fish and game He shall have the powers of a peace officer to make arrests for the violation of such laws. He shall report quarterly to the board of supervisors, giving a detailed statement of all arrests made, convictions had and fines collected, and a general statement in regard to the management of his office. County wardens

Chapter 4. Fish and Game Preservation Fund.

45. The fish and game preservation fund in the State treasury is continued in existence, and any appropriation made therefrom before the effective date of this code shall continue to be available for the purposes for which it was made. Fund

46 The money in the fish and game preservation fund is appropriated to the commission to be expended in accordance with law for the payment of all necessary expenses incurred in carrying out the provisions of this code, and of any other law

for the protection and preservation of birds, mammals, and fish.

Disposition of fees and fines

47. Unless otherwise provided, all money collected under the provisions of this code and of any other law relating to the protection and preservation of birds, mammals, or fish, shall be paid into the fish and game preservation fund.

48. Unless otherwise provided all fines and forfeitures imposed or collected in any of the courts of this State for violations of any of the provisions of this code enforced by the commission or any other law providing for the protection or preservation of birds, mammals, fish, mollusks, or crustaceans, shall be paid by the court imposing or collecting the same to the commission or someone designated by it for that purpose, and all moneys so collected shall be paid by the commission into the State treasury to the credit of the fish and game preservation fund.

49. Wherever the term "fish commission fund" or "game preservation fund" appears in any law, it means "fish and game preservation fund."

DIVISION II.

DISTRICTS.

CHAPTER 1. BOUNDARIES.

Districts:

60. For the protection of fish and game, the State of California is divided into fish and game districts to be known and designed as provided in this division. Unless otherwise provided, the townships and ranges specified in this division are referred to the Mount Diablo base and meridian.

Article 1. Fish and Game Districts.

61. The following districts are fish and game districts:

1

62. District 1. The following shall constitute fish and game district 1: Those portions of the following counties not included in other districts: Trinity, Shasta, Tehama, Plumas, Butte, Sierra, Sutter, Yuba, Nevada, Placer, Sacramento, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Madera, Tulare; those portions of San Joaquin County lying east and north of the east bank of San Joaquin River and not included in districts 3 and 12B; those portions of Stanislaus and Merced counties lying east of the west bank of the San Joaquin River; those portions of Fresno County lying east of the west bank of Fresno Slough, Fish Slough and Summit Lake not included in district 1K; those portions of Kings County east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings County, in section 4, township eighteen south, range nineteen east, and crossing the south line of said county on the section line between sections thirty-three and thirty-four, township twenty-four south, range nineteen east; those portions of Kern

County lying east of the west bank of Bull Slough and the west and south banks of Buena Vista Lake to the southeast corner of the lake and lying north of a line extending from this point directly east and intersecting the Tejon State highway and lying east of said State highway from the above mentioned point of intersection to where the said State highway crosses the northern boundary line of Los Angeles County, not included in other districts.

63. District 1½. The following shall constitute fish and 1½
game district 1½: Those portions of the counties of Del Norte, Siskiyou, and Humboldt not included in other districts.

64. District 1¾. The following shall constitute fish and 1¾
game district 1¾: Those portions of the counties of Modoc and Lassen not included in other districts, and that portion of the county of Siskiyou lying east of the Pacific highway between the southern line of the county of Siskiyou and the town of Weed and east of the Weed Klamath Falls highway between the town of Weed and the northern line of the county of Siskiyou. In incorporated cities and towns through which said highway right of way passes, the eastern boundary line of said incorporated city or town shall be the westerly boundary of this district.

65. District 2. Those portions of the following counties 2
not included in other districts: Mendocino, Lake, Colusa, Yolo, Solano, Napa, Sonoma and Marin.

(Amended by Ch. 782, Stats. 1933.)

[ORIGINAL SECTION.]

65. District 2. The following shall constitute fish and game district 2: Those portions of the following counties not included in other districts: Mendocino, Glenn, Lake, Colusa, Yolo, Solano, Napa, Sonoma, and Marin.

66. District 2½. The following shall constitute fish and 2½
game district 2½: Those portions of townships twenty-four north, ranges eighteen and nineteen west; twenty-three north, ranges seventeen and eighteen west; twenty-two north, ranges seventeen and eighteen west; twenty-one north, range seventeen west, west of the summit of the divide between the Pacific Ocean and the south fork of the Eel River.

All of townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen north, range sixteen west; and townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty north, range seventeen west, and townships seventeen and eighteen north, range eighteen west.

All being townships located in western Mendocino County.

66.5. District 2¾. The following shall constitute Fish and 2¾
Game district 2¾: Those portions of the following counties not included in other districts: Glenn County; those portions of Colusa and Lake counties lying north of the Ukiah-Lake Tahoe highway; those portions of Mendocino County lying north of the Ukiah-Lake Tahoe highway and east of the Redwood highway.

(Added by Ch. 782, Stats. 1933.)

3 67. District 3. Those portions of the following counties not included in other districts: San Francisco, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, San Joaquin, Stanislaus, Merced, Fresno, Kings.
(Amended by Ch. 702, Stats. 1933.)

[ORIGINAL SECTION.]

67. District 3. The following shall constitute fish and game district 3: Those portions of the following counties not included in other districts. San Francisco, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, Santa Barbara, Ventura, San Joaquin, Stanislaus, Merced, Fresno, Kings, and Kern.

4 68. District 4. The following shall constitute fish and game district 4: Those portions of the following counties not included in other districts: Los Angeles, San Bernardino, Riverside, Orange, San Luis Obispo, Santa Barbara, Ventura and Kern.
(Amended by Ch. 702, Stats 1933.)

[ORIGINAL SECTION.]

68. District 4 The following shall constitute fish and game district 4: Those portions of the following counties not included in other districts: Los Angeles, San Bernardino, Riverside, and Orange.

4½ 69. District 4½. The following shall constitute fish and game district 4½: Those portions of the counties of Mono and Inyo not included in other districts.

4¾. 70. District 4¾. The following shall constitute fish and game district 4¾: Those portions of the counties of San Diego and Imperial not included in other districts.

5 71. District 5. The following shall constitute fish and game district 5: The waters of Smith River in Del Norte County from its mouth to Bailey's riffle, approximately three and one-half miles from its mouth.

6 72. District 6. The following shall constitute fish and game district 6: The ocean waters and tidelands of the State to the high water mark lying between the northern boundary of this State and a line extending due west from the west end of the north jetty at the entrance of Humboldt Bay, excluding all sloughs, streams, and lagoons.

7 73. District 7. The following shall constitute fish and game district 7: The ocean waters and tidelands of the State to high water mark between a line extending due west from the west end of the north jetty at the entrance of Humboldt Bay and the southern boundary of Mendocino County, excluding the ocean waters between the north and south jetties at the entrance of Humboldt Bay from the westerly end of each of said jetties in the Pacific Ocean to their respective aprons on the shores of Humboldt Bay, and also excluding all sloughs, streams, and lagoons.

8 74. District 8. The following shall constitute fish and game district 8: The waters and tidelands to high water mark

of Humboldt Bay lying north of a straight line running east from the center of apron at the approach of the south jetty at the entrance of Humboldt Bay to the east shore line of said bay including the entrance of Humboldt Bay not included in district 7, and excluding all rivers, streams, and sloughs emptying into said bay.

75. District 9. The following shall constitute fish and game district 9: The waters and tidelands to high water mark of Humboldt Bay lying south of a straight line running east from the center of apron at the approach to the south jetty at the entrance of Humboldt Bay to the east shore line of said bay, excluding all rivers, streams, and sloughs emptying into said bay. 9

76. District 10 The following shall constitute fish and game district 10: The ocean waters and the tidelands of the State to high water mark lying between the southern boundary of Mendocino County and a line extending west from the Pigeon Point lighthouse in San Mateo County, including the waters of Tomales Bay, to a line drawn from the western end of the railroad bridge across the entrance to Millerton Gulch to Bailey's wharf at Inverness and excluding Bodega Lagoon and all that portion of Bolinas Bay lying inside of Bolinas bar, that portion of San Francisco Bay lying east of a line drawn from Point Bonita to Point Lobos and all rivers, streams, and lagoons. 10

(Amended by Ch. 321, Stats. 1933.)

[ORIGINAL SECTION.]

76 District 10. The following shall constitute fish and game district 10: The ocean waters and the tidelands of the State to high water mark lying between the southern boundary of Mendocino County and a line extending west from the Pigeon Point lighthouse in San Mateo County, including the waters of Tomales Bay, to a line drawn from the western end of the railroad bridge across the entrance to Millerton Gulch to Bailey's wharf at Inverness and excluding all that portion of Bolinas Bay lying inside of Bolinas bar, that portion of San Francisco Bay lying east of a line drawn from Point Bonita to Point Lobos, and all rivers, streams, and lagoons.

77. District 11. The following shall constitute fish and game district 11: The waters and tidelands of San Francisco Bay to high water mark bounded as follows: Beginning at the extreme westerly point of Point Bonita; thence in a direct line to the extreme westerly point of Point Lobos; thence around the shore line of San Francisco Bay to the foot of Powell Street; thence in a direct line northwesterly to Peninsula Point, the most southerly extremity of Belvedere Island; thence in a direct line westerly to the shore end of the Northwestern Pacific Railroad Ferry slip at Sausalito; thence southerly and westerly around the shore of San Francisco Bay to the point of beginning. 11

78 District 12. The following shall constitute fish and game district 12: The waters and tidelands of San Francisco Bay to high water mark not included in districts 11 and 13, the waters and tidelands to high water mark of San Leandro 12

Bay, Oakland Creek or estuary, San Antonio Creek in Alameda County, Racoon Straits, and San Pablo Bay to a line drawn due south from the lighthouse station on the jetty on the easterly side of Mare Island Straits to the Southern Pacific Ferry slip at Vallejo Junction, and all lands and waters included within the exterior boundaries of said districts and excluding all tributary sloughs, creeks, bays, rivers, and overflowed areas not specifically described herein. For the purpose of this code that portion of San Francisco Bay lying westerly of a line drawn from California Point to San Quentin Point, and that portion of San Francisco Bay lying westerly of a line drawn from San Quentin Point to San Pedro Point, in Marin County, and that portion of San Pablo Bay lying westerly of a line drawn from San Pedro Point to the south side of the mouth of Novato Creek, and that portion of San Pablo Bay lying northerly of a line drawn due east from the south side of the mouth of Novato Creek to the westerly shore of Mare Island, shall be included in district 2.

12A 79. District 12A. The following shall constitute fish and game district 12A: The waters of the Sacramento River flowing within the main channel between a point three miles below the mouth of the Feather River and the Vina ferry near the town of Vina in Tehama County. From and after July 1, 1935, fish and game district 12A shall consist of and include the waters of the Sacramento River flowing within the main channel between the M Street bridge at Sacramento and the Vina ferry near the town of Vina, in Tehama County.

(Amended by Ch. 722, Stats. 1933.)

[ORIGINAL SECTION.]

79. District 12A. The following shall constitute fish and game district 12A: The waters of the Sacramento River flowing within the main channel between the M Street bridge at Sacramento and the Vina ferry near the town of Vina, in Tehama County.

12B 80. District 12B. The following shall constitute fish and game district 12B: The waters and tidelands to high water mark of the Carquinez Straits not included within district 12; the waters and tidelands to high-water mark of Suisun Bay; all waters of the Sacramento River flowing within the main channel between the mouth thereof and the drawbridge across said river at Rio Vista; and the waters of New York Slough and Broad Slough; also all waters of the San Joaquin River flowing in the main channel thereof, between its mouth and a line drawn from Criminal Point on Venice Island directly across said river to the beacon light on the opposite shore.

12C. 81. District 12C. The following shall constitute fish and game district 12C: The waters of the Sacramento River flowing within the main channel between the drawbridge across said river at Rio Vista and a point three miles below the mouth of the Feather River, excluding that portion of the Sacramento River between the M street bridge and a point three miles above the mouth of the American River; and

the main channel of Steamboat Slough and Sutter Slough; also all waters of the San Joaquin River flowing in the main channel thereof, between a line drawn from Criminal Point on Venice Island directly across said river to the beacon light on the opposite shore and the Santa Fe railroad bridge across said river near Stockton; all waters of Old River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at Orwood; all waters of Middle River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river; all waters of Connection Slough between the main channel of Old River and the main channel of Middle River; all waters of Columbia Cut flowing therein between the main channel of Middle River and the main channel of the San Joaquin River; all waters of Latham Slough flowing therein between the main channel of Middle River and Empire Cut; all waters of Burns cut-off around Rough and Ready Island. The provisions of this code relating to district 12A apply to that portion of the Sacramento River excluded from district 12C.

From and after July 1, 1935, fish and game district 12C shall consist of and include the waters of the Sacramento River flowing within the main channel between the drawbridge across said river at Rio Vista and the M Street bridge at Sacramento; and the main channel of Steamboat Slough and Sutter Slough; also all waters of the San Joaquin River flowing in the main channel thereof, between a line drawn from Criminal Point on Venice Island directly across said river to the beacon light on the opposite shore and the Santa Fe railroad bridge across said river near Stockton; all waters of Old River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at Orwood; all waters of Middle River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river; all waters of Connection Slough between the main channel of Old River and the main channel of Middle River; all waters of Columbia Cut flowing therein between the main channel of Middle River and the main channel of the San Joaquin River; all waters of Latham Slough flowing therein between the main channel of Middle River and Empire Cut; all waters of Burns cut-off around Rough and Ready Island.

(Amended by Ch. 722, Stats 1933.)

[ORIGINAL SECTION.]

81. District 12C. The following shall constitute fish and game district 12C: The waters of the Sacramento River flowing within the main channel between the drawbridge across said river at Rio Vista and the M Street bridge at Sacramento; and the main channel of Steamboat Slough and Sutter Slough; also all waters of the San Joaquin River flowing in the main channel thereof, between a line drawn from Criminal Point on Venice Island directly across said river to the beacon light on the opposite shore and the Santa Fe railroad bridge across said river near Stockton; all waters of Old River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at

Orwood; all waters of Middle River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river, all waters of Connection Slough between the main channel of Old River and the main channel of Middle River, all waters of Columbia Cut flowing thereon between the main channel of Middle River and the main channel of the San Joaquin River; all waters of Latham Slough flowing thereon between the main channel of Middle River and Empire Cut; all waters of Burns cut-off around Dough and Ready Island

13 82. District 13. The following shall constitute fish and game district 13: The waters and tidelands to high-water mark of San Francisco Bay lying to the south of a line drawn between the Ferry Building at the foot of Market Street in San Francisco and the mouth of the Oakland Creek or estuary in Alameda County, excluding all streams, sloughs, and lagoons

15 83. District 15. The following shall constitute fish and game district 15: The waters and tidelands to high-water mark of that portion of Monterey Bay lying to the north of a line drawn from the extreme westerly point of Point Santa Cruz to the extreme westerly point of Soquel Point.

16 84. District 16. The following shall constitute fish and game district 16: The waters and tidelands to high-water mark of that portion of Monterey Bay lying to the south of a line drawn from the extreme northerly point of Point Pinos in a straight line easterly to the eastern shore of Monterey Bay at a point north of the town of Seaside, said point being marked by a permanent monument placed by the United States government surveyors, and designated as "Monterey N. O. T. C. and G. S. Sta "

17 85 District 17. The following shall constitute fish and game district 17: The waters and tidelands to high-water mark of Monterey Bay and Pacific Ocean, lying between a line extending west from Pigeon Point lighthouse and a line extending west from the mouth of Carmel River, in Monterey County, excluding the areas included in districts 15 and 16, and excluding all rivers, creeks, sloughs and lagoons emptying into the Pacific Ocean and Monterey Bay within the boundaries of this district.

18 86. District 18 The following shall constitute fish and game district 18: The ocean waters and tidelands to high-water mark, not included in other districts, lying between a line extending due west from the mouth of Carmel River and the common boundaries of Santa Barbara and Ventura counties, excluding all rivers, streams, sloughs and lagoons.

19 87. District 19. The following shall constitute fish and game district 19: The ocean waters and tidelands to high-water mark not included in other districts lying between the common boundaries of Santa Barbara and Ventura counties and the southern boundary of San Diego County, excepting therefrom district 19A, and including all islands and the waters adjacent thereto lying off the coast of southern California, south of a line extending due west into the Pacific Ocean from the north boundary of Santa Barbara County,

excluding Santa Catalina Island and State waters adjacent thereto; and excluding all rivers, streams, lagoons and bays.

88. District 19A. The following shall constitute fish and game district 19A: The ocean waters and tidelands to high-water mark lying between the southerly extremity of Malibu Point and the westerly extremity of Rocky Point, excluding all rivers, streams and lagoons. 19A

89. District 20. The following shall constitute fish and game district 20. Santa Catalina Island and the portion of the State waters on the westerly, southerly and easterly side of said island lying between a line extending southwest magnetic from Mills landing and a line extending east magnetic from the headland on easterly side of Goat Harbor. 20

(Effective until October 25, 1933. See following section.)

89. The following shall constitute Fish and Game District 20: Santa Catalina Island and the portion of the State waters on the northerly, easterly, and southerly side of said island lying between a line extending west magnetically from the extreme westerly end of Santa Catalina Island to a line extending southwest magnetically from the southerly headland of Little Harbor. 20

(Amended by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

90. District 20A. The following shall constitute fish and game district 20A: The State waters lying around Santa Catalina Island not included in district 20. 20A

91. District 21. The following shall constitute fish and game district 21: The waters and tidelands to high-water mark of San Diego Bay lying inside of a straight line drawn from Point Loma to the offshore end of the San Diego breakwater. 21

92. District 22. The following shall constitute fish and game district 22: The waters of Salton Sea and the waters of the Colorado River 22

93. District 23. The following shall constitute fish and game district 23: The lands and waters lying within the drainage area of Rubicon and Little Rubicon rivers above their confluence in section thirteen, township thirteen north, range thirteen east; all lands and waters lying within the drainage area of the South Fork of the American River and all its tributaries above Chili Bar Bridge on the Placerville-Georgetown highway, all of the lands and waters lying within the drainage area of Webber Creek above the Mother Lode highway between El Dorado and Placerville; the waters of Lake Tahoe and the Truckee River, and all streams flowing into said lake and river, and all lands and waters within the drainage basin of said lake and river lying within this State; the waters of Silver Lake, Twin Lakes, Twin Lake, Blue Lakes, Meadow Lake, Wood Lake, Winnemucca Lake and Scott's Lake, Burnside Lake, the Carson River, the West Fork of said Carson River, Willow Creek and Markleeville Creek and all tributaries of said streams and all streams flow- 23

ing into said lakes and all lands and waters lying within the drainage basin of said lakes, rivers and streams within this State; all the waters of the Cosumnes River and its tributaries, and all lakes lying within the watershed of said river and tributaries above the bridge on the Mother Lode highway between Plymouth and Nashville, all being within the counties of Alpine, Amador, and El Dorado.

(Amended by Ch. 731, Stats. 1933.)

[ORIGINAL SECTION.]

93. District 23. The following shall constitute fish and game district 23: The waters lying within the drainage area of the Rubicon and Little Rubicon rivers above their confluence in section thirteen, township thirteen north, range thirteen east; all waters lying within the drainage area of Silver Creek and the American River above the confluence of said streams in section twenty-four, township eleven north, range twelve east, except those waters lying within the boundary of district 24; the waters of Lake Tahoe and the Truckee River, and all streams flowing into said lake and river, and all lands within the drainage basin of said lake and river lying within this State.

94. Repealed by Ch. 731, Stats. 1933.

[ORIGINAL SECTION.]

94. District 24. The following shall constitute fish and game district 24: The waters of Silver Lake, Twin Lakes, Twin Lake, Blue Lakes, Meadow Lake, Wood Lake, Winnemucca Lake and Scott's Lake, Burnside Lake, the Carson River, the West Fork of said Carson River, Willow Creek and Markleeville Creek and all tributaries of said streams and all streams flowing into said lakes and all lands lying within the drainage basin of said lakes, rivers, and streams, all the waters of the Cosumnes River and its tributaries, and all lakes lying within the watershed of said river and tributaries above the bridge on the Mother Lode highway between Plymouth and Nashville, and the South Fork of the American River and all its tributaries above the Chili Bar bridge on the Placerville-Georgetown highway, all being within the counties of Alpine, Amador, and El Dorado.

25 95. District 25. The following shall constitute fish and game district 25: The waters of Lake Almanor and all streams flowing into said lake and all lands lying within the drainage basin of said streams and lake, all being within the counties of Plumas and Lassen.

Klamath River. 96. Klamath River district. The following shall constitute the Klamath River fish and game district: The waters of the Klamath River as described in the initiative act to create the Klamath River fish and game district, approved by electors November 4, 1924.

Trinity and Klamath River 97. Trinity and Klamath River district. The following shall constitute the Trinity and Klamath River fish and game district: The Klamath River and the waters thereof, following its meanderings from the mouth of the Klamath River in Del Norte County to its confluence with the Salmon River, and also the Trinity River and the waters thereof, following its meanderings from its confluence with the Klamath River in the county of Humboldt to its confluence with the south fork of the said Trinity River.

Article 2. Game Refuges.

130. The following districts are game refuges:

131. District 1A. The following shall constitute fish and game district 1A: All that area within the county of Siskiyou within the following boundaries: Beginning at the junction of Beaver Creek road and the south township line of township forty-seven north, range eight west, on the south line of section thirty-one of said township, thence following westerly the said township line and the said township line extended across the south line of township forty-seven north, range nine west, and the south line of township forty-seven north, range ten west, to its junction with Buckhorn Creek on the south line of section thirty-four, township forty-seven north, range ten west, thence following Buckhorn Creek to its source; thence due north to the summit of the Siskiyou Mountains; thence following the summit of said Siskiyou Mountains to the head of the West Fork of Beaver Creek; thence following the trail down the West Fork of Beaver Creek and the trail down Beaver Creek to the point of beginning. 1A.

132. District 1B. The following shall constitute fish and game district 1B: All that area within the county of Modoc within the following boundaries: Beginning at the northeast corner of section thirty-three, township forty-five north, range nine east, thence due south fourteen miles to the southeast corner of section four, township forty-two north, range nine east; thence due west two miles to the southwest corner of section five, township forty-two north, range nine east, thence due north approximately two and one-half miles to the northerly side of the Deer Hill and Canby road on the west line of section twenty-nine, township forty-three north, range nine east; thence northwesterly along the northerly side of said road to its intersection with the west line of section thirty-three, township forty-four north, range seven east, thence due north a fraction of a mile to the northwest corner of said section thirty-three, this being the fence line of the Potter ranch lease; thence following said fence line westerly, northerly and easterly, along the south line of section twenty-nine, through section twenty-nine, along the west side of sections twenty, seventeen and eight, through sections eight, five and four, and along the northerly line of sections four and three, all of said sections being in township forty-four north, range seven east; thence through sections thirty-four, thirty-five, and thirty-six of township forty-five north, range seven east, and section thirty-one, township forty-five north, range eight east, to the easterly line of said section thirty-one, thence north one-half mile to the northeast corner of said section thirty-one, thence due east eight miles to the point of beginning. 1B

133. District 1C. The following shall constitute fish and game district 1C: All that area within the county of Modoc within the following boundaries: Beginning at the boundary of the Modoc National Forest on the east side of section twenty- 1C.

eight, township forty-two north, range fourteen east, where Parker Creek crosses the national forest boundary and following thence Parker Creek and the South Fork of Parker Creek to the summit of the Warner Mountains; thence southerly along the summit of the Warner Mountains to the headwaters of Mill Creek; thence following course of Mill Creek to Mill Creek ranger station and Mill Creek stock corrals in approximately section fifteen, township forty north, range fifteen east (unsurveyed), thence along road from Mill Creek ranger station and stock corrals running north of Cantrell's sawmill to Bowman ranch, thence along same road to the Modoc National Forest boundary on the center line of section thirty-three, township forty-one north, range fourteen east; thence north along said national forest boundary to Parker Creek, the point of beginning.

1D. 134. District 1D. The following shall constitute fish and game district 1D: All that area within the county of Trinity within the following boundaries: Beginning at the intersection of the Waldorf trail and the line of the North Fork of Placer flume northeasterly of Twin Peaks, thence southerly following said flume to its end near the Trinity River, thence due south to the north bank of the Trinity River, thence westerly following said north bank to Logan Gulch, thence southerly across Trinity River to the ridge east of Eagle Creek, thence southerly following said ridge to Big Creek trail; thence southerly along said trail to the ridge south of Donaldson Creek, thence westerly following said ridge to the head of the East Fork of Little Creek, thence southerly and westerly following the East Fork of Little Creek and Little Creek to its intersection with the Hayfork-Hyampon road, thence northerly and westerly following the north side of said road to a point due south of the main ridge between Miners Creek and Little Corral Creek, thence northerly across Hayfork Creek to said ridge, thence northerly following the summit of said ridge to Pattison Peak, thence easterly along the summit of the ridge north of Miners Creek to the section corner common to sections twenty, twenty-one, twenty-eight, and twenty-nine, township thirty-three north, range twelve west, thence due north to Price Creek, thence northerly following the east bank of Price Creek to the Western States Gas and Electric power line in approximately section eight, township thirty-three north, twelve west, thence northeasterly following said power line to the north side of the Trinity River highway, thence westerly following the north line of said highway to its intersection with the Big Bar-Twin Peaks trail approximately in section five, township thirty-three north, twelve west, thence northerly along said trail and ridge between Manzanita Creek and Trelor Creek to the Waldorf trail, thence northeasterly following said trail to the point of beginning

1E. 135. District 1E. The following shall constitute fish and game district 1E: All that area within the county of Shasta within the following boundaries: Beginning at the point of

intersection of the east bank of the McCloud River with the south bank of the more southerly and smaller of the two creeks, each of which is known as Bollibokka Creek, said point of intersection being at approximately the center of the northeast quarter of the northwest quarter of section twenty-eight in township thirty-six north, range three west, and running thence in a general southerly direction along the summit of the ridge dividing the watershed of said creek from the watershed of the McCloud River to the summit of Bollibokka Mountain and likewise of the ridge dividing the watershed of said creek from the watershed of Nasoni Creek, thence in a general northeasterly direction along the summit of the ridge dividing the watershed of said Nasoni Creek from the watershed of the said two Bollibokka creeks to its intersection with the summit of the ridge dividing the watershed of Chattertown Creek from the watershed of said Nasoni Creek, thence in a general direction along the summit of said last mentioned ridge to the summit of the main ridge dividing the drainage of the McCloud River from that of Squaw Creek, thence in a general northerly direction along the summit of said last mentioned ridge to its intersection with the Camp Welcome trail, thence in a general easterly direction along said trail to its intersection with the west bank of Squaw Creek at Fish Camp, thence in a general southerly direction downstream along the west bank of said last named creek to its intersection with Salt Creek, thence in a general southwesterly direction along the summit of the ridge dividing the watershed of Salt Creek from that of Squaw Creek below the mouth of Salt Creek to the summit of Winnibulli Mountain, thence in a general westerly direction along the summit of the ridge dividing the watershed of Salt Creek from that of Didalla's Creek to the summit of the main ridge dividing the drainage of the McCloud River from that of Squaw Creek, thence in a general northerly direction along the summit of said last mentioned ridge to its intersection with the summit of the ridge forming the northerly boundary of the watershed of Mathless Creek, thence in a general westerly direction along the summit of said last mentioned ridge to the intersection of the north bank of said creek with the east bank of said river, thence northerly along the east bank of said river to the point of beginning.

136. District 1F. The following shall constitute fish and game district 1F: All that area within the county of Lassen within the following boundaries: Beginning at the fork of the Puls Camp road and the Poison Lake-Harvey Valley road near the quarter section corner between sections thirty-three and thirty-four, township thirty-three north, range eight east; thence northerly following the westerly side of said road by Dixie Springs and Puls Camp in section thirty-three, township thirty-four north, range eight east, to Shroder Lake in section nineteen, township thirty-four north, range eight east; thence southwesterly about one mile to the junction of said Puls Camp road and the Little Valley road in section twenty- 1F

four, township thirty-four north, range seven east; thence northwesterly following the southerly side of said Little Valley road to its junction with the Blacks Lake road; thence westerly following the southerly side of said Blacks Lake road to the Eldridge place in section thirteen, township thirty-four north, range six east; thence southerly following the easterly side of said road to Jelly Camp in section twenty-five, township thirty-four north, range six east; thence southeasterly following the easterly side of the Susanville-Pittville road to junction of the Poison Lake-Harvey Valley road; thence easterly following the northerly side of said Poison Lake-Harvey Valley road to the point of beginning.

1G 137. District 1G. The following shall constitute fish and game district 1G: All that area within the counties of Plumas and Tehama within the following boundaries: Beginning at a point in section eighteen where Deer Creek crosses the west township line of township twenty-five north, range two east; thence north along the west township line of townships twenty-five, twenty-six and twenty-seven north, range two east, to the northeast corner of section thirty-six, township twenty-seven north, range one east; thence west along the north line of said section thirty-six to its intersection with Mill Creek; thence northerly and easterly along Mill Creek to the State highway in section twenty-three, township twenty-nine north, range four east; thence following the southerly side of said highway easterly to the junction of the State highway and the road to Wilson Lake; thence across said State highway to the southerly side of said Wilson Lake road; thence easterly following the southerly side of said road to its junction with the Lost Creek road; thence southerly following the westerly side of said road to its junction with the north line of the survey for the new State highway in approximate section twenty-five, township twenty-eight north, range five east; thence westerly following said survey to its intersection with the Deer Creek Meadows road; thence southerly and westerly following the westerly side of said Deer Creek Meadows road to where said road crosses Deer Creek in section twenty-nine, township twenty-seven north, range four east; thence southerly and westerly following the northerly bank of said creek to the point of beginning.

(Amended by Ch. 709, Stats. 1933.)

[As Amended by Ch. 196, Stats. 1933]

137. District 1G. The following shall constitute fish and game district 1G: All that area within the counties of Plumas and Tehama within the following boundaries: Beginning at a point in section eighteen where Deer Creek crosses the west township line of township twenty-five north, range two east; thence north along the west township line of townships twenty-five, twenty-six and twenty-seven north, range two east, to the northeast corner of section thirty-six, township twenty-seven north, range one east; thence west along the north line of said section thirty-six to its intersection with Mill Creek; thence northerly and easterly along Mill Creek to the State highway in section twenty-three, township twenty-nine north, range four east, thence following the northerly side of said highway easterly to the section line on the easterly side of said

section twenty-three; thence northerly following said section line four and a fraction miles to the south boundary of Mount Lassen Volcanic National Park; thence due east to where said boundary crosses Rice Creek on the north line of section thirty-one, township thirty north, range five east; thence southerly following Rice Creek and the north fork of the Feather River to the Red Bluff-Susanville State highway in section twenty-one, township twenty-nine north, range five east; thence westerly following the north side of said highway to the junction of Lost Creek road; thence southerly following the westerly side of said road to its junction with the north line of the survey for the new State highway in approximate section twenty-five, township twenty-eight north, range five east; thence westerly following said survey to where said survey crosses the north fork of Deer Creek; thence southerly and westerly following said north fork of Deer Creek and Deer Creek to the point of beginning, saving and except therefrom the following described property: SW¼ of SW¼ of section thirteen, E½ of SE¼ of section fourteen, E½ of NE¼ of section twenty-three, W½ of W½ and SE¼ of SW¼ of section twenty-four, NW¼, W½ of NE¼, SE¼ of NE¼ and SE¼ and NE¼ of SW¼ of section twenty-five, E½ of E½ of section thirty-six, in township twenty-nine north, range four east; SW¼ of SW¼ and NE¼ of SW¼ of section thirty-six, in township thirty north, range four east; S½ of NW¼ and SW¼ of NE¼ of section five, Fracl. N½ of N½ of section six, SE¼ of NE¼ of section six, in township twenty-eight north, range five east; SE¼ of SE¼ of section seven, NW¼ of NW¼ of section seventeen, NW¼ of SW¼ of section twenty-eight, N½ of SE¼ of section twenty-nine, SW¼ of SW¼ of section thirty, Fracl. W½ of W½ of section thirty-one, in township twenty-nine north, range five east; lots one, two, three and four, in township thirty north, range five east The townships and ranges specified in this section are referred to the Mount Diablo base and meridian.

[ORIGINAL SECTION.]

137 District 1G. The following shall constitute fish and game district 1G: All that area within the counties of Plumas and Tehama within the following boundaries: Beginning at a point in section eighteen where Deer Creek crosses the west township line of township twenty-five north, range two east; thence north along the west township line of townships twenty-five, twenty-six and twenty-seven north, range two east, to the northeast corner of section thirty-six, township twenty-seven north, range one east; thence west along the north line of said section thirty-six to its intersection with Mill Creek; thence northerly and easterly along Mill Creek to the State highway in section twenty-three, township twenty-nine north, range four east, thence following the northerly side of said highway easterly to the section line on the easterly side of said section twenty-three; thence northerly following said section line four and a fraction miles to the south boundary of Mount Lassen Volcanic National Park; thence due east to where said boundary crosses Rice Creek on the north line of section thirty-one, township thirty north, range five east; thence southerly following Rice Creek and the north fork of the Feather River to the Red Bluff-Susanville State highway in section twenty-one, township twenty-nine north, range five east; thence westerly following the north side of said highway to the junction of Lost Creek road; thence southerly following the westerly side of said road to its junction with the north line of the survey for the new State highway in approximate section twenty-five, township twenty-eight north, range five east; thence westerly following said survey to where said survey crosses the north fork of Deer Creek; thence southerly and westerly following said north fork of Deer Creek and Deer Creek to the point of beginning.

138 District 1H. The following shall constitute fish and game district 1H: All that area within the county of Plumas within the following boundaries: Beginning at the Hartman Bar bridge on the middle fork of Feather River; thence north following Hartman Bar trail to Gravel Range road; thence along Gravel Range road to Haskins Valley; thence easterly along Haskins Valley road to Sheep driveway, thence along Sheep driveway to junction of Crescent Hill Mine road; 1H

thence south along Crescent Hill Mine road to its terminus on point of ridge above Crescent Hill Mine; thence down top of ridge to the middle fork of Feather River; thence southwesterly along middle fork of the Feather River to the point of beginning.

11 139. District 11. The following shall constitute fish and game district 11: All that area within the county of Placer, within the following boundaries: Beginning at the junction of the north fork of the middle fork of the American River and the middle fork of the American River; thence northeasterly up the north fork of the middle fork to Grouse Creek, thence northeasterly up main Grouse Creek to its head approximately at the north one-quarter corner of section six, township fourteen north, range thirteen east, thence due east along said township line to its intersection with Red Star Ridge, this being the divide between Duncan Creek and the middle fork of the American River; thence northeasterly following the summit of Red Star Ridge to the new Westville-French Meadows highway, thence northeasterly along said highway to a point in section four, township fifteen north, range fourteen east, where the said highway leaves the main divide between the north fork of the American River and the middle fork of the American River, thence easterly along the summit of the divide between the north fork of the American River and the middle fork of the American River to Needle Peak thence southerly following the summit of the divide to Mount Mildred; thence following the divide between Gray Horse Creek to the middle fork of the American River to its intersection with the Big Meadows-Gray Horse Valley trail; thence following said trail to the south fork of Long Canyon; thence westerly down Long Canyon and Rubicon River and the middle fork of the American River to the point of beginning at the mouth of the north fork of the middle fork of the American River.

1J 140. District 1J. The following shall constitute fish and game district 1J: All that area within the counties of Amador and Alpine within the following boundaries: Beginning at a point between sections thirteen and eighteen, township eight north, ranges fourteen and fifteen east, where the Carson Pass highway enters section eighteen, township eight north, range fifteen east; thence northeasterly along the south side of said Alpine highway right of way to the Dufrane road in section thirty-two, township nine north, range sixteen east; thence southerly along the westerly side of said road to the old Amador ranger station cabin in section five, township eight north, range sixteen east; thence southerly and easterly along Bear River trail to Pardoes road in section fifteen, township eight north, range sixteen east; thence northeasterly along the south side of said road to the Bear River Cedar Camp trail in section one, township eight north, range sixteen east, thence northeasterly to its intersection with the main Cedar Camp trail; thence southerly along Cedar Camp trail to intersection of said Cedar Camp trail with the Mokelumne River;

thence down the north bank of the Mokelumne River in a southwesterly direction to the intersection of range line between townships seven north, ranges fourteen and fifteen east; thence north along range line between township eight north, ranges fourteen and fifteen east, to the intersection of Alpine State highway to the place of beginning.

(Amended by Ch. 708, Stats. 1933.)

[ORIGINAL SECTION.]

140. District 1J. The following shall constitute fish and game district 1J: All that area within the counties of Amador and Alpine within the following boundaries: Beginning at a point between sections thirteen and eighteen, township eight north, ranges fourteen and fifteen east, where the Carson Pass highway enters section eighteen, township eight north, range fifteen east; thence northeasterly along the south side of said Alpine highway right of way to the Dufrane road in section thirty-two, township nine north, range sixteen east, thence southerly along the westerly side of said road to the old Amador ranger station cabin in section five, township eight north, range sixteen east; thence southerly and easterly along Bear River trail to Pardoes road in section fifteen, township eight north, range sixteen east; thence northeasterly along the south side of said road to the Bear River Cedar Camp trail in section one, township eight north, range sixteen east; thence northeasterly to its intersection with the main Cedar Camp trail; thence southerly along Cedar Camp trail to intersection of said Cedar Camp trail with the Mokelumne River; thence down the north bank of the Mokelumne River in a southwesterly direction to the intersection of range line between townships seven north, ranges fourteen and fifteen north, ranges fourteen and fifteen east, where the Carson Pass east; thence north along range line between ranges fourteen and fifteen east, to the intersection of Alpine State highway to the place of beginning.

141. District 1K. The following shall constitute fish and game district 1K: All that area within the county of Fresno within the following boundaries: Beginning at the confluence of the north fork of Kings River and the middle fork of Kings River; thence easterly along the summit of the divide separating the drainage area of the north fork of Kings River from the drainage area of the middle fork of Kings River to Spanish Mountain, thence southeasterly along the summit of Tombstone Ridge, which separates the drainage area of Crown Creek from that of Tombstone Creek, to the middle fork of Kings River; thence westerly along the north bank of the middle fork of Kings River to the point of beginning. 1K.

142. District 1M. The following shall constitute fish and game district 1M: All that area within the county of Kern within the following boundaries: Beginning at the San Joaquin Power Company's plant located on the bank of the Kern River in section six, township twenty-nine south, range thirty east; thence running in a northeasterly direction following the south bank of the Kern River to the mouth of Clear Creek; thence following Clear Creek in a southerly direction to the intersection of the Caliente-Kernville highway; thence following the westerly side of said highway in a southerly direction to its intersection with Walker Basin creek; thence following the northerly bank of Walker Basin creek in a southwesterly direction to its intersection with the west 1M.

boundary line of range thirty-one east, thence following said range line north to the south boundary line of township twenty-eight south; thence following said township line west to the San Joaquin Power Company's plant at the place of beginning.

1N 143. District 1N. The following shall constitute fish and game district 1N: All that area within the counties of Siskiyou and Modoc within the following boundaries: Beginning at the junction of the Lava ranger station road and the Egg Lake-Quaking Asp road, thence following westerly and northerly the northerly and easterly side of said Lava ranger station road to its junction with the Medicine Lake-Quaking Asp road near the northwest corner of section eighteen, township forty-two north, range five east, thence easterly and southerly following the southerly and westerly side of the Medicine Lake-Quaking Asp-Egg Lake road to the point of beginning.

1O 144. District 1O. The following shall constitute fish and game district 1O: All that area within the county of El Dorado within the following boundaries: Beginning at the junction of Silver Creek with the south fork of the American River in section twenty-four, township eleven north, range twelve east; thence following easterly the American River to where said river intersects the Lincoln highway; thence following the northerly side of said Tahoe State highway to Georgetown junction; thence northerly following the westerly side of the Georgetown Junction-Wilson road to Wilson; thence northerly following the westerly side of the Wilson-Blakely-Slickrock road to where said road crosses the north fork of Silver Creek in section nineteen, township twelve north, range fifteen east; thence following westerly down the north fork of Silver Creek to Silver Creek; thence westerly down Silver Creek to the American River, the point of beginning.

1P. 145. District 1P. The following shall constitute fish and game district 1P: All that area within the county of Plumas, within the following boundaries: Beginning at the junction of the Milford-Beckwith road and the Last Chance-Doyle road, thence following the easterly side of said Milford-Beckwith road to its junction with the Dixie Valley-Frenchman's Cove road; thence following the easterly side of the Dixie Valley-Frenchman's Cove road to its junction with the Little Last Chance road; thence following the westerly side of the Little Last Chance road to its junction with the Last Chance-Doyle road; thence following the westerly side of the Last Chance-Doyle road to the place of beginning.

1Q. 146. District 1Q. The following shall constitute fish and game district 1Q: All that area within the county of Lassen within the following boundaries: Beginning at the southeast corner of section twelve, township thirty-four north, range seventeen east, thence following Painter Creek to the northwest corner of section eleven, township thirty-four north, range

sixteen east, thence westerly along the southerly side of the Spanish Springs road to Spanish Springs; thence southerly following the easterly side of the county road through Secret Valley and the easterly side of the Wendall-Alturas road to the summit of the Hot Springs Mountain divide between sections twenty-seven and thirty-four, township thirty north, range fifteen east, thence following easterly the summit of the said divide to the head of Skedaddle Creek in section thirteen, township twenty-nine north, range sixteen east; thence easterly following said creek to the Nevada-California State line in section one, township twenty-nine north, range seventeen east; thence northerly following said State line to the point of beginning.

1R 147. District 1R. The following shall constitute fish and game district 1R: All that area within the county of Tuolumne within the following boundaries: Beginning at Forebay near the northeasterly corner of section six, township three north, range fifteen east, thence following easterly the Pacific Gas and Electric Company's flume to its junction with the middle fork of the Stanislaus River; thence easterly following the northerly bank of said river to the mouth of Shu-fly Creek approximately in section nine, township five north, range eighteen east, thence northerly following the westerly bank of said creek to its junction with Whit's Basin Creek; thence westerly following the southerly and westerly bank of said Whit's Basin Creek to its junction with the Sands Meadow trail in section thirty-six, township six north, range seventeen east, thence northwesterly following said Sands Meadow trail to its junction with the government trail in section twenty-three, township six north, range seventeen east, thence westerly following the government trail to its junction with Little Rattlesnake Creek, thence westerly following the southerly bank of said creek to its junction with the north fork of the Stanislaus River; thence southerly following the easterly bank of said river to a point due north of the place of beginning; thence due south to the point of beginning.

1S 148. District 1S. The following shall constitute fish and game district 1S: All that area lying within the county of Lassen within the following boundaries: Beginning at the old Haydenhill post office in the approximate center of section thirty-six, township thirty-seven north, range nine east; thence following westerly along the old Juniper road through Windmill flat to the junction of the Summit Spring road near Meyers Spring; thence south through Lost Valley along the Lost Valley-Dixie Valley road to the junction of the Dixie Valley-Grasshopper road; thence east to the junction of the old Haydenhill-Slate Creek road located approximately in section twenty-four, township thirty-five north, range nine east; thence north along the Haydenhill-Slate Creek road to the place of beginning.

1T 149. District 1T. The following shall constitute fish and game district 1T: All that area within the county of Hum-

boldt within the following boundaries: Beginning at the junction of Freeman Creek and Little River in section three, township seven north, range one east, Humboldt base and meridian; thence northerly following Freeman Creek to its intersection with the west line of section thirty-four, township eight north, range one east, H. B. and M; thence northerly one and one-half miles to the east one-quarter corner of section twenty-eight, township eight north, range one east, H. B. and M.; this being the summit of the divide between Maple Creek and Railroad Creek; thence northerly, easterly and southerly following the summit of said divide and the summit of the divide between Railroad Creek and Camp Nine Gulch to the center of section twenty-six, township eight north, range one east; thence westerly and southerly following the fence line to Little River; thence down Little River to the place of beginning.

150. District 2A. The following shall constitute fish and game district 2A: All that area within the counties of Mendocino, Lake and Glenn within the following boundaries: Beginning at the summit of Hull Mountain in Mendocino County, in the southwest corner of section two, township nineteen north, range ten west; thence in a northeasterly direction down Hull Creek (sometimes known as Red Rock Creek) to its junction with Sand Creek; thence southeasterly down Sand Creek to its junction with Corbin Creek, thence in an easterly direction up Corbin Creek to section thirty-six, township twenty north, range eight west; thence in a southerly direction up a ravine to the Sheetiron-Elk Creek road on the summit of the Coast Range Mountains in section twelve, township nineteen north, range eight west; thence southwesterly along the road and summit over Sheetiron Mountain to Low gap, where the Bloody Rock trail crosses the summit in section twenty-seven, township nineteen north, range eight west; thence in a westerly direction down the Bloody Rock trail and Cold Creek to South Eel River in section twenty-six, township nineteen north, range nine west; thence down the river to the mouth of a ravine in the southeast quarter of section twenty-seven, township nineteen north, range nine west; thence in a northwesterly direction up the ravine through sections twenty-seven and twenty-eight to the summit of Boardman Ridge; thence in a northwesterly direction up Boardman Ridge to the summit of Hull Mountain.

2B Mount Tamalpais

151. District 2B (Mount Tamalpais game refuge). The following shall constitute fish and game district 2B: All that area within the county of Marin within the following boundaries: Beginning at the intersection of the easterly shore of inner Bolinas Bay with the northwesterly boundary line, extended, of the Stinson ranch conveyed to A. H. Stinson et al, by decree of distribution dated the twenty-eighth day of July, 1911, and recorded in the office of the county recorder of Marin County in book one hundred thirty-seven of deeds at page one hundred two; thence northeasterly along

the said northwesterly boundary line to the southwesterly boundary line of the lands of the Marin municipal water district on the top of Bolinas Ridge; thence northwesterly, northeasterly, and easterly along the southwesterly and the northwesterly boundary line of the watershed lands of the said Marin municipal water district to a point therein where the boundary line of that certain tract of land known as the Lagunitas dairy tract crosses the old county road formerly leading from Fairfax to Bolinas; thence northerly along said road and along the Fairfax and Bolinas County road, to a point in the southwesterly line of the right of way of the Northwestern Pacific Railroad company near Fairfax station; thence along the said last mentioned line in a southerly direction past the railroad stations at San Anselmo, Kentfield and Corte Madera, to its intersection with the southerly line of the road or highway immediately south of Alta station, thence following the southerly line of said road or highway to its intersection with the southerly line of the State highway between Alta and Belvedere; thence following the southerly and southwesterly line of said highway to the end of said highway; thence southwesterly along the northwesterly line of the county road to its intersection with the northwesterly line of the town of Belvedere; thence following the northwesterly line of the town of Belvedere, to its extreme westerly point; thence in a direct line from this point to the extreme northeasterly point of the town of Sausalito; thence southwesterly along the northwesterly line of the town of Sausalito to its intersection with the Northwestern Pacific Railroad; thence following the right of way of the Northwestern Pacific Railroad, to its intersection with Humboldt Street, extended on the westerly boundary of the lands of the Sausalito Land and Ferry Company, as said street is laid down and delineated on the official map of said lands filed in the office of the county recorder of Marin County in rack number one, pull number nine; thence southerly along the westerly line of said Humboldt Street and the westerly line of Tennessee Avenue of the same tract, to the corner common to ranches E, F, and A, as said ranches are delineated on the Tamalpais Land and Water Company's map number three, filed in said recorder's office in map book number one, page one hundred and four; thence southwesterly along the southeasterly boundary lines of ranches E, L, and K, as shown on said last-mentioned map, to the shore of the Pacific Ocean; thence northwesterly along the shore of the Pacific Ocean and across the easterly end of the Bolinas sandspit, and along the easterly shore of inner Bolinas Bay, to the point of beginning, excepting from the area of said Mount Tamalpais game refuge all lands within incorporated towns.

152. District 3A The following shall constitute fish and 3A
game district 3A. All that area within California Redwood Park, described as follows: All of section twenty-nine west of the China grade, the east half of section thirty, all of

sections thirty-one and thirty-two, the west half of section thirty-three, township eight south, range three west; the west half of section four, all of sections five and six; the north half of the northwest quarter, the southwest quarter of the northwest quarter, the northwest quarter of the southwest quarter of section nine, all of section eight except the southeast quarter of the southeast quarter; all of the east half of section seven except the west half of the southeast quarter, the north half of the northwest quarter of section seven, township nine south, range three west; the east three-quarters of section one and the north quarter of section twelve except the northwest quarter of the northwest quarter, township nine south, range four west.

3B 153. District 3B. The following shall constitute fish and game district 3B: All that area within the counties of San Benito and Monterey described as follows: All of sections twenty to twenty-nine, inclusive, all of sections thirty-three, thirty-four and thirty-five and the west half of section thirty-six of township sixteen south, range seven east; the west half of section one, all of sections two and three, the east half of section four, the east half of section nine, all of sections ten and eleven, the west half of section twelve, the west half of section thirteen and all of sections fourteen and fifteen of township seventeen south, range seven east.

3C 154. District 3C. The following shall constitute fish and game district 3C: All that area within the county of Santa Barbara within the following boundaries: Beginning at the summit of Mission Pine Mountain, running thence northwest to the head of Manzana Creek; thence along the north bank of said creek to its junction with the Sisquoc River; thence in an easterly direction along the south bank of the Sisquoc River to the junction of the south fork of the Sisquoc; thence along the west bank of the south fork of the Sisquoc River to the point of beginning.

3D 155. District 3D. The following shall constitute fish and game district 3D: All that area within the county of Ventura within the following boundaries: Beginning at a point where the Cuyama trail crosses Sespe Creek near the mouth of Cherry Canyon approximately in section thirteen, township six north, range twenty-four west, San Bernardino base and meridian; thence following the north bank of Sespe Creek in an easterly direction to the mouth of Alder Creek; thence following Alder Creek and Alder Creek trail to Stone corral; thence continuing along said trail to point where it crosses the divide between the Agua Blanca Creek and the Sespe watershed; thence southerly along the top of the ridge which forms the divide between the Piru and Sespe creeks to the point where said divide intersects the south boundary of the Santa Barbara National Forest boundary which is the township line between townships four and five north, range nineteen west, S. B. B. and M.; thence following west along this township line to point where it intersects the top of the ridge which forms the

divide between Sespe Creek and Santa Paula Canyon; thence northerly and easterly along this divide to where Sisar Canyon trail intersects the top of the divide; thence down Sisar Canyon trail to point where said trail intersects the south boundary of the Santa Barbara National Forest; thence following said national forest boundary in a westerly direction to point where said boundary intersects the Matilija Canyon road; thence along north side of said road up Matilija Canyon to junction of the Matilija and upper north fork; thence following the Cuyama trail northerly to point of beginning.

156. District 3E. The following shall constitute fish and game district 3E: All that area within the county of Santa Clara described as follows: All of sections three, four and nine; the southwest quarter of the southwest quarter of section two; the southeast quarter of section five; the northeast quarter of the northeast quarter of section eight; all of those portions of sections sixteen and seventeen of the southern three-quarters of section eight lying east of the northeast boundary line of the Rancho Canada del Pala, and all of those portions of sections ten, fifteen and sixteen, and of the west quarter of section eleven, lying to the north of Sulphur Creek, all of said sections being within township seven south, range three east. 3E

157. District 3F. The following shall constitute fish and game district 3F: All that area within the county of Contra Costa described as follows: All of sections twenty-nine, thirty, thirty-one and thirty-two, township one north, range one east, all of sections five, six, seven and eight, township one south, range one east, all of sections twenty-five, twenty-six, thirty-five and thirty-six of township one north, range one west, all of sections one, two, eleven and twelve of township one south, range one west. 3F

158 District 3G The following shall constitute fish and game district 3G: All those lands of the Leland Stanford Junior University within the counties of San Mateo and Santa Clara, and consisting of lots numbers one to thirty-three, inclusive; that portion of lots thirty-five and forty-two lying outside of the town limits of the town of Mayfield; lots thirty-six, forty-three, forty-six to seventy-five, inclusive; eighty to eighty-six, inclusive; eighty-nine to ninety-eight, inclusive, as shown on the map entitled "map of the lands of the Leland Stanford Junior University at or near the site of the university in the counties of Santa Clara and San Mateo, by A. T. and F. A. Herrmann of Herrmann Bros.," dated November, 1908, recorded in the office of the county recorder of the county of Santa Clara. 3G

159. District 3H The following shall constitute fish and game district 3H: All that area within the county of Santa Barbara within the following boundaries: Beginning at the summit of the San Marcos Pass approximately in section seventeen, township five north, range twenty-eight west, San Bernardino meridian; thence following easterly the summit of 3H

the divide between the Pacific Ocean and the Santa Ynez River approximately ten miles to the Tunnel trail; thence northerly along said trail to the south abutment of the Gibraltar dam; thence on the summit of said dam across the Santa Ynez River to the north abutment; thence due north approximately one and one-half miles to the summit of the divide between the Santa Ynez River and Camuesa Canyon; thence following northwesterly said divide to the southerly side of Camuesa road; thence in a general westerly and southerly direction following the southerly and easterly side of said road to the Santa Ynez River road; thence in a general westerly and southerly direction following the southerly and easterly side of said road to the San Marcos road; thence southerly following the easterly side of said road to the point of beginning.

4A. 160. District 4A. The following shall constitute fish and game district 4A: All that area within the county of San Bernardino within the following boundaries: Beginning at the junction of the east fork of the west fork of the Mojave River and the west fork of the Mojave River, thence easterly following the said east fork of the west fork to where it crosses the Rock Camp Ash Meadow trail in section twelve, township two north, range four west, thence easterly following said trail to Deep Creek, thence southerly following Deep Creek to its junction with Holcomb Creek, thence easterly following the ravine of Holcomb Creek to Holcomb Valley, thence easterly following the public road to the junction thereof with the road leading southeasterly to Rose mine, northerly from said junction to the north line of section thirty-one, township three north, range two east; thence easterly approximately five miles to the northeast corner of section thirty-six, township three north, range two east; thence south along the easterly line of section thirty-six and the easterly line of township two north, range two east, township one north, range two east and township one south, range two east, to where said easterly line of township one south, range two east crosses the White Water-Raywood Flat-Burnt Canyon trail, thence westerly following said trail and Burnt Canyon road to where it crosses the San Bernardino-Riverside county line, thence due west to the southwest corner of township one south, range one east, thence due north along the west line of township one south, range one east to the ravine of Mill Creek, thence westerly along ravine of Mill Creek to a point where Mill Creek crosses the west line of township one south, range one west, thence north along the west line of township one south, range one west, and township one north, range one west, to the southeast corner of section twenty-four township one north, range two west, thence due west along the southerly line of sections twenty-four, twenty-three, twenty two, twenty-one, twenty, and nineteen of township one north, range two west, and the southerly line of sections twenty-four, twenty-three, twenty-two and twenty-one, township one north, range three west, to the line of the San Bernardino National Forest as established July 1, 1926, thence in a general north-

westerly direction following said national forest boundary to a point where the ravine of Devil's Canyon crosses the said San Bernardino Forest Reserve line, thence northerly along the ravine of Devil's Canyon, Sawpit Canyon and the west fork of the Mojave River to the place of beginning. All townships and ranges specified in this section are referred to the San Bernardino base and meridian.

161. District 4B. The following shall constitute fish and game district 4B. All that area within the counties of Los Angeles and San Bernardino within the following boundaries: Beginning at the junction of the Tujunga Canyon road and the Angeles National Forest boundary in the northeast corner of township two north, range fourteen west, thence following the easterly side of said road to the Mount Gleason trail near Ybana ranch, thence northerly following the said trail to the summit of Mount Gleason, thence easterly following the summit of the divide between the Los Angeles River watershed and the Santa Clara River watershed to its intersection with the Pacifico road approximately on west township line of township four north, range eleven west, thence following said Pacifico road easterly and southerly to its intersection with the summit of the range between the Los Angeles River watershed and the Santa Clara River watershed in section ten, township three north, range eleven west, thence following the summit of the range between the Los Angeles River watershed and the Santa Clara River watershed to the summit of North Baldy near the range line between ranges eight and nine west, thence north approximately one-half mile, thence east one-half mile to the boundary of the Los Angeles County Park, thence following said park boundary north approximately one mile, east one-half mile, north one and one-half miles, east two and one-half miles, south one-half mile, east three and one-half miles to the northeast corner of section thirty-one, township four north, range seven west, thence south following the section line through township four north, range seven west, and township three north, range seven west, approximately six miles to the summit of Pine Mountain and the east boundary of the Los Angeles National Forest as it was established January 1, 1929, thence southerly and westerly following said national forest boundary to the point of beginning. All townships and ranges specified in this section are referred to the San Bernardino base and meridian. 4B

162. District 4C. The following shall constitute fish and game district 4C: All that area within the counties of Orange and Riverside within the following boundaries: Beginning at Sugarloaf Peak in the southeast corner of township four south, range seven west; thence easterly along the main divide firebreak to a point where the McBride firebreak intercepts the main divide, thence southeasterly along the McBride firebreak to the Cleveland National Forest boundary near the section corner common to sections thirty- 4C

three, thirty-four, twenty-eight and twenty-seven, township four south, range six west, thence due south three miles and east one mile to the said forest boundary, thence east to where it intercepts the Temescal firebreak, thence southerly following the westerly side of said firebreak to the section corner common to sections twenty-eight, twenty-nine, twenty and twenty-one, township five south, range five west, thence south along the said national forest boundary three miles, thence east to the intersection of said boundary with the westerly side of the Elsinore-La Cienega road, thence southerly along the westerly side of said road to the summit of the Elsinore Mountain divide, thence southeasterly following the summit to head of Wild Horse Canyon, thence southwesterly down Wild Horse Canyon and San Mateo Canyon to the west boundary of the Cleveland National Forest, thence northerly following said boundary to Verdugo Canyon, thence northerly following the boundary firebreak to Santiago Canyon, thence westerly down Santiago Canyon to Harding Canyon, thence easterly up Harding Canyon about one mile to the Williams firebreak, thence northerly along said firebreak to Silverado Canyon, thence westerly following said canyon to Ladd Canyon, thence easterly up the main fork of Ladd Canyon to the middle fork of Ladd Canyon, thence northerly up said middle fork to the point of beginning. All townships and ranges specified in this section are referred to San Bernardino base and meridian.

4D 163. District 4D. The following shall constitute fish and game district 4D: All that area within the county of Riverside described as follows: All of township six south, range five east; township six south, range six east, and township seven south, range six east, San Bernardino base and meridian.

4E 164. District 4E. The following shall constitute fish and game district 4E: All that area within the county of San Diego within the following boundaries: Beginning at Garnet Mountain in township fourteen south, range five east, San Bernardino base and meridian, thence southeasterly along the summit of the divide to Desert View, thence southerly following the easterly boundary of the Cleveland National Forest to the head of the East fork of Kitchen Creek, thence southeasterly down said creek to the easterly side of the San Diego-El Centro highway, thence northerly following the easterly side of said highway to the Glenncliff ranger pasture, thence southwesterly along the Glenncliff ranger pasture trail about one mile to the head of Bear Valley Creek, thence down said creek to the intersection with the Guard Valley-Morena Reservoir trail, thence northwesterly along said trail to Guard camp, thence northerly following the easterly side of Guard Camp road to southerly side of the Corte Madera road, thence northeasterly following said road to where it intercepts the San Diego-El Centro highway, thence northwesterly following said road to Pine Valley Creek, thence northerly following up said creek to Indian Creek, thence northerly up said creek to the end of the old wagon road, thence along trail northerly

to a point where trail crosses the south fork of Green Valley Creek, thence easterly up said creek to the summit of the divide between Noble Creek watershed and the Imperial Valley, thence easterly along said divide to Garnet Mountain, the point of beginning.

165. District 4F. The following shall constitute fish and game district 4F: All that area within the counties of Los Angeles, Ventura and Kern within the following boundaries: Beginning at the point where the Cuddy Canyon road joins the State highway near Tejon Pass; thence following along the south line of the Cuddy Canyon road in a westerly direction to point where Cuddy Canyon road and road to Lockwood Valley forks; thence along east side of said Lockwood Valley road to where said road intersects Seymour Creek; thence southeasterly along east bank of Seymour Creek to Lockwood Creek; thence along east bank of Lockwood Creek to junction of Lockwood and Piru Creeks; thence following trail east along north side of Piru Creek to where trail intersects old road at the Henderson place; thence along north and west side of said road to where it connects with Hungry Valley road; thence northerly along west side of Hungry Valley road to point where said road connects with the State highway in front of Tejon ranger station; thence northwesterly along south and west side of State highway to junction of said State highway and Cuddy Canyon road, to point of beginning. 4F

166. Beginning at the northeast corner of township four south, range three east, San Bernardino base and meridian. 4G

Thence on section lines, west one mile, north one mile, west two miles, north one mile and west three miles to the northwest corner of section thirty, township three south, range three east, San Bernardino base and meridian.

Thence south on the range line between ranges two and three east, about seven and three-fourths miles to the crest of the divide forming the northwesterly boundary of Strawberry Creek watershed.

Thence southwesterly along said divide to a point on the northerly boundary of section twenty-eight in township five south, range two east, San Bernardino base and meridian.

Thence southwesterly in a straight line to the junction of Strawberry Creek and the South Fork of the San Jacinto River.

Thence southeasterly and northeasterly along the crest of the divide between the waters of Strawberry Creek and the waters of the South Fork of the San Jacinto River and its tributaries to the northeasterly side of the right of way of the Pines to Palms Highway.

Thence southeasterly along the said northeasterly side of the right of way of the Pines to Palms Highway to the right bank of Hurkey Creek

Thence northerly along the right bank of Hurkey Creek through sections nine and four in township six south, range three east, and through sections thirty-three, twenty-eight,

twenty-one, the southeast quarter of section sixteen, the west one-half of section fifteen, the east half of section ten and the northwest quarter of section eleven to the crest of the divide between the waters of Hurkey Creek and Murray Canyon.

Thence southeasterly along the crest of the divide between the waters flowing west into the San Jacinto River and the waters flowing east into Coachella Valley to a point on the south boundary of section twenty-four in township five south, range three east, San Bernardino base and meridian.

Thence east on said south line of section twenty-four to the southeast corner thereof. Thence north on the range line to the point of beginning.

(Amended by Ch. 297, Stats. 1933.)

[ORIGINAL SECTION.]

166. District 4G. The following shall constitute fish and game district 4G: All that area within the county of Riverside within the following boundaries: Beginning where Snow Creek crosses the north line of section twenty-eight, township three south, range three east; thence following southerly up Snow Creek to the junction of the west fork; thence southerly up the crest of the ridge between the west fork of Snow Creek and Snow Creek to Mount San Jacinto; thence southerly along the crest of the ridge to Marion mountain; thence southwesterly following the crest of the ridge to the north of Strawberry Creek to the San Jacinto River, thence southeasterly to a point on the San Jacinto River where the ridge to the south of Strawberry Creek meets the river; thence easterly and northerly along the crest of the ridge to the north of the south fork of the San Jacinto River and to the west of Herkey Creek to the summit of Tahquitz Peak; thence in a southeasterly direction along the summit of the main ridge of Antsell Rock, and thence following the ridge to the intersection of the east boundary line of the San Bernardino National Forest at the southeast corner of section twenty-four of township five south, range three east; thence in a northerly direction along the boundary line of said national forest to the northeast corner of section one of township four south, range three east; thence in a northwesterly direction along the boundary line of said national forest to point of beginning. All townships and ranges specified in this section are referred to San Bernardino base and meridian.

Huntington Lake

167 Huntington Lake. The following shall constitute the Huntington Lake game refuge All that area within the county of Fresno, within the following boundaries: Beginning at the confluence of Big Creek and the San Joaquin River in section twenty-seven, township eight south, range twenty-four east, thence easterly along Big Creek to Huntington Lake; thence along south shore of Huntington Lake to Rancheria Creek; thence easterly along Kaiser Pass road to Kaiser Pass; thence westerly along Kaiser Divide to Nellie Lake; thence northwesterly along Daulton Creek to its confluence with the San Joaquin River; thence southerly down the San Joaquin River to point of beginning.

Silver Lake.

168. Silver Lake. The following shall constitute the Silver Lake game refuge: All that area within the county of El Dorado within the following boundaries: Beginning at a point in section nineteen, township ten north, range fifteen east, at the intersection of the Iron Mountain and Morrison-Hells Delight road; thence along the south side of said road to the old Hilton place on Hells Delight Creek in section twenty.

township ten north, range sixteen east; thence northeast along Hells Delight Creek to its junction with the Silver fork of the American River in section seventeen, township ten north, range sixteen east; thence up said Silver fork of the American River to the intersection of North Tragedy Creek in section twenty-seven, township ten north, range sixteen east; thence up said North Tragedy Creek to the Alpine highway in section seven, township nine north, range seventeen east; thence down north side of the Alpine highway to its junction with the Iron Mountain road in section sixteen, township nine north, range sixteen east; thence along the east side of said Iron Mountain road to the point of beginning in section nineteen, township ten north, range fifteen east.

General Grant.

169. General Grant. The following shall constitute the General Grant game refuge: All that area within the counties of Fresno and Tulare, within the following boundaries: Beginning at the point of intersection of the main divide between the headwaters of Mill Creek and Mill Flat Creek with the west boundary of section twelve, township fourteen south, range twenty-seven east; thence south along the west boundary lines of sections twelve and thirteen of the township and range aforesaid to the southwest corner of section thirteen; thence east along the south boundary of said section thirteen to the northwest corner of section nineteen, township fourteen south, range twenty-eight east, being on the township line forming the boundary between the counties of Fresno and Tulare; thence south along the township line aforesaid to the point of intersection with the center line of the road known as the Hart Mill-Whitaker Grove road (Tulare County plat); thence easterly along the center line of said road to the point of intersection with the divide between Eshom Creek and Redwood Creek at Redwood gap; thence northerly along the divide to the summit between the drainage of Log Corral meadow and creek and the headwaters of Redwood Creek (United States Geodetic Survey altitude seven thousand five hundred sixty-three feet); thence northerly along a secondary divide to the point of intersection with the center line of the main channel of the principal stream draining Log Corral meadow, near the southeast corner of the southwest quarter of section thirty-four, township thirteen south, range twenty-eight east; thence north to the point of intersection with the north boundary of section twenty-seven, township thirteen south, range twenty-eight east; thence west along section lines to the point of intersection with the divide of Park Ridge; thence northwesterly following the main divide between the headwaters of Abbott Creek and the headwaters of Converse and Indian creeks to the summit at six thousand six hundred forty feet altitude (United States Geodetic Survey); thence southwesterly along the divide next west of a fork of Abbott Creek, unnamed, to the point of intersection with the center line of the main channel of Abbott Creek; thence southwesterly along the principal secondary divide to the summit on the

main divide between Abbott Creek and the headwaters of Mill Flat Creek (United States Geodetic Survey altitude approximately four thousand eight hundred fifty feet); thence westerly along the divide next north of a fork of Mill Flat Creek misnamed upon the map "Abbott Creek" (United States Geodetic Survey quadrangle Dinuba, edition of 1924) to the point of intersection with the center line of the main channel of Mill Flat Creek; thence southerly along the main divide between the main channel of Mill Flat Creek and a branch of that stream having its source on McKenzie Ridge to the point of intersection with the main divide of McKenzie Ridge; thence southeasterly along the main divide between the headwaters of Mill Creek and Mill Flat Creek to the point of beginning.

Monterey Peninsula.

170. Monterey Peninsula Game Refuge. The following shall constitute a game refuge and shall be designated Monterey Peninsula Game Refuge: All that area within the county of Monterey within the following boundaries: Beginning at a point on the shore line of the Pacific ocean where said shore line is intersected by the Malpaso Creek in the Rancho San Jose Y Sur Chiquito, running thence easterly, following the meanders of said Malpaso Creek to the point of intersection of said Malpaso Creek with the Mount Diablo meridian; thence north, along said Mount Diablo meridian to the point of intersection of said Mount Diablo meridian with the northerly line of Rancho Canada De La Segunda; thence easterly along said northerly line of the Rancho Canada De La Segunda, to the point of intersection of said northerly line of the Rancho Canada De La Segunda with the southerly prolongation of the westerly line of Rancho Saucito; thence northerly along said westerly line of the Rancho Saucito to the most northerly corner of said Rancho Saucito; thence easterly along the common boundary between said Rancho Saucito and the Rancho Noche Buena, to the most southerly corner of said Rancho Noche Buena; thence northerly along the easterly line of said Rancho Noche Bueno, to the most easterly corner of said Rancho Noche Buena; thence westerly along the northerly line of said Rancho Noche Buena and the westerly prolongation thereof to a point on the shore line of the Pacific ocean; thence along the shore line of the Pacific ocean to the point of beginning.

(Added by Ch. 725, Stats. 1933.)

Article 3. Fish Refuges.

180. The following districts are fish refuges.

14.

181. District 14. The following shall constitute a fish refuge and shall be designated district 14. The waters of Scotts Creek in the county of Santa Cruz between its mouth and the mouth of Mill Creek.

Article 4. Fish and Game Refuges.

190. The following districts are fish and game refuges:

191. San Francisco fish and game refuge. The following shall constitute a fish and game refuge and shall be designated San Francisco fish and game refuge: All that area within the county of San Mateo, within the following boundaries: Beginning at a point on the westerly side of the Skyline Boulevard where said line crosses the fence line between the properties of the San Francisco water department and the Jersey farm, thence following southerly the westerly line of the Skyline Boulevard to the northerly line of the property of the Panama Realty Company, thence following in a generally southerly direction the easterly line of the property of the San Francisco water department to the center of the Canada road, thence due west to the westerly line of said Canada road, thence southerly along the westerly line of said road to the southerly line of the property of the San Francisco water department, thence westerly following the southerly line of the San Francisco water department to the Skyline Boulevard, thence northerly following the easterly line of the Skyline Boulevard to its intersection with the easterly line of the Carry E. Bridge property, thence following northerly the easterly line of the said Carry E. Bridge property to its intersection with the easterly line of the Skyline Boulevard, thence northerly following the easterly line of the said Skyline Boulevard to the Half Moon Bay road, thence crossing the said Skyline Boulevard and said Half Moon Bay road to the westerly line of the property of the San Francisco water department on the northerly side of said Half Moon bay road, thence following the westerly line of the San Francisco water department in a generally northwesterly direction to the point of beginning. San Francisco

Article 5. Waterfowl Refuges.

200. The following districts are waterfowl refuges:

201. San Leandro waterfowl refuge. The following shall constitute a waterfowl refuge and shall be designated San Leandro waterfowl refuge: The waters of San Leandro Bay in the county of Alameda. San Leandro

Article 6. Quail Refuges.

210. The following districts are quail refuges:

211. Bolinas quail refuge. The following shall constitute a quail refuge and shall be designated Bolinas quail refuge: All that area within the county of Marin, within the following boundaries: Beginning at a point on the southeasterly line of the lands of Ludwig B. Freudenthal, as the same is described in book one hundred fifty-eight of official records on page two hundred sixty-one, of Marin County records, and at a point which is twenty feet above mean high tide of the Pacific Ocean, and running thence northeasterly and northwesterly along the southeasterly line of said Ludwig B. Freudenthal tract to a point on the southerly line of the "Mesa Bolinas

road," thence northeasterly and along the southerly line of Mesa road to the westerly line of the road leading from the town of Bolinas to Sausalito, thence southeasterly and along the southerly line of the county road leading through the town of Bolinas to the landing wharf at the entrance of Bolinas Bay, and twenty feet above mean high tide, thence southwesterly, westerly and northwesterly and along a line which is twenty feet above mean high tide to the point of beginning.

Article 7. Marine Life Preserves.

220. The following districts are marine life preserves:

Hopkins

221. Hopkins marine life refuge. The following shall constitute a marine life refuge and shall be designated Hopkins marine life refuge: That portion of district 16 consisting of the land and ocean waters from the highest tide line on the south to a distance of one thousand feet northerly from said high tide line and bounded on the east by the northerly extension of the west side of Eardley Avenue and on the west by the northerly extension of the west side of Third Street in the city of Pacific Grove.

San Diego

222. San Diego marine life refuge. The following shall constitute a marine life refuge and shall be designated San Diego marine life refuge: That portion of district 19 consisting of that certain strip of land lying between the westerly edge of pueblo lot number 1298 of the pueblo lands of the city of San Diego, according to the official map of said pueblo lands as made by James Pascoe, and filed in the office of the county recorder of said county of San Diego, and the lowest tide line opposite to and west of said pueblo lot, which said strip of land is bounded on the north by the northerly boundary line of said pueblo lot extended westerly and on the south by the southerly boundary line of said pueblo lot extended westerly; together with the State waters of the State of California adjacent thereto, being those State waters which lie between said extended northerly and southerly boundaries of said pueblo lot and extend westerly from said lowest low tide line for a distance of one thousand feet.

Article 8. Clam Preserves.

230. The following districts are clam preserves:

18A

231. District 18A. The following shall constitute a clam preserve and shall be designated district 18A: The ocean waters and tidelands to high water mark extending southerly from La Grande beach pier or wharf in San Luis Obispo County to the mouth of the Santa Maria River.

DIVISION III.

REFUGES AND PRESERVES.

CHAPTER 1. GENERAL PROVISIONS.

250. Except as otherwise provided in this code, it is unlawful:

General refuge provisions

(a) To take or possess any bird or mammal, or part thereof, in any game refuge.

(b) To use or have in possession in a game refuge, any firearm, or any trap or other contrivance designed to be, or capable of being used to take birds or mammals, or to discharge any firearm into any game refuge.

(c) To take or possess any species of fish, or part thereof, in any fish refuge, or to use or have in possession in such refuge any contrivance designed to be used for catching fish.

(d) To take or possess any bird in, or to discharge any firearm within or into, any fowl refuge.

(e) To take or possess any quail in a quail refuge.

(f) To take or possess any invertebrate or specimen of marine plan life in a marine life preserve.

(g) To take or possess any clam in a clam preserve or to possess therein any instrument or apparatus capable of being used to dig clams.

(Amended by Ch. 320, Stats. 1933.)

[ORIGINAL SECTION.]

250. Except as otherwise provided in this code, it is unlawful:
(a) To take or possess any bird or mammal, or part thereof, in any game refuge.
(b) To use or have in possession in a game refuge, any firearm, or any trap or other contrivance designed to be, or capable of being used to take birds or mammals, or to discharge any firearm into any game refuge.
(c) To take or possess any species of fish, or part thereof, in any fish refuge, or to use or have in possession in such refuge any contrivance designed to be used for catching fish.
(d) To take or possess any bird in, or to discharge any firearm within or into, any fowl refuge.
(e) To take or possess any quail in a quail refuge.
(f) To take or possess any invertebrate or specimen of marine plant life in a marine life preserve.
(g) To take or possess any clam in a clam preserve.

251. The commission may:

Control of refuges.

(a) Exercise control over all mammals and birds in any game refuge, and exercise control over all fish in any fish refuge.

(b) Issue, in its discretion, and under such restrictions as it may deem best, permits which shall authorize the person named therein to carry, use, and possess within any refuge, firearms, traps or other contrivances for taking birds, mammals, or fish.

(c) Issue permits which shall authorize the person named therein to take birds, mammals and fish within any refuge.

(d) Make additional rules and regulations not in conflict with any law for the protection of birds, mammals, fish, mollusks, crustaceans and marine life within any refuge or preserve.

Firearms, etc

252 Nothing in this code shall prohibit the possession of firearms in any game refuge, or fishing equipment in any fish refuge, by persons then traveling through such refuges on public roads, when such firearms are taken apart or encased and unloaded, or such fishing equipment is encased.

Enforcement.

253. The commission and the district attorney, sheriff, and all peace officers of the county in which any refuge or preserve or part thereof is situated, shall enforce all of the provisions of this code relating to such refuge or preserve, and institute and assist in prosecutions for violations thereof.

Construction

254. Any refuge designated as a "fish and game refuge" shall be considered, for the purposes of this division, as both a game refuge and a fish refuge.

CHAPTER 2. SPECIAL PROVISIONS.

Mount Tamalpais, Gen Grant, Silver Lake Predatory birds and mammals

271. In Mount Tamalpais, General Grant National Park, and Silver Lake game refuges, the lawful occupant of privately owned lands, or the employees of such occupant may take on such lands, predatory or destructive birds and mammals which are not protected or fostered by any of the laws of this State, and are not required to obtain permits for such taking.

Mount Tamalpais Firearms

272. In the Mount Tamalpais game refuge firearms may be possessed and used by members of the organized militia while on the State rifle range, and by members of any high school militia while on the grounds of the high school at which time they may be enrolled.

Mount Tamalpais, General Grant Game birds, etc

273. In Mount Tamalpais and General Grant National Park game refuges, no birds or mammals which are protected or fostered by the laws of this State may be taken under any permit issued by the commission.

Mount Tamalpais Supervision of hunting

274. In Mount Tamalpais game refuge, it is unlawful to take any bird or mammal under a permit issued by the commission unless the person possessing the permit is accompanied by a member of the commission, a deputy of the department, or the sheriff or deputy sheriff of Marin County.

San Francisco Transportation of game

275. In the San Francisco game refuge, birds, mammals and fish legally possessed may be carried openly by persons traveling through the refuge on public roads, between one-half hour before sunrise and one-half hour after sunset.

San Francisco Water supply

276. Nothing in this division shall prevent the full use of the land included in the San Francisco game refuge for water supply purposes, nor prohibit any authorized employee of the San Francisco water department from carrying out such reasonable measures as may be necessary for the protection of the water supply or the prevention of pollution of the streams or reservoirs.

277. In the Huntington Lake game refuge, it is lawful to possess firearms, except as otherwise provided by law, and such firearms may be possessed unsealed. Huntington Lake Firearms

278. In the Huntington Lake game refuge, birds and mammals lawfully possessed outside the boundaries of the refuge may be possessed within the refuge. Same Possession of game.

279. In the Hopkins marine life preserve, licensees of the board of trustees of the Leland Stanford Junior University, licensees of The Regents of the University of California, and all officers, employees, and students of such universities may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the commission. Hopkins Scientific specimens

280. In the San Diego marine life preserve licensees of The Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the commission. San Diego Scientific specimens

281. Waterfowl may be taken and possessed in districts 4A and 4E in accordance with the provisions of this code. Districts 4A and 4E; Waterfowl

282. In the Monterey Peninsula Game Refuge any lawful occupant of privately owned lands, or any employee of such occupant, may take, hunt, or kill on such lands predatory or destructive birds or mammals which are not protected therefrom by the laws of this State, and for which purpose no permit is required by any of such laws; and it shall be lawful for any such occupant, or any employee thereof, to possess firearms within the boundaries of such refuge, and to carry and transport the same unsealed on or along any public highway, road, street, lane, alley, or right of way within said boundaries; provided, however, that such firearms are not used or employed for the violation of any provisions of this code which are applicable to said Monterey Peninsula Game Refuge. Monterey Peninsula Firearms, etc

(Added by Ch. 725, Stats. 1933.)

Chapter 3. Other Provisions Applicable to Refuges.

290. Except as otherwise provided, and so far as consistent with other provisions of this code relating to a particular district: Law applicable to refuges

(a) The provisions of this code relating to district 1 apply to the following districts: 1D, 1E, 1G, 1H, 1I, 1J, 1K, 1M, 1P, 1R, 4F, Huntington Lake, Silver Lake and General Grant National Park.

(b) The provisions of this code relating to district 1½ apply to the following districts: 1A and 1T

(c) The provisions of this code relating to district 1¾ apply to the following districts: 1B, 1C, 1F, 1N, 1Q, and 1S.

(d) The provisions of this code relating to district 2 apply to the following districts: 2A, 2B, and Bolinas district

(e) The provisions of this code relating to district 3 apply to the following districts: 14, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, and San Francisco district.

(f) The provisions of this code relating to district 4 apply to the following districts: 4A, 4B, 4C, 4D, and 4G.

(g) The provisions of this code relating to district 4½ apply to district 4E.

(h) The provisions of this code relating to district 12 apply to the San Leandro district.

(i) The provisions of this code relating to district 16 apply to the Hopkins district.

(j) The provisions of this code relating to district 18 apply to district 18A.

(k) The provisions of this code relating to district 19 apply to the San Diego district.

(l) The provisions of this code relating to district 23 apply to district 10.

New refuges

291. Except as otherwise provided, any new refuge or preserve created after this code takes effect shall continue to be governed by the laws relating to the area from which the new refuge or preserve is formed.

CHAPTER 4. ACQUISITION AND ADMINISTRATION OF REFUGES, GAME FARMS, PRESERVES, AND PUBLIC SHOOTING GROUNDS

Acquisition of land and game rights, etc

325. For the purposes of propagating, feeding and protecting birds, mammals, and fish, and establishing public shooting grounds the commission may:

(a) Accept, on behalf of the State, donations of any interest in lands within any refuge or preserve.

(b) Accept, on behalf of the State, and for a period of not less than ten years, from any person owning and in possession of not less than one hundred sixty acres of patented lands, except lands which are covered and uncovered by the ordinary daily tide of the Pacific Ocean, the right to preserve and protect all birds, mammals and fish on such patented lands.

(c) Accept, on behalf of the State, donations of birds, mammals, and fish, and of money given or appropriated. Such donations must be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor.

(d) Acquire, by purchase, lease, rental or otherwise, and occupy, develop, maintain use and administer land, or land and water, or land and water rights, suitable for State game farms, game refuges, or public shooting grounds.

Distribution of game farm output

326. The output of any State game farm must be distributed on public lands or where, in the judgment of the commission, birds or mammals propagated on such farms will receive adequate protection and be most likely to thrive and multiply.

Acquisition of refuges

327. The commission is directed to expend, in addition to any other money made available by law, for a period of ten years, beginning January 1, 1928, not less than one-third of all moneys collected annually from the sales of hunting licenses, for the purpose of establishing and maintaining game refuges and public shooting grounds, as provided in this chapter.

328. Any property acquired for game refuges or public shooting grounds shall be acquired in the name of the State of California, and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection and administration of such property as game refuges or public shooting grounds, or both. Refuge regulations

329 The commission shall do all things necessary to secure a valid title in the State of California to the property acquired for game refuges or public shooting grounds but no payment shall be made therefor until the title thereto is satisfactory to the Attorney General, and is vested in the State of California. The acquisition of such property by the State of California shall in no case be prohibited because of rights of way, easements, and reservations, which, from their nature will, in the opinion of the commission in no manner interfere with the use of the property, so encumbered, for the purpose for which it is acquired. Title to property

330. The appointment of a committee to be known as the game refuge and public shooting grounds advisory committee is authorized. Advisory committee

331 The committee shall consist of the Director of the California Academy of Sciences, Director of Hooper Foundation for Medical Research of the University of California, and five other members to be appointed by the commission, with the approval of the Governor. Each appointive member of the committee shall serve at the pleasure of the appointing power, and without pay. The committee is allowed necessary expenses incurred in the discharge of the duties herein provided. Members

332 The committee shall hold meetings and make a survey of the State for the purpose of ascertaining the needs for game refuges and public shooting grounds, and shall report its recommendations to the commission. Meetings

333. A transfer of the right to preserve and protect birds, mammals, and fish, as provided in this chapter, must be made by an instrument in writing, acknowledged before an officer authorized to take acknowledgments. Transfer of game rights

334. The instrument transferring such right shall be filed with the commission which may, in its discretion, declare the lands described in the instrument a State game preserve for the period named therein. Filing, etc

335. Each such preserve shall be numbered in the order of the filing of the instrument of transfer thereof. A copy of the declaration establishing the same shall, under the seal of the commission, be issued to the person transferring the right therefor.

336. The commission shall cause to be prepared suitable notices to be posted under its direction on each State game preserve describing the lands constituting the same, and containing a warning to all persons to refrain for the period Notices

named therein from violations of the provisions of this chapter relating to State game preserves.

Navigable waters

337. Nothing in this chapter shall be construed as prohibiting or preventing any person from taking birds, mammals, or fish from or on navigable water in any State game preserve.

Control of preserves

338. All State game preserves shall, for all purposes of preservation and protection of birds, mammals, or fish thereon, be under the control and management of the commission, and the officers and employees of the commission and all game wardens may at all times enter in and upon such preserves in the performance of their duties.

Regulations

339. The commission may establish such regulations as may, in its judgment, be necessary for the preservation and protection of the birds, mammals, and fish on such preserves, and shall provide for the enforcement thereof.

Unlawful to take game, etc., in refuge

340. Except in accordance with the rules and regulations of the commission, it is unlawful to enter upon a game refuge or public shooting grounds established under the provisions of this chapter, or to take therein any bird or the nest or eggs thereof, or any mammal.

341. Except as herein provided, it is unlawful to take any bird, mammal, or fish in a State game preserve.

CHAPTER 5. FEDERAL PRESERVES.

Acceptance of Federal act

375. The people of the State of California, through their legislative authority, accept the provisions and benefits of the act of Congress known as the "Migratory Bird Conservation Act," approved February 18, 1929. They consent to the acquisition by the United States by purchase, lease, gift or devise of such areas of land, water, or land and water, within the State of California, as the United States or its properly constituted officers or agents may deem necessary for migratory bird reservations in carrying out the provisions of said act of Congress.

Reservation of control.

376. This State reserves such full and complete jurisdiction and authority over all such Federal migratory bird reservations as are not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of Congress.

Reservation of rights

377. All persons within such reservations shall have all rights, privileges and immunities under the laws of this State in so far as the same are compatible with the administration, maintenance, protection and control of such areas by the United States under the terms of said act of Congress.

Sites for reservation.

378. The people of the State of California, through their legislative authority also consent to the declaration, withdrawal or determination of any part of any national forest or power site as a migratory bird reservation under any of the provisions of said act of Congress.

379. The president of the Fish and Game Commission may be a member ex officio of the Migratory Bird Conservation Commission created by said act of Congress. Membership Migratory Bird Commission
(Amended by Ch. 318, Stats. 1933.)

[ORIGINAL SECTION]

379. The director of the department may be a member ex officio of the migratory bird conservation commission created by said act of Congress.

DIVISION IV.

BIRDS, MAMMALS, AND FISH.

PART 1. GENERAL REGULATIONS.

CHAPTER 1. LICENSES.

Article 1. General License Provisions.

400. All licenses and license tags authorized by this code shall be prepared and issued by the commission. The commission shall determine the form of all licenses, and may require and prescribe the form of applications therefor and the form of any contrivance to be used in connection therewith. Preparation of licenses

401. Licenses of each class must be consecutively numbered. All licenses must contain the expiration date and the amount of the fee for which the license is issued. If no fee is required by this code, the license shall so indicate. Form

402. Unless otherwise provided by this code, it is unlawful to transfer any license or license tag, or for any person to use any license or license tag not issued to him by the commission. Transfer of license

403. All licenses and the birds, mammals, fish, mollusks, or crustaceans taken or otherwise dealt with under the provisions thereof must be exhibited upon demand to any peace officer of this State or to any person authorized to enforce the provisions of this code or any law relating to the protection and conservation of birds, mammals, fish, mollusks, or crustaceans. Exhibition of licenses, etc

404. Not more than one license of the same class shall be issued to a person for the same license year, except upon affidavit showing the loss or destruction of the license previously issued. Lost licenses

405. It is unlawful to make any false statement as to any fact required by the commission as a prerequisite to the issuance of a license or license tag, and any license or license tag obtained in violation of this section is void. False statements

406. The commission must pay into the State treasury at least once a month the money received from the sale of all licenses issued under the provisions of this code. The commission may require any person, authorized by this code to distribute licenses, to give a bond in an amount equal to the value of the licenses received for distribution. Disposition of license fees

Article 2. Sporting Fishing and Hunting Licenses.

License required

420. Every person who takes any bird or mammal, other than a predatory bird or mammal, and every person over the age of eighteen years who takes any fish, for any purpose other than profit, must procure a license therefor.

Sporting fishing license

421. Sporting fishing licenses are required for the taking of the following fish and mollusks only:

Tuna, yellow tail, marlin, broad bill swordfish, jewfish or black sea bass, albacore, barracuda, bonita, rock bass, California whiting (also known as corbina and surf fish), yellowfin, croaker, spotfin croaker, salmon, steelhead and other trout, charr, white-fish, striped bass, black bass, perch, crappie, calico bass, pismo clams, abalones, and all varieties of sun fishes.

Hunting license

422. Licenses granting the privilege to take game birds or mammals, or to take fish for purposes other than profit, shall be issued and delivered, upon application in writing, by any county clerk or by the commission, or by any person appointed and authorized by any county clerk or the commission.

Disposition by county clerks.

423. The commission shall prepare suitable licenses of the following classes: Class A, "Hunting license"; Class B, "Sporting fishing license." Said licenses shall be furnished to the county clerks for their own disposition by the commission, which shall take receipt therefor by numbers and quantity from the several county clerks, and the county clerks shall be responsible therefor. The county clerks must account for the same to the commission on the first day of each month. The county clerks shall deposit all moneys collected for sporting fishing and hunting licenses in the county treasury to the credit of the "Fish and game license fund" which fund shall be established in each county treasury in the State.

(Amended by Ch. 705, Stats. 1933. Effective until October 25, 1933. See following section.)

Distribution by county clerks

423. The commission shall prepare suitable licenses of the following classes: Class A. "Hunting license"; Class B, "Sporting fishing license." Said licenses shall be furnished to the county clerks for their own disposition by the commission, which shall take receipt therefor by numbers and quantity from the several county clerks, and the county clerks shall be responsible therefor. The county clerks must account for the same to the commission on the first day of each month. The county clerks shall deposit all moneys collected for sporting fishing and hunting licenses in the county treasury to the credit of the "Fish and game license fund" which fund shall be established in each county treasury in the State. All moneys in said fund shall be remitted to the commission by the county clerk on the first day of each month on warrants to be drawn by the county auditor.

(Amended by Ch. 1034, Stats. 1933. Effective October 25, 1933.)

[ORIGINAL SECTION.]

423. The commission shall prepare suitable licenses of the following classes: Class A, "Hunting license"; Class B, "Sporting fishing license."

Said licenses shall be furnished to the county clerks for their own disposition by the commission, which shall take receipt therefor by numbers and quantity from the several county clerks, and the county clerks shall be responsible therefor. The county clerks must account for the same to the commission on the first day of each month.

License commission

424. Any person, except a fish and game commissioner or a person employed in the Division of Fish and Game, shall be allowed as compensation for each license sold, registered or accounted for by him, out of the fish and game preservation fund, five per cent of the amount accounted for, except as provided in section 425.

Distribution of licenses

425. The commission may issue and deliver licenses, for distribution, to any person except a fish and game commissioner or a person employed in the Division of Fish and Game without receiving full payment therefor, upon application of such person, and upon the giving of a bond as provided in this article, in which event such person shall be allowed as compensation, out of the fish and game preservation fund, two and one-half per cent of the amount accounted for.

Bond

426. Every person authorized to issue and sell licenses under the provisions of this article shall, when required by the commission, execute to the commission a bond in a sum equal to the value of the licenses delivered to such person. Said bond shall secure the faithful accounting and payment to the commission of the funds collected from the sale of the licenses and the faithful performance of the duties imposed upon him by this article. The commission may pay the premium on said bond out of the fish and game preservation fund.

Hunting license To whom issued

427. Class A. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any citizen of the United States, over the age of eighteen years, who is a resident of this State, upon the payment of two dollars.

(b) To any citizen of the United States, under the age of eighteen years, who is a resident of this State, upon the payment of one dollar.

(c) To any citizen of the United States, not a resident of this State, upon the payment of ten dollars.

(d) To any person, not a citizen of the United States, who shall have declared his intention to become such citizen according to the law made and provided for such purposes, who is a resident of this State, upon the payment of ten dollars. After such applicant has declared his intention to become a citizen he must complete his naturalization at the earliest period allowed by law. Such applicant shall make and subscribe an oath that he has not claimed his citizenship in a foreign country as a basis for avoiding service in the armed forces of the United States, and the person issuing such license is hereby empowered to administer such oath.

(e) To any person, not a citizen of the United States, upon the payment of twenty-five dollars, except as provided in subdivision (d) of this class.

Sporting fishing license To whom issued

428. Class B. A sporting fishing license, granting the privilege to take fish for purposes other than profit shall be issued:

(a) To any citizen of the United States, over the age of eighteen years, who is a resident of this State, upon the payment of two dollars.

(b) To any citizen of the United States, over the age of eighteen years, not a resident of this State, upon the payment of three dollars.

(c) To any person, not a citizen of the United States, and over the age of eighteen years, upon the payment of five dollars.

Free licenses

429. Every veteran of the Civil War shall be entitled to the licenses provided for in this article upon application, free of charge. The commission, and any employee of the Division of Fish and Game directed by the commission, may issue to any Indian residing in this State an order authorizing any person who may legally distribute sporting fishing licenses to give to such Indian a sporting fishing license, free of charge. Said orders may be distributed only to such resident Indians as are, in the discretion of the person authorized to issue said orders, financially unable to pay the fees required for said licenses, and only to such resident Indians as have not been convicted of the violation of any law of this State relating to the protection of fish and game.

(Amended by Ch. 167, Stats. 1933.)

[ORIGINAL SECTION.]

429. Every veteran of the Civil War shall be entitled to the licenses provided for in this article upon application, free of charge

Duration of licenses

430. A sporting fishing license shall authorize the person to whom issued to take fish for purposes other than profit, in accordance with law, for a calendar year, or, if issued after the beginning of such year, for the remainder thereof.

431. A hunting license shall authorize the person to whom issued to take game birds and mammals, in accordance with law, for a term of one year from July 1 to June 30, or, if issued after the beginning of such term, for the remainder thereof.

Lost licenses.

432. A hunting or sporting fishing license shall be issued to replace one lost or destroyed upon payment of a fee of fifty cents and the furnishing of an affidavit as required by section 404.

(Amended by Ch. 727, Stats. 1933.)

[ORIGINAL SECTION.]

432. A hunting or sporting fishing license shall be issued to replace one lost or destroyed upon payment of the original fee and the furnishing of an affidavit as required by section 404.

CHAPTER 2. OTHER REGULATIONS.

Taking during open season only

450. Except as otherwise provided, it is unlawful to take any bird, mammal, fish, mollusk, or crustacean except during the open seasons specified in this code.

Refuges, etc

451. No specification of an open season authorizes the taking of any bird, mammal, fish, mollusk, or crustacean from any refuge or preserve from which the taking is elsewhere in this code prohibited.

Unlawful possession

452. It is unlawful to possess any bird, mammal, fish, mollusk, or crustacean, or part of a bird, mammal, fish, mollusk, or crustacean, which is taken in violation of any of the provisions of this code.

453. Unless otherwise provided for a particular species, it is unlawful to possess birds, mammals, fish, mollusks, or crustaceans except during the open season and for five days thereafter, and not more than one daily bag limit thereof may be possessed during said period after the close of the open season.

Scope of possession provisions

454. Unless otherwise provided, the provisions of this code relating to the possession of birds, mammals, fish, mollusks, and crustaceans or parts thereof, apply to birds, mammals, fish, mollusks, and crustaceans taken either in or outside of this State.

Transportation of game

455. It is unlawful for a common carrier or agent thereof, to transport for, or to receive for transportation from, any one person, during any interval of time, more than the bag limit of birds, mammals, fish, mollusks or crustaceans which may legally be taken and possessed by said person during a corresponding interval of time. It is unlawful to offer birds, mammals, fish, mollusks or crustaceans for transportation in violation of this section.

Marking of containers

Limit on shipment

456. All birds, mammals, fish, mollusks or crustaceans which are offered for transportation to, or are transported or received for transportation by a common carrier or agent thereof, must be at all times in open view, and each container must bear the name and address of the consignor and consignee and a description of the kind and species of the birds, mammals, fish, mollusks or crustaceans therein. Except in districts 1½, 5, and the Klamath River district, no person shall ship by common carrier more than two daily bag limits of fish during any period of seven consecutive days.

(Amended by Ch. 724, Stats. 1933.)

[ORIGINAL SECTION.]

456. All birds, mammals, fish, mollusks or crustaceans which are offered for transportation to, or are transported or received for transportation by a common carrier or agent thereof, must be at all times in open view, and each container must bear the name and address of the consignor and consignee and a description of the kind and species of the birds, mammals, fish, mollusks or crustaceans therein.

Parcel post shipments

457. No bird, mammal, fish, mollusk or crustacean, except smoked, cured or dried fish other than trout may be shipped by parcel post.

Transportation out of State

458. It is unlawful to transport or carry out of this State any deer or game bird, or parts thereof, except when transported for scientific or propagation purposes under a written permit issued by the commission.

Killing of animals in captivity

459. Except as provided in Article 7, Chapter 3, Part 3, Division IV, any deer, elk or bear kept in captivity may be killed only with approval of the commission, and under such rules and regulations as the commission may prescribe. The carcass, or parts thereof, of any such mammal may not be sold, and must be disposed of in such manner as the commission may direct.

(Added by Ch. 305, Stats. 1933.)

NOTE.—See also following section bearing same number.

Importation of game

459. It is legal to bring into the State of California, under written permit issued by the commission, any game bird or mammal, or parts thereof, legally taken in any other State or country.

(Added by Ch. 374, Stats. 1933.)

NOTE.—See also preceding section bearing same number.

PART 2. FISH.

CHAPTER 1. GENERAL REGULATIONS.

Article 1. Miscellaneous.

Explosives.

480. It is unlawful to use, or to place in the waters of this State, explosives for the purpose of taking fish.

Pollution of waters

481. It is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this State, any petroleum, acid, coal or oil tar, lamp black, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material, or substance, or any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse, or any lime, any cocculus indicus, or any slag, or any substance or material deleterious to fish, plant life, or bird life.

Same Trinity and Klamath River district.

482. It is unlawful, between July fifteenth and October fifteenth, to pollute, muddy, or roil the waters of the Trinity and Klamath River district, or deposit, or permit the depositing of, any substance in said waters, so that the clarity thereof is affected. The clarity of said waters shall be deemed affected only when said waters, for a distance of one mile or more, contain more than fifty parts per million, by weight, of suspended matter. Any structure or contrivance which contributes to the condition, the causing of which is herein prohibited, is a public nuisance.

483. The provisions of this article relating to the Trinity and Klamath River district do not affect the laws applying to

the territory included in said district which relate to birds, mammals and fish.

Exception

484. The provisions of this article relating to the Trinity and Klamath River district do not apply to the construction, repair or maintenance of public works by the Federal or State government, or any political subdivision thereof.

Sale of fish taken in Klamath and Smith rivers

484.5. It is unlawful to sell or purchase any fresh, canned, or cured fish taken in the Klamath River district or in the waters of the Smith River.

(Added by Ch. 656, Stats. 1933. In effect January 1, 1934 The act contains the following section: "SEC. 4. This act shall not take effect until January 1, 1934." For appropriation to purchase cannery in said district see Ch. 656.)

Taking near fishway

485. It is unlawful to take any fish within two hundred fifty feet of any fishway, or within one hundred fifty feet of the lower side of any dam, or within one hundred fifty feet of the upper side of any fish screen.

Young fish

486. It is unlawful to take the young fish of any species. Young fish accidentally or otherwise taken must be immediately returned to the water alive.

Eggs

487. It is unlawful to take any fish for the sole purpose of removing the eggs thereof.

Taking in ponds used in propagation

488. It is unlawful to take any fish in any pond or reservoir belonging to or controlled by the commission and used for propagating, protecting or conserving fish.

Restriction on fish culture

488.5. Except under permit of the commission, it is unlawful to carry on any fish cultural operations on any stream above the point where water is diverted for the use and operation of a State fish hatchery.

(Added by Ch. 361, Stats. 1933.)

Taking near spawning stations

489. It is unlawful to take any fish, except salmon, in any river or stream within one-half mile of either side of, or in any lake within one-half mile of, a trout spawn-taking station or a rack, trap, or dam used in connection with a trout spawning station, or within one-half mile of the lower side of, or in any lake within one-half mile of, any other spawn-taking station or a rack, trap, or dam used in connection with any other spawn-taking station.

(Amended by Ch. 314, Stats. 1933.)

[ORIGINAL SECTION.]

489. It is unlawful to take any fish, except salmon, in any river or stream within one-half mile of the lower side of, or in any lake within one-half mile of, a spawn-taking station or a rack, trap, or dam used in connection with a spawn-taking station.

Fishing under ice

490. It is unlawful to take any fish which are beneath the ice formed on any of the waters of this State.

Possession of spears, etc

491. It is unlawful for any person to possess, except in his home, any fish spear, gaff or other such appliances, within three hundred feet of any lake or stream in this State, at any time when spearing is prohibited in such lake or stream. This section does not apply to the possession of a gaff or other such

appliance carried as accessory to the landing of a fish already taken by angling with hook and line.

Mutilation of fish

492. It is unlawful to bring ashore any fish upon which a size or weight limit is prescribed by this code in such a condition that its size or weight can not be determined.

Fishing hours in certain districts

493. In districts 1, 1½, 1¾, 2, 2½, 3, 4, 4½, 4¾, 23 and 25, it is unlawful to take fish between one hour after sunset of any one day, and one hour before sunrise of the following day.

(Amended by Ch. 731, Stats 1933.)

[ORIGINAL SECTION]

493. In districts 1, 1½, 1¾, 2, 2½, 3, 4, 4½, 4¾, 23, 24, and 25, it is unlawful to take fish between one hour after sunset of any one day, and one hour before sunrise of the following day.

Chumming

493.5. It is unlawful to chum with live bait in district 20 to assist in taking fish for commercial purposes.

(Added by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

Tidewater in Klamath River

494. As used in this part, tidewater on the Klamath River is that portion of the river between its mouth and the Douglas Memorial bridge.

Article 2. Obstructions and Fish Screens.

Definitions

520. As used in this article:

(a) "Dam" includes all artificial obstructions;

(b) "Conduit" includes pipe, mill race, ditch, flume, siphon, tunnel, canal, and any other conduit or diversion used for the purpose of taking or receiving water from any river, creek, stream, or lake;

(c) "Owner" includes a person, political subdivision, and a district (other than a fish and game district), owning, controlling or operating a dam or pipe.

Approval of plans

520.5. Whenever an application for approval of plans and specifications for a new dam in any stream in this State, or for the enlargement of any dam in any such stream, is filed with the Department of Public Works, pursuant to the provisions of Chapter 766, Statutes of 1929, a copy of such application shall be filed by the applicant with the commission. When the commission deems that the construction of a fishway over such a dam is necessary for the preservation and protection of fish, and that construction and operation of such fishway is practicable, it shall set a date for a hearing, which hearing shall be held within ten days after filing of such application with the commission. At such hearing the applicant shall be entitled to introduce evidence to show that construction of such fishway is not necessary or is not practicable, taking into consideration the height of the dam and the amount of water available. If, after such hearing, the commission finds that the construction of such fishway is necessary and practicable it shall, within five days after such hearing, notify the applicant to that effect. After notice from the commission that a

Hearing

fishway is required, it shall be unlawful to commence the construction of any new dam or the enlargement of any dam without first obtaining the written approval by the commission of the design for such a fishway.

(Added by Ch. 721, Stats. 1933.)

Inspection of dams

521. The commission shall examine from time to time, all dams in all rivers and streams in this State naturally frequented by salmon, trout, shad, or other fish.

Fishways

522. If, in the opinion of the commission, there is not free passage for fish over or around any dam, the commission must furnish plans for a suitable fishway, and order in writing the owner of the dam to provide the dam, within a specified time, with a durable and efficient fishway, of such form and capacity and in such location as shall be determined by the commission. Such fishway must be completed by the owners of the dam to the satisfaction of the commission within the time specified.

Maintenance of fishways

523. The owner of any dam upon which a fishway has been provided must keep the fishway in repair and open and free from obstructions to the passage of fish at all times.

Injuring fishways

524. It is unlawful to wilfully destroy, injure, or obstruct any fishway.

Care of fish below dams

525. The owner of any dam shall allow sufficient water at all times to pass through a fishway to keep in good condition any fish that may be planted or exist below the dam. During the minimum flow of water in any river or stream, permission may be granted by the commission to the owner of any dam to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below the dam when, in the judgment of the commission, it is impracticable or detrimental to the owner to pass the water through the fishway.

Hatchery

526. Whenever in the opinion of the commission it is impracticable, because of the height of any dam, or other conditions, to construct a fishway over or around the dam, the commission may order, in lieu of the fishway, the owner of the dam completely to equip, within a specified time, on a site to be selected by the commission, a hatchery, together with dwellings for help, traps for the taking of fish, and all other equipment necessary to operate a hatchery station, according to plans and specifications furnished by the commission. After such hatchery has been constructed, the commission shall operate it without further expense to the owner of the dam.

Size of hatchery

527. The hatchery, traps and other equipment necessary to operate a hatchery station shall not be of a size greater than necessary to supply the stream or river with a reasonable number of fish. The owner of the dam shall permit the commission to locate the hatchery, dwellings, traps and other equipment upon any of the land of the owner of the dam upon a site or sites to be mutually agreed upon by the commission and the owner of the dam.

Operation of hatchery.

528. If the owner of the dam generates electricity at the place of the dam, the owner shall furnish sufficient light, without expense, for the use of the hatchery.

529. The owner shall permit the use of water, without expense, to operate the hatchery.

Planting of fish

530. The commission may, in lieu of a fishway, hatchery, dwelling, traps or other equipment necessary to operate a hatchery station, order the owner of the dam to plant, under the supervision of the commission, the young of such fish as naturally frequent the waters of the stream or river, at such times, in such places, and in such numbers as the commission may order.

Right of public to fish

531. The owner of a dam shall accord to the public for the purpose of fishing, the right of access to the waters impounded by the dam during the open season for the taking of fish in such stream or river, subject to the rules and regulations of the commission.

Liability for personal injury

532. The owner of a dam is not liable in damages to any person exercising the right to fish, who suffers any injury through coming in contact with, or tampering with, any of the property of the owner of the dam.

Fish for planting

533. The commission may sell, at cost, to the owner of a dam, young fish ordered to be planted

Obstructions in certain districts

534. Except as otherwise provided in this code, it is unlawful to construct or maintain in any stream in districts 1, 1½, 2, 2½, 3, 4, 4½, 23 and 25, any device or contrivance which prevents, impedes, or tends to prevent or impede the passing of fish up and down stream

(Amended by Ch. 731, Stats. 1933.)

[ORIGINAL SECTION.]

534. Except as otherwise provided in this code, it is unlawful to construct or maintain in any stream in districts 1, 1½, 2, 2½, 3, 4, 4½, 23, 24, and 25, any device or contrivance which prevents, impedes, or tends to prevent or impede the passing of fish up and down stream.

Fish screens

535. The commission shall examine all conduits and order the owners to install and maintain, and it is the duty of the owners of a conduit to install and maintain, a screen on any conduit when, in the opinion of the commission, such a screen is necessary to prevent fish from passing into the conduit. Except as provided in sections 536.9, 537 and 538, one-half of the expense of constructing or installing a screen shall be paid by the owner of a conduit and one-half by the commission.

(Amended by Ch. 447, Stats. 1933.)

[ORIGINAL SECTION.]

535. The commission shall examine all conduits and order the owners to install and maintain, and it is the duty of the owners of a conduit to install and maintain, a screen on any conduit when, in the opinion of the commission, such a screen is necessary to prevent fish from passing into the conduit.

Order to install

536. The order to install a screen must be in writing, and specify the type, size, mesh, material and location of the screen,

the time within which the screen must be installed, and must include an estimate of the expense of installing the screen.

(Amended by Ch. 447, Stats. 1933.)

[ORIGINAL SECTION]

536. The order to install a screen must be in writing, and specify the type, size, mesh, material and location of the screen and the time within which the screen must be installed.

Payment of installation costs.

536.5. When an order is made to install a screen the commission must pay the owner upon whom the order is served one-half of the estimated expense of the construction or installation of the screen.

(Added by Ch. 447, Stats. 1933.)

When original estimate insufficient.

536.6. If the expense of constructing or installing a screen exceeds the estimated expense the commission must, upon written notification by the owner of the conduit, inspect the screen, and pay to the owner one-half of the amount estimated to be necessary to complete the construction or installation of the screen.

(Added by Ch. 447, Stats. 1933.)

Surplus funds

536.7. The owner of a conduit must, within ten days after completing the installation of the screen, return to the commission any surplus money advanced by the commission pursuant to the provisions of this article.

(Added by Ch. 447, Stats. 1933.)

Source of payments

536.8. All money paid by the commission to the owner of a conduit pursuant to the provisions of this article shall be paid out of the money in the fish and game preservation fund appropriated for the support of the Division of Fish and Game, Department of Natural Resources.

(Added by Ch. 447, Stats. 1933.)

Exceptions

536.9. The commission shall not pay one-half of the expense of the construction and installation of the screen as provided in sections 535, 536.5, and 536 6 to any person, firm or private corporation engaged in producing, generating, transmitting, delivering, or furnishing electricity for light, heat or power. If this section is for any reason held to be unconstitutional such decision shall not affect the validity of sections 535, 536 5 or 536.6, and the Legislature hereby declares that the persons, firms or private corporations mentioned in this section shall be subject to the provisions of section 535, 536.5 and 536.6.

(Added by Ch. 447, Stats. 1933.)

Acceptance of screen

537. When a screen has been installed, the owner thereof may, by written notice within ninety days after such installation, request the commission to inspect the screen for the purpose of accepting the same. Thereupon it is the duty of the commission to inspect the screen, and if the same has been installed in full accordance with the order and plans and specifications furnished by the commission, the commission must accept and approve the same in writing. If, upon such inspection it appears that the screen has not been properly

constructed and installed, it is the duty of the commission, within sixty days after such inspection, to notify the owner of any defect or deviation from the order. Thereupon such defect or deviation may be remedied within ninety days, and a further inspection requested.

Failure of screen after acceptance

538. After acceptance, should the screen fail to function in an efficient manner, due to faulty design, no changes in conditions affecting its operation having occurred subsequent to the acceptance of the screen, then the owner shall not be required to install a new screen, but shall furnish a site to be selected by the commission upon which the commission may construct and install a screen of new design, the cost of which shall be paid by the commission. The construction and installation of the screen of new design shall not relieve the owner of the conduit of the duty to maintain the screen as provided in this code, and the owner is charged with the maintenance of the screen.

Refusal to construct screen

539. It is unlawful for the owner of a conduit to refuse, fail, or neglect to install or maintain a screen in compliance with an order from the commission, or to permit said screen to become out of order, or to permit said screen to be removed or taken out of place while water is running in said conduit.

540. Each day of failure or refusal to install or maintain a screen as ordered by the commission constitutes a separate offense.

Hearing

541. A hearing upon any order made by the commission pursuant to the provisions of this article may be requested by the owner upon whom the order is served.

542. The request for a hearing must be made within ten days after the service of the order. If the request is not made within ten days, the hearing shall be deemed to have been waived and the order shall become final.

543. When a hearing on an order is requested, the commission must fix a time and place in the county where the intake of a conduit or a dam is situated for the taking of evidence as to the necessity for the carrying out of the order.

Notice of hearing

544. Written notice of the time and place of a hearing must be served upon the owner at least ten days before the hearing. If the owner is a district, service must be made upon the secretary or a director; if the owner is a political subdivision, service must be made upon the presiding officer of the governing body thereof.

545. If it appears from the evidence upon a hearing that an order shall be made final, the commission shall so declare and a certified copy of the order must be served upon the owner.

Modification of order

546. The commission may modify an order to conform to the findings made at a hearing.

Time of execution of order

547. A final order to construct a fish screen must be executed within the time designated in the order, which shall not be less than thirty days nor more than six months after the service thereof.

548. The commission or any party may, in any hearing, cause the deposition of witnesses to be taken in the manner prescribed by law for depositions in civil actions in the superior courts of this State. Depositions

Article 3. Fish Importation and Inspection.

560. As used in this article "fish" includes amphibians, mollusks, crustaceans and the spawn or ova of fish, amphibians, mollusks, and crustaceans The words "aquatic plant" include the seeds thereof. Definitions

(Amended by Ch. 711, Stats. 1933.)

[ORIGINAL SECTION.]

560. As used in this article, "fish" includes amphibians, mollusks (except oysters), crustaceans, and the spawn or ova of fish, amphibians, mollusks (except oysters), and crustaceans. The words "aquatic plant" include the seeds thereof.

561. It is unlawful to place, plant, or cause to be placed or planted, in any of the waters of this State, any live fish, any fresh or salt water animal, or any aquatic plant, whether taken without or within the State, without first submitting the same for inspection to and securing written permission from the commission. Unlawful fish planting

562. It is unlawful for any person to receive, bring, or cause to be brought into this State, for the purpose of propagation, any fish or aquatic plant from any place wherein any infected, diseased or parasitized fish or aquatic plants are known to exist. Diseased fish

563. Every person who receives, brings, or causes to be brought into this State, for the purpose of propagation, any fish or aquatic plant, must notify the commission of the probable date of arrival of such fish or aquatic plant. Notification of arrival

564. The commission is authorized to enter at any time any car, warehouse, depot or ship where any fish or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether such fish or aquatic plants are infected, diseased or parasitized. Inspection

565. All fish or aquatic plants found to be infected, diseased, or parasitized are a public nuisance and shall be summarily destroyed by the commission. Destruction of diseased fish

566. All fish or aquatic plants which the commission determines are merely deleterious to fish, aquatic plants, or aquatic animal life, shall be destroyed by the commission unless the owner or person in charge of said fish or aquatic plants reships the same within a period of time to be specified by the commission. Reshipment

567. If the commission finds any infected, diseased or parasitized fish or aquatic plants within this State, the commission shall post notices describing as nearly as possible, the boundaries of such areas within which said fish or aquatic plants are found, and shall state the period during which the taking, Notices of diseased areas

carrying and transportation of said fish or aquatic plants from said area shall be unlawful. The fact of posting of said notices shall be published once a week for four successive weeks in some newspaper of general circulation in the county in which said infected area is situated, and, if there is no such newspaper in said county, then in a newspaper of general circulation published in an adjoining county.

Carrying from diseased areas

568. It is unlawful to carry or cause to be carried from one point in this State which has been posted according to the provisions of this article, to any other point in this State, any infected, diseased or parasitized fish or aquatic plant.

Examination

569. The expense of any examination made necessary by the provisions of this code, shall be borne by the owner of said fish or aquatic plants, or the person or persons importing the same into this State.

Tags

570. Each package containing fish or aquatic plants must bear in a conspicuous place a tag on which shall be stated the name and residence of the consignor and the consignee, and the exact contents of each package.

Article 4. Kelp.

License

580. Every person engaged in harvesting kelp or other aquatic plants for profit in the waters of this State must have a license therefor.

Fee

581. Licenses granting the privilege to harvest kelp shall be issued and delivered upon application and the payment of a fee of ten dollars to the commission. Said licenses shall be valid for a term of one year from the date of issuance.

Records.

582. Every person engaged in harvesting kelp shall weigh all wet kelp immediately after said kelp is delivered to the place of business designated in the license or elsewhere, and the weight thereof must be entered in a book to be kept by said person. Said book must be open at all times to the inspection of the commission. Every person engaged in harvesting kelp shall, on or before ten days after each month of the term of the license, render a statement of the weight of all wet kelp harvested during the preceding month.

Notice of closing kelp beds

583. If, at any time, the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or shall tend to impair or destroy the supply of any food for fish, the commission shall serve on every person licensed to harvest kelp a written notice that said kelp bed or beds, or parts thereof, shall be closed to the harvesting of kelp for a period not to exceed one year.

Hearing.

584. Within ten days after the service of such a notice, the person upon whom notice is served may demand a hearing upon the necessity for the closing of said kelp bed or beds, or parts thereof. Upon such demand for a hearing, the commission shall fix a time and place for the taking of evidence upon the necessity for such closing, which time shall be not less than ten days nor more than thirty days from the date of such

demand. The commission shall serve written notice of the time and place of the hearing upon the person demanding said hearing, at least ten days before the day set for the hearing. If no demand is made for a hearing within the time prescribed herein, said kelp bed or beds, or parts thereof, shall remain closed to the harvesting of kelp for the time mentioned in said order.

Complaint

585. The commission may file a written complaint against any person licensed to harvest kelp for any violation of the laws of this State, or any rules or regulations made by the commission relating to the harvesting of kelp. The complaint shall be filed with the commission and shall set forth the particular offense charged. A copy thereof shall be served upon the person so charged.

Answer

586. A person upon whom a complaint is served may appear or file an answer within five days after such service, whereupon the commission must fix a time and place for the hearing of the complaint. The time fixed for the hearing must be not less than ten days nor more than thirty days from the filing of the complaint. If the person upon whom the complaint is served fails to appear or answer within the time herein prescribed, the commission shall issue an order revoking his license for the remainder of the period.

Revocation of license

587. The commission may revoke and refuse to reissue for a period of not more than one year, the license of:

(a) Any person who harvests any kelp from a bed which is closed, between the time of service of notice upon him of the closing of said bed and the decision of the commission upon a hearing as to the necessity for such closing.

(b) Any person who violates any law, or rule or regulation of the commission relating to kelp.

Privilege tax

588. In addition to the license fee provided for in this article, every person harvesting kelp shall pay a privilege tax of one and one-half cents per ton of wet kelp harvested.

(Amended by Ch. 590, Stats. 1933.)

[ORIGINAL SECTION.]

588. In addition to the license fee provided for in this article, every person harvesting kelp shall pay a privilege tax of one and one-half cents per ton of wet kelp harvested. One-third of the moneys collected from said privilege tax must be paid into the State treasury to the credit of the "State university fund." The amount so paid to the "State university fund" is appropriated to be expended annually in accordance with law by the Scripps Institute for Biological Research.

Scientific purposes

589. The commission may, subject to such rules and regulations as it may deem proper, grant permits to any department of the United States Government or to any scientific or any educational institution, to harvest kelp at any time for scientific or experimental purposes without the payment of the kelp license or privilege tax herein provided.

Lease

590. The commission may lease to any person, for a period not exceeding fifteen years, the exclusive privilege to harvest

kelp in any bed or beds or part thereof not to exceed twenty-five square miles in area.

Application

591. Any person desiring to lease the exclusive privilege of harvesting kelp must make written application to the commission, designating the particular bed or beds or part thereof from which said person desires to harvest kelp.

Execution of lease

592. Upon the filing of an application, accompanied by the minimum payment required for the first year, as hereinafter provided, the commission, with the approval of the Department of Finance, may execute a lease to the person making such application. Such application must show that the applicant intends actually to harvest kelp from the bed or beds or part thereof to be leased and that such kelp will be put to a beneficial use.

Provisions of lease

593. Such lease shall provide, in addition to the payment of the license fee required by this article, for a payment by the lessee of not less than three cents per ton for all kelp harvested from such bed or beds or part thereof, and shall provide for the payment of a minimum of forty dollars per square mile per year for such kelp bed or beds or part thereof to be credited upon the amount payable by the lessee under the lease during such year, with appropriate provisions for a forfeiture of the lease if such minimum is not paid annually in advance, and shall provide for such other rules, restrictions and regulations as the commission may prescribe.

Deposit

594. A deposit of said minimum of forty dollars per square mile of area of such kelp bed or beds or part thereof for the first year shall accompany the application. The deposit so made shall be returned to the person making the same unless a lease to such person is executed. Each lease so executed shall provide in effect that it may not be assigned in whole or in part by the lessee, either voluntarily or by operation of law, and that no subleases or other rights may be granted thereunder by the lessee, and shall provide for a forfeiture of the lease in the event of a violation of such provision.

Payments under lease

595. The payment of the sum due under any such lease shall be deemed in lieu of the privilege tax imposed by section 588.

Recording notice of privilege

596. When an exclusive privilege to harvest kelp as provided herein has been granted, a notice signed by the commission must be filed for record in the recorder's office of the county in which said kelp bed or beds or part thereof are located, setting forth the name of the person having such privilege, the description of said kelp bed or beds or parts thereof, and the time for which such privilege has been granted.

CHAPTER 2. PARTICULAR VARIETIES.

Article 1. Trout and Whitefish.

General season and bag limit

610. Unless otherwise provided in this article, all varieties of trout and whitefish, except golden trout, may be taken in

all districts, from May 1 to October 31. In all districts, unless otherwise provided in this article, not more than 25 trout nor more than 10 pounds of trout and 1 trout may be taken in any day. Not more than one daily bag limit of trout may be possessed by any person during one day.

Golden trout

611. Golden trout may be taken in all districts, except in districts 1 and 4½, from July 1 to September 30. Not more than twenty golden trout, nor more than ten pounds of golden trout and one golden trout may be taken in any day. No golden trout less than five inches in length may be taken.

(Amended by Ch. 492, Stats. 1933.)

[ORIGINAL SECTION.]

611. Golden trout may be taken in all districts from July 1 to September 30. Not more than 20 golden trout, nor more than 10 pounds of golden trout and 1 golden trout may be taken in any day. No golden trout less than 5 inches in length may be taken

611.5. In districts 1 and 4½, golden trout may be taken from May 1 to October 31, except that in the Cottonwood Lakes group, including the South Fork Cottonwood Lakes group and also including one-half mile of stream below the lower lake in each of said groups, golden trout may be taken from July 1 to October 31.

(Added by Ch. 492, Stats. 1933.)

Steelhead

611.6. In that portion of the Sacramento River, excluding its tributaries, in district 1 lying between the Vina Ferry near the town of Vina, in Tehama County, and the junction of Middle Creek and the Sacramento River, in Shasta County, steelhead trout may be taken between May 1 and December 31. The bag limit is 3 per day, irrespective of size, between November 1 and December 31.

(Added by Ch. 720, Stats. 1933.)

612. In the Russian, Napa and Navarro rivers, and in those portions of Eel River in districts 2 and 2¾, and in tidewater in districts 2, 3 and 15, steelhead trout may be taken from May 1 to February 28. The bag limit is three fish per day, irrespective of size, between November 1 and February 28.

(Amended by Ch. 782, Stats. 1933.)

[AS AMENDED BY CH. 400, STATS. 1933.]

612. In the Russian, Napa, and Navarro rivers, in the Feather River from its mouth to the mouth of the Yuba River, in the American River from its mouth to where the Fair Oaks Bridge crosses the American River, in that portion of the Eel River in district 2, and in tidewater in districts 2, 3 and 15, steelhead trout may be taken from May 1 to the last day of February. The bag limit is 3 fish per day, irrespective of size, between November 1 and the last day of February.

[ORIGINAL SECTION.]

612. In the Russian, Napa, and Navarro rivers, and in that portion of the Eel River in district 2, and in tidewater in districts 2, 3 and 15, steelhead trout may be taken from May 1 to February 28. The bag limit is 3 fish per day, irrespective of size, between November 1 and February 28.

613. In districts 1½, 5 and in the Klamath River district, steelhead trout may be taken from May 1 to February 28. The bag limit is 5 per day, irrespective of size, between November 1 and February 28. Not more than one daily bag limit may be possessed by one person during one day.

(Amended by Ch. 302, Stats. 1933.)

[ORIGINAL SECTION.]

613. In district 1½ and in Klamath River district, steelhead trout may be taken from May 1 to December 31. The bag limit is 5 per day, irrespective of size, between November 1 and December 31.

Dolly Varden

614. There is no bag limit on Dolly Varden trout (Salvelinus malma or Salvelinus parkei) taken during the open season for any other trout in the same district.

District 2½.

615. In district 2½ all varieties of trout and whitefish may be taken from May 30 to February 28.

District 12A Steelhead

615.5. In district 12A steelhead trout may be taken from May 1 to the last day of February. The bag limit is 3 fish per day, irrespective of size, between November 1 and the last day of February.

(Added by Ch. 400, Stats. 1933.)

Districts 23 and 25

616. In districts 23 and 25, all varieties of trout and whitefish, except golden trout, may be taken from May 30 to October 31.

(Amended by Ch. 731, Stats. 1933.)

[ORIGINAL SECTION.]

616. In districts 23, 24, and 25, all varieties of trout and whitefish, except golden trout, may be taken from May 30 to October 31.

Lake Almanor

617. In Lake Almanor all varieties of trout may be taken from May 1 to October 31.

District 23

618. In any stream in district 23 flowing into the State of Nevada, not including its tributaries nor any lake from which said stream may flow, all varieties of trout and whitefish may be taken from May 15 to October 31.

619. In district 23 it is unlawful between May 30 and July 31 to take any trout or whitefish in any stream flowing into any lake within two miles of its mouth, extending towards its source.

(Amended by Ch. 731, Stats. 1933.)

[ORIGINAL SECTION.]

619. In districts 23 and 24, it is unlawful between May 30 and July 31 to take any trout or whitefish in any stream flowing into any lake within two miles of its mouth, extending towards its source.

Lakes

620. It is unlawful between November 1 and July 31 to take any trout or whitefish in any lake within three hundred feet of the mouth of any stream flowing into said lake.

Method of fishing

621. It is unlawful to take any trout or whitefish except by angling with rod and line held in the hand. Fishing for

trout or whitefish with snag or gaff hooks, set lines, or lines having more than two attractor blades, or more than three hooks, is unlawful.

621.5. It is unlawful to take trout except by angling in such a manner as to cause the trout to voluntarily take the hook in its mouth.

(Added by Ch. 720, Stats. 1933.)

Goldfish

622. It is unlawful to use goldfish as bait for the purpose of taking trout or whitefish. It is unlawful to use minnows for said purpose unless such minnows are native to or have been introduced into the waters so being fished.

Carrying trout into closed district

623. It is unlawful to carry trout into a district where the season is closed unless an affidavit is made in duplicate before a justice of the peace or notary public in the district in which the trout are or might be lawfully taken. Such affidavit must state the date and place of taking such trout, and the name, address, and number of the angling license of the person legally taking such trout. The duplicate of the affidavit must be left on file with the justice of the peace or notary public before whom said affidavit is made. It is unlawful to ship trout into a district where the season is closed unless said shipment is accompanied by a written statement containing the name and address of, and signed by, the person taking said trout, and countersigned, for the purpose of identification, by the agent of the carrier to whom said trout are offered for shipment.

Shipment out of State

624. It is unlawful at any time to offer for shipment, ship, or receive for shipment, or transport from this State any trout taken in the waters of this State.

Sale

625. Except as otherwise provided in this article, it is unlawful to sell or purchase any species of trout.

626. Dolly Varden or steelhead trout from without the State may be possessed and sold within the State when the same are inspected and tagged according to regulations to be prescribed by the commission. The cost of such inspection and tagging must be paid by the person submitting the trout for such inspection and tagging.

627. Steelhead trout from without the State may not be sold or possessed in district 1½ in excess of the daily bag limit on steelhead trout for that district.

Domesticated trout

628. Nothing in this article applies to trout raised under the provisions of this code authorizing and regulating the raising and selling of domesticated trout.

Closing of areas

629. The director of the department may, with the consent of the Governor, upon recommendation of the commission, close to trout fishing any stream or lake, or designated portion thereof, for such time as the director may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

630. During the period when any open season is suspended or closed by the director, it is unlawful to take trout in the closed area.

Publication of order

631. Any order issued under this article shall be published twice in at least one newspaper of general circulation in any county affected by such order. The publications shall be separated by a period of not less than one week and not more than two weeks. The order shall be posted in such public places in each county as the director may direct.

Article 2. Salmon.

General restriction

650. The provisions of this article are in addition to, and must be construed in conjunction with, the provisions of the chapter of this code relating to the use of nets. It is unlawful to take salmon (Oncorhynchus) at any time or place, or in any manner or amount other than as provided in this article.

Season, generally

650.5. The provisions of this article relating to the times during which salmon may be taken with hook and line are subject to the provisions of Article 1, Chapter 2, Part 2, Division IV, and whenever an open season for trout is specified for any district or area, salmon may be taken with hook and line in such district or area during the period of time so specified.

(Added by Ch. 400, Stats. 1933.)

651. In district 1, salmon may be taken with hook and line or spear, between May 29 and October 31; except that (a) in the Feather River from its mouth to the mouth of the Yuba River, (b) in the American River from its mouth to where the Fair Oaks Bridge crosses the American River, (c) in the Russian, Napa, and Navarro rivers, (d) in that portion of the Eel River in district 2, and (e) in tidewater in districts 2, 3, and 15, salmon may be taken with hook and line between May 1 and the last day of February. The bag limit is 2 per day.

(Amended by Ch. 400, Stats. 1933.)

[ORIGINAL SECTION.]

651. In district 1, salmon may be taken with hook and line or spear, between May 29 and October 31. The bag limit is 2 per day.

651.5. In that portion of the Feather River, between the mouth of the Yuba River and the Feather River Thermalito Bridge at Oroville, salmon may be taken with hook and line between May 1 and December 31. The bag limit is 2 per day.

(Added by Ch. 717, Stats. 1933.)

651.6. In that portion of the San Joaquin River from its mouth to the Mendota Weir, at or near Mendota, salmon may be taken with hook and line between April 1 and December 31.

(Added by Ch. 717, Stats. 1933.)

652. In district 1½, salmon may be taken with hook and line, between May 29 and December 31; spear, between August 1 and October 31. The bag limit is 2 per day.

653. In districts 2, 2½, salmon may be taken with hook and line between May 1 and the last day of February; spear,

between November 1 and the last day of February. The bag limit is 2 per day.

654. In district 3, salmon may be taken with hook and line between May 1 and October 31. The bag limit is 2 per day.

(Amended by Ch. 400, Stats. 1933.)

[ORIGINAL SECTION.]

654. In districts 3, 12A, salmon may be taken with hook and line between May 1 and October 31. The bag limit is 2 per day.

655. In Klamath River district, above tidewater, salmon may be taken with hook and line, between May 29 and December 31; spear, between August 1 and October 31. The bag limit is 2 per day.

656. In Klamath River district, in tidewater, salmon may be taken with hook and line, between May 29 and December 31. The bag limit is 2 per day between May 29 and June 30 and between September 6 and December 31; at other times any number of salmon may be taken

(Effective until January 1, 1934. See following section.)

656. In the Klamath River district, in tidewater, salmon may be taken with hook and line, between May 29 and December 31. The bag limit is 5 per day between May 29 and September 5, and 2 per day between September 6 and December 31. Not more than one daily bag limit may be possessed by any person during one day.

(Amended by Ch. 657, Stats. 1933. In effect January 1, 1934. The act contains the following section. "SEC. 4. This act shall go into effect on January 1, 1934.")

657. In districts 6, 7, 8, 9, salmon may be taken with hook and line, between April 1 and September 15. There is no bag limit. The size limit is as provided in section 661 of this code. In districts 8 and 9, not more than two salmon may be possessed by any person during one day, or sold, between September 16 and December 31 and no salmon taken during said period in said districts may be sold.

(Amended by Ch. 777, Stats. 1933.)

[ORIGINAL SECTION.]

657. In districts 6, 7, 8, 9, salmon may be taken with hook and line between May 1 and September 15. There is no bag limit. The size limit is as provided in section 661 of this code.

658. In districts 10 and 11, salmon may be taken with hook and line between May 1 and August 30 There is no bag limit. The size limit is as provided in section 661 of this code.

(Amended by Ch. 389, Stats, 1933.)

[ORIGINAL SECTION.]

658. In districts 10, 11, salmon may be taken with hook and line, between May 1 and August 15. There is no bag limit. The size limit is as provided in section 661 of this code.

658.5. In district 12, salmon may be taken with hook and line, at any time. There is no bag limit.

(Added by Ch. 400, Stats. 1933.)

658.6. In district 12A, salmon may be taken with hook and line between May 1 and the last day of February. The bag limit is 2 per day.

(Added by Ch. 400, Stats. 1933.)

659. In districts 12B, 12C, 13, salmon may be taken with hook and line, at any time There is no bag limit.

(Amended by Ch 400 Stats 1933.)

[ORIGINAL SECTION]

659. In districts 12, 12B, 12C, 13, salmon may be taken with hook and line, at any time. There is no bag limit.

660. In districts 15, 16, 17 and 18, salmon may be taken with hook and line, between March 1 and July 15. There is no bag limit. The size limit is as provided in section 661 of this code

(Amended by Ch. 389, Stats. 1933.)

[ORIGINAL SECTION]

660 In districts 15, 16, 17, 18, salmon may be taken with hook and line, between April 1 and June 30. There is no bag limit. The size limit is as provided in section 661 of this code.

660.5. In districts 15, 16, 17, 18, not more than two salmon may be taken or possessed by any person during one day, between July 16 and August 31, and no salmon taken during said period in said districts may be sold. The size limit is as provided in section 661 of this code.

(Added by Ch. 389, Stats. 1933.)

Chinook and silver salmon

661. Chinook salmon (Oncorhynchus tschawytscha) twenty-seven inches in length, or over, and silver salmon (Oncorhynchus kisutch) twenty-four inches in length, or over, both measured from the tip of the snout to the extreme tip of the tail, may be taken with hook and line in districts 6, 7, 8, 9, 10, 11, 15, 16, 17, 18.

Undersize salmon

662. All chinook or silver salmon under legal size accidentally caught must be landed by means of a landing net or scoop net, and must be returned to the water unharmed. All salmon trolling boats must be equipped with a landing net or scoop net.

663. It is unlawful to gaff, club, or otherwise injure any chinook or silver salmon under the legal size.

Sale

664. Salmon may be sold subject to the exceptions and restrictions contained in this article.

665. Salmon taken in districts 1, 1½, 2, 2½, 3, 12A, and the Klamath River district, except in tidewater, may not be sold.

(Effective until January 1, 1934. See following section.)

665. Salmon taken in districts 1, 1½, 2, 2½, 3, 5 and 12A and the Klamath River district may not be sold. In district 5 the bag limit is 2 per day between May 29 and December 31. Not

more than one daily bag limit may be possessed by any person during one day.

(Amended by Ch. 656, Stats. 1933. In effect January 1, 1934. See note to section 484.5.)

666. Salmon may not be sold or possessed in, or transported through, districts 6, 7, 10, 11, 15, 16, 17, 18, during the time when the taking of salmon is unlawful in said districts.

(Amended by Ch. 777, Stats. 1933.)

[ORIGINAL SECTION]

666. Salmon may not be sold or possessed in, or transported through, districts 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, during the time when the taking of salmon is unlawful in said districts.

666.5. Salmon may not be sold or possessed in, or transported through, districts 8 and 9 between January 1 and March 31.

(Added by Ch. 777, Stats. 1933.)

667. Between September 16 and November 14, salmon may be sold only under the regulations of the commission.

668. In districts 12, 12B, 12C, and 13, salmon may not be sold at any time when fishing with nets is prohibited in said districts.

Spawning areas

669. The commission may designate salmon spawning areas. It is unlawful to take salmon on any spawning bed or area, or within ten miles of any salmon spawning station, or in State waters at the mouth of any interstate stream within three miles north and south of a line drawn due west from the center of the mouth of said stream.

Article 3. Other Varieties.

Construction

690 The provisions of this article are in addition to, and must be construed in conjunction with, the provisions of the chapter of this code relating to the use of nets.

Striped bass

691. Striped bass may be taken with hook and line at any time subject to the restrictions contained in this article. Striped bass taken with hook and line may not be sold.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION]

691. Striped bass may be taken at any time subject to the restrictions contained in this article.

691 6. In that portion of the Feather River from its mouth to Feather River Thermalito Bridge at Oroville, striped bass may be taken between May 1 and December 31 with hook and line.

(Added by Ch. 717, Stats. 1933.)

692 Striped bass may not be taken in district 22

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION]

692. Striped bass may not be taken in district 22 In districts 1, 3, and 12A, striped bass may be taken only between August 1 and April 30

693. Striped bass may be taken by angling with hook and line only between sunrise and sunset.
(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

693. Striped bass may be taken only by angling with hook and line, except that striped bass not less than 20 inches in length accidentally taken in shad nets with shad in district 12B between March 15 and May 1 may be sold.

Size limit

694. No striped bass less than 12 inches in length may be taken. No striped bass less than 20 inches in length or more than 10 pounds in weight may be sold, purchased or transported. Striped bass shall be measured from the tip of the snout to the extreme tip of the tail.
(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

694. No striped bass less than 12 inches in length may be taken. No striped bass less than 20 inches in length may be sold, purchased, or transported. Striped bass shall be measured from the tip of the snout to the extreme tip of the tail.

Bag limit.

695. Not more than 5 striped bass may be possessed by any person during one day, except by a regularly licensed commercial fisherman, fish dealer, cold storage warehouseman, or person conducting a restaurant or hotel, at any time when striped bass may legally be sold.
(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

695. The bag limit on striped bass taken with hook and line is 5 per day

Sale

696. No striped bass may be sold or purchased, between May 26 and February 14 of the following year. No striped bass may be sold or purchased except those which are incidentally taken with shad.
(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

696. No striped bass may be sold, purchased, or transported between May 1 and July 31.

697. No striped bass may be transported or carried out of this State.

Black bass

698. Black bass may be taken only by angling with hook and line, between May 29 and November 30, except in district 4¾ and in Clear Lake, where black bass may be so taken at any time.
(Amended by Ch. 399, Stats. 1933.)

[ORIGINAL SECTION.]

698 Black bass may be taken only by angling with hook and line, between May 1 and November 30, except in district 4¾ and in Clear Lake, where black bass may be so taken at any time.

698.5. Black bass lawfully taken may be carried or transported into and possessed in a district where the season is closed.

(Added by Ch. 241, Stats. 1933.)

699. The bag limit on black bass is 15 per day except in Clear Lake, where it is 10 per day.

700. No black bass less than 9 inches in length may be taken.

701. No black bass may be sold or purchased, and not more than one daily bag limit may be possessed by any person during one day.

Calico bass

702. Calico bass may be taken only by angling with hook and line, between May 29 and November 30, except in Clear Lake where calico bass may be so taken at any time.

(Amended by Ch. 399, Stats. 1933.)

[ORIGINAL SECTION.]

702. Calico bass may be taken only by angling with hook and line, between May 1 and November 30 except in Clear Lake where calico bass may be so taken at any time.

703. The bag limit on calico bass is 25 per day except in Clear Lake, where it is 10 per day.

704. No calico bass may be sold or purchased and not more than one daily bag limit may be possessed by any person during one day.

Sacramento perch

705. Sacramento perch may be taken by angling with hook and line, between May 29 and November 30, except in Clear Lake, where Sacramento perch may be so taken at any time.

(Amended by Ch. 399, Stats. 1933.)

[ORIGINAL SECTION.]

705. Sacramento perch may be taken by angling with hook and line, between May 1 and November 30 except in Clear Lake, where Sacramento perch may be so taken at any time.

706. The bag limit on Sacramento perch is 25 per day except in Clear Lake, where it is 10 per day.

707. No Sacramento perch may be sold or purchased, and not more than one daily bag limit may be possessed by any person during one day.

Crappie

708. Crappie may be taken by angling with hook and line, between May 29 and November 30, except in Clear Lake where crappie may be so taken at any time.

(Amended by Ch. 399, Stats. 1933.)

[ORIGINAL SECTION.]

708. Crappie may be taken by angling with hook and line, between May 1 and November 30 except in Clear Lake, where crappie may be so taken at any time.

709. The bag limit on crappie is 25 per day except in Clear Lake, where it is 10 per day.

710. In district 2, crappie may be taken at any time in any lake exceeding 75 square miles in area. The bag limit on crappie taken from such a lake is 10 per day.

Sunfish

711. Sunfish may be taken by angling with hook and line between May 26 and November 30.

(Amended by Ch. 399, Stats. 1933.)

[ORIGINAL SECTION.]

711. Sunfish may be taken by angling with hook and line between May 1 and November 30.

712. The bag limit on sunfish is 25 per day. No sunfish may be sold or purchased and not more than one daily bag limit of sunfish may be possessed by any person during one day.

White sea bass.

713. White sea bass (Cynoscion nobilis) may be taken with hook and line at any time. Between May 1 and June 30, the bag limit on white sea bass taken with hook and line is 5 per day.

(Effective until October 25, 1933. See following section.)

713. White sea bass (Cynoscion nobilis) may be taken with hook and line at any time. Between May 1 and June 30, the bag limit on white sea bass taken with hook and line is 5 per day. White sea bass may not be sold between May 1 and June 30.

(Amended by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

714. White sea bass may be taken other than with hook and line, except between May 1 and June 30.

(Repealed by Ch. 1056, Stats. 1933. Repeal effective October 25, 1933.)

715. No white sea bass less than 28 inches in length may be taken, except that not more than 5 white sea bass, regardless of size, may be taken per day with hook and line at any time.

716. White sea bass shall be measured from the tip of the lower jaw to the end of the longest lobe of the tail.

717. No white sea bass or sea trout less than 28 inches in length may be sold or purchased.

Shad

718. Shad may be taken by angling with hook and line at any time.

719. Repealed by Ch. 703, Stats. 1933.

[ORIGINAL SECTION.]

719. Shad may be taken other than with hook and line between November 15 and May 15, and between August 1 and September 16.

720. Between June 1 and February 14, the bag limit on shad is five per day, and between said dates, not more than one daily bag limit may be possessed during one day.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

720. Between May 16 and July 31, and between September 17 and November 14, the bag limit on shad is 5 per day, and between said dates, not more than one daily bag limit may be possessed during one day.

721. Catfish may be taken at any time. Catfish

722. Catfish may not be sold between May 1 and August 31, except that catfish taken in Clear Lake may be sold at any time in district 2.

723. No dressed catfish less than 7 inches in length, exclusive of any part of the head, and no undressed catfish less than 9 inches in length may be sold. No catfish less than 9 inches in length may be retained in live cars or boats.

724. No catfish may be transported or carried out of district 2 for the purpose of sale, or other commercial purposes.

725. Sturgeon may not be taken or possessed at any time. Sturgeon

726. Salt water perch of the family Emboitocidae may be taken at any time. Salt water perch may not be sold, purchased or transported between May 1 and July 15. Salt water perch

727. California whiting (Menticirrhus undulatus) may be taken at any time by angling with hook and line. No California whiting may be sold or purchased. Whiting

728. Croakers. Yellow-fin croakers, spot-fin croaker, and golden croaker may be taken at any time by angling with hook and line. No variety of croaker may be sold or purchased. Croakers

729. California halibut (Paralichthys californicus) may be taken at any time. Halibut

730. No California halibut may be taken or possessed which weighs less than 4 pounds in the round, or less than 3½ pounds dressed with the head on, or less than 3 pounds dressed with the head off, except that not more than 30 pounds of California halibut of less than such minimum weights may be taken and possessed during one day, but may not be sold or offered for sale.

(Amended by Ch. 322, Stats. 1933.)

[ORIGINAL SECTION.]

730. No California halibut may be taken or possessed which weighs less than 4 pounds in the round, or less than 3½ pounds dressed with the head on, or less than 3 pounds dressed with the head off, except that not more than 30 pounds of California halibut of less than such minimum weights may be taken and possessed, but may not be sold.

731. Barracuda not less than 3 pounds in weight may be taken at any time. Barracuda

(Effective until October 25, 1933. See following section.)

731. Barracuda not less than 3 pounds in weight may be taken at any time. No barracuda may be sold between May 1 and June 30.

(Amended by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

732. Not more than 5 barracuda weighing less than 3 pounds each may be taken or possessed during any day, but such barracuda may not be sold or purchased.

733. Albacore may be taken at any time. Albacore

733.5. Yellowtail may be taken with hook and line at any time, but may not be sold between June 1 and August 31. Yellowtail

(Added by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

Albacore
Tuna

734. No albacore weighing less than 9 pounds may be sold.

735. Yellow-fin tuna and blue-fin tuna may be taken at any time.

736. No yellow-fin tuna or blue-fin tuna weighing less than 7½ pounds or more than 150 pounds may be sold.

(Amended by Ch. 694, Stats 1933.)

[ORIGINAL SECTION]

736. No yellow fin tuna or blue fin tuna weighing less than 9 pounds or more than 150 pounds may be sold.

Skipjack

737. Skipjack may be taken at any time.

738. Skipjack weighing less than 4 pounds may not be sold.

(Amended by Ch. 694, Stats. 1933.)

[ORIGINAL SECTION.]

738. *Skipjack weighing less than 5 pounds may not be sold.*

Smelt

738.5. No jack smelt (Atherionopsis californiensis) or bay smelt (Atherionops affinis) less than seven and one-half inches in length may be sold.

(Added by Ch. 372, Stats. 1933.)

Eels.

739. Salt water eels (Blennidae) may be taken at any time. In district 3 no salt water eel less than 12 inches in length may be taken or possessed, nor may more than 15 salt water eels be taken or possessed in said district during one day.

Grunion

740. Grunion (Leuresthes tenuis) may be taken between July 1 and March 31.

Sardines

741. Sardines may be taken and possessed at any time for bait, or for sale or consumption as fresh fish.

Swordfish.

744. Marlin swordfish meat may not be transported out of this State.

(Added by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

CHAPTER 3. SHELLFISH.

Article 1. General Provisions.

Definition

760. As used in this article, the word "area" includes tide waters and flats.

Shellfish from contaminated sources

761. It is unlawful to take shellfish used or intended to be used for human consumption from any area from which it shall be determined that the taking of such shellfish does or may constitute a menace to the lives or health of human beings, as provided in this article.

Examination of sources

762. The State Department of Public Health may examine any area from which shellfish may be taken, and determine whether such area is subject to sewage contamination, and determine whether the taking of shellfish from such area does or may constitute a menace to the lives or health of human beings.

763. Upon the determination by the Department of Public Health that such areas are or may be subject to sewage contamination, and that the taking of shellfish therefrom does or may constitute a menace to the lives or health of human beings, it shall ascertain as accurately as may be, the bounds of such contamination, and shall post notices on the contaminated area describing the bounds thereof, and prohibiting the taking of shellfish therefrom. The taking of shellfish from such areas is unlawful after the completion of the publication of the notices as prescribed in this article. Notices on areas

764. The fact of posting the notices shall be published once a week for four successive weeks in some newspaper of general circulation, published in the county in which the contaminated areas are situated, if there is a newspaper, and if there is none, then in a newspaper published in an adjoining county. Publication of notices

765. The Department of Public Health shall enforce the provisions of this article, and the inspectors and employees of said department may enter at all times upon public or private property upon which shellfish may be located, for the purpose of carrying out the provisions of this article. Enforcement

Article 2. Particular Varieties.

780. Shrimps may be taken at any time for fresh market purposes. It is unlawful to dry shrimps, except that in districts 11, 12, and 13 unmarketable shrimps unavoidably taken in fishing for the fresh market may be dried. Not more than fifty per cent of a load of shrimps brought in by any boat may be dried. Shrimps

781. As used in this article, "spiny lobster" refers to the genus Panulirus, species interruptus. Lobsters

782. Spiny lobsters may be taken between September 1 and February 1.

(Amended by Ch. 704, Stats. 1933.)

[ORIGINAL SECTION.]

782. Spiny lobsters may be taken between October 15 and the last day of February.

783. No spiny lobster less than $10\frac{1}{2}$ inches in length nor more than 16 inches in length may be taken, possessed, sold or purchased.

784. Spiny lobsters shall be measured from one extremity to the other, and exclusive of legs, claws, or feelers. It is unlawful to bring any spiny lobster ashore in such condition that its size can not be measured.

785. It is unlawful to pickle, can, or otherwise preserve any spiny lobster, or to sell any spiny lobster meat not in the shell.

786. Except as to the size limits herein prescribed, the provisions of this article do not apply to spiny lobsters taken in waters lying south for a distance of ten miles from the

international boundary line between the United States and Mexico, extended westerly in the Pacific Ocean. The commission is authorized to prescribe regulations governing the inspection and marking of lobsters imported into this State. The cost of such inspection and marking shall be paid by the importer of the lobsters.

Crabs

787. As used in this article, "crab" refers to the genus Cancer, species magister.

788. Crabs may be taken in districts 1½, 6, 7, 8, and 9 between December 15 and August 30. Crabs may be taken elsewhere in the State between November 15 and July 30.

789. No crab less than 7 inches in breadth, and no female crab, may be taken, possessed, bought, or sold. Crabs shall be measured straight across the back from point to point No crab may be brought ashore in such condition that its size can not be measured.

790. It is unlawful to pickle, can, or otherwise preserve any crab Crab meat from outside the State may be imported into the State under regulations which the commission is authorized to prescribe.

791. Crabs may not be removed in any manner from districts 1½ 2½, 5, 6, 7, 8, and 9 except from one of said districts to another, nor may crabs be held within said districts in any box, crate, or pen in which live crabs are kept.

791.5. It is unlawful to sell any crab taken in the waters of Eel River and its tributaries between the Pacific Ocean and the west line of section 34, township 3 north, range 1 west, Humboldt base and meridian. It is unlawful to possess during any day more than ten crabs taken in said waters. It is unlawful to take any crab from said waters between one-half hour after sunset and one-half hour before sunrise of the following day

(Added by Ch. 240, Stats 1933)

Abalones

792. Abalones. Pink abalones (Haliotis corrugata), red abalones (Haliotis rufescens), black abalones (Haliotis crakerodie), and green abalones (Haliotis fulgens) may be taken between March 16 and January 14.

793. Abalones legally taken may be possessed in a sliced condition during the closed season, subject to such regulations as the commission may prescribe.

794. It is unlawful to take any abalone the shell of which, measured in greatest diameter, is less than the following specifications: red abalone, 7 inches; red abalone taken or possessed in districts 7, 10, or 18 for commercial purposes, 8 inches; green abalone, 6½ inches; pink abalone, 6 inches; black abalone, 5 inches.

795. Abalones must be brought ashore above high-water mark attached to the shell and alive.

796. Abalones may be taken for food purposes only and may not be dried.

797. Abalone meat, or abalone shells may not be transported out of the State. Articles manufactured from abalone shells may be transported out of the State as a finished product.

798. Spears may not be used for the purpose of taking abalones.

798.6. In district 2 not more than 10 abalones may be possessed by any person during one day, except that any person conducting a market, or restaurant, where abalones are sold to the public may possess any number of lawfully taken abalones.

(Added by Ch. 169, Stats. 1933.)

799. Diving apparatus may not be used for the purpose of taking abalones in districts 7, 15, 16, 17, 19, 20, and 20A.

800. In districts 7, 15, 16, 17, 19, 20, and 20A not more than 10 abalones per day, nor more than 20 abalones per week, may be taken. Not more than one daily bag limit of abalones may be possessed by any person during one day. The bag limits prescribed herein for districts 15, 16, and 17 do not apply to abalones taken outside of said districts and brought in by boats.

801. In districts 7, 10, and 18, the bag limit is 10 abalones per day when the abalones are taken in water less than twenty feet in depth. Abalones so taken may not be sold.

802. In districts 15, 16, 17, 18, 19, 20, 20a, and 21, the bag limit on black abalones is 10 per day.

Clams

803. In districts 8, 9, and 17, clams may be taken between September 1 and April 30. In other districts clams may be taken at any time.

804. No clams taken in districts 7, 8, or 9, may be transported to any place outside the boundaries of districts $1\frac{1}{2}$ and $2\frac{1}{2}$.

Clams and abalones from outside the State

805. Nothing in this chapter shall apply to abalones or clams taken outside of this State, except as follows: (1) Abalones and clams so taken must conform to the size limits prescribed in this chapter for abalones and clams taken within this State, and (2) abalones and clams taken outside of this State must not be brought into, or possessed within, any district during the closed season for abalones or clams in said district The commission may prescribe regulations governing the inspection and marking of abalones and clams imported into this State. The cost of such inspection and marking shall be paid by the importer of the abalones or clams.

Pismo clams

806. Pismo clams (Tivela stultorum) less than 5 inches in greatest length of shell may not be taken or possessed. The bag limit on Pismo clams is 15 per day. Not more than one daily bag limit of Pismo clams may be possessed by any person during one day.

807 No Pismo clam may be transported. No Pismo clam not in the shell may be possessed, except when it is being prepared for immediate consumption.

807.5. No Pismo clam may be taken or possessed in district 18 between one-half hour after sunset and one-half hour

before sunrise. No instrument capable of being used to dig clams may be possessed in district 18 between one-half hour after sunset and one-half hour before sunrise.

(Added by Ch. 479, Stats. 1933.)

Razor clams

808. The bag limit on razor clams (Siliqua patula) is thirty per day. Not more than one daily bag limit of said clams may be possessed by any person during one day.

(Amended by Ch. 321, Stats. 1933.)

[ORIGINAL SECTION.]

808. The bag limit on razor clams (Siliqua patula) is 30 per day.

Jackknife clams

808.5. The bag limit on jackknife clams is thirty per day. Not more than one daily bag limit of said clams may be possessed by any person during one day.

(Added by Ch. 321, Stats. 1933.)

Horse clams

809. The bag limit on clams of the species Schizothaerus nuttallii, variously known as gaper, horse clam, or big neck clam, is ten per day. Not more than one daily bag limit of said clams may be possessed by any person during one day.

(Amended by Ch. 321, Stats. 1933.)

[ORIGINAL SECTION.]

809. The bag limit on clams of the species Schizothaerus nuttallii, variously known as rubber-neck, big-neck, or great Washington clam, is 10 per day. Not more than one daily bag limit of said clams may be possessed by any person during one day.

Washington clams

810. In districts 2 and 10 the bag limit on Washington clams (Saxidomus) is fifteen per day. Not more than one daily bag limit of Washington clams may be possessed by any person during one day.

(Amended by Ch. 321, Stats. 1933.)

[ORIGINAL SECTION.]

810. In district 10, the bag limit on Washington clams (Saxidomus) is 15 per day. Not more than one daily bag limit of Washington clams may be possessed by any person during one day.

Cockles

811. Cockles. Hard-shell cockles (Chione fluctifraga, Chione undatella, or Chione succinta), or thin-shelled cockles (Paphia tenerrima), or rock cockles (Paphia staminea) may be taken at any time. No such cockles measuring less than 1½ inches in greatest diameter may be taken, possessed, transported or sold.

Mussels

812. Mussels (Mytilus californianus) may be taken at any time. The bag limit in districts 18, 19, and 21, and, with respect to possession, on land within one mile due inland of the shore boundaries of said districts, is 15 pounds per day. Not more than one daily bag limit of mussels may be possessed by any person during one day.

Scallops

813. Scallops (Pecten circularis) may be taken at any time. No such scallops may be sold. No such scallop having a shell

less than two inches in greatest diameter may be taken or possessed.

814. Any citizen of the United States may plant oysters in any of the public waters of this State. Oyster planting

815. When an oyster bed is established pursuant to the provisions of this code, all oysters in said bed belong to the person establishing said bed, and said person is entitled to the exclusive use and occupation of the land on which the bed is located, for the purpose of maintaining said oyster bed.

816. All natural oyster beds of native oysters (Ostrea lurida) on State tide lands, in all bays, lagoons and estuaries in the State of California together with such other areas of State tide lands as the Division of Fish and Game may set aside for the cultivation of oyster seed shall be declared oyster reserves and shall be, remain and continue the property of the State and shall be administered for the best interests of the State by the Division of Fish and Game. These reserved beds or lands shall not be allotted or leased to the exclusive use of any person, firm or corporation. Oysters, seed, and shell may be taken from such reserve beds only at the times specified and under the supervision of a duly authorized agent of the Division of Fish and Game, subject to the conditions hereinafter provided. The Division of Fish and Game shall have the authority to prohibit the planting of any type or species of oyster or oyster seed in any bay, lagoon or estuary, which it considers injurious to the development of the oyster industry in the State. Oyster reserves

(Amended by Ch. 711, Stats. 1933.)

[ORIGINAL SECTION]

816. The land on which an oyster bed is established must be staked or fenced off, and a sign erected on some conspicuous part of said land. Said sign must be at least six feet in length and one foot in width, on which shall be painted in black letters upon a white ground the words: "Oyster beds."

817. A fund is hereby created to be known as the oyster fund to be credited with all moneys arising from the sale of oysters, oyster seed and shell from State beds and from fines imposed for the violations of any of the provisions of this act. This fund shall be used solely for the benefit of the oyster industry, for the employment of oyster biologists, for acquiring and dissemination of biological knowledge, to assist growers in their endeavors to cultivate oysters and for the inspection of foreign and domestic oysters and oyster seed before planting or transplanting. Fund

(Amended by Ch. 711, Stats. 1933.)

[ORIGINAL SECTION.]

817 Any person planting or laying down an oyster bed shall record a full description of said bed in the county recorder's office in the county where the bed is situated. The recorder shall record the description so furnished, in a book to be kept by him for that purpose, to be entitled a "Record of Oyster Beds"

Transplanting

818. Any person or persons desiring to take oysters or oyster seed, for the purpose of transplanting, from State beds shall file an application with the Division of Fish and Game to that effect. Said application shall state where the oysters or oyster seed are to be taken up, the amount to be taken on a basis of sacks of 2½ cubic feet each, and the place or places where it will be planted.

(Amended by Ch. 711, Stats. 1933.)

[ORIGINAL SECTION.]

818. It is unlawful, without the permission or consent of the owner or occupant of land upon which an oyster bed is established and maintained pursuant to the provisions of this chapter, to enter thereon, or to take any oysters from said bed, or to remove or destroy any stakes or fences which designate the boundaries of said bed.

Return of shell.

819. The person or persons taking seed, oysters and shell from State beds shall be required, at the discretion of the Division of Fish and Game or its duly authorized agent, to return to the bed from which the oysters or oyster seed are taken, within a period of one year, not to exceed one-half sack of shell for every sack of oysters or oyster seed taken under the provisions of this act and the persons taking shall be advised at the time seed is taken of the amount of shell to be returned. The Division of Fish and Game shall have the power to authorize the removal of oysters from the State reserves at any time

Fees.

and shall fix a charge each year which shall not exceed $10 per ton to be paid by the person taking the oysters and shell from reserves, provided the charge for the calendar year of 1933 shall not exceed $1 per ton and the charge for the calendar year of 1934 shall not exceed $2 per ton. When the overcrowding of the oysters on the natural reefs may be relieved by the removal of the oysters and shells on the reserves otherwise improved, the Division of Fish and Game may authorize the removal of oysters and shells without charge.

(Amended by Ch. 711, Stats. 1933.)

[ORIGINAL SECTION.]

819. No oyster bed may be established in such a manner as to impede the navigation of any channel.

Application for oyster beds

820. Any citizen of California may take up unallotted State water bottoms for the purpose of growing oysters, by filing an application with the Division of Fish and Game, said application to be accompanied by a map of the area desired, showing sufficient adjacent geography for ready placement, and the acreage of the area. The Division of Fish and Game, after consulting its records of oyster filings, shall, if the area requested be found unallotted, cause the said area to be allotted to the petitioner to be held by the petitioner until

Abandonment

such time as it is abandoned. Upon being declared abandoned, an oyster claim shall be allotted to the first applicant

applying and all improvements, betterments, buildings and oysters thereon shall be sold to the applicant at a price agreed upon between the applicant and the Division of Fish and Game, the money to be credited to the oyster fund. An oyster claim shall be considered abandoned if not used for oyster culture for a period of two years. Any areas of State land in any of the bays of the State on which clams are now growing and which are used by the public for digging clams shall not be allotted as oyster claims and shall remain open to the public for the purpose of digging clams. The Division of Fish and Game shall designate such areas. An oyster claim may be transferred from one person or persons to another person or persons, eligible to file oyster claims, after due notice of the transfer has been filed with the Division of Fish and Game.

Maps

Any person or persons now holding oyster claims on State land or any person or persons using State tidelands for the cultivation of oysters, shall file with the Division of Fish and Game within a period of sixty days of the time this act becomes a law, a map of the area so claimed, the location, area and the amount of improved and unimproved bottom. These maps shall be filed by the Division of Fish and Game and a record of the area described entered in a book to be kept for that purpose.

Prior claims

Any person who has, previous to the passage of this act, taken up State oyster land and who has actually improved the area so claimed by the building of dikes or the laying out and transplanting of oysters or oyster seed, shall have the first right to file on the area claimed under the provisions of this act.

Improvement

Any area of State land now held or hereafter allotted for oyster culture shall within a period of two years from January 1, 1933, be improved to the extent of ten per cent of the total area and thereafter ten per cent of the whole for each calendar year until the entire area has been brought under cultivation. Failure to comply with this provision for a period of two years shall cause the unimproved portion of the claim to be declared abandoned.

Marking

All oyster claims shall be plainly marked by a stake at each corner, if square; or, if irregular in shape, at the intersection of two lines of different directions. The tops of the stakes shall be painted white and shall show at least four feet above high water.

Sign

In some conspicuous place on an oyster claim a sign shall be displayed which shall be above high water and shall be not less than six feet in length and one foot in width, on which shall be painted in black letters upon a white ground the words "Oyster beds," under which shall appear the name of the person or persons holding the area. Provided that nothing herein contained shall be deemed to authorize any impediment or obstruction to the navigation of any channels.

(Amended by Ch. 711, Stats. 1933.)

[ORIGINAL SECTION.]

820. The provisions of this code relating to establishing oyster beds do not apply to tidelands not owned by the State, nor shall said provisions prevent the State from disposing of any tidelands, nor affect the rights of purchasers of tidelands.

Unlawful entry

821. Any person or persons who shall enter upon any lot of land in which there shall be oysters laid down and planted and which, at the time of such entry, shall be staked off pursuant to the provisions of this act and who shall take up and carry off therefrom such oysters, without the consent or permission of the occupants and owners thereof, or who shall wilfully destroy any oysters or any stakes or marks intended to designate the boundaries and limits of any land claimed and staked pursuant to the provisions of this act, shall be guilty of a misdemeanor.

(Amended by Ch. 711, Stats. 1933.)

[ORIGINAL SECTION.]

821. All fines and penalties collected for a violation of any of the provisions of this code which relate to the establishing of oyster beds, over and above the costs of suit, shall be paid in to the common school fund of the county where the offense was committed.

Repeal

822. All acts and parts of acts in conflict with the provisions of this act and especially an act entitled "An act concerning oysters," passed April 28, 1851 (Stats. 1851, p. 432), as also the act entitled "An act concerning oyster beds," approved April 2, 1866 (Stats. 1866, p. 848), also the act entitled "An act to encourage the cultivation and planting of oysters" (Stats. 1873–74, p. 940) are hereby repealed.

(Added by Ch. 711, Stats. 1933.)

CHAPTER 4. NETS.

Article 1. General Provisions.

Definition

840. As used in this article "net" includes seine, dragnet, paranzella, and set net.

Set nets

841. Any net or line that is made fast in any way and is not free to drift with the tide or current is a set net or set line. Any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore upon the receding of the tide is a set net. Fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines.

General prohibition

842. It is unlawful to use or operate or assist in using or operating any net, trap, line or appliance other than hook and line used in angling, in taking fish, mollusks, or crustaceans, except as provided in this chapter.

Possession of nets

843. Any net found in a boat is prima facie evidence that the owner or person in possession of said net is or has been using the same in the district where found.

(Effective until January 1, 1934. See following section.)

843. Any net found in a boat, or within 500 feet of tidewater in the Klamath River district is prima facie evidence that the owner or person in possession of said net is or has been using the same in the district where found.

(Amended by Ch. 657, Stats. 1933. In effect January 1, 1934. See note to section 656.)

Injuring nets

843.5. It is unlawful to wilfully disturb or injure any net which is being legally used in the waters of this State.

This section does not apply to deputies of the commission while said deputies are engaged in the performance of their official duties.

(Added by Ch. 476, Stats. 1933.)

San Juan Capistrano point

844. It is unlawful to use or operate or assist in using or operating any net for the purpose of taking fish in the waters of the State within a radius of four miles of San Juan Capistrano point, in Orange County.

Seizure and sale of nets

845. Any net used for taking fish in violation of the provisions of this chapter is a public nuisance. It is the duty of every person authorized to make an arrest for the violation of any provision of this code to seize and keep such net and report such seizure to the commission. The commission must commence proceedings in the superior court of the county or city and county in which the seizure is made by petitioning said court for a judgment forfeiting such net. Upon the filing of such petition, the clerk of said court shall fix a time for the hearing thereof and cause notices to be posted for fourteen days in at least three public places in the town, city, or city and county, where the court is held, setting forth the substance of such petition and the time and place fixed for its hearing. At such time the court must hear and determine said proceeding, and upon proof that such net was used in violation of this chapter must order the same forfeited. Any net so forfeited shall be sold or destroyed by the commission. The proceeds from all such sales shall be paid into the State treasury to the credit of the fish and game preservation fund.

Nets in district 19

846. Nothing in this chapter authorizing the use of nets in district 19 shall authorize the use of any net within 750 feet of any pier, wharf, jetty, or breakwater, except as follows: (a) Nets allowed to be used in said district may be used to take smelt; (b) Dip nets may be used subject to the provisions of section 959.

Nets in districts 19A and 20

847. Vessels in districts 19A and 20 may carry nets across said districts to open water outside thereof; otherwise, in district 20 it is unlawful to use or possess any net other than a bait dip net. Vessels carrying nets may enter harbors in said districts in cases of distress or emergency.

(Effective until October 25, 1933. See following section.)

847. Vessels may carry nets across districts 19A, and 20 to open water outside thereof. Vessels carrying nets may enter harbors in districts 19A and 20, only in cases of distress or emergency.

(Amended by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

Measurement

848. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them inside the knots while they are simultaneously drawn closely together.

Recovering fish

849. The commission or any person authorized by it, may use any net or other appliance in any district for the purpose of recovering fish from overflowed areas or landlocked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Article 2. Nets for Salmon and Shad.

(Effective until October 25, 1933. See following heading.)

Article 2 Nets for Particular Varieties of Fish

(Heading amended by Ch. 1056, Stats. 1933 Effective October 25, 1933.)

Salmon

860. In district 12B, salmon may be taken with nets between August 1 and September 16, and between November 15 and June 15, with nets allowed to be used in said district.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

860. In districts 12, 12B, and 13, salmon may be taken with nets between August 1 and September 16, and between November 15 and June 15, with nets allowed to be used in said districts.

861. In district 12C, salmon may be taken with nets between November 15 and June 15, with nets allowed to be used in said district.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

861. In district 12C, salmon may be taken with nets between November 15 and June 15, with nets allowed to be used in said district.

862. Repealed by Ch. 703, Stats. 1933.

[ORIGINAL SECTION.]

862. In districts 12, 12B, 12C and 13, the meshes of all nets used for the purpose of taking salmon must be at least 5½ inches in length. In said districts between May 16 and June 15 such meshes must be at least 7½ inches in length

863. In tidewater in the Klamath River gill nets, the meshes of which are at least 7½ inches in length, may be used to take salmon between July 1 and September 5; but between August 1 and September 5 they may be used only between the hours of 8 p.m. and 6 a.m. of the following day.

(Repealed by Chs. 656 and 657, Stats. 1933. Repeal effective January 1, 1934. See notes to sections 484.5 and 656.)

864. It is unlawful to use any net to take salmon between sunrise Saturday and sunset of the following Sunday.

Striped bass and shad.

865. It is unlawful to use any net except a gill net to take striped bass or shad. Such nets may be used to take striped bass and shad, only as follows:

(1) They may be used in district 12B, excluding all sloughs except Broad Slough, between February 15 and May 15.

(2) They may be used in district 12C, excluding all sloughs.

(3) They may not be used between sunrise Saturday and sunset of the following Sunday.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION]

865 Shad may be taken, except between sunrise Saturday and sunset of the following Sunday, in any net, the meshes of which are at least 5½ inches in length.

Yellowtail

867. It is unlawful to use any net to take yellowtail between June 1 and August 31, or to sell such fish during said period. Yellowtail may be used only for consumption as fresh food fish. The provisions of this part do not apply to yellowtail taken in waters lying south of the international boundary line between the United States and Mexico, extended westerly in the Pacific Ocean. The commission is authorized to prescribe regulations governing the inspection and marking of yellowtail imported into this State. The cost of such inspection and marking shall be paid by the importer of the yellowtail.

(Added by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

Barracuda and white sea bass

868. It is unlawful to use any net to take barracuda or white sea bass between May 1 and June 30, or to sell such fish during said period.

(Added by Ch. 1056, Stats 1933. In effect October 25, 1933.)

Article 3. Gill Nets.

Gill nets

875. In districts 1, 2, and 3, gill nets may not be possessed on any boat.

876. In district 5, drift gill nets may be used. The mesh of gill nets and seines used to take salmon in district 5 between August 15 and October 31 must be at least 5½ inches in length

(Repealed by Ch. 656, Stats. 1933. Repeal effective January 1, 1934. See note to section 484.5.)

877. In districts 6, 7, 8, 9, and 10, drift gill nets may be used.

878. In district 11, drift gill nets may be used, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must be either 2½ inches or less, or 5½ inches or more. The meshes must be approximately the same size, and must not vary in length more than 2 inches.

(c) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

879. In district 12, drift gill nets may be used, subject to the following restrictions:

(a) They may be used to take herring, smelt and other small fish.

(b) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(c) The length of meshes must not exceed 2½ inches in length. The meshes of any gill net must be approximately the same size.

(d) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION]

879. In district 12, drift gill nets may be used subject to the following restrictions:

(a) They may be used only between August 1 and May 31.

(b) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(c) The length of meshes must be either 2½ inches or less, or 5½ inches or more. The meshes of gill nets used between March 1 and May 15, must not be between 5⅜ inches and 7½ inches in length. The meshes of gill nets used between May 16 and May 31 must be at least 7½ inches in length. The meshes of any gill net must be approximately the same size and must not vary in length more than 2 inches.

(d) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

880. In district 12B, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least 7½ inches in length, except that between February 15 and May 15 the meshes of such nets may be not less than 5½ inches in length.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION]

880. In district 12B, drift gill nets may be used, subject to the following restrictions:

(a) They may be used only between November 15 and June 15, and between August 1 and September 16.

(b) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(c) The meshes of any gill net must be at least 5½ inches in length. The meshes of any gill net used between May 16 and June 15 must be at least 7½ inches in length. The meshes must be approximately the same size and must not vary in length more than 2 inches.

881. In district 12C, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least 7½ inches in length, except that between February 15 and May 15 the meshes of such nets may be not less than 5½ inches in length. The meshes must be approximately the same size and must not vary in length more than 2 inches.

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION]

881. In district 12C, drift gill nets may be used, subject to the following restrictions:

(a) They may be used only between November 15 and June 15.

(b) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(c) The meshes must be at least 5½ inches in length. The meshes of any gill net used between May 16 and June 15 must be at least 7½ inches in length. The meshes must be approximately the same size and must not vary in length more than 2 inches.

881.5. In that portion of the Sacramento River in district 12C above the M Street bridge at Sacramento, in which gill nets may be used, the mesh of said gill nets shall not be less than seven and one-half inches in length. This section shall cease to be in force and effect on July 1, 1935.

(Added by Ch. 722, Stats. 1933.)

882. In district 13, drift gill nets may be used to take herring, smelt and other small fish, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must not exceed 2½ inches in length. The meshes must be approximately the same size.

(c) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land

(Amended by Ch. 703, Stats. 1933.)

[OFFICIAL SECTION.]

882. In district 13, drift gill nets may be used, subject to the following restrictions

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must be either 2½ inches or less, or 5½ inches or more. The meshes must be approximately the same size and must not vary in length more than 2 inches.

(c) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

883. In districts 15 and 16, drift gill nets may be used.

884. In districts 17, 18, and 19, drift gill nets and set gill nets may be used.

885. In district 19A, gill nets may not be used, nor may they be possessed on any boat.

886. In district 20A, set gill nets may be used.

(Effective until October 25, 1933. See following section.)

886. In district 20 gill nets may be used subject to the following restrictions:

(a) They may be used only in State waters in district 20 between Southeast Rock (also known as Church Rock) and Twin Rocks.

(b) They may be used only to take flying fish for bait.

(c) They must not exceed fifty fathoms in length and two fathoms four feet in depth. The length of the meshes must be between one and seven-eighths and two and one-eighth inches.

(Amended by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

887. In the Klamath River district, in tidewater, drift gill nets may be used.

(Repealed by Chs. 656 and 657, Stats. 1933. Repeal effective January 1, 1934. See notes to sections 484.5 and 656.)

888. Any line used on a gill net which shall tend to cause the webbing of such gill net to bag or hang slack shall cause such net to lose its identity as a gill net and become a trammel net.

Article 4. Trammel Nets.

Trammel nets.

900. "Trammel net" includes two mesh and three mesh nets.

901. In districts 1, 2, and 3, trammel nets may not be possessed on any boat.

902. In district 10, trammel nets may be used, the meshes of which are at least 8 inches in length.

903, 904. Repealed by Ch. 703, Stats. 1933.

[ORIGINAL SECTIONS.]

903. In district 12B, trammel nets may be used, subject to the following restrictions:

(a) They may be used only between August 1 and September 16, and between November 15 and June 15.
(b) The meshes must be at least 5½ inches in length. The meshes of any trammel net used between May 16 and June 15 must be at least 7½ inches in length.

904. In district 12C, trammel nets may be used, subject to the following restrictions:
(a) They may be used only between November 15 and June 15.
(b) The meshes must be at least 5½ inches in length. The meshes of any trammel net used between May 16 and June 15 must be at least 7½ inches in length.

905. In district 18, trammel nets may be used, the meshes of which are at least 8 inches in length. In district 18, trammel nets may not be used between the seaward boundary of any kelp bed and high-water mark, or within 100 yards in any direction from any kelp bed.

906. In district 19, trammel nets may be used, the meshes of which are at least 8 inches in length.

907. In district 19A, trammel nets may not be used, nor may they be possessed on any boat.

Article 5. Purse and Round Haul Nets.

Purse and round haul nets

920. As used in this article, "round haul nets" include circle seines and lampara nets.

921. In districts 1, 2, and 3, round haul nets may not be possessed on any boat.

922. In districts 6, 7, 8, 9, 10, and 11, purse and round haul nets may be used.

923. In district 15, purse and round haul nets may be used to take fish for bait.

924. In district 16, purse and round haul nets may be used to take squids, anchovies and sardines.

925. In districts 17, 18, and 19, purse and round haul nets may be used.

926. In district 19A, round haul nets not exceeding 120 fathoms in length on the cork line, including wings, and not exceeding 10 fathoms in depth, including apron, may be used to take fish bait.

927. In districts 20A and 21, purse and round haul nets may be used.

927 5. In district 21, purse and round haul nets may be used

(Added by Ch. 1056, Stats. 1933. In effect October 25, 1933.)

Use for salmon, etc

928. Salmon, steelhead, striped bass or shad may not be taken with purse or round haul nets.

Use for barracuda

929. Barracuda may not be taken with round haul nets or purse seines except between August 1 and April 30.

(Repealed by Ch. 1056, Stats. 1933. Repeal effective October 25, 1933.)

Article 6. Other Nets.

Beach nets

940. As used in this article, a "beach net" is any net hauled from the water to the beach or shore, and includes beach seines and haul seines.

941. In districts 1, 2, and 3, beach nets may not be possessed on any boat.

942. In district 5, beach nets may be used, the meshes of which are at least 5½ inches in length.

(Repealed by Ch. 656, Stats 1933. Repeal effective January 1, 1934. See note to section 484.5.)

943. In districts 8 and 9, beach nets may be used.

944. In district 10, beach nets may be used, the meshes of which are at least 1½ inches in length

945. In district 11, beach nets may be used.

946. In districts 12, 12B, 12C and 13, beach nets may not be possessed on any boat.

947. In district 18, beach nets may be used, the meshes of which are at least 1½ inches in length.

948. In district 19, beach nets, the meshes of which are at least 1½ inches in length, may be used to take smelt between September 1 and January 31.

Fyke nets. 949. Fyke nets, the meshes of which are at least 2½ inches in length, may be used in districts 3, 12A, 12B, and 12C to take catfish, carp, pike, hardheads and suckers, between September 1 and May 1.

Halibut nets 950. Halibut nets may not be used in district 19A nor may they be possessed on any boat in said district.

Shrimp nets 950.5. Chinese shrimp nets may be used only in district 13 (Added by Ch. 373, Stats. 1933.)

Trawl nets 951. "Trawl nets" include paranzella nets, beam trawls, and shrimp trawls.

952. In district 2, trawl nets may be used to take shrimps only.

953. In district 4, trawl nets or drag nets may not be possessed

954. Repealed by Ch. 251. Stats. 1933.

[ORIGINAL SECTION.]

954. In districts 6 and 7, trawl nets may be used

955. In districts 12 and 13, trawl nets may be used to take shrimps only.

956. In district 17, trawl nets may be used only in water 25 fathoms or more in depth.

957. In district 18, trawl nets may not be used in any bay, but may be used elsewhere in said district.

958. In districts 19, 20, 20A, and 21, trawl nets or drag nets may not be possessed.

Dip nets 959. Dip nets may be used to take fish, other than game fish, to be used as bait only, subject to the following restrictions:

(a) In districts 1, 1½, 2, 3, and 4, dip nets may not be baited, and may not measure more than 6 feet in greatest breadth.

(b) In district 19, dip nets 6 feet or less in greatest breadth may be used. In said district such dip nets may not

be used within 750 feet of any pier, wharf, jetty or breakwater, except to take anchovies, squids, and sardines for bait, and to take smelt.

(c) In district 20, dip nets more than 6 feet in greatest breadth may not be used or possessed.

Article 7. Other Appliances.

970. Crab traps may be used in districts 1½, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, and 19 to take crabs only. Crab traps

971. Lobster traps may be used in districts 17, 18, and 19, to take lobsters only. Lobster traps

972. Troll lines or hand lines having not more than two hooks (plugs excepted) may be used in any district, and troll lines with more than two hooks may be used in districts 6, 7, 10, 11, 15, 16, 17, 18, 19 and 19A for the purpose of taking salmon or tuna. Troll lines

(Amended by Ch. 703, Stats. 1933.)

[ORIGINAL SECTION.]

972. Troll lines or hand lines may be used in any district

973. Trawl lines may be used in districts 6, 7, 10, 17, 18, and 19. Trawl lines

974. A spade, shovel, hoe, rake, or other appliance operated by hand may be used to take mollusks in districts 1½, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, and 21. Spades, etc

Chapter 5. Commercial Fishing Regulations.

Article 1. Commercial Fishing Licenses.

990. Every person who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take fish, mollusks or crustaceans for profit, or who brings or causes fish, mollusks or crustaceans to be brought ashore at any point in the State for the purpose of selling the same in a fresh state, must procure a commercial fishing license. A commercial fishing license may be issued only to a person who has continuously resided within the United States for a period of one year immediately prior to the time he makes application for such license. A commercial fishing license may be issued to a corporation only if said corporation is authorized to do business in this State. Commercial fishing licenses

(Amended by Ch. 696, Stats. 1933.)

[ORIGINAL SECTION.]

990. Every person who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take fish, mollusks or crustaceans for profit, or who brings or causes fish, mollusks or crustaceans to be brought ashore at any point in the State for the purpose of selling the same in a fresh state, must procure a commercial fishing license.

991. The commission shall prepare and issue suitable commercial fishing licenses, entitling the holder to take fish, mol- Term

lusks or crustaceans, from April 1 to March 31, or, if issued after the beginning of such term, for the remainder thereof.

Fee

992. The annual license fee shall be ten dollars for each person, and shall be paid to the commission or to someone designated by it for that purpose.

Forfeiture

993. Any license issued under the provisions of this article is forfeited for the violation of any of the provisions of Article 1, Chapter 1, Part 2, Division IV, or of Chapter 4, Part 2, Division IV.

Article 2. Packing and Reduction Licenses.

Packing and reduction licenses.

1010. Every person must procure a license for each plant or place of business to engage in the business of:

(a) Canning, curing, preserving or packing fish, taken from the waters of this State or brought into this State in a fresh condition.

(b) Manufacturing fish scrap, fish meal, fish oil, chicken feed or fertilizer from fish or fish offal.

(c) Dealing in mollusks or crustaceans by wholesale.

Term

1011. The commission shall prepare suitable licenses entitling the holder thereof to can, cure, preserve or pack fish, to manufacture fish meal, fish oil and other products from fish, and to deal in mollusks and crustaceans by wholesale, subject to the provisions of this code, for a term of one year from July 1 to June 30, or, if issued after the beginning of such term, for the remainder thereof.

Fees.

1012. The annual fees for licenses provided for in this article are as follows: To any citizen of the United States and to any person who has duly made his declaration of intention to become a citizen of the United States, as provided by law, five dollars; to any other person, twenty dollars.

Records

1013. Every person operating under a license as provided in this article and every person dealing in fresh fish shall keep a book or books in which shall be entered a full and correct record, in the English language, of all fresh fish purchased or received by him from fishermen or taken by himself, giving the names of the different species, the number of pounds so received or caught of each different species, and the name and address of the person from whom such fish were received. Said books shall be open at all times for inspection by the commission.

Receipts.

1014. Every person operating under a license as provided in this article, and every person dealing in fish who receives fish from fishermen, shall issue signed receipts to the fishermen from whom fish are received, stating the date of issuance, the name of the fishermen to whom issued, number of the boat, the weight in pounds of each species of fish received, and the price per pound paid to the fishermen. A duplicate manifold copy of this receipt shall be kept on file by the dealer issuing the same for a period of six months, and shall be available for inspection at any time within six months, upon

demand of the commission, and a triplicate copy shall be furnished to the commission.

Privilege tax

1015. Every person operating under a license as provided in this article shall, in addition to the license fee, pay a privilege tax of two and one-half cents for each one hundred pounds, or fraction thereof, of fish purchased, received or taken by him. Fish, excepting mollusks and crustaceans, so taken or received, which are utilized for human consumption in a fresh state, shall not be subject to such tax.

Time of payment

1016. Said privilege tax shall be paid monthly to the commission or some one authorized by it, within thirty days after the close of each month. Upon failure of any person operating under a license as provided in this article to pay such privilege tax within thirty days after the close of any month, his license shall be deemed immediately forfeited. All unpaid taxes as herein provided constitute a lien upon the plant and real property wherein and whereon said packing operations shall have been conducted.

Reports

1017. Any person operating under a license as provided in this article shall report monthly to the commission, showing the total amount of fresh fish, in pounds, purchased, received or taken by him for purposes other than human consumption in a fresh state, and of mollusks and crustaceans purchased, received or taken by him during the preceding month, whether they are used fresh or otherwise.

Forms

1018. Blanks for the report required by section 1017 of this code shall be furnished by the commission, and such report shall be rendered to the commission not later than fifteen days after the end of each month. Said reports shall be accompanied by an affidavit by the person or on behalf of the firm purchasing, taking or receiving such fish, to the effect that said report is true and correct.

Expenditure of fees

1019. All moneys collected under the provisions of this article shall be paid to the commission, and shall be expended for patrol of packing plants, inspection, and regulation of the industry, and conservation work for the benefit of the commercial fishing industries within the districts from which the revenues are derived.

Article 3. Domestic Fish Breeders License.

Fish breeding

1030. Any citizen of this State who owns or leases privately owned land may establish and maintain thereon ponds for the propagation and raising of fish domesticated subject to the provisions of this article.

Requirements

1031. All artificial bodies of water or private hatcheries in which fish may be propagated and raised under the provision of this article shall be entirely within the exterior boundaries of the land owned or leased by the applicant, and there shall be no natural inlet or outlet for the waters contained therein All artificial inlets and outlets of said artificial bodies of water or private hatcheries must be screened to prevent

the ingress or egress of fish to or from any natural body of water.

License application

1032. A citizen desiring to propagate and raise fish shall file with the commission a written application for a license so to do.

Fee

1033. Said application shall be accompanied by a fee of five dollars.

Examination of site

1034. Upon receipt of the application, the commission shall examine the land and waters described therein at the expense of the applicant. If the body of water or private hatchery has been constructed and screened according to the provisions of this article and the application is proper and reasonable, the commission shall grant to the applicant a license to propagate and raise the domesticated fish mentioned in the application, and to possess said domesticated fish for a calendar year, or, if issued after the beginning of such year, for the remainder thereof. The license shall be posted or displayed in a conspicuous place on the land described in the application and shall expire at the end of the calendar year.

Posting of license

Importation

SEC. 1035. Upon obtaining a permit from the commission, for which a fee of five dollars per calendar year or part thereof shall be charged, domesticated fish raised in a hatchery regularly licensed under the laws of any other State may be imported into this State, transported, or sold. Such imported domesticated fish shall be duly tagged as provided in this article, and in accordance with the rules and regulations prescribed by the commission; provided, however, that no live domesticated fish raised outside this State shall be imported, brought into or sold within this State for any purpose. The provisions of this section shall have no application to the importation of fish eggs to be used for propagation within this State.

(Amended by Ch. 486, Stats. 1933.)

[ORIGINAL SECTION.]

1035. Upon obtaining a permit from the commission, for which a fee of five dollars per calendar year or part thereof shall be charged, domesticated fish raised in a hatchery regularly licensed under the laws of any other State may be imported into this State, transported, or sold. Such imported domesticated fish shall be duly tagged as provided in this article, and in accordance with the rules and regulations prescribed by the commission.

Importation permit

1036 The person who is to receive any such fish must apply to the commission for a permit to import each shipment of such fish into this State. The application must state the hatchery or hatcheries from which such fish are to be imported, the quantity of fish in each shipment to be received, and the name and address of the person to receive the same.

Same—Limitations

1037. The commission may grant a permit for the importation of any fish only from a hatchery regularly licensed by the commission and by the State in which it is situated, and no fish shall be received by any person within this State without first having obtained such permit. The permit issued under

the provisions of this article to hatcheries located outside of this State shall expire at the end of the calendar year.

Tags

1038. Domesticated fish propagated and raised in this State under the license granted in accordance with the provisions of this article may be transported or sold when not alive, during the period for which the license was issued, if duly tagged according to the rules and regulations prescribed by the commission.

Form of tags

1039. The commission shall furnish to each person to whom a license or a permit has been issued under the provisions of this article, metallic tags inscribed with the letters "C. F. & G. C." The applicant for such tags must pay the commission one cent for each tag. One of said tags shall be affixed to each domesticated fish raised and transported or sold under the provisions of this article, and said tag shall remain so affixed until the fish has been prepared for consumption. No tag may be used more than once.

(Amended by Ch. 486, Stats. 1933.)

[ORIGINAL SECTION.]

1039 The commission shall furnish to each person to whom a license or a permit has been issued under the provisions of this article, metallic tags inscribed with the letters "C. F. & G. C." The applicant for such tags must pay the commission the actual cost thereof One of said tags shall be affixed to each domesticated fish raised and transported or sold under the provisions of this article, and said tag shall remain so affixed until the fish has been prepared for consumption. No tag may be used more than once.

Brands

1040. Any citizen of this State to whom a license or permit is issued under the provisions of this article may adopt a symbol or brand for identifying and marking domesticated fish raised and transported or sold by such person. Such symbol or brand shall be of such design that it can be perforated in the tail of any such fish.

Registration of brands

1041. Such symbol or brand shall be registered with the commission in the name of the person submitting the same, and when so registered the commission shall issue a permit authorizing the use thereof for marking fish in lieu of the tags referred to in this article. Such symbol or brand shall be perforated in the tail of each domesticated fish raised and transported or sold by such person. No symbol or brand not registered as provided herein may be used.

1042. The commission shall not register more than one symbol or brand of the same design. After such symbol or brand has been so registered, no person other than the one to whom such permit is issued shall use the same. No person shall destroy or obliterate any such symbol or brand so perforated in the tail of any fish until the same has been prepared for consumption.

Tags required

1043. It is unlawful to possess domesticated fish unless such tag is affixed thereto or such symbol or brand being perforated in its tail, as provided in this article.

Permit

1044. Live domestically raised fish may be sold and transported only when accompanied by a permit issued by the commission. No such permit shall be issued unless said fish are consigned to a person having a license or permit under sections 1034 or 1047.

Marking of shipments

1045. Before any domesticated fish designated in the license or permit are shipped or transported, the package in which the same are contained must have affixed thereto a tag stating the number of pounds and the kind of fish contained therein, the name and address of the consignee and the consignor, the point of shipment and the point of destination.

Sale

1046. Any person may sell or purchase for use as food, at any season of the year, any domesticated fish, if the same is tagged or marked for identification as provided in this article. The tag shall be removed only by the consumer, and when removed shall be destroyed.

Stocking waters

1047. Any citizen of this State who owns land bordering upon any lake or bordering upon or through which there passes any stream, may, under the terms of a permit first obtained from the commission, purchase or receive live fish from any person licensed under this article, and may stock said stream or lake with such fish.

Report

1048. Every person receiving a license to propagate and raise domesticated fish shall make a written report to the commission, on or before January 31 of each year, which report must state the number and species of fish designated in the permit, sold, exchanged or given away for use as food or for propagation or exhibition during the preceding calendar year.

Nuisance

1049. Any body of water maintained in violation of this article shall be deemed a continuing public nuisance, and may be abated as provided by law for the abatement of public nuisances; and each day the same is maintained shall be deemed a separate offense.

Article 4. General Commercial Regulations.

Definitions

1060. As used in this article:

(a) "Reduction plant" means any plant used in the reduction of fish into fish flour, fish meal, fish scrap, fertilizer, fish oil or other fishery products or by-products.

(b) "Packer" means any person canning fish or preserving fish by the common methods of drying, salting, pickling or smoking.

(c) "Fish offal" means the heads, viscera, and other parts of fish taken off in preparing for canning or preserving.

Control by commission

1061. The commission may regulate and control fishing boats, barges, lighters or tenders, receptacles or vehicles containing fish, commercial fishermen, packers, reduction plants, plants where fish products are manufactured, and dealers in fish, mollusks, or crustaceans, or fishery products, in so far as necessary to insure the taking and delivery of fish

and fishery products in a wholesome and sanitary condition to canning, packing or preserving plants, or to any plant where fishery products are manufactured, or to any fresh fish dealer, and to prevent deterioration and waste of fish.

Inspection

1062 The commission may enter and examine any canning, packing, preserving or reduction plant, or place of business where fish or other fishery products are packed, preserved, manufactured, bought or sold, or any fishing boat, barge, lighter, tender, or vehicle or receptacle containing fish, and ascertain the amount of fish received, or kind and amount of fishery products packed or manufactured and the number and size of containers or cans for fishery products purchased, received, used, or on hand.

Grades

1063. The commission may establish grades for different varieties of fish or fishery products, which grades must be conformed to by fishermen who deliver fish or other fishery products to packers or to fresh fish dealers. Every packer of fish, or fish dealer, or manufacturer of fish products, must conform to the grades established by the commission.

Waste

1064. It is unlawful to cause or permit any deterioration or waste of any fish taken in the waters of this State, or brought into this State, or to take, receive or agree to receive more fish than can be used without deterioration, waste or spoilage. Except as allowed by this code, it is unlawful to use any fish, or part thereof, except fish offal, in a reduction plant or by a reduction process.

Sardines

1065. Sardines may be taken for use in a reduction plant, or by a packer, only in accordance with the provisions of this article, as follows: In districts 4, 4¾, 18, 19, 20, 20A, and 21 between November 1 and March 31; elsewhere in the State between August 1 and February 15. This section does not prohibit the taking of sardines for the purpose of salting, curing, smoking or drying or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight; provided, that in a ten-ounce can, fish of a size of not less than eight fish to the can may be used, and there shall be added to the commonly known quarter-pound can not less than one ounce of olive oil or a commercial salad oil, and a proportionately larger amount of such oil to the larger sizes of cans.

(Amended by Ch. 706, Stats. 1933.)

[ORIGINAL SECTION]

1065. Sardines may be taken for use in a reduction plant, or by a packer, only in accordance with the provisions of this article, as follows: In districts 4, 4¾, 18, 19, 20, 20A and 21, between November 1 and March 31; elsewhere in the State between August 1 and February 15. This section does not prohibit the taking of sardines for the purpose of packing in cans commonly known as quarter pound or square cans less than a half pound in net weight.

Reduction limit

1066. Any person engaged in canning sardines may take and use in a reduction plant thirty-two and one-half per

cent of the amount of sardines actually received at such canning plant during each calendar month.

"Ton" defined

1067. In determining percentage of sardines used for reduction purposes by canneries it shall be deemed that a ton of sardines suitable in size and condition for canning will produce 960 one-pound oval cans of sardines, or the equivalent if other size cans are used.

Reduction permit

1068. The commission may grant a revocable permit, subject to such restrictions, rules or regulations as the commission may prescribe, to take and use fish by a reduction or extraction process. No reduction of fish shall be permitted which may tend to deplete the species, or result in waste or deterioration of fish.

(Amended by Ch. 706, Stats. 1933.)

[ORIGINAL SECTION]

1068. The commission may grant a revocable permit, subject to such restrictions, rules or regulations as the commission may prescribe, to take and use fish by a reduction or extraction process for the manufacture of edible products fit for and intended to be used for human consumption. No reduction of fish shall be permitted which may tend to deplete the species, or result in waste or deterioration of fish.

1069. Repealed by Ch. 467, Stats. 1933.

[ORIGINAL SECTION.]

1069. No reduction permit shall be granted unless at least fifty per cent of the wet weight of the whole round fish or all of the oil extracted from such fish is manufactured within this State into products fit for and intended to be used for human consumption.

Reduction of unfit fish

1070. Persons engaged in preserving sardines by the common methods of drying, salting, smoking or pickling may use in a reduction plant or by reduction process such sardines, or fish delivered mixed with sardines, as are unfit for drying, salting, smoking or pickling, which are not intentionally taken into the plant in a condition unfit for processing for human consumption.

Mixed fish

1071. Fish which are mixed with sardines when delivered to the packer are the equivalent of sardines and included within the percentage of the total amount of sardines received by the packer during the calendar month.

Chutes, etc.

1072. All chutes or conveyors used to convey fish or fish offal to any receptacle, and all receptacles containing fish or fish offal to be used for reduction purposes, must be so constructed and maintained that the fish or fish offal thereon or therein is at all times open to view and inspection.

Reports

1073. Each packer must, on or before the fifth day of each calendar month, file with the commission a written report, under oath, on such form as may be prescribed by the commission, containing a statement of the amount of fish received at each of his plants during the preceding calendar month. The report must also state the amount of fish packed and the number and size of the containers of fish, fishery products and by-

products packed, produced or reduced at each plant during said preceding calendar month.

Violations. Complaint

1074. A written complaint may be made to the commission against any person who violates any of the provisions of this article, or any regulation made thereunder, by any person having information or knowledge of such a violation. The complaint must be filed with the commission and shall set forth the particular offense alleged to have been committed. A copy thereof must be served on the alleged offender, together with a notice setting forth the time and place of hearing. The hearing must be held in the county in which the violation is alleged to have been committed. The person charged must answer the complaint, in person or by attorney, within five days after notice has been served upon him. If the person charged fails to answer or denies the charge, the hearing shall be conducted by the commission. If the person charged is found guilty of the offense charged, the commission may suspend for a period not to exceed ninety days any license issued by any State board or officer to such person to take, buy, sell, can or preserve fish or fishery products. No other license shall be issued to such person during such period of suspension.

Hearing

Suspension of license

Depositions

1075. The commission or any person appointed by it to conduct a hearing may, in any investigation or hearing held under the provisions of this article, cause the deposition of witnesses, residing within or without the State, to be taken in the manner prescribed by law for depositions in civil actions in the superior courts of this State, and may compel the attendance of witnesses and the production of documents and papers.

Nuisance

1076. Any reduction plant in which any fish or any part thereof is used in violation of the provisions of this article, or in violation of any rule, regulation or order of the commission, is a nuisance. Whenever the existence of such nuisance is shown to the satisfaction of the superior court of the county in which the reduction plant is situated, by complaint filed in the name of the people of the State of California, the court may issue a temporary injunction to abate and prevent the continuance or recurrence of such nuisance. If the existence of a nuisance is established in an action, as provided herein, an order of abatement shall be entered as part of the judgment in the case, which order shall direct the closing, for twelve months, of the building or place where such nuisance was maintained, and, during such time, said building or place shall be and remain in the custody of the court.

Regulations

1077. The commission may make and enforce such regulations as may be necessary or convenient for carrying out any power, authority or jurisdiction conferred under this article.

Article 5. Commercial Fishing Reports.

1090. The commission shall:

Scientific data.

(a) Gather and prepare data of the commercial fisheries

relating to the most important commercial fishes, showing particularly the extent to which such fishes abound.

(b) Make such investigations of the biology of the various species of fish as will aid in the collection and preparation of the statistical information necessary to determine evidence of overfishing.

(c) Make such investigations as will disclose evidence of overfishing from changes in the age groups of any species of fish.

(d) Determine what measures may be advisable to conserve any fishery, or to enlarge and assist any fishery where that may be done without danger to the supply.

Records

1091. Every person engaged in the business of buying, canning, curing or preserving fish, or manufacturing fish meal, fish oil or fish fertilizer, or dealing in fish, mollusks or crustaceans, shall make a legible record in the form of a receipt in triplicate on forms to be furnished by the commission. The receipt must show the weight of each species of fish, mollusks or crustaceans received, the name of the fisherman, the Division of Fish and Game registration number of the boat or the name of the dealer from whom the fish, mollusks or crustaceans were received, the name of the person receiving same, date received, and the price paid to the fisherman.

Contents of receipt

1092. The receipt must also state whether the fish are intended to be sold fresh or to be canned, cured, made into fish meal or fertilizer, or otherwise disposed of. If a commercial distinction is made between different sizes or qualities of any species or variety, it must be so stated on said record or receipt. The receipt shall also state what fish were taken in foreign waters, or in the high seas off another State or foreign country.

1093. The names used in the receipt for designating the species of fish dealt with must be those in common usage, and may be designated by the commission.

Copies of receipt

1094. The original copy of the receipt must be delivered to the fisherman at the time of the purchase or receipt of the fish; the duplicate copy must be kept by the dealer or person receiving the fish; and the triplicate copy must be delivered to the commission on or before the first and sixteenth day of each month.

(Amended by Ch. 710, Stats. 1933.)

[ORIGINAL SECTION.]

1094. The original copy of the receipt must be delivered to the fisherman at the time of the purchase or receipt of the fish; the duplicate copy must be kept by the dealer or person receiving the fish; and the triplicate copy must be delivered to the commission.

Receipt From whom required

1095. A fish dealer, canner or preserver or other person who catches his own fish must fill out the receipt as required by this article. The commission may furnish and require a separate form for such cases.

(Amended by Ch. 710, Stats. 1933.)

[ORIGINAL SECTION.]

1095. A fish dealer, canner or preserver who catches his own fish must fill out the receipt as required by this article. The commission may furnish and require a separate form for such cases.

Preservation of receipts

1096. The commission shall preserve all such triplicate copies of receipts in places adequately safeguarded from loss or destruction, and keep them accessible for reference or research.

Receipts confidential

1096.5. The receipts, reports or other records filed with the commission pursuant to the provisions of this article, and the information contained therein shall be confidential and the records shall not be public records, and in so far as possible, the information contained in the records shall be compiled or published as summaries, so as not to disclose the individual record or business of any person, firm or corporation.

(Added by Ch. 710, Stats. 1933.)

Records of catch

1097. The master of any otter or beam trawl, and any person operating any paranzella net or similar gear in the public waters of this State, or taking fish by such net or gear without the State and bringing them into the State, shall keep a record in a book to be furnished by the commission, which record must state the time and place of each haul made on each trip, the duration of the haul and approximate catch according to species or variety made in each haul, the time of the voyage and the total catch by species as weighed when landed. If the owner of the vessel is a dealer, the information must be kept in a form approved by the commission.

Report of packers

1098. Every person engaged in canning, curing or preserving fish or manufacturing fishery products from fish or fish offal, shall render on or before January 15 of each year, a statement for the preceding calendar year, on forms to be furnished by the commission, showing the name of the person, location of plant, kind of buisness, capital invested, number of persons employed, number of months operating, and the amount and kind of fishery products canned, preserved or manufactured.

Registration numbers

1099. Every person owning or operating any vessel used in connection with fishing operations shall, for the purpose of identification and registration, carry in plain sight on each side of said vessel, a registration number.

Form

1100. The registration numbers must be stamped on metal plates and furnished by the commission in duplicate. The plates shall be known as "Division of Fish and Game registration number plates." Every number plate shall have displayed upon it the registration number assigned to the vessel upon which it is placed, together with the abbreviated words "Cal. Div. F. & G." Such plates shall be numbered consecutively beginning with number one, and shall be issued upon application to the commission.

1101. Registration number plates must be constructed of durable noncorrosive metal and must be securely fastened

well forward to some part of the superstructure of the vessel upon which they are placed.

Nontransferable

1102. Registration number plates are not transferable, and shall be considered a permanent fixture upon the vessel upon which they were originally placed.

Application Contents

1103. Before registration number plates are issued, the applicant must furnish the commission with the following information pertaining to the vessel upon which the number plates are to be placed: name and address of the owner; name and address of the operator; type of vessel; general dimensions; home port; kind of fishery work to be engaged in; and any other information the commission may require pertaining to the operation of such vessel.

Replacement of plates

1104. Registration number plates shall remain the property of the State, and shall not be intentionally defaced, mutilated or destroyed. If any such registration number plate is accidentally defaced, mutilated, destroyed or lost, the person owning or operating the vessel upon which such number plate has been placed must immediately make application for and may obtain a duplicate thereof, upon furnishing the commission with the pertinent facts and the payment of two dollars therefor.

Fee

(Amended by Ch. 710, Stats. 1933.)

[ORIGINAL SECTION.]

1104. Registration number plates shall remain the property of the State, and shall not be intentionally defaced, mutilated or destroyed. If any such registration number plate is accidentally defaced, mutilated, destroyed or lost, the person owning or operating the vessel upon which such number plate has been placed must immediately make application for and may obtain a duplicate thereof, upon furnishing the commission with the pertinent facts and the payment of one dollar therefor.

Loss of vessel Report

1105. If a vessel carrying registration number plates is lost, destroyed or sold, the owner of such vessel shall immediately report such loss, destruction or sale to the commission.

Description of vessel

1106. Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this State, or bringing fish into this State, shall, on or before April 1 of each year, file with the commission, on a form to be provided by the commission, a statement describing such vessel.

1107. The statement shall include: the owner's name and address; the name, if any, of the vessel; the Division of Fish and Game registration number; the number in the crew; the length and breadth over all; the depth of the hold; the type of vessel; the horsepower, if propelled by motive power; the net tonnage; and the value of the vessel, exclusive of nets, gear, cargo and stores.

Description of gear

1108. The owner or operator of a boat using any fishing gear shall also file with the commission, on or before April 1 of each year, a complete statement of the value of fishing gear and fishing equipment used or carried on such vessel; the kind of nets, traps, lines or other apparatus used; and the amount, length, size or number of pieces of different kinds

of gear used by months or seasons during the preceding year. The owner or operator shall also state as nearly as possible in what district, fishing grounds or banks such gear was used.

1109. The commission may board any fishing boat, or enter any place of business where fish are sold fresh, or canned, or cured, or any reduction plant, or place of business where fish meal is made, and examine any books and records containing any account of fish caught, bought, canned, packed, stored or sold. Examination of records

1120–1140 Repealed by Ch. 825, Stats. 1933. For provisions transferring books, papers, records and moneys see Ch. 825.

[ORIGINAL SECTIONS.]

Article 6. State Fish Exchange.

1120. As used in this article:

(a) "Director" means Director of the Department of Agriculture.

(b) "Retail Dealer," "peddler," or "huckster," means a person engaged in selling fresh food fish directly to the consumer.

(c) "Wholesale dealer" means a person engaged in selling fresh food fish to a person other than the consumer.

(d) "Fish buyer" or "fish broker" means a person engaged in buying or selling fresh food fish for an owner or consignee, or who, without an established place of business, buys fish from market fishermen for the purpose of reselling to a person other than the consumer.

(e) "Market fisherman" means a person engaged in catching fish which are sold or intended to be sold.

1121. All fish found in the possession of a person within this State are presumed to have been taken under the jurisdiction of the State.

1122. To carry out the provisions of this article, the "State Fish Exchange," as a division of the State Department of Agriculture, is continued in existence. The executive officer thereof shall execute an official bond in the sum of ten thousand dollars. The employees of the State Fish Exchange have all the powers and authority of peace officers for the purpose of enforcing this article.

1123. The State Fish Exchange shall have a seal bearing the inscription "State Fish Exchange, State of California, seal," which seal shall be affixed to all instruments, including licenses, issued under the provisions of this article.

1124. Nothing in this article except the provisions of section 1125:

(a) Applies to fish bought or sold for canning, curing or packing.

(b) Requires the payment of license fees by canners, curers, or packers of fish.

(c) Applies to fish caught by other than market fishermen.

(d) Applies to fish sold directly by fishermen to private consumers.

(e) Applies to fish caught in waters privately owned within the State.

(f) Applies to crustaceans or mollusks.

1125. It is unlawful for any one to destroy, or cause or permit to be destroyed, any food fish in excess of fifty pounds within twenty-four hours, or to divert, or cause or permit to be diverted, any food fish to any use other than human consumption, without the written consent of the director. Consent to such destruction or diversion shall be given only when such destruction or diversion is not for the purpose of influencing prices, and reasonable efforts have been made to induce consumption of such fish by the public. Nothing in this section applies to the use of food fish by fishermen as bait in the customary manner, or to food fish in the possession of canners, curers or packers, which are not suitable for their use, and which in consequence are destroyed or diverted to use other than human consumption.

1126. Every person, other than market fishermen, engaged in buying and selling fish for consumption in its fresh condition, shall pay to the State an annual license fee, as follows:

(a) Retail dealers, dealing exclusively in fish, crustaceans and mollusks, ten dollars.

(b) Retail dealers, handling fish other than mollusks and crustaceans, in connection with a retail business owned by them, and all peddlers and hucksters, five dollars.

(c) Fish brokers and fish buyers, fifty dollars.

(d) Fishermen's organizations selling the catch of their members, or agents selling the catch of such fishermen's organizations, fifty dollars.

(e) Salesmen or agents representing wholesale fish dealers located outside the State, fifty dollars.

(f) Wholesale fish dealers, on the basis of their annual gross receipts from the sale of fresh food fish, including their sales at branch houses, as follows:

1. When such receipts are:

(i) Not in excess of fifty thousand dollars, fifty dollars.

(ii) In excess of fifty thousand dollars and not in excess of one hundred thousand dollars, seventy-five dollars.

(iii) In excess of one hundred thousand dollars and not in excess of two hundred thousand dollars, one hundred dollars.

(iv) In excess of two hundred thousand dollars and not in excess of four hundred thousand dollars, one hundred fifty dollars.

(v) In excess of four hundred thousand dollars and not in excess of six hundred thousand dollars, two hundred dollars.

(vi) In excess of six hundred thousand dollars, two hundred fifty dollars.

2. For each branch house of wholesale dealers who operate more than one wholesale establishment, five dollars.

1127. All licenses provided for in this article must be paid for in advance, and shall cover an annual period terminating June 30 following the date of issue. A proportionate charge shall be made, according to the number of months covered, for licenses issued for a portion of the annual period; but the fee shall not be less than one-half of the annual fee, except for licenses issued to wholesale dealers. A separate license is required for each place of business, except that the sale of fish from a vehicle by the holder of an exclusive retail fish dealer's license does not require a peddler's license. A person doing both a wholesale and retail business shall take out both a wholesale and a retail license unless his total receipts amount to less than ten thousand dollars per annum. Any person doing a wholesale and retail business and having total receipts of less than ten thousand dollars per annum shall be considered a retail dealer dealing exclusively in fish, crustaceans and mollusks.

1128. Fees payable by wholesale dealers shall be based on the applicant's sworn statement as to his gross receipts from the sale of food fish sold for human consumption in its fresh condition, using the preceding year as a basis. If the applicant did no wholesale business during said preceding year, a license shall be issued upon payment of a fee of fifty dollars and the execution of a bond by the applicant to the director, guaranteeing the payment of such additional amount as will make the total payable on his actual business during such period equal to the license fee. If the amount of actual sales of any wholesale dealer for any annual period for which he has paid license fees in advance is greater than the amount on which such license fee was based, he shall, at the end of such period, pay to the State such additional amount as would be due on the basis of actual sales. If the amount of actual sales for any annual period is less than the amount on which the license fee was based, the wholesale dealer shall, at the end thereof, be credited with the difference between the license fee paid in advance and the fee that would have been due on the basis of actual sales. Such credit shall be made only on further license fees that may be payable by such wholesale dealer.

1129. All licenses provided for in this article shall be issued by the State Fish Exchange upon a written application accompanied by the proper fee, together with satisfactory assurance that the State and local rules and regulations as to equipment and sanitary conditions have been complied with.

1130. Any license may be assigned by the holder thereof, and transferred upon payment of a transfer fee of five dollars to the State Fish Exchange. When a license is assigned, it shall be returned to the State Fish Exchange for transfer, and a new license shall be issued in lieu thereof for the unexpired term. The assignment is invalid until such transfer is made.

1131. When a license issued under the provisions of this article is lost or accidentally destroyed, a duplicate license shall be issued by the State Fish Exchange upon payment of a fee of five dollars. Every license shall be conspicuously displayed in the place of business for which it is issued, or upon request must be shown by any licensee having no established place of business.

1132. Five per cent of the money collected under the provisions of this article must be paid into the general fund, and the remainder into the Department of Agriculture fund. All money so paid into the Department of Agriculture fund shall be used only for the purpose of carrying out the provisions of this article, including the payment of premiums on official bonds herein provided for.

1133. Any surplus over and above the expenditures of the State Fish Exchange shall be expended by said exchange, under the direction of the director, in educational and publicity campaigns for the purpose of increasing the consumption of fresh food fish, and of enabling the public to obtain fish at reasonable prices.

1134. The director has power:

(a) To regulate and control the business of buying and selling and otherwise disposing of all fresh food fish caught in the waters of this State.

(b) To open and conduct where, when, and for such length of time as he deems it advisable, State markets for the buying and selling of fresh food fish, and to rent, lease or purchase plants and equipment necessary for the same, and to use so much of the funds placed at the disposal of the State Market Director by the State Market Commission Act as may be required in establishing and conducting said markets.

(c) To do and perform any and all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction conferred under this article.

(d) To establish maximum prices for fresh food fish in any particular locality:

(1) To be paid to those engaged in catching such fish for sale.

(2) To be paid to those engaged in the wholesale fish business.

(3) To be charged to the consumer by retail fish dealers, peddlers or hucksters.

Said prices shall be such as will allow, in the judgment of the director, a reasonable compensation or profit to those engaged in the catching or selling of such fish.

1135 To charge more for fresh food fish in a particular locality than the maximum prices established therefor under the provisions of this article is, after receipt of notice of such maximum prices, sufficient ground for the suspension or revocation by the Director of Agriculture, in his discretion, of any license issued under this article

1136. If a supply of fresh food fish reaches any market, which supply in the judgment of the director is excessive or abnormal.

(a) The director shall make every endeavor to induce its consumption by the public.

(b) Market fishermen and wholesale fish dealers who find themselves possessed of an excessive supply shall notify the director. Failure to give such notice shall, in the discretion of the director, be sufficient grounds for the suspension of any license issued under the provisions of this article, for a period not exceeding 30 days.

(c) The director may use the moneys collected under the provisions of this article in purchasing any part or all of an excess of fresh food fish over the amount that can be sold through ordinary channels, and place the same in cold storage, and resell the same at such time and at such price as he deems proper.

1137. The director may require from any person engaged in marketing fish a written statement of the amount and species of fish caught, on hand, and sold by said person. Failure to furnish such statement on demand shall, in the discretion of the director, be sufficient grounds for the suspension of any license issued under the provisions of this article, for a period not exceeding thirty days.

1138. The director shall establish and enforce rules and regulations necessary for the proper carrying out of the provisions of this article, and shall print and distribute the same, without charge, to all persons applying therefor. Violation of any such rule or regulation is sufficient ground for the suspension, by the director, for not exceeding thirty days, of any license issued under this article.

1139. The director, in his discretion, upon proof of any violation of this code, as evidenced by a conviction in a court of competent jurisdiction, may revoke or suspend any license issued under this article. No license may be suspended or revoked before the licensee has been notified and given an opportunity for a hearing.

1140. All prosecutions or suits brought under this article must be commenced within six months from the time the offense was committed or liability incurred.

PART 3. BIRDS AND MAMMALS.

CHAPTER 1. GENERAL PROVISIONS.

Hours for hunting

1150. Subject to the provisions of Article 2, Chapter 2, Part 3, Division IV, it is unlawful to take any bird or mammal, other than predatory birds and mammals, between one-half hour after sunset and one-half hour before sunrise of the following day.

Hunting with light prohibited

1151. It is unlawful to use an artificial light to assist in the taking of game birds or mammals, or game fish for which a sporting fishing license is required.

The possession at any time between one-half hour after sunset of any one day and one-half hour before sunrise of the following day, of both an artificial light and any firearm or other apparatus capable of being used to take game birds, game mammals, or game fish, in any locality where there are commonly found any birds, mammals or fish, protected by the laws of this State, is prima facie evidence of a violation of this section. "Artificial light" as used in this section means any light which is not legally affixed to a motor vehicle, and which is capable of projecting a beam of light a distance of thirty or more feet, provided, however, that the term "artificial light" as used in this section shall not be construed as, or mean, a hand flashlight.

(Amended by Ch. 714, Stats. 1933.)

[ORIGINAL SECTION.]

1151. It is unlawful to use a spotlight to assist in the taking of game birds or mammals.

Shooting from vehicles, etc.

1152. It is unlawful to shoot at any game bird or mammal, except whales, from a powerboat, sailboat, motor vehicle, or airplane.

Firearms Size limit

1153. It is unlawful to use or possess a shotgun larger than ten gauge, or to use or possess a shotgun capable of holding more than six cartridges at one time.

Cane gun

1154. It is unlawful to use or possess any firearm commonly known as a "cane gun," or a gun of similar character, or to use or possess a bird net.

Traps, etc

1155. Except as permitted by the provisions of Article 4, Chapter 3, Part 3, Division IV of this code, it is unlawful to take birds or mammals with any net, pound, cage, trap, set line or wire, or poisonous substance, or to possess birds or mammals so taken, whether taken within or without this State. Proof of possession of any bird or mammal which does not show evidence of having been taken by means other than with a net, pound, cage, trap, set line or wire, or poisonous substance, is prima facie evidence that said birds or mammals were taken in violation of the provisions of this section.

Closing of areas to hunting

1156. The Director of the Department may, with the consent of the Governor, upon recommendation of the commission, close to hunting any area newly stocked by the commission with game birds or mammals, or any area where, in the judgment of the director, added protection for game birds or mammals is needed, for such time as the director may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

(Added by Ch. 780, Stats. 1933.)

1157. During the period when any open season is suspended or closed by the director, it is unlawful to take game birds or mammals in the closed area.

(Added by Ch. 780, Stats. 1933.)

Publication of closing order

1158. Any order issued under this article shall be published twice in at least one newspaper of general circulation in any county affected by such order. The publications shall be separated by a period of not less than one week and not more than two weeks. The order shall be posted in such public places in each county as the director may direct.

(Added by Ch. 780, Stats. 1933.)

Chapter 2. Birds.

Article 1. General Provisions.

Use of vehicles, etc

1170. It is unlawful to use any powerboat, motor vehicle or airplane to drive any game bird toward another person with the intent that such other person shall take said game bird.

Blinds

1171. It is unlawful to use any mammal (except dogs) or an imitation of a mammal as a blind or in approaching or taking game birds.

Nests

1172. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any game bird or nongame bird.

Sale of game birds

1173. Subject to the provisions of this code permitting the sale of domestically raised game birds, it is unlawful to sell or purchase any game bird or nongame bird.

Game birds

1174. The following are game birds: the family Anatidae (geese, ducks, and swans); the family Rallidae (coots or mud hens, gallinules, rails); the family Columbidae (doves, pigeons); the family Gruidae (cranes); the order Limicolae (shore birds, surf birds, plover, sandpipers, tatlers, curlews); the order Gallinae (quail, grouse, sage hens, prairie chickens, partridge, pheasants, wild turkeys). All other birds native to North America, except predatory birds, are nongame birds.

Predatory birds.

1175. The following are predatory birds: blue jay, English or European house sparrow, great horned owl, sharp-shinned hawk, Cooper's hawk, duck hawk, house finch (commonly known as California linnet), crow, black-billed magpie, shrike or butcher bird, white pelican, shag or cormorant, and, in districts 1, 2, 3, 4, and 4¼, the blackbirds.

1176. Predatory birds may be taken at any time.

Nongame birds

1177. It is unlawful to take or possess the following game birds, or any part thereof: rails, wood ducks, shore birds (except Wilson snipe), sage hens, grouse, sand hill cranes, whooping cranes, little brown cranes, white cranes, swans, wild pheasants, bob white quail, imported quail (any variety), partridges, or wild turkeys.

(Amended by Ch. 313, Stats. 1933.)

[ORIGINAL SECTION.]

1177. It is unlawful to take or possess the following game birds, or any part thereof: rails, wood ducks, shore birds (except Wilson snipe), sage hens, grouse, sand hill cranes, whooping cranes, little brown cranes, white cranes, swans, wild pheasants, bobwhite quail, imported quail (any variety), partridges, wild turkeys, or wild pigeons.

Aigrettes, etc

1178. It is unlawful to take, sell, or purchase any aigrette or egret, osprey, bird of paradise, goura, numidi, or any part of said birds.

Possession of nongame birds

1179. It is unlawful to take or possess any nongame bird, unless otherwise provided in this code, or to sell any such bird or any part thereof, taken within or without the State.

Transportation of nongame birds.

1180. Except as permitted by this code, it is unlawful for any common carrier to transport any nongame bird, or any game bird for which there is no open season.

Pheasants

1181. Pheasants may be domestically raised or imported alive, and such pheasants may be killed and sold or disposed of at any time with the permission of the commission. A copy of the permit must be attached to such pheasants or to the package containing the same, in plain view, when the same are sold or transported.

Crop damage

1182. Nongame birds which are found to be injuring growing crops may be killed by the owner or tenant of the premises. Such birds may not be transported or sold.

Pets

1183. With permission of the commission, a citizen of this State may keep nongame birds as domestic pets. Said birds may not be transported out of the State or sold.

Article 2. Season and Bag Limits.

Doves

1200. Doves may be taken in districts 4, 4½ and 4¾ between September 1 and October 31, and in all other districts between September 1 and September 30. The bag limit is 15 per day, 30 per week. Not more than one daily bag limit of doves may be possessed by any person during one day.

Mountain quail

1201. Mountain quail may be taken in district 1½ between November 1 and December 31, and in all other districts between November 15 and December 31. The bag limit is 10 per day, 20 per week. Not more than one daily bag limit of mountain quail may be possessed by any person during one day.

(Amended by Ch. 468, Stats. 1933.)

[ORIGINAL SECTION.]

1201. Mountain quail may be taken in district 1½ between November 1 and December 31, and in all other districts between November 15 and

December 15. The bag limit is 10 per day, 20 per week. Not more than one daily bag limit of mountain quail may be possessed by any person during one day.

Desert quail

1202. Desert quail may be taken between November 15 and December 31. The bag limit is 10 per day, 20 per week. Not more than one daily bag limit of desert quail may be possessed by any person during one day.

(Amended by Ch. 468, Stats. 1933.)

[ORIGINAL SECTION]

1202. Desert quail may be taken between November 15 and December 15. The bag limit is 15 per day, 30 per week. Not more than one daily bag limit of desert quail may be possessed by any person during one day.

Valley quail

1203. Valley quail may be taken in district 1½ between November 1 and December 31, and in all other districts between November 15 and December 31. The bag limit is 10 per day, 20 per week. Not more than one daily bag limit of valley quail may be possessed by any person during one day.

(Amended by Ch. 468, Stats. 1933.)

[ORIGINAL SECTION.]

1203. Valley quail may be taken in district 1½ between November 1 and December 31, and in all other districts between November 15 and December 15. The bag limit is 15 per day, 30 per week. Not more than one daily bag limit of valley quail may be possessed by any person during one day.

Pigeons

1203.5. Wild pigeons may be taken between December 1 and December 15. The bag limit is 10 per day, 20 per week. Not more than one daily bag limit may be possessed by any person during one day.

(Added by Ch. 313, Stats. 1933)

Pheasants

1203 6. Male pheasants may be taken between November 15th and November 20th. The bag limit is two per day. Not more than one daily bag limit of male pheasants may be possessed by any person during one day.

(Added by Ch. 698, Stats. 1933.)

Ducks

1204. Ducks may be taken between October 1 and January 15. The bag limit is 15 per day, 30 per week. Not more than two daily bag limits of ducks may be possessed by any person during one day.

(Amended by Ch. 726, Stats. 1933.)

[ORIGINAL SECTION.]

1204 Ducks may be taken between October 1 and January 15 The bag limit is 25 per day, 50 per week. Not more than one daily bag limit of ducks may be possessed by any person during one day.

1205, 1206. Repealed by Ch. 168, Stats. 1933.

[ORIGINAL SECTIONS]

1205 In districts, 4, 4½, 4A, 4E, 19, 20, 20A, 21 and 22, ducks may be taken during the open season prescribed in this article only on

Wednesday, Saturday, Sunday, legal holidays and the opening and closing days of said open season.

1206. In district 4A, ducks may be taken on the days prescribed in this article for said district only, between the hour of eight a.m. and sunset.

1207. In districts 8 and 9 ducks may be taken from a scull boat during the open season prescribed in this article only on Wednesday and Sunday.

1208. It is unlawful to take ducks from a scull boat which is in open waters in district 12, or, in that portion of district 2 composed of the Napa River southerly from the southerly end of Edgerly Island, and the Mare Island Strait from the Napa River to Carquinez Strait.

Geese

1209. Geese may be taken between October 1 and January 15. The bag limit is 4 per day, 8 per week on all varieties, and 12 per week on Canada geese (Branta canadensis) and black sea brant. Not more than one daily bag limit of geese may be possessed by any person during one day.

(Amended by Ch. 726, Stats. 1933.)

[ORIGINAL SECTION]

1209. Geese may be taken between October 1 and January 15. The bag limit is 8 per day on all varieties, and 24 per week on Canada geese (Branta canadensis) and black sea brant. Not more than one daily bag limit of geese may be possessed by any person during one day.

1210, 1211. Repealed by Ch. 168, Stats. 1933.

[ORIGINAL SECTIONS.]

1210. In districts 4, 4½, 4A, 4E, 19, 20, 20A, 21 and 22, geese may be taken during the open season prescribed in this article only on Wednesday, Saturday, Sunday, legal holidays and the opening and closing days of said open season.

1211. In district 4A, geese may be taken on the days prescribed in this article for said district only between the hour of eight a.m. and sunset.

1212. In districts 8 and 9 geese may be taken from a scull boat during the open season prescribed in this article only on Wednesday and Sunday.

1213. It is unlawful to take geese from a scull boat which is in open waters in district 12, or in that portion of district 2 composed of the Napa River southerly from the southerly end of Edgerly Island, and the Mare Island Strait from the Napa River to Carquinez Strait.

Mud hens

1214. Mud hens may be taken between October 1 and January 15. The bag limit is 25 per day, 50 per week. Not more than one daily bag limit of mud hens may be possessed by any person during one day.

Gallinules

1215. Gallinules may be taken between October 1 and January 15.

Wilson snipe

1216. Wilson snipe may be taken between October 1 and January 15. The bag limit is 25 per day, 50 per week. Not more than one daily bag limit of Wilson snipe may be possessed by any person during one day.

Chapter 3. Mammals.

Article 1. Predatory Mammals.

Predatory mammals

1230. The following mammals are predatory mammals: the order insectivora (moles, shrews); the family Canidae (wolves, coyotes, foxes); the family Procyonidae (ringtail cats, coons); the family Mustelidae (martens, fishers, wolverines, weasels, minks, skunks, badgers); the family Felidae (cougars, wildcats).

(Amended by Ch. 362, Stats. 1933.)

[ORIGINAL SECTION.]

1230. The following mammals are predatory mammals: the order insectivora (moles, shrews); the family canidae (wolves, coyotes, foxes); the family Procyonidae (ringtail cats, coons); the family Mustelidae (martens, fishers, wolverines, weasels, minks, skunks, badgers); the family Felidae (cougars, wildcats); the order Rodentia (rats, mice, gophers), except the genera Sciurus and Petauristidae (tree squirrels, flying squirrels); the rabbits of the order Lagomorpha; the black-tailed jack rabbits of the genus Lepus; cotton-tail rabbits and brush rabbits of the genus Sylvilagus in districts 4, 4¼, 19, and 21.

Cats

1231. Any cat found within the limits of any fish and game refuge is a predatory mammal, unless it is in the residence of its owner or upon the grounds of the owner adjacent to such residence.

1232. Predatory mammals, other than fur-bearing mammals, may be taken at any time.

Article 2. Fully Protected Mammals.

Nongame mammals

1250. It is unlawful to take or possess the following mammals, or any part thereof: female deer, spotted fawn, spike buck, antelope, mountain sheep, Sierra hare (Lepus campestris sierrae), tree squirrel, sea otter, and, in district 1¾, forked-horn deer.

(Amended by Ch. 781, Stats. 1933.)

[ORIGINAL SECTION.]

1250. It is unlawful to take or possess the following mammals, or any part thereof: female deer, spotted fawn, spike buck, antelope, mountain sheep, Sierra hare (Lepus campestris sierrae), tree squirrel, sea otter, elk, and, in district 1¾, forked-horn deer.

Spike buck, etc.

1251. As used in this article, a "spike buck" is a male deer with unbranched antlers on both sides, and a "forked-horn deer" is a male deer with antlers of two branches on both sides.

Elk and beaver

1252. Except as permitted by this code, it is unlawful to take or possess any elk or beaver, or any part thereof.

(Amended by Ch. 781, Stats. 1933.)

[ORIGINAL SECTION.]

1252. The possession of any elk meat is prima facie evidence of a violation of this article.

Article 3. Deer.

Deer

1270. In district $1\frac{1}{2}$, deer may be taken between September 1 and October 15.

1271. In districts 2, $2\frac{1}{2}$, and 3, deer may be taken between August 1 and September 14.

1271.5. In districts $2\frac{3}{4}$, 4 and $4\frac{3}{4}$, deer may be taken between August 16 and September 15.

(Added by Ch. 782, Stats. 1933.)

1272. In districts 1, $1\frac{3}{4}$, $4\frac{1}{2}$, 23, 24 and 25, deer may be taken between September 16 and October 15.

(Amended by Ch. 782, Stats. 1933.)

[AS AMENDED BY CH. 731, STATS. 1933.]

1272. In districts 1, $1\frac{3}{4}$, 4, $4\frac{1}{2}$, $4\frac{3}{4}$, 23 and 25, deer may be taken between September 16 and October 15.

[ORIGINAL SECTION.]

1272. In districts 1, $1\frac{3}{4}$, 4, $4\frac{1}{2}$, $4\frac{3}{4}$, 23, 24, and 25, deer may be taken between September 16 and October 15.

1273. In district $1\frac{3}{4}$ one deer only may be taken during the open season. Any person who is a resident of district $1\frac{3}{4}$ may possess, during the open season, one deer taken in said district, and one deer legally taken in any other district.

1274. In districts other than $1\frac{3}{4}$, not more than two deer may be taken during the open season.

Possession time limit.

1275. Deer legally taken may be possessed at any time during which deer may be taken in any district and for 15 days thereafter.

Deer tags.

1276. It is unlawful to take any deer without first procuring a license tag authorizing the taking of such deer in accordance with the provisions of this article.

Form

1277. The commission shall determine the form of, and prepare, license tags and applications therefor. Such tags shall consist of two parts.

Tag fees.

1278. Any person who possesses a valid hunting license may, upon the payment of one dollar, procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the then current license year.

Term of validity.

1279. License tags are valid only during that portion of the current hunting license year in which deer may be taken or possessed in any district.

Sale of tags

1280. License tags shall be issued, sold and accounted for in the same manner as hunting licenses, and the same compensation is payable for the sale thereof.

Method of use.

1281. The holder of a license tag must carry said tag while hunting deer, and upon the taking of any deer must immediately fill out both parts of said tag. One part of the license tag must be attached to the antlers of such deer during the open season and for ten days thereafter. The other part of the tag must be immediately sent to the commission.

1282. When a license tag has been lost or destroyed, a new tag shall be issued to the original holder upon payment of the fee prescribed in this article for license tags, and the furnishing of an affidavit by the holder indicating such loss or destruction. Lost tags

1283. It is unlawful to alter, mutilate, or deface any license tag or the entries thereon to evade provisions of this article. Mutilation

1284. It is unlawful for any person to transfer a license tag or to use a license tag not issued to him. Transfer

1285. Any person who violates any provision of this article shall forfeit his license tags, and no new license tags may be issued to said person during the then current license year for hunting licenses. Forfeiture

1286. Any person legally killing a deer in this State may transport said deer into a closed district. Before transporting such deer, he shall have the license tag countersigned by a fish and game commissioner, a person employed in division of fish and game, or by a justice of the peace, notary public, postmaster, peace officer or by an officer authorized to administer oaths. Transportation of deer

1287. It is unlawful to use or allow to be used more than one dog per hunter to assist in taking deer during the open season on deer. It is unlawful to suffer, permit or allow any dog to run, track or trail any deer during the closed season. Dogs

1288. Any person taking any deer must retain in his possession during the open season thereon, and for ten days thereafter, the skin and portion of the head bearing the antlers, and must produce the skin and portion of the head bearing the antlers upon the demand of any officer authorized to enforce the provisions of this code. Retention of head

1289. Subject to the provisions of this code permitting the sale of domestically raised game mammals, it is unlawful to sell or purchase any deer meat in this State Sale of deer

1290. It is unlawful to sell or purchase the skin of any deer, or to possess the skin of any female deer, or spotted fawn, or any deer skin from which the evidence of sex has been removed. This section does not apply to deer taken in a foreign country. Sale or mutilation of hide

1291. The provisions of this article relating to the possession of deer apply to deer taken outside this State and transported into this State.

1292. Deer may be transported into this State only when permission has been secured from the proper authorities of the State in which the deer was taken, and when the rules and regulations of the commission have been complied with Importation

1293. Any owner or tenant of land upon which there are growing or harvested crops, whether cultivated or uncultivated, which are being damaged or destroyed or are in danger of being damaged or destroyed by deer, elk or beaver, may apply to the commission for a permit to kill such mammals. The commission, upon satisfactory evidence of such damage or Crop damage

destruction, actual or threatened, shall issue a revocable permit for the taking of such mammals under regulations promulgated by the commission. Mammals so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the commission.

(Amended by Ch. 781, Stats. 1933.)

[ORIGINAL SECTION.]

1293. Any owner or tenant of land upon which there are growing or harvested crops which are being damaged or destroyed or are in danger of being damaged or destroyed by deer, may apply to the commission for a permit to kill such deer. The commission, upon satisfactory evidence of such damage or destruction, actual or threatened, shall issue a revocable permit for the taking of such deer under regulations promulgated by the department. Deer so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions of the commission.

Article 4. Fur-bearing Mammals.

Fur-bearing mammals

1310. The following are fur-bearing mammals: black bear, brown bear, ring-tailed cat, coon, pine marten, fisher, wolverine, mink, skunk, river otter, gray fox, cross fox, silver fox, red fox, kitfox, and muskrat.

(Amended by Ch. 781, Stats. 1933.)

[ORIGINAL SECTION.]

1310. The following are fur-bearing mammals: black bear, brown bear, ring-tailed cat, coon, pine marten, fisher, wolverine, mink, skunk, river otter, grey fox, cross fox, silver fox, red fox, kitfox, beaver, and muskrat.

Season

1311. Fur-bearing mammals may be taken between November 16 and the day before the last day of February.

Method of taking

1312. Fur-bearing mammals may be taken only with a trap, firearm, or with the use of dogs.

Prohibited traps.

1313. It is unlawful to use a trap with saw-toothed or spiked jaws to take fur-bearing mammals.

Poison

1314. It is unlawful to use poison to take fur-bearing mammals without a permit from the commission. The commission may issue such a permit upon a written application which indicates the kind of poison desired to be used and the time and place of such proposed use.

License

1315. Every person over the age of eighteen years who takes fur-bearing mammals for profit must procure a license.

Same—To whom issued

1316. Licenses provided for in this article shall be issued as follows: (1) To any citizen of the United States upon payment of one dollar; (2) to any person not a citizen of the United States upon payment of two dollars. Any veteran of the Civil War, by applying to the commission, may obtain a license without the payment of a fee.

Term

1317. All licenses issued as provided in this article shall authorize the person to whom issued to take fur-bearing mammals for profit in accordance with the provisions of this article for a term of one year from July 1 to June 30, or if

issued after the beginning of such term, for the remainder thereof.

Report

1318. Every person to whom a license is issued under the provisions of this article must, before July 1 following the term for which the license is issued, send to the commission a sworn statement showing the number of each kind of fur-bearing mammals taken and the names and addresses of the persons to whom they were shipped or sold. A new license shall not be issued unless this section is complied with.

Disturbing of traps

1319. It is unlawful to remove or disturb the trap of any person licensed to trap while the trap is being used by said person on public land or on lands where said person has permission to trap.

Forfeiture of license

1320. Any person who violates any provision of this code shall forfeit any license issued to him under this article

1321. Fur-bearing mammals which are injuring property may be taken at any time and in any manner.

Construction

1322. Except as otherwise provided herein, the provisions of this article do not apply to, or prohibit the propagation of, fur-bearing mammals which are confined in accordance with the rules and regulations of the commission.

Muskrats

1323. It is unlawful to import or transport into, or possess any live muskrat (genus Ondatra) in the region west of the crest of the Cascade-Sierra Nevada mountain system, and west and south of the Tehachapi, Liebre, San Gabriel, San Bernardino, San Jacinto, Cuyamaca, and connected mountains south to the international boundary, or in any water shed tributary to or draining into the Pacific Ocean, except the drainage basin of the Klamath River. It is unlawful to import or transport live muskrats into any part of California outside said region, except under permit issued by the commission. A county agricultural commissioner, fish and game deputy, or State plant quarantine officer may enter upon lands or waters where muskrats unlawfully exist, and remove or destroy muskrats thereon or therein.

(Added by Ch. 312, Stats. 1933.)

Article 5. Other Mammals.

Reindeer

1340. Domesticated reindeer may be imported into this State and sold in accordance with rules and regulations which the commission may prescribe.

Nonprotected mammals

1340.5. The following mammals may be taken at any time: Rodents of the order Rodentia (rats, mice, pocket gophers), except tree squirrels (genus Sciurus), flying squirrels (genus Glaucomys), and beavers (genus Castor); black-tailed jack rabbits (of the genus Lepus); cottontail and brush rabbits (of the genus Sylvilagus) in districts 4, 4¾, 19, and 21.

(Added by Ch 362, Stats 1933.)

Rabbits

1341. In districts 4, 4¾, 19 and 21 cottontail and brush rabbits may be taken at any time. In all other districts, cottontail and brush rabbits may be taken between November 15

and December 15. The bag limit is 15 per day, 30 per week. Not more than one daily bag limit of cottontail or brush rabbits may be possessed by any person during one day.

1342. This article does not prohibit the owner or tenant of land, or any person authorized in writing by such owner or tenant, from taking cottontail or brush rabbits on such land. Rabbits taken under the provisions of this section may not be transported or sold between December 16 and November 14.

Sea lions and seals

1343. California sea lions (Zalophus californianus) may be taken at any time in all districts except 19, 20, and 20A.

1344. It is unlawful to take any seal or sea lion within one mile of the mean high tide line at Point Lobos, or within one mile of the mean high tide line extending five miles eastward and five miles westward from the city of Santa Cruz.

1345. The commission may permit the taking of seals or sea lions for scientific or exhibition purposes.

Article 6. Amphibia.

Definition

1350. As used in this article, "frog" means the American bullfrog (Rana catesbeiana), the California Redlegged frog (Rana aurora draytonii), or any other species of edible frog. (Added by Ch. 459, Stats. 1933.)

Size limit

1351. Except as otherwise provided in this article, it is unlawful to take or possess any frog less than four inches in length, measured from the tip of the nose to the posterior end of the body between the hind legs, or to take or possess more than twenty-four frogs per day or forty-eight frogs per week. (Added by Ch. 459, Stats 1933.)

Bag limit

Exceptions

1352. Any person who conducts a place of business where frogs are sold to the public for food, or who takes or possesses frogs for sale to, or for use by, educational or scientific institutions for scientific purposes or for use in what is generally and popularly known as frog-jumping contests, may possess any number of frogs which conform to the size limit prescribed in this article.

Frog farms

Any person may domestically propagate and raise frogs, and kill, possess and sell any number so raised and propagated. (Added by Ch. 459, Stats. 1933.)

Nuisance

1353. The commission may issue a permit to take and dispose of frogs under such limitations as the commission may prescribe, when, in the judgment of the commission, such frogs are polluting the water supply in any area, or otherwise constitute a nuisance.

(This article, embracing sections 1350 to 1353, added by Ch. 459, Stats. 1933.)

Article 7. Hunting Clubs.

(Formerly Article 6; renumbered by Ch. 459, Stats. 1933.)

When license required

1360. Every person in possession of property who imposes or collects a fee for the privilege of taking birds or mammals

thereon is maintaining a commercial hunting club, and must procure a "commercial hunting club license," and every person who operates or assists in operating such property, or guides or otherwise assists hunters thereon, must procure a "commercial hunting club operator's license."

Exceptions

1361. Hunting clubs maintained and operated exclusively by the regular members thereof are not included under the provisions of this article if no fees are imposed upon or collected from guests for the privilege of hunting thereon.

Club license Fees

1362. (a) Commercial hunting club licenses shall be issued:

1. To any citizen of the United States, upon the payment of twenty-five dollars.

2. To any person not a citizen of the United States, upon the payment of one hundred dollars.

Operator's license

(b) Commercial hunting club operator's licenses shall be issued:

Fees

1. To any citizen of the United States, upon the payment of five dollars.

2 To any person, not a citizen of the United States, upon the payment of twenty-five dollars.

Application Contents

1363. Every person applying for a commercial hunting club license shall furnish to the commission the names of all persons financially interested in the club for which a license is desired, a list of the officers and shareholders if said club is a corporation, a written description of all lands, or lands and water, that are owned or leased or that are to be maintained, wholly or in part, as a commercial hunting club, and shall state when the fees are to be imposed, assessed or collected.

Hunting license

1364. Every person applying for a commercial hunting club operator's license must first have procured a hunting license for the current license year.

Term

1365. Commercial hunting club licenses and commercial hunting club operator's licenses are valid for a term of one year from July 1 to June 30, or, if issued after the beginning of such term, for the remainder thereof. Said licenses shall authorize the person to whom issued to maintain, or to operate or assist in operating, a hunting club, as the case may be, in accordance with the provisions of this code and such rules and regulations as the commission may prescribe.

Revocation

1366. Any license issued under the provisions of this article may be revoked by the commission or by a court of competent jurisdiction upon conviction of the licensee of a violation of any provision of this code, and no new license may be issued to said licensee during the same license year.

1367. A person holding a commercial hunting club license must not:

Days for hunting

(a) Permit the taking of birds or mammals on the property occupied by the club, by members or guests of the club, except on Sunday, Wednesday, Saturday, legal holidays, and the opening and closing days of the season.

Blinds

(b) Permit birds to be maintained less than 30 yards apart.

(c) Permit more than two persons to occupy one blind.

Warranty of bag limit

(d) Make any warranty to any member or guest of the club that said member or guest will take the bag limit of birds or mammals as prescribed by this code.

Article 8. Domestic Game Breeding.

(Formerly Article 7, renumbered by Ch. 459, Stats. 1933.)

Breeder's license

1380. Any person engaging in the business of raising and selling domesticated game birds or mammals must first procure a breeder's license.

Fee

1381. The commission shall issue a breeder's license upon the payment of a fee of two dollars and fifty cents.

Term

1382. Licenses issued under the provisions of this article are valid for a term of one year from January 1 to December 31, or, if issued after the beginning of such term, for the remainder thereof, and entitle the licensee to raise, sell, and transport game birds and mammals. Breeder's licenses must be conspicuously displayed on the property where the birds or mammals are propagated.

Tags

1383. No domesticated game shall be transported or sold unless each quarter and each loin of the carcass of each deer and the carcass of each bird or small mammal is tagged with a tag or seal supplied by the commission.

Tag fee

1384. The commission shall collect three cents for each such tag or seal.

Method of slaughter

1385. All domesticated game birds and mammals, excepting deer, sold under the provisions of this article, must be killed otherwise than by shooting.

Tag records

1386. Every person who affixes a tag to the carcass of a game bird or mammal shall, within five days thereafter, make and file with the commission a written report thereof, stating the name of the person by whom such game bird or mammal was bred or raised and killed, the number of each species killed, and the names of the purchasers or consignees.

Reports

1387. On or before January 31 of each year, every person to whom a breeder's license has been issued shall report to the department the total number of each species of game birds and mammals killed, sold or shipped during the preceding year, the names of the persons to whom such game birds or mammals were sold or shipped, the name of the person in whose presence such game birds or mammals were tagged, and a complete list of the game birds and mammals held in his possession at the time the report is made. Such report shall be verified by the affidavit of the licensee.

Transportation of carcasses

1388. Common carriers may transport at any time the carcasses or parts thereof of domesticated game birds and mammals tagged as provided in this article. A tag or label shall be affixed to every package containing such carcass or part thereof, giving the names of the person to whom such license

was issued, of the person by whom such game was killed, of the person to whom such game is consigned and of the person by whom such game was tagged; the number of carcasses or portions thereof contained in the package; and stating that the game birds or mammals were killed and tagged in accordance with the provisions of this article.

Transportation of live game

1389. Carriers for hire may carry within the State live domesticated game birds and mammals upon such terms and conditions as the commissioner may prescribe.

Sale of carcass

1390. No person shall sell the carcass of any domesticated game bird or mammal except as provided in this article, without first obtaining a license from the commission. The commission may issue such licenses upon such terms and conditions as it may prescribe, and may at any time revoke the same for sufficient cause.

1391. No person shall sell a quarter or loin or any larger portion of such deer or the carcass of any such small game bird or mammal which shall not at the time have affixed thereto the tag or seal provided for in this article. No person shall remove any such tag or seal until the quarter or loin or carcass to which it is attached has been prepared for consumption.

Restaurants, etc

1392. The keeper of a hotel, restaurant, or boarding house, or a retail dealer in meat, or a club, may sell portions of a quarter or loin of any such deer, or the carcass of any such small game bird or mammal, to a patron or customer for actual consumption, and no license shall be required of such person or club.

Sale of breeding stock

1393. The commission may capture and sell birds and mammals to persons engaged in the domestication and sale thereof in this State, at prices to be fixed by the commission.

Fencing of preserve

1394. A preserve used for the breeding of deer shall be surrounded by a fence of wire or other material of a pattern to be approved by the commission, and at least seven feet in height.

Revocation of license

1395. Any license issued under the provisions of this article may be revoked by the commission upon conviction of the licensee of a violation of any provision of this code, and no similar license may be issued to said licensee.

DIVISION V.

FINES AND PENALTIES.

1410. The commission of any act declared by this code to be unlawful, or the violation of any provision of this code or of any rule or regulation made thereunder, unless otherwise provided herein, is a misdemeanor, and is punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not to exceed six months, or by both, except that for any violation of:

A. (1) Division III;
(2) Chapter 2 of Part 1 of Division IV;
(3) The following portions of Part 2 of Division IV:
(a) Article 1 (except sections 480, 481) and Article 3 of Chapter 1;
(b) Chapters 2 and 3;
(c) Articles 1 and 3 of Chapter 5;
(4) The following portions of Part 3 of Division IV:
(a) Chapters 1 and 2;
(b) Articles 3, 5, 6, 7 and 8 of Chapter 3;
the minimum penalty is a fine of twenty-five dollars or imprisonment in the county jail for ten days.

B. Article 2 of Chapter 3 of Part 3 of Division IV, except provisions relating to elk, the minimum penalty is a fine of fifty dollars or imprisonment in the county jail for ten days.

C. (1) Chapter 1 of Part 1 of Division IV;
(2) Article 4 of Chapter 3 of Part 3 of Division IV; the minimum penalty is a fine of ten dollars or imprisonment in the county jail for five days.

D. (1) Sections 480 and 481, and Article 2 of Chapter 1 of Part 2 of Division IV;
(2) Chapter 4, and Articles 2, 4, and 5 of Chapter 5 of Part 2 of Division IV; the minimum penalty is a fine of one hundred dollars or imprisonment in the county jail for twenty-five days.

(Amended by Ch. 459, Stats. 1933.)

[ORIGINAL SECTION.]

1410. The commission of any act declared by this code to be unlawful, or the violation of any provision of this code or of any rule or regulation made thereunder, unless otherwise provided herein, is a misdemeanor, and is punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not to exceed six months, or by both, except that for any violation of:

A. (1) Division III;
(2) Chapter 2 of Part 1 of Division IV;
(3) The following portions of Part 2 of Division IV:
(a) Article 1 (except sections 480, 481) and Article 3 of Chapter 1;
(b) Chapters 2 and 3;
(c) Articles 1 and 3 of Chapter 5;
(4) The following portions of Part 3 of Division IV:
(a) Chapters 1 and 2;
(b) Articles 3, 5, 6, and 7 of Chapter 3;

the minimum penalty is a fine of twenty-five dollars or imprisonment in the county jail for ten days.

B. Article 2 of Chapter 3 of Part 3 of Division IV, except provisions relating to elk, the minimum penalty is a fine of fifty dollars or imprisonment in the county jail for ten days.

C. (1) Chapter 1 of Part 1 of Division IV;
(2) Article 4 of Chapter 3 of Part 3 of Division IV;

the minimum penalty is a fine of ten dollars or imprisonment in the county jail for five days.

D. (1) Sections 480 and 481, and Article 2 of Chapter 1 of Part 2 of Division IV;

(2) Chapter 4, and Articles 2, 4, and 5 of Chapter 5 of Part 2 of Division IV;

the minimum penalty is a fine of one hundred dollars or imprisonment in the county jail for twenty-five days.

Elk

1411. Violation of any provision of Article 2 of Chapter 3 of Part 3 of Division IV, relating to elk, is a felony, punishable by imprisonment in the State prison for a term not exceeding two years.

Trial expenses

1412. The costs and expenses of all trials and proceedings had in any county of this State against any person charged with having violated any provision of this code relating to fish shall, after a claim therefor has been approved by the Commission, be paid out of the fish and game preservation fund.

1413. Repealed by Ch. 701, Stats. 1933.

[ORIGINAL SECTION.]

1413. Any peace officer who arrests and secures evidence which results in the conviction of any person for a violation of this code shall receive two and one-half dollars therefor. Said sum shall be paid out of the fish and game preservation fund.

Forfeiture of illegally used equipment

1414. The judge or justice before whom any person is tried for a violation of any provision of this code may, in his discretion, upon the conviction of the accused, order the forfeiture of any device or apparatus designed to be, and capable of being used, to take birds, mammals or fish, and which was used in committing the offense charged. Any device or apparatus so forfeited shall be sold or destroyed by the commission. The proceeds from all such sales shall be paid into the State treasury to the credit of the fish and game preservation fund.

(Added by Ch. 699, Stats. 1933.)

Hunting license forfeiture

1415. Any person to whom a hunting license has been issued, upon the third conviction for a violation of any provision of Part 3, Division IV of this code, shall forfeit such license.

(Added by Ch. 707, Stats. 1933.)

Fishing license forfeiture

1416. Any person to whom a sporting fishing license has been issued, upon the third conviction for a violation of any provision of Chapters 1, 2, or 3 of Part 2, Division IV of this code, shall forfeit such license.

(Added by Ch. 707, Stats. 1933.)

DIVISION VI.

CONSTRUCTION AND REPEALS.

Construction

1420. Nothing in this code is intended to supersede the provisions of section 373g of the Political Code and wherever herein the designation "commission" or "fish and game commission" is used, it is used in the same sense and with the same legal effect as was attributable thereto in the statute

whence derived and which would continue to be so attributable but for the adoption of this code.

Repeals

1421. The following acts and sections, together with all amendments thereof and all acts supplementary thereto, are repealed:

Year	Chapter	Page
1852	62	135
1854 (Special Statutes)	16	139
1854	50	55
1854	70	122
1859	272	298
1861	86	66
1863	254	330
1865–66	404	492
1865–66	498	637
1865–66	540	721
1865–66	331	855
1865–66	333	857
1867–68	22	13
1867–68	373	460
1869–70	181	279
1869–70	224	325
1869–70	457	663
1871–72	109	102
1871–72	131	138
1871–72	283	385
1871–72	302	411
1871–72	347	477
1871–72	395	550
1871–72	526	764
1873–74	69	80
1873–74	371	940
1875–76	222	287
1875–76	276	362
1877–78	408	598
1877–78	409	599
1877–78	411	601
1877–78	482	746
1880	96	104
1880	114	121
1880	116	123
1885	28	31
1885	134	124
1887	9	5
1887	180	233
1889	70	66
1889	172	205
1889	210	304
1889	239	350
1891	175	258
1895	165	169
1897	39	37
1897	86	89
1897	229	346
1901	98	112
1901	258	808
1903	312	434
1907	208	249
1907	415	757
1907	416	758
1907	426	777
1907	433	788
1909	192	298
1909	197	302
1909	256	392
1909	389	663
1909	428	750
1909	429	751
1909	431	753
1911	50	66
1911	107	272
1911	108	273
1911	209	378
1911	451	900
1913	564	952
1913	574	986
1915	412	685
1915	442	729
1917	48	42
1917	513	646
1917	517	653
1917	643	1047
1917	664	1166
1917	687	1275
1917	803	1673
1919	38	59
1919	283	463
1919	317	522
1919	550	1201
1919	551	1203
1921	343	470
1927	564	949
Sec. 1 of 1927	751	1420
1927	767	1489
1927	798	1568
1927	884	1935

Year	Chapter	Page
1929	80	159
1929	448	811
1929	515	889
1929	527	909
1929	531	919
1931	111	149
1931	215	387
1931	279	584
1931	841	1727
1931	1010	2022
1931	1108	2337
1931	1161	2464
Sec. 1 of 1927	751	1420

PENAL CODE SECTIONS.

599	626½	631d
599f	627a	631e
626	627b	632
626a	628	632a (1921:171:179)
626b	628a	632a (1905:192:186)
626c	628b	632c
626d	628c	632 (4)
626da	628d	634
626e	628e	634½
626f	628f	635
626g	628g	635½
626h	628h	636
626i	628j	636a
626j	628k	636b
626k	628l	636c
626l	628m	637
626m	629	637a
626n	629a	637b
626o	630	637c
626p	630a	637d
626q	630b	637e
626r	631	637f
626s	631a	637½
626t	631b	637½a
626u	631c	

POLITICAL CODE SECTIONS.

373e	643	4303
642	4149c	

CHAPTER 74.

An act relating to the control and jurisdiction over, and disposition of certain State lands therein described.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

SECTION 1. The control of the property described below is hereby vested in the Division of State Lands with complete Control of certain State lands.

power to administer or dispose of such property, including the power to use, regulate the use of, improve, rent, lease, contract with relation to the use of, sell, contract with relation to the sale of or otherwise dispose of said property:

All those certain lots, pieces or parcels of land, situate, lying, and being in the county of Humboldt, State of California, and bounded and particularly described as follows, to wit:

(a) All that portion of lot No. nine (9) in the town of Trinidad lying north of the north line of lot No. thirty-four (34) extended westerly to the Pacific Ocean.

(b) Beginning at a point where the north line of the town of Trinidad crosses the meander line of the Pacific Ocean in section twenty-three (23), township eight (8) north, range one (1) west, Humboldt meridian; thence northerly following the meander line of the ocean to a point three (3) rods north of the mouth of Mill Creek, being a point on the south line of land formerly owned by Dennis Tighe; thence easterly following said south line of the Tighe land and parallel with Mill Creek and three (3) rods distance therefrom to a point in the center of the old county road; thence northerly along the center of the old county road to the county road as same existed on November 1, 1911; thence southerly following the same to the north line of the town of Trinidad and thence westerly along the north line of said town to the point of beginning.

Excepting therefrom a parcel of land sold to I. Willis by deed recorded in Humboldt County records in book "C" of deeds, page 126.

Excepting therefrom also all rights of way over above described land reserved by Vance Redwood Lumber Company in a deed to Frank Langford recorded July 18, 1912, in Book 118 of deeds, page 429.

(c) The north half of the southwest quarter of the southeast quarter and the west half of the southwest quarter of the southwest quarter of the southeast quarter of section twenty (20); the west half of the west half of the northwest quarter of the northeast quarter, the west half of the southwest quarter of the northeast quarter, the west half of the northeast quarter of the southwest quarter and the southeast quarter of the northwest quarter of section twenty-nine (29), —all in township eleven (11) north of range six (6) east, Humboldt meridian, less a parcel of five and five-eighths (5⅝) acres sold to Saw Mill Jack, and excepting also therefrom all rights of way thereover heretofore sold and conveyed to the United States.

Powers of Division of State Lands

SEC. 2. The Division of State Lands may execute any and all documents other than grants of the property, and may perform any and all acts on behalf of the State of California in aid of the administration, control or disposition of said property.

Grants

SEC. 3. All grants of the property shall be in the name and by the authority of the people of the State of California,

sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

CHAPTER 75.

An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts, and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants, validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein.

[Approved by the Governor April 13, 1933 In effect August 21, 1933]

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

Improvement districts within irrigation districts validated

Stats 1927, p 1415.

SECTION 1. When in any irrigation district organized and existing under the laws of the State of California proceedings have been taken for the purpose of organizing any improvement district under the provisions of an act entitled: "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California Irrigation District Act; to provide for the acquisition, construction, operation, maintenance and repair of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, as amended, all acts and proceedings of the board of directors of such irrigation district conducting the proceedings for the formation of such district and all other acts and proceedings leading up to and including the formation of such district, including the petition for such formation in the form and manner in which such petition was heretofore approved by such board of directors, and all other acts and proceedings relative to the levy of any assessment in such district and all warrants heretofore issued, or to be issued pursuant to such acts and proceedings in any such district heretofore organized are hereby legalized, confirmed and validated, and the power of the board of directors of such irrigation district conducting such proceedings in any such improvement district to make and levy and collect said assessment, and to issue warrants payable therefrom, is hereby ratified, confirmed and approved; and said warrants are hereby declared to be and shall be in the form and manner in which

Assessments validated.

Warrants validated

the same have heretofore been issued, or are to be issued, if not now outstanding, the legal and valid obligations of and against such improvement district, payable from the proceeds of the assessment levied or to be levied therein; and all other acts and proceedings heretofore taken under the provisions of said Irrigation District Improvement Act, or purporting to be taken under said act, are hereby legalized, confirmed and validated. No error or informality in any such proceedings heretofore taken under said Irrigation District Improvement Act shall in any wise invalidate the formation of any such improvement district, the levy of any assessment therein or the issuance of any warrants payable from such assessment or any other act or proceeding relative thereto, from and after the effective date of this act, all such proceedings and acts being hereby ratified, confirmed, approved and validated.

Special assessments.

SEC. 2. For the purpose of paying the interest on any warrants issued by any irrigation district under the provisions of said Irrigation District Improvement Act as the same becomes due, and the principal thereof, the assessors, treasurers, collectors, boards of directors and other officers of the respective irrigation districts organized under the laws of this State in which such improvement district shall have been organized or attempted to have been organized under said Irrigation District Improvement Act, shall have the same powers and perform the same duties as are provided by said act for the assessment, levy and collection of the special assessments and the payment of the principal and interest of the warrants provided to be made and issued under the provisions of said act, and it shall be and hereby is made the duty of the board of directors of any irrigation district in which such improvement district shall have heretofore been organized or attempted to have been organized to levy and collect the special assessment heretofore made or to be made in such improvement district clearly sufficient to pay the principal and interest of the warrants issued or to be issued on account of such proceedings, and said boards of directors are hereby vested with power and jurisdiction to do all and singular the things herein and in said Irrigation District Improvement Act required to be done for the purpose of providing funds sufficient to pay the principal and interest of said warrants.

CHAPTER 76.

An act to regulate the importation and keeping of wild birds and animals and providing a penalty for the violation of the provisions hereof.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

Importation of certain birds and animals prohibited.

SECTION 1. It is unlawful to import or transport alive into this State, except as provided in section 2, any wild bird or animal of the following species or groups:

Yellow-hammer, Emberiza citrinella; hooded crow, Corvus cornix; carrion crow, Corvus corone; rook, Corvus frugilegus; European starling, Sturnus vulgaris; crested starling, Aethiopsar cristatellus; common mynah, Acridotheres tristis; skylark, Alauda arvensis; European blackbird, Turdus merula; missel thrush, Turdus viscivorus; baya, Ploceus baya; Madagascar weaver, Foudia madagascariensis; opossums of the family Didelphidae; European rabbit, Lepus cuniculus; European hare, Lepus europaeus, and all other species of the family Leporidae except domesticated races of rabbits; bank vole, Clethrionomys glareolus; field voles, Microtus hirtus and Microtus agrestis; water rat, Arvicola amphibus; long-tailed field mouse, Apodemus sylvaticus; and all other species of the following rodent families, Muridae (mice and rats), Cricetidae (hamsters and old world field mice), Sciuridae (ground squirrels, prairie dogs, woodchucks, etc.), and Geomyidae (pocket gophers); weasel, Mustela nivalis; stoat, Mustela erminea; ferret, Mustela furio; mongoose, Herpestes mungo, and all other species of the genus Herpestes; European mole, Talpa europaea, and all other Talpidae, flying foxes or fruit bats of the family Pteropodidae; bats of the family Desmodontidae, crayfishes of the genera Cambarus and Astacus; slugs and land snails of the molluscan class Gastropoda; and such other species of wild bird or animal which may be subsequently designated by the Fish and Game Commission when such species are proved undesirable and a menace to the native wild life or to the agricultural interests of this State.

Permits.

SEC. 2. The Fish and Game Commission may issue a written permit to import or transport into this State any wild bird or animal enumerated in or designated pursuant to section 1 of this act. Any such permit issued shall (a) set forth the number and true scientific name of the species of wild bird or animal, (b) include a statement of the manner and conditions under which the entry of such species is permitted. Such permit shall be issued only upon written application from the person, firm, corporation or organization desiring to import any species of wild bird or animal. The application shall specify, (a) the approximate number and true scientific name or names of any and all species of wild birds and animals for

which the permit is requested, (b) the probable point of first arrival in this State of such species, (c) the purpose for which such species of birds and animals are to be imported, (d) together with the name and address of the consignee.

One copy of such permit issued under the provisions of this section shall be sent by the Fish and Game Commission to the county agricultural commissioner or to the State plant quarantine officer having jurisdiction of the probable point of first arrival.

List of prohibited birds

SEC. 3. It shall be the duty of the Fish and Game Commission to publish at least annually a list of the wild birds or wild animals which may not be imported or transported into this State.

Inspection

SEC. 4. Any and all wild birds or animals brought alive into this State under a permit issued under the provisions of this act shall be reported for inspection to the nearest officer authorized to enforce the provisions of this act and if, upon inspection, there is found any species of wild bird or animal enumerated in or designated pursuant to section 1, and not specified in the permit, or more than the approximate number of any species than is specified in the permit, then all such species or excess number not specified for in the permit, shall be refused admittance, and shall be either returned to the point of origin or destroyed, at the option of the owner or bailee thereof, and any such return or destruction shall be at the expense of the owner or bailee.

Destruction when illegally kept.

SEC. 5. Any wild bird or animal, the name of which has been published in accordance with sections 3 or 9 of this act, shall whenever found at large or when not kept in confinement in accordance with the rules and regulations of the Fish and Game Commission, be summarily destroyed by any of the enforcing officers of this act. The Fish and Game Commission is authorized to promulgate and enforce rules and regulations governing the keeping in confinement of any and all wild birds or animals which are being or which have been imported into this State pursuant to the provisions of this act, which rules and regulations shall be designed to prevent damage to the native wild life or agricultural interests of this State resulting from the existence at large of any such wild bird or animal.

Descriptions

SEC. 6. It shall be the duty of the Fish and Game Commission to furnish descriptions and other explanatory and illustrative material concerning the wild birds and animals which have been designated as undesirable and a menace to the native wild life or to the agricultural interests of this State for the information and guidance of the enforcing officers of this act.

Definition

SEC. 7. The term "wild bird or animal" as used in this act means any bird of the class aves or animal of the class mammalia or of the phylum mollusca or of the class crustacea which is either not normally domesticated, or not normally native within this State.

SEC. 8. The enforcing officers responsible for the inspection of shipments of wild birds and animals shall be the fish and game deputies, the State plant quarantine officers, and the county agricultural commissioners. Enforcement

SEC. 9. The Fish and Game Commission shall promulgate rules and regulations in cooperation with the State Department of Agriculture for the guidance of the enforcing officers of this act. Rules and regulations promulgated under the provisions of this section shall incorporate a list of the wild birds and animals for which permits are or will be refused. Rules

SEC. 10. It is unlawful for any person who keeps in confinement any wild bird or animal imported pursuant to a permit issued pursuant to the provisions of this act, or which species is listed in the rules and regulations promulgated under the provisions of this act as species for which permission is or will be refused, to liberate same, unless a written authorization presenting the conditions of such liberation has first been obtained from the Fish and Game Commission. Unlawful to liberate

SEC 11. Any person, firm, corporation or organization who shall violate any provisions of this act is guilty of a misdemeanor. Penalty

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CHAPTER 77.

An act to amend section 4 of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, as amended, relating to consolidation of elections. Stats. 1913, p. 698, amended

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4 of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, as amended, is hereby amended to read as follows: Stats 1931, p 2196

Sec. 4. Within the territory affected by such order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts When the returns of elections consolidated under this act are required to be canvassed by different convassing boards, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided; and provided further, that in case of the consolidation of any election called by the legislative body of a city, district or other political subdivision with an election held in the county or counties in which such city, district or other political subdivision is situated, the governing body of such city, district or other political subdivision in the ordinance or notice calling Consolidation of elections.

such election may authorize such board of supervisors to canvass the returns of such election, and such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat; and the returns of such election need not be canvassed by the legislative body of such city, district or other political subdivision. When the returns of any two or more elections consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat. Elections may be consolidated and conducted in accordance with the provisions of this act notwithstanding the fact that the absent voter law may apply to less than all of the elections so consolidated and whenever only one ticket or ballot is used at such consolidated election the ballots cast by absent voters shall be counted only in connection with elections to which absent voter privileges have been extended by law.

Absent voters.

CHAPTER 78.

Stats 1917, p 250, amended.

An act to amend section 4 of an act entitled "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa in said State," approved May 15, 1917, relating to State property in Napa County.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

Stats 1917, p 250

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Prisoners, etc., not to be kept on property

Sec. 4. From and after passage of this act, no person shall be committed by any court to imprisonment or confinement upon said property in the County of Napa, and no prisoner from any State prison or reformatory, shall be transferred to, kept, housed or retained upon said property by the State Board of Control, or by the superintendent or governing officer or board of any such institution.

CHAPTER 79.

An act to repeal section 300 of the Civil Code, relating to banks.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. Section 300 of the Civil Code is hereby repealed.

CHAPTER 80.

An act validating the formation, organization, reorganization and existence of joint highway districts.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

Joint highway districts validated

SECTION 1. In all cases where the boards of directors of joint highway districts organized or purported to have been organized under any law or laws of this State have reorganized said joint highway districts, or purported to reorganize said joint highway districts and such joint highway district has thereafter acted or functioned as a joint highway district for at least six (6) months prior to the taking effect of this act, all acts and proceedings taken for the purpose of forming, organizing or reorganizing such joint highway districts by said boards of directors and by the boards of supervisors of each and all of the counties comprised within all such joint highway districts, are hereby legalized, validated and declared to be sufficient for all purposes, and all such joint highway districts are hereby declared to be duly formed, organized and reorganized under their appropriate names as of the time of their purported formation, organization or reorganization and to be duly existing joint highway districts of this State, and all such joint highway districts shall henceforth have all of the rights and privileges and be subject to all of the duties and obligations of duly formed, organized or reorganized joint highway districts of the State of California.

CHAPTER 81.

An act transferring from the appropriation contained in Chapter 400, Statutes of 1931, to the general fund an amount equal to the State's contributions to the State employees' retirement fund for employees of the California Toll Bridge Authority, declaring the urgency thereof and providing that this act shall take effect immediately.

Stats 1931, p. 916.

[Approved by the Governor April 13, 1933. In effect immediately.]

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

Transfer of funds

SECTION 1. Immediately upon the effective date of this act the State Controller shall transfer from the appropriation contained in Chapter 400, Statutes of 1931, to the general fund an amount equal to the sum which on the effective date of this act shall have been paid to the State employees' retirement

fund to cover the State's share of retirement fund contributions for employees of the California Toll Bridge Authority, and the State Controller shall monthly thereafter transfer from the appropriation contained in Chapter 400, Statutes of 1931, to the general fund, an amount equal to the sum which is paid to the State employees' retirement fund to cover the State's share of retirement fund contributions for employees of the California Toll Bridge Authority.

SEC. 2. On the effective date of this act and monthly thereafter the State Controller shall certify to the State Treasurer such amount to be transferred and the State Treasurer shall thereupon transfer said amount.

The State Controller shall also notify the California Toll Bridge Authority of the amount so transferred.

Urgency. SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The facts constituting such necessity are as follows: The general fund in the State treasury is greatly depleted and unless funds can be placed to the credit thereof the functioning of the State government will be seriously hampered. The revenues of the State have fallen off due to the serious economic crisis now existing and this measure is necessary to augment the general fund in the State treasury and to permit the necessary functions of the State government to be carried out.

CHAPTER 82.

Stats 1905, p. 327, amended *An act to add sections 8a, 27, 28, 29, 30, 31, 32, 33, and 34 to chapter 310, Statutes of 1905, entitled "An act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, relating to levee districts.*

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

New section. SECTION 1. Section 27 is hereby added to chapter 310, Statutes of 1905, to read as follows:

Change of boundaries Sec. 27. The boundaries of any levee district now organized or hereafter organized under the provisions of the laws of the State of California may be changed and tracts of land which

were included within the boundaries of said district at or after its organization may be excluded therefrom in the manner in this section prescribed; but neither such change of the boundaries of the district nor such exclusion of land from the district shall impair or affect its organization or its right in or to property or any of its rights or privileges of whatever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which said district was or may become liable or chargeable had such change of its boundaries not been made or had not said land been excluded from the district.

SEC. 2. Section 28 is hereby added to chapter 310, Statutes of 1905, to read as follows: New section.

Sec. 28. The owner or owners in fee of one or more tracts of land which constitute a portion of a levee district may jointly or severally file with the board of supervisors of the county in which the district, or the greater part thereof, is situated, a petition praying that such tract or tracts and any other tracts contiguous thereto may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded and shall describe the boundaries thereof and also the land of such petitioner or petitioners which are included within such boundaries. Such petition must be acknowledged in the same manner and form as is required in the case of the conveyance of land and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance. Exclusion of land from district

SEC. 3. Section 29 is hereby added to chapter 310, Statutes of 1905, to read as follows: New section

Sec. 29. The clerk of the board of supervisors shall cause a notice of the filing of such petition to be published for at least two (2) weeks in some newspaper of general circulation in the district and published in the county where the said district, or the greater part thereof, is situated and if any portion of such territory to be excluded lies within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three (3) public places in said district and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. In addition to the notice by publication or posting, as above provided, he shall cause to be mailed a notice to each person owning property within said district by United States mail, postage prepaid, to the post-office address of such landowner. Said notice shall be mailed at least ten (10) days before the day set for said hearing. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition and the prayer of said petition; and it shall notify all persons interested in or who may be affected by such change of the boundaries of the district to appear at the office of said board at a time named in such Procedure for exclusion Publication of notice

notice and show cause in writing, if any they have, why the change of the boundaries of said district as proposed in said petition should not be made. The time to be specified in the notice at which they shall be required to show cause shall be at a regular meeting of the board.

New section.

SEC. 4. Section 30 is hereby added to chapter 310, Statutes of 1905, to read as follows:

Same: Hearing

Sec. 30. The board of supervisors at the time and place mentioned in the notice or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners and all objections to said petition that may or shall be presented in writing by any person showing cause as aforesaid and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand and a record made thereof and filed with the board. The failure of any person interested in said district other than the holders of bonds thereof outstanding at the time of the filing of such petition with said board, to show cause in writing why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land or any part thereof from said district; and the filing of such petition with said board as aforesaid shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from said district of the lands mentioned in the petition or any part thereof. The expenses of giving said notice and of the aforesaid proceedings shall be paid by the person or persons filing such petition.

New section.

SEC. 5. Section 31 is hereby added to chapter 310, Statutes of 1905, to read as follows:

Action after hearing.

Sec. 31. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced or if the evidence fails to sustain said petition or if the board deem it not for the best interests of the district that the lands or some portion thereof mentioned in the petition should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deems it for the best interests of the district that the lands mentioned in the petition or some portion thereof be excluded from the district and if no person interested in the district show cause in writing why the said lands or some portion thereof should not be excluded from the district, or if having shown cause, withdraws the same or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to and it shall forthwith make an order that the lands mentioned and described in the petition or some defined portion thereof be excluded from said district.

New section.

SEC. 6. Section 32 is hereby added to chapter 310, Statutes of 1905, to read as follows:

Outstanding bonds.

Sec. 32. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent in writing to the effect that they severally consent that the lands mentioned in the petition or such portion thereof as may be excluded from said district by order of said board may be excluded from the district and if said lands or any portion thereof be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the clerk of said board of supervisors and must be recorded in the minutes thereof and said minutes or a copy thereof certified by the clerk shall be admissible in evidence with the same effect as the assent and a certified copy thereof shall be recorded in the office of the county recorder of each of the counties wherein said lands are situated.

New section

SEC. 7. Section 33 is hereby added to chapter 310, Statutes of 1905, to read as follows:

Record of new boundaries

Sec. 33. In the event said board of supervisors shall exclude any lands from such district upon petition therefor, it shall be the duty of the board of supervisors to cause to be made an entry in the minutes of the board describing the boundaries of the district should the exclusion of said lands from said district change boundaries of said district and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land certified by the clerk of the board shall be filed for record in the recorder's office in each county within which are situated any of the lands of the district, but said district notwithstanding such exclusion shall be and remain a levee district as fully to every intent and purpose as it would be had no change been made in the boundaries of the district or had the lands excluded therefrom never constituted a portion of the district.

New section.

SEC. 8. Section 34 is hereby added to chapter 310, Statutes of 1905, to read as follows:

Liability of excluded lands

Sec. 34. Nothing herein provided shall in any manner operate to release any of the lands so excluded from the district from any obligation to pay or any lien thereon or any valid outstanding bonds or other indebtedness of said district at the time of the filing of such petition for the exclusion of said lands, but on the contrary said lands shall be held subject to said lien and answerable and chargeable with the payment and discharge of all said outstanding obligations at the time of the filing of the petition for the exclusion of said land as fully as though said petition for such exclusion were never filed and said order of exclusion

never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said district the same as though said petition for its exclusion had never been filed or said order of exclusion never made, and all provisions which may have been resorted to to compel the payment by said land of its quota and portion of said outstanding obligation had such exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said land of its quota and portion of such outstanding obligations of said district for which it is liable but said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever incurred after the filing with the board of supervisors of the petition for the exclusion of said lands from the said district; provided, that the provision of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided. The boundaries of any district now organized or hereafter organized may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization or its rights in or to property or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

New section

SEC. 9. A new section is hereby added to the act cited in the title hereof, to be numbered section 8a and to read as follows:

Authorization of improvements.

Sec. 8a. Whenever the trustees of a district desire to employ funds thereof in the construction or maintenance of a public improvement within the district not in this act otherwise authorized, such trustees may submit to the electors of the district the question as to whether such funds shall be so employed.

Election.

Such election shall be called by the board of trustees of the district and by giving notice thereof not less than one month in advance. At such election every qualified elector in said district whose name appears on the last preceding assessment roll of the county as having been assessed on property within the boundaries of the district shall be entitled to vote, and unless two-thirds of the votes cast at such election are in favor of devoting such funds to such improvement, the funds shall not be so employed. The notice of such election shall be given by publication weekly for not less than one month, in a newspaper in the county where such district is situated. Such notice shall state the time and place for holding the election, and must state the nature of the contemplated improvement and the amount of money to be expended therefor or thereon.

For the purpose of such election the board of trustees must appoint from the qualified electors and property owners of

such district, one inspector and two judges of election who shall constitute the board of election; but in case the trustees fail to appoint, or the persons appointed fail to attend at the time and place appointed for such election, the voters present at the time and place when the polls are opened may appoint the board or supply the place of any absent member thereof. Each member of the board of election must before entering upon his duties be sworn to faithful performance thereof by some officer authorized to administer oaths. The board of election must canvass the votes cast, and issue a certificate stating the number of votes cast, the number in favor of the improvement and the number against, and must place the ballots when canvassed in an envelope and forward the same sealed to the board of trustees.

Any legally qualified voter of the district may challenge any vote, and the board of election shall determine, by the oath of the parties or otherwise, as they consider proper, whether or not the person challenged is entitled to vote, and in case of challenge, any member of the board of election is hereby authorized to administer oaths. The polls shall be open from ten a. m. until four p. m.

The board of trustees shall canvass the votes submitted to it by the officers of the board of election, shall declare the result thereof, and if sufficient votes were cast in favor of the making of the improvement shall by resolution provide for the expenditure of the money in the manner proposed.

CHAPTER 83.

An act to amend section 903 of the Penal Code, relating to grand jurors

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 903 of the Penal Code is hereby amended to read as follows:

Code Amdts., 1873-4, p 419

Oath of grand jurors

903. The following oath must be administered to each member of the grand jury: "You, and each of you, will support the Constitution of the United States and of the State of California, and all laws made in pursuance thereof and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this State, committed or triable within this county, of which you shall have or can obtain legal evidence. You will keep your own counsel, and that of your fellows and of the government, and will not, except when required in the due course of judicial proceedings, disclose the testimony of any witness examined before you, nor anything which you or any other

grand juror may have said, nor the manner in which you or any other grand juror may have voted on any matter before you. You will present no person through malice, hatred or ill-will, nor leave any unpresented through fear, favor, or affection, or for any reward, or the promise or hope thereof; but in all your presentments you will present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding, so help me God."

CHAPTER 84.

Stats. 1915, p. 698, amended.

An act to amend sections 10, 11, 12, and 13 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the practice of dentistry and the power of the dental board.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

Stats. 1915, p 698.

SECTION 1. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Disposition of fines, etc.

Sec. 10. All fines, penalties and forfeitures including the examination fee, imposed or collected by the board under any of the foregoing provisions of this act shall be paid to the secretary of the board. The fines or forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act shall be paid upon the collection by the proper officer of the court seventy-five (75) per cent thereof to the secretary of the Board of Dental Examiners and the balance, or twenty-five (25) per cent of such fines or forfeitures of bail shall be paid to the county wherein the action is tried. The secretary shall on or before the tenth day of each month pay to the State treasury and report to the State Controller all fines, penalties and forfeitures received for violations of this act, together with all examination fees, renewal and license fees received by him prior to the date of such report and payment. All funds received by the State Treasurer from the secretary of said board shall be placed in a fund to be known as the State dentistry fund, which is hereby created. All disbursements by the board made in the transaction of its business and in the enforcement of this act shall be paid out of said fund upon claims against the State; provided, that as to the amount of seven hundred dollars of said fund the same shall constitute a revolving fund and may be drawn upon the warrant of the president and secretary of the said board without being audited in the usual manner, in cases of emergency or where cash advances are necessary, but after

Revolving fund

the sum of seven hundred dollars has been so expended no further warrant shall be drawn on said revolving fund until expenditures previously made from said revolving fund shall be substantiated by vouchers and itemized statements and audited; and provided, further, that all expenditures from said revolving fund shall at the end of each fiscal year, or at any other time when demand therefor is made by the Board of Control or by the State Controller, be so substantiated and audited unless previously done.

SEC. 2. Section 11 of said act is hereby amended to read as follows: Stats 1929, p. 1940.

Sec. 11. A person practices dentistry within the meaning of this act who (1) by card, circular, pamphlet, newspaper or in any other way advertises himself or represents himself to be a dentist, or (2) for a fee, salary or reward, paid directly or indirectly either to himself or to some other person, performs, or offers to perform, an operation of any kind, or treats diseases or lesions of the human teeth, alveolar process, gums or jaws, or corrects malimposed positions thereof, or (3) in any way indicates that he will perform by himself or his agents or servants any operation upon the human teeth, alveolar process, gums or jaws, or in any way indicates that he will construct, alter, repair, or sell any bridge, crown, denture or other prosthetic appliance or orthodontic appliance, or (4) makes, or offers to make, an examination of, with the intent to perform or cause to be performed any operation on, the human teeth, alveolar process, gums or jaws, or (5) manages or conducts as manager, proprietor, conductor, lessor, or otherwise a place where dental operations are performed. The following practices, acts and operations, however, are exempt from the operation of this act: (a) The practice of oral surgery by a licensed physician, (b) the operations by bona fide students of dentistry or dental hygiene in the clinical departments or the laboratory of a reputable dental college, (c) the construction, making, alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances or orthodontic appliances when the casts or impressions for such work have been made or taken by a licensed dentist: provided, however, a written authorization signed by a licensed dentist must accompany the order for such work or such work must be performed in the office of a licensed dentist under his supervision. The burden of proving such written authorization or direct supervision shall be upon the person charged with the violation of this act; (d) the manufacture or sale of wholesale dental supplies. Practice of dentistry defined

SEC. 3. Section 12 of said act is hereby amended to read as follows: Stats 1929, p. 1940.

Sec. 12. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than ten days nor more than one year or by a fine of not less than one Unlawful practices.

hundred dollars nor more than one thousand five hundred dollars, or by both such fine and imprisonment, who (1) shall assume the degree of "doctor of dental surgery," "doctor of dental science" or "doctor of dental medicine" or shall append the letters "D.D.S.," "D.D.Sc." or "D.M.D." to his name, not having had conferred upon him by diploma from a recognized dental college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his name, with the intent to represent falsely that he has received a dental degree or license; or (2) shall engage in the practice of dentistry without causing to be displayed in a conspicuous place in his office the name of each and every person employed in the practice of dentistry; or (3) shall within ten days after demand made by the secretary of the board fail to furnish to said board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association and any employees are or have been practicing dentistry, but such affidavit shall not be used in any prosecution under this section.

Counterfeit diplomas, etc.

Any person who (1) shall sell or barter or offer to sell or barter any dental degree or any license or transcript, made or purporting to be made pursuant to the laws regulating the license and registration of dentists; or (2) shall purchase or procure by barter, any such diploma, license or transcript with intent that the same shall be used in evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or (3) shall with fraudulent intent make or attempt to make, counterfeit or alter in a material regard any such diploma, certificate or transcript; or (4) shall use, attempt or cause to be used any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license to practice dentistry, or in order to procure registration as a dentist, or (5) shall in an affidavit, required of an applicant for examination, license or registration under this act, wilfully make a false statement in a material regard; or (6) shall practice dentistry or offer to practice dentistry as the same is defined in this act either without license, or whose license has been revoked or suspended, or (7) shall under any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise or any name other than the name under which he is licensed, practice, advertise or in any other manner indicate that he is practicing or will practice dentistry, shall for the

Penalty.

first offense be guilty of a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars or more than one thousand five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or both, and for the second or a subsequent offense shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not less

than one thousand dollars nor more than three thousand dollars, or by imprisonment in the State Prison for a term of not less than one year nor more than three years, or by both such fine and imprisonment. Nothing in this section shall be held to prohibit the conferring of degrees and the bestowing of diplomas by reputable dental colleges of this State which have been approved by the Board of Dental Examiners of California

SEC. 4. Section 13 of said act is hereby amended to read as follows. Stats 1929, p 1940.

Sec. 13. Any dentist may have his license revoked or suspended by the Board of Dental Examiners for any of the following causes: Revocation of license

(1) His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.

(2) The rendition of a final judgment against any such dentist in a court of competent jurisdiction upon a cause of action alleging grossly unskillful or negligent dental practice.

(3) For unprofessional conduct or for gross ignorance or inefficiency in his profession. Unprofessional conduct is hereby defined to be: The employment of persons known as cappers or steerers, to obtain business; the obtaining of any fee by fraud or misrepresentation; the wilful betrayal of professional secrets; the employment directly or indirectly of any student or suspended or unlicensed dentist to practice dentistry as defined in this act; the aiding or abetting of any unlicensed person to practice dentistry; the aiding or abetting of a licensed person to practice dentistry unlawfully; habitual intemperance; gross immorality; the use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he is licensed, practice, advertise or in any other manner indicate that he is practicing or will practice dentistry; practicing or accepting or receiving any commission or rebating in any form or manner on fees for professional services, radiograms, prescriptions or other services or articles supplied to patients.

CHAPTER 85.

Stats. 1915, p. 698, amended.

An act to amend sections 6 and 14 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the practice of dentistry and the power of the dental board.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1940.

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Eligibility for examination

Sec. 6. Any person over twenty-one years of age shall be eligible to take an examination before the Board of Dental Examiners of California, upon making application therefor, and upon (1) paying a fee of twenty-five dollars; provided, that the fee shall be fifty dollars for applicants presenting credentials of graduation from dental schools other than in California; (2) furnishing satisfactory testimonials of good moral character; (3) furnishing satisfactory evidence of having graduated from a reputable dental college, which must have been approved by the Board of Dental Examiners of California.

Stats 1921, p. 233.

SEC. 2. Section 14 of said act is hereby amended to read as follows:

Proceedings for revocation or suspension of license

Sec. 14. The proceedings to revoke or suspend any license under the first subdivision of section 13, must be taken by the board on the receipt of a certified copy of the record of conviction.

The proceedings to revoke or suspend any license under the second subdivision of section 13 must be taken by the board on the receipt of a certified copy of the final judgment.

The proceedings to revoke or suspend any license under the third subdivision of section 13, may be taken upon the information of another. All accusations must be in writing, verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deem the complaint sufficient, make an order setting the same for hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least ten days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for the purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused plead guilty or refuse to answer the charges, or upon the hearing thereof the board shall find them or any of them true, it may proceed to

a judgment revoking his license or suspending it. The board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the deposition of witnesses in the manner provided by law in civil cases, and to compel the attendance of witnesses and the production of books, papers and documents pertaining to the matter of the hearing as in civil cases, by subpena issued over the signature of the secretary and the seal of the board and in the name of the people of the State of California. Whenever any person subpenaed to appear and give testimony or to produce such books, papers or documents as required by such subpena, shall refuse to appear or testify before said board, or to answer any pertinent or proper questions, he shall be deemed in contempt of said board, and it shall be the duty of the presiding officer of said board to report the fact to the superior court of the State of California, in and for the State of California, in and for the county or city and county in which said investigation, trial or hearing is being held; thereupon the said court shall issue an attachment in the form usual in said superior court, directed to the sheriff of said county or city and county, commanding said sheriff to attach such person and forthwith bring him before said superior court. On the return of said attachment, and the production of the person attached, the said superior court shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpenaed to appear and give evidence on the trial of a civil cause before a superior court of the State of California. The board shall have power in proper cases to authorize the payment of fees and traveling expenses of necessary witnesses required to appear before the board and actually examined in any proceedings properly before it. Upon the revocation of any license, the fact shall be noted upon the records of the Board of Dental Examiners and the license shall be marked as canceled, upon the date of its revocation. Written notice of such suspension or revocation shall be mailed by the secretary of the board to the county clerk of each county in which such license is then registered.

Witnesses.

CHAPTER 86.

Stats 1897, p 254, amended.

An act to add a new section, to be numbered 52a to "The California Irrigation District Act," providing for the use of certain bonds and coupons in the payment of assessments.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the California Irrigation District Act to be numbered 52a, and to read as follows:

Bonds, etc., used in payment of assessments.

Sec. 52a. Notwithstanding any of the other provisions of this act any owner of land within the district who is the holder of any matured bond or interest coupon issued by the district, which bond or interest coupon remains unpaid by reason of insufficiency of money in the bond principal fund or bond interest fund, as the case may be, is authorized to apply the credit represented by such unpaid bond or coupon as a medium of exchange in the payment of assessments levied against the lands of such person in the manner hereinafter specified.

Upon presentation and surrender to the treasurer of the district of such matured bonds or interest coupons, or both, the treasurer shall issue to the holder a memorandum in writing, in duplicate, indicating the amount of credit represented by such bonds or coupons, or both, to which such holder is entitled to apply on such assessments.

The collector shall accept the credit memorandum in lieu of lawful money for that portion of the total assessment levied on the lands of the holder of such bonds or coupons equivalent to the amount of such assessment as was levied to pay the interest and maturing principal of the bonds of the district, together with penalties, interest and costs in case of delinquency. The balance of the assessment shall be paid in money. The collector shall indorse upon such credit memorandum the amount of credit applied on the assessment and the balance, if any, not so applied, and retain one copy of said memoranda to be used in settling his accounts with the secretary and treasurer.

The treasurer of the district shall accept such credit memoranda, to the extent that the same have been applied upon such assessment, as the equivalent of money. The treasurer shall thereupon cancel the bonds and coupons for which such credit was given if the entire amount of the credit memoranda has been applied to the payment of assessments and in the event that only a portion of the credit has been applied, then the treasurer shall indorse upon the face of such bond or coupon the fact that the same has been paid in part to the extent of the credit so applied and return the bond or coupon

so indorsed to the holder. If no part of the credit represented by such memoranda is applied to the payment of assessments, as herein provided, the treasurer shall, upon surrender of the credit memoranda, cancel the same and deliver the bond or coupon to the owner.

CHAPTER 87.

An act to amend the title and sections 2 and 3 and to add a new section, to be numbered section 1¼, to an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, by specifically including within its protection any security put up by the employee, or applicant for employment, for faithful performance and any money or property directly or indirectly turned over to the employer or prospective employer pursuant to the contract of employment, prohibiting investments and the sale of stock or an interest in a business in connection with the securing of a position and advertisements to this effect, and providing penalties for violation of the provisions thereof.

Stats. 1917, p. 151, amended.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

SECTION 1. The title of an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, is hereby amended to read as follows:

Title

An act to require employers to pay the cost of bonds and photographs required of and furnished by employees, or applicants for employment, and to protect cash bonds and other security put up by employees, or applicants for employment, pursuant to the contract of employment, prohibiting investments and the sale of stock or an interest in a business in connection with the securing of a position and advertisements to this effect, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement of the State Department of Industrial Relations and providing penalties for violation thereof.

SEC. 2. A new section is hereby added to the said act, to be numbered 1¼ and to read as follows:

New section.

Sec. 1¼. Any money or property, whether real or personal, put up by an employee, or applicant for employment, as a part of the contract of employment, directly or indirectly, shall be deemed to be put up as a bond and be subject to the terms of this act regardless of whether the money or property is put up on a note or as a loan or an investment and regardless of

Money or property put up by employee.

the wording of the agreement or agreements under which it is put up. Investments and the sale of stock or an interest in a business in connection with the securing of a position are hereby specifically made illegal as against the public policy of the State and same shall not be advertised or held out in any way as a part of the consideration for any employment.

Stats. 1929, p. 961.

SEC. 3. Section 2 of the said act, is hereby amended to read as follows:

Penalties.

Sec. 2. Any person, firm, association or corporation, or agent or officer thereof, violating or omitting to comply with any provision of this act, except the provisions of section 1½, violation of which constitutes a separate offense as indicated therein, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars and not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment. All fines imposed and collected under the provisions of this section shall be paid into the State treasury and credited to the general fund.

Stats. 1917, p. 151

SEC. 4. Section 3 of the said act, is hereby amended to read as follows:

Enforcement.

Sec. 3. The Chief of the Division of Labor Statistics and Law Enforcement of the State Department of Industrial Relations shall enforce the provisions of this act.

CHAPTER 88.

An act to amend section 809 of the Agricultural Code, relating the standardization of walnuts.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

NOTE.—For text see Stats. 1933, Ch. 25.

CHAPTER 89.

An act to amend section 792 of the Agricultural Code, relating to the standardization of avocados.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

NOTE.—For text see Stats. 1933, Ch. 25.

CHAPTER 90.

An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency

thereof and providing that this act shall take effect immediately.

[Approved by the Governor April 13, 1933. In effect immediately.]

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

SECTION 1. Out of any moneys in the treasury not otherwise appropriated the sum of three hundred forty-two thousand dollars is hereby appropriated to meet the deficiency in the appropriation for subsidies of the Bureau of Tuberculosis, State Board of Health, Department of Public Health, for the eighty-third and eighty-fourth fiscal years. Appropriation: Bureau of Tuberculosis

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it shall take effect immediately under the provisions of section 1 of Article IV of the Constitution. Current expenses

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CHAPTER 91.

An act to repeal section 354 of the Political Code and to add a new section to be numbered 354, relating to biennial reports of departments and agencies of the State.

[Approved by the Governor April 13, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 354 of the Political Code is hereby repealed. Stats 1921, p. 1022.

SEC. 2. A new section is hereby added to the Political Code to be numbered 354 and to read as follows:

354. Whenever ordered to do so by the Governor the head of each department or agency shall make a report to the Governor giving an account of all matters pertaining to the department or agency covering such period as requested by the Governor. Reports of department heads

The head of each department or agency shall make a typewritten report to the Governor covering each biennial period, a copy of which shall be filed with the Secretary of State. With the exception of the biennial report of the State Controller which shall be printed, no biennial report shall be printed without the approval of the State Board of Control.

CHAPTER 92.

An act to abolish the Bureau of Publications and Documents in the Department of Finance and to transfer to the State Printer all the powers and duties of said bureau.

[Became a law, under Constitutional provision without Governor's approval, April 15, 1933. In effect August 21, 1933.]

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

Bureau of Publications and Documents abolished.

SECTION 1. The Bureau of Publications and Documents in the Department of Finance is hereby abolished.

SEC. 2. The State Printer shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Bureau of Publications and Documents set out and contained in section 695 of the Political Code.

SEC. 3. All of the records, books, papers, equipment and other property now in the possession or under the control of and held for the benefit and use of the Bureau of Publications and Documents hereby abolished shall be transferred to the possession and control of the State Printer.

CHAPTER 93.

Stats 1913, p 1086, amended

An act to amend section 16x51 of the Weights and Measures Act, relating to the office of the sealer of weights and measures in counties of the fifty-first class.

[Approved by the Governor April 17, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 2453.

SECTION 1. Section 16x51 of the Weights and Measures Act, is hereby amended to read as follows:

Inyo County Sealer

Sec. 16x51. In counties of the fifty-first class the sealer of weights and measures shall be allowed such additional assistants as may be necessary, but the aggregate amount which may be expended in any one year for the sealer of weights and measures and for such additional assistants shall not exceed the sum of three hundred dollars.

CHAPTER 94.

An act to amend section 4280 of the Political Code, relating to the salaries and fees of officials in counties of the fifty-first class.

[Approved by the Governor April 17, 1933. In effect August 21, 1933]

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

SECTION 1. Section 4280 of the Political Code is hereby amended to read as follows: Stats 1931, p 1155.

4280. In counties of the fifty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Inyo County Salaries

1. The county clerk one thousand eight hundred dollars per annum; provided, that the county clerk shall pay all fees and commissions received by him into the county treasury, except such fees and commissions as are now or may hereafter be allowed by law for issuing hunting and fishing licenses. He shall be allowed one deputy clerk who shall be appointed by the county clerk, whose salary shall be one thousand five hundred dollars per annum, and one deputy county clerk to serve in each year, which deputy shall be employed only during that portion of the year requiring extra work, and who shall receive a salary of not to exceed four dollars per day, and not to exceed two hundred dollars in any one calendar year. Clerk

2. The sheriff, three thousand six hundred dollars per annum. The sheriff shall pay all fees, commissions and mileage received by him into the county treasury. He shall be allowed one deputy sheriff who shall receive a salary of one thousand eight hundred dollars per annum. Sheriff

3. The recorder, one thousand five hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law. He shall have one deputy at a salary of one thousand five hundred dollars per annum, and one deputy as required for extra work at a salary of not to exceed four dollars per day and not to exceed six hundred dollars in any one calendar year. In the event the office of recorder is consolidated with that of treasurer, the holder of said consolidated office shall receive a salary of two thousand one hundred dollars per annum. Recorder

4. The auditor, one thousand eight hundred dollars per annum. The county auditor shall be allowed one deputy county auditor to be appointed by him, whose salary shall be one thousand five hundred dollars per annum. Auditor

5. The treasurer, six hundred dollars per annum. The treasurer shall pay all fees and commissions received by him into the county treasury. Treasurer

Tax collector. 6. The tax collector, six hundred dollars per annum. The tax collector shall pay all fees and commissions received by him into the county treasury.

Assessor. 7. The assessor, one thousand eight hundred dollars per annum; he shall have one deputy assessor to be appointed by him, whose salary shall be one hundred twenty-five dollars per month; and such additional deputies as he may require at a salary of not more than five dollars per day whose salaries and traveling expenses shall not in the aggregate exceed one thousand two hundred dollars per annum. In the event that the office of assessor is consolidated with that of tax collector, the holder of said consolidated office shall receive a salary of two thousand four hundred dollars per annum.

District attorney. 8. The district attorney, two thousand one hundred dollars per annum, and an assistant to the district attorney at a salary of one thousand five hundred dollars per annum to be paid in the same manner and out of the same fund as the district attorney is paid.

Coroner 9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, one thousand eight hundred dollars per annum and all necessary traveling expenses when visiting the schools of the county.

Surveyor 12. In counties of this class the county surveyor shall receive the sum of ten dollars per day for all work performed for the county. The said county surveyor shall also receive all necessary expenses and transportation on work performed for the county in the field.

Librarian 13. The county librarian, one thousand eight hundred dollars per annum.

Justices 14. Justices of the peace in townships having a population of two thousand or over shall receive fifty dollars per month; and justices of the peace in townships having a population under two thousand shall receive twenty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

Constables 15. Constables in townships having a population of two thousand or over shall receive fifty dollars per month and shall receive such fees as are now or may hereafter be allowed by law; constables in townships having a population under two thousand shall receive such fees as are now or may hereafter be allowed by law; provided, however, that in townships having a population of less than two thousand each constable shall be allowed the sum of four dollars per day for each day that he is actually required to care for a prisoner in his custody or when in actual attendance during a trial or proceeding in the justices' court of his township.

16. Each member of the board of supervisors one thousand two hundred dollars per annum; thirty cents per mile one way in attending the meetings of the board, and three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum. Supervisors.

17. In counties of this class, the official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations, and for coroners' inquests, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases a per diem of ten dollars, to be paid by the litigants as the court may direct; and for transcription of said notes, when required, the sum of fifteen cents per folio for the original and five cents per folio for each copy thereof; said compensation for transcription in criminal cases and coroners' inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat. Reporter.

18. Population of townships. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid. Townships

19. In counties of this class, jurors and witnesses shall receive the following fees and mileage: Jurors and witnesses

For attending as a grand juror, for each day's actual attendance, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; for attending as a trial juror in the superior court in civil and criminal cases, for each day's actual attendance, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; for attending as a trial juror in the justice's court, in civil cases only, for each day's actual attendance, per day, two dollars, and twenty cents per mile for each mile actually traveled, in going only. The fee of such jurors shall be paid to them, respectively, on each day during the period of their attendance, if demanded, and the mileage herein provided for shall be paid at the time the fee for the first day's attendance is paid.

For each day's actual attendance when legally required to attend upon the superior court, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; and for each day's actual attendance when legally required to attend upon the justice's court, per day, two dollars, and twenty cents per mile for each mile actually traveled, in going only. Witnesses in criminal cases shall be paid their fees and mileage, as in this section provided, immediately upon

their being discharged by the court. Witnesses in civil cases may demand the payment of their fees and mileage for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

Construction

SEC. 2. This act does not apply to present incumbents.

CHAPTER 95.

Stats 1897, p. 254, amended.

An act to amend section 73 of the California Irrigation District Act, relating to the liability of officers for violation of duties and of irrigation districts for the negligence of its directors, officers, agents or employees.

[Approved by the Governor April 17, 1933. In effect August 21, 1933.]

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

Stats 1921, p 849

SECTION 1. Section 73 of the act cited in the title hereof is hereby amended to read as follows:

Liability of officers

Sec. 73. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of the county wherein the office of the board of directors of the district is located, by any assessment payer of the district; but no officer of an irrigation district shall be personally liable for any damage resulting from the operation of the district or from the negligence or misconduct of any of its officers or employees unless such damage was proximately caused by the officer's own negligence or misconduct or by his wilful violation of official duty. Any irrigation district may carry insurance against any liability of the district and/or any of its directors, officers and employees, as such, and pay the premium for such insurance out of the general fund of the district.

Insurance

CHAPTER 96.

Stats 1919, p. 1252, amended

An act to repeal sections 9a, 9b, 9c, and 9d of the California Real Estate Act, relating to real estate brokers' bonds.

[Approved by the Governor April 17, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. Sections 9a, 9b, 9c, and 9d of the California Real Estate Act are hereby repealed; provided, however, that this repeal shall not affect any cause of action arising under any bond given prior to the effective date of this act.

CHAPTER 97.

An act to repeal sections 453aa, 453bb, 453cc, 453dd, 453ee, 453ff, 453gg and 453gg½ of the Civil Code of the State of California and to substitute therefor new sections of said Civil Code numbered 453.1, 453.2, 453.3, 453.4, 453.5, 453.6, 453.7, 453.8, 453.9, 453.10 and 453.11, all relating to mortgage insurance companies.

[Approved by the Governor April 17, 1933. In effect August 21, 1933.]

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

SECTION 1. Sections 453aa, 453bb, 453cc, 453dd, 453ee, 453ff, 453gg and 453gg½ of the Civil Code of the State of California are hereby repealed. Repeal.

SEC. 2. New sections 453.1, 453.2, 453.3, 453.4, 453.5, 453.6, 453.7, 453.8, 453.9, 453.10 and 453.11 are hereby substituted for said sections so repealed, which new sections shall read as follows: New sections.

453.1. Every mortgage insurance company shall be subject to and shall comply with all the requirements of this chapter as to all matters herein contained, and as to all other matters shall be subject to and shall comply with all the requirements of the law of this State made applicable to insurance companies generally and the rules and regulations of the Insurance Department of this State; and the Insurance Commissioner shall have the same power and authority over such company that he may exercise in relation to other insurance companies, including the right to examine and inspect the financial condition and affairs of such company relating to the business of such company and to compel compliance with the provisions of law governing any such company. Chapter governs mortgage insurance companies.

453.2. As used in this chapter: Definitions

1. Unless the context indicates a different construction:

The word "note" shall include "bond"; "Note"

The term "mortgaged" shall include "deeded or conveyed in trust to secure a debt"; "Mortgaged"

The term "real estate" shall include real estate with the improvements thereon, including improvements in process of construction under a building loan; "Real estate"

The term "building loan" shall mean a loan made for the purpose of providing funds for the construction of improvements upon real estate; "Building loan"

The term "public bond" shall include only bonds issued pursuant to charter or statutory authority by the officials of a county, city and county, city, town, municipality or district where each bond constitutes a lien upon specified land described therein or represents a special assessment theretofore levied which is a lien upon specified land described in said bond; "Public bond"

"Assessment" The term "assessment" shall include only special assessments levied pursuant to charter or statutory authority by the officials of a county, city and county, city, town, municipality or district;

Singular includes plural. The singular number shall include the plural and the plural the singular.

"Mortgage insurance company." 2. The term "mortgage insurance company" shall be construed to refer to and mean any association, corporation, firm or person who shall engage as a business in making and issuing policies of mortgage insurance, as herein defined, in this State.

"Security" 3. The term "security," wherever used in this chapter without a different meaning being specified or made apparent, shall be construed to refer to and mean a note evidencing a debt secured by a mortgage or deed of trust constituting a lien or charge on real estate.

"Authorized real estate security." 4. The term "authorized real estate security" wherever used in this chapter shall be construed to refer to and mean any security which complies with the following conditions:

(a) The mortgage or trust deed securing the same constitutes a first mortgage or first deed of trust upon the title in fee to improved or productive real estate situated in this State. Real estate on which a building is in process of construction by means of a building loan shall be deemed to be improved within the meaning of this definition.

(b) The aggregate unpaid principal of all public bonds and assessments, as in this section defined, existing and outstanding against such real estate does not exceed ten per cent of the fair market value thereof.

(c) The principal loaned on such security, or if a number of securities are secured by a single mortgage or deed of trust, the aggregate principal so secured, does not exceed fifty per cent of the fair market value of the real estate.

Provided, however, the principal loaned may be equal to but not in excess of sixty per cent of the fair market value of the real estate in cases where the security complies with the following additional conditions:

(d) The real estate is improved by, or the loan is for the purpose of constructing a single-family dwelling.

(e) The aggregate face amount of the loan does not exceed $15,000

(f) The note is to be repaid in full in not less than eight (8) nor more than fifteen (15) years from the date thereof.

(g) Regular equal monthly, quarterly or semiannual payments are to be made directly in reduction of the debt and such payments are to commence not more than two (2) years after the date of the note.

(h) The aggregate of the installments required to be paid upon the principal in each year amounts to at least six per cent of the principal of the note.

"First mortgage" "First deed of trust" 5. The term "first mortgage" or "first deed of trust" as used in the definition of "authorized real estate security"

hereinbefore set forth, and elsewhere in this chapter, shall be construed to refer to and mean a mortgage or deed of trust constituting a lien or charge on the title in fee to real estate prior and superior to all other liens or charges thereon excepting the lien of any public bond or assessment or of any tax, unless an installment, call or payment of or under such tax, assessment or bond shall be due and delinquent; provided, however, that outstanding mineral, oil or timber rights, rights of way, easements or rights of wall or support, building restrictions or other restrictions or covenants, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof, shall not be deemed to constitute liens or charges upon real estate within the meaning of this chapter; provided that there is no condition or right of reentry or forfeiture under which such first mortgage or first deed of trust can be cut off or subordinated.

"Policy of mortgage insurance"

6. The term "policy of mortgage insurance" shall be construed to refer to and mean any contract which purports to guarantee or insure against loss on, or to guarantee or insure the payment of, the whole or any part of the principal, interest or other sums agreed to be paid under the terms of any security, or group of securities.

"Mortgage participation certificate"

7. The term "mortgage participation certificate" shall be construed to refer to and mean any instrument issued by a mortgage insurance company which constitutes an assignment, or which evidences the ownership by the assignee, of an undivided share or interest, legal or equitable or both, or the right to participate to a specified extent in a group of securities the payment of all of which securities is insured, either singly or as a group, by a policy or policies of mortgage insurance.

"Group of securities"

8. The term "group of securities" shall be construed to refer to and mean one or more securities, together with the proceeds or avails thereof, which securities have been segregated and set apart from the assets and securities of a mortgage insurance company and assigned in trust in the manner provided in section 453.7 hereof and in which undivided shares or interests or rights to participate may be or have been assigned by means of mortgage participation certificates as defined in this chapter.

"Group value"

9. The term "group value" shall be construed to refer to and mean the aggregate value of (1) all securities, (2) all real estate acquired through foreclosure of defaulted securities, or through conveyances made in lieu of such foreclosure, and (3) all cash, other than cash received as interest on any securities, held by a trustee in any mortgage participation trust. For the purpose of determining such group value the securities in such trust shall be deemed to have a value equal to the unpaid principal thereof; and any real estate in such trust acquired by foreclosure of any defaulted security or by conveyance in lieu of such foreclosure shall be deemed to have a value equal to the unpaid principal of such defaulted

security as of the date of such foreclosure or of such conveyance. The date of foreclosure shall be deemed to be the date of the sheriff's or trustee's or other sale under which such property may be acquired by the trustee.

"Mortgage participation trust."

10. The term "mortgage participation trust" shall be construed to refer to and mean any trust established by the assignment and transfer to a trust company of a group of securities in which undivided shares or interests or rights to participate may be or have been assigned by means of mortgage participation certificates as defined in this chapter.

"Trust company."

11. The term "trust company" shall be construed to refer to and mean a trust company as defined in the Bank Act of California and shall include a national bank having a trust department and doing business within this State.

Mortgage insurance companies

1 Capital stock.

453.3. Every corporation formed for the purpose of engaging in the business of mortgage insurance must have a capital stock of not less than $250,000 fully paid in in cash and must obtain from the Insurance Commissioner his certificate that such company has complied with the laws of this State applicable to mortgage insurance companies and is duly authorized to do business as a mortgage insurance company.

2 Policies.

A mortgage insurance company duly authorized to engage in business as in this chapter provided may guarantee and insure the payment of, and may issue policies of mortgage insurance covering, authorized real estate securities as defined in section 453.2;

Provided, however, no company shall guarantee or insure the payment of, or issue policies of insurance covering, any security or securities secured by a single mortgage or single deed of trust the aggregate principal of which security or securities shall be in excess of fifteen per cent of the then authorized, issued and outstanding capital stock of such company;

Provided, further, no company shall have at any time outstanding policies of mortgage insurance guaranteeing the payment of securities the aggregate amount of the unpaid principal of which exceeds twenty times the amount of its authorized, issued and outstanding capital stock.

No mortgage insurance company shall guarantee the payment of, or issue any policy of insurance covering, any form of security other than authorized real estate security as defined in section 453.2 of this chapter.

No mortgage insurance company shall reduce its outstanding capital stock to an aggregate par value less than is required by this chapter, to be maintained by such mortgage insurance company or less than the indebtedness of said mortgage insurance company.

The making and issuing of policies of mortgage insurance or mortgage participation certificates by mortgage insurance companies must not be construed to be the creation of an indebtedness.

No loan shall be made by any mortgage insurance company, directly or indirectly, to any of its officers, directors or other employees. 3 Loans to officers, etc

No mortgage insurance company shall invest in, hold or own any of the capital stock of any other corporation or make any loan, in whole or in part, on security of capital stock of any other corporation except as permitted under section 453.5 of this chapter; provided, that a mortgage insurance company may take in its own name as pledgee, in connection with any investment which it may make in any authorized real estate security, stock in a water or power corporation in cases where such stock represents the right to receive or obtain water or power for irrigation or cultivation of, or other beneficial use on, the real estate securing said investment, whether such right be appurtenant thereto or otherwise. Said company may hold, use, transfer or dispose of any such stock for the benefit and protection of such investment. 4 Investments in stock.

A violation of any of the terms or provisions of this section shall not make any certificate, any security or any policy of such company void or voidable, but any officer, director, agent or other employee of any mortgage insurance company who knowingly consents to any violation of any of the terms or provisions of this section shall be guilty of a misdemeanor. 5 Penalties

453.4. Every mortgage insurance company shall set aside annually, as soon as its net profits for the preceding year are determined, an amount not less than ten per cent of such net profits as a surplus, until such time as there shall be accumulated an amount equal to twenty-five per cent of the then paid in capital stock of said company, or such surplus may be paid in voluntarily in whole or in part by the stockholders of the company. Such surplus must be maintained as a further security to the holders of policies of mortgage insurance issued by such company; and if at any time such surplus shall be impaired by reason of a loss, the amount by which it shall have been impaired must be restored in the manner hereinabove provided for its accumulation. Setting up surplus

No mortgage insurance company may declare any dividends except from undivided profits remaining on hand after retaining unimpaired its entire capital stock and the amount required to be set apart as a surplus, as in this section provided. Limit on dividends

A director of a mortgage insurance company shall not be deemed to have violated the provisions of this section if he relied and acted in good faith upon a balance sheet or profit and loss statement of the company represented to him to be correct by the president or officer of the company having charge of or supervision of its accounts, or certified to be correct and according to the books of the company by a public accountant or firm of public accountants selected with reasonable care. Protection of directors.

453.5. No mortgage insurance company shall hereafter make or purchase any investments or loans except investments or loans authorized by this chapter; but nothing contained in Investments.

this chapter shall require any company to sell, transfer or dispose of any investment or loan heretofore legally made or purchased by such company. The renewal or extension of any loan heretofore legally made or purchased by any mortgage insurance company shall not be deemed to be a loan hereafter made, within the meaning of this paragraph.

A mortgage insurance company may invest in, hold, buy and sell, and may make collateral loans secured by the securities specified in subdivisions (a), (b), (c), (d) and (e) of subdivision 1 of section 421 of the Civil Code of this State, and in addition, any of the following, to wit:

1. Authorized real estate securities as hereinabove defined; provided, that in no event shall any mortgage insurance company invest a sum in excess of fifteen per cent of the then authorized, issued and outstanding capital stock of the said company in any such security or securities which may be secured by a single first mortgage or single first deed of trust upon any one parcel or group of parcels of real estate.

2. Securities, the payment of which is guaranteed or insured by a mortgage insurance company operating under the laws of the State of California; also mortgage participation certificates issued by any such company in accordance with the provisions of this chapter, including securities the payment of which is guaranteed or insured by, and mortgage participation certificates issued by, the investing company; also other certificates issued by the investing company in lieu of mortgage participation certificates, as provided in section 453.7 of this chapter.

3. Collateral trust bonds or notes when secured by deposit with a trustee of any securities authorized for investment by this section of a market value at least equal to one hundred fifteen per cent of the par value of the collateral trust bonds or notes then outstanding.

4. The stock issued by any Federal Home Loan Bank or other similar Federal agency of which such mortgage insurance company may be eligible to become a member, and the bonds, debentures and notes issued by any Federal Home Loan Bank or other similar Federal agency.

5. Bonds of a metropolitan water district.

Deposits in banks.

Mortgage insurance companies may make deposits with any bank and such deposits shall not be construed as loans within the meaning of this section.

Investments in real estate.

453.6. Any mortgage insurance company may purchase and hold or convey real estate of the following character, but no other, to wit:

1. The land with improvements thereon in which it has its office, provided the cost of said land with improvements does not exceed a sum equal to twenty-five per cent of its unimpaired capital.

2. Also such as may be requisite for its accommodation in the convenient transaction of its business; provided, however, the aggregate cost of real estate with improvements

acquired under the authority granted in subdivisions 1 and 2 of this section shall not exceed twenty-five per cent of its unimpaired capital.

3. Also such as may be conveyed to it or to any person for it by way of mortgage or in trust or otherwise to secure or provide for the payment of loans contracted or for moneys due.

4. Also such as may be purchased at sales under deeds of trust or mortgages or judgments obtained or made for such loans or debts.

5. Also such as may be conveyed to it in full or partial satisfaction of any debts previously contracted in the course of its dealings.

6. All such real estate as may be acquired by it by virtue of the provisions of any policy of mortgage insurance issued by such company or for protection of the company's liability under such policy.

7. All such real estate as may be conveyed to it by any trustee under the provisions of any mortgage participation trust created by such company.

All real estate held by any company may be sold, conveyed or exchanged by said company, and any property received by it upon such sale or exchange may but need not be of the classes permitted for investment by section 453.5 of this chapter, provided no exchange shall be made which results in increasing the total amount of all encumbrances then outstanding against the properties and assets of such company except with the consent of the Insurance Commissioner.

After five years shall have elapsed from the date of the acquisition of any real estate acquired under the provisions of subdivisions 4, 5, 6 and 7 of this section, and as well any real estate obtained on the sale or exchange thereof, a reserve account shall be established on the books of the company in an amount equal to the cost value at which such assets are carried on the books; provided the Insurance Commissioner may in his discretion permit such real estate to be held for a longer period than five (5) years without the establishment of such reserve account, upon such conditions as may be prescribed by him.

Investment in furniture

Nothing in this chapter or code contained shall be construed to prevent a mortgage insurance company from purchasing furniture or other personal property in order to operate or sell any real estate, if such purchase be advisable in the opinion of the officers of such insurance company; nor to prevent any mortgage insurance company from making such expenditure as its officers may deem advisable in the repair, maintenance or improvement of any real estate acquired by such company.

Mortgage participation certificates.

453.7. A mortgage insurance company may issue mortgage participation certificates which must comply with the provisions of this chapter; such certificates and any trust agreement under which the same may be issued may contain such further provisions not inconsistent therewith as may be agreed

upon between the company issuing such mortgage participation certificates, the purchasers thereof and the trustee.

Mortgage participation trust

No mortgage insurance company shall issue mortgage participation certificates unless the securities, the right of participation in which is evidenced by such certificates, shall be insured, either singly or as a group, by a policy or policies of mortgage insurance issued by such company or by any other mortgage insurance company, and unless such securities shall have been segregated and set apart and shall have been assigned and transferred to a trust company to be held as a mortgage participation trust, for the common and equal benefit of the issuing company and the holders of all mortgage participation certificates evidencing participation in such particular group so segregated and set apart and so assigned.

Contents of certificate

Every mortgage participation certificate issued by such mortgage insurance company must bear the certificate of the trustee to the effect that the aggregate face amount of mortgage participation certificates then outstanding, including both the one being certified and all others evidencing participation in the same group of securities, does not exceed the amount authorized by the trust agreement under which such certificate is issued.

Copies of appraisement.

Each security set apart and assigned to a trustee to be held in a mortgage participation trust shall be accompanied by a copy of the appraisement of the property securing the same made in accordance with the provisions of this chapter and also a copy of the certificate required by the provisions of section 453.9 of this code, and copies of each such appraisement and accompanying certificate shall be, promptly upon the segregation and assignment of each such security, transmitted to the Insurance Commissioner and to the Superintendent of Banks, and each such copy of appraisement so transmitted shall bear an endorsement or certificate executed by the trustee of the trust in which each such security is held reciting and setting forth the amount of the unpaid principal named in the security which covers the property described in such appraisement.

Substitution of securities

A mortgage insurance company which issued mortgage participation certificates may at any time and from time to time withdraw from any mortgage participation trust under which such certificates are issued, any real estate, cash, or securities, or the proceeds or avails thereof which may be held in such trust, upon the substitution therefor of other securities insured by a policy or policies of mortgage insurance as herein provided, or cash, or both, provided always the group value of all the assets held in any such trust shall not be less than the aggregate face amount of mortgage participation certificates issued and outstanding under such trust.

Report of substitution

Upon the substitution of any securities in any trust as herein provided, said mortgage insurance company shall report the same with a full description of the security or securities so substituted, together with an appraisement of each separate

parcel of property securing said security or securities made in accordance with the provisions of this chapter, and together with the certificate required by the provisions of section 453.9 of this code, to the Insurance Commissioner in its monthly report next following such substitution.

Supervision of trusts

Every mortgage participation trust and the administration thereof shall at all times be and hereby is expressly made subject to the inspection, supervision and control of the Superintendent of Banks as fully and completely as if the same constituted a court trust under the provisions of the Bank Act.

Legal investments.

Mortgage participation certificates, also securities guaranteed by policies of mortgage insurance issued in conformity with the provisions of this chapter shall be legal investments for all trust funds held by any executor, administrator, guardian, trustee or other person holding trust funds, also for the funds of insurance companies, banks, banking institutions and trust companies, and shall be accepted by the State of California, its officers and officials, as securities comprising any part of any fund or deposit required by law to be made with the State of California, or with any officer or official thereof, by any trust company or insurance company doing business in the State of California, and all premiums required to be paid according to the terms of any policy of mortgage insurance, may be charged to or paid out of the income from the note or notes covered thereby; and the right of substitution hereinbefore provided and the exercise thereof shall not alter or affect the status of any mortgage participation certificates as legal investments or as securities acceptable by the State of California, its officers and officials, as comprising or constituting any such fund or deposit.

Existing policies

The legality or validity of policies of mortgage insurance and securities guaranteed thereby and of mortgage participation certificates heretofore issued which at the date of issuance fully conformed to and complied with the law then in force shall not be affected or impaired by the provisions of this chapter. Such securities guaranteed by policies of mortgage insurance and such mortgage participation certificates shall continue to be legal investments and to be acceptable by the State of California, its officers and officials, as deposits, to the extent and in the manner provided by the law in force at date of such issuance.

Amendment of certificates

Any mortgage insurance company which shall have heretofore issued mortgage participation certificates in accordance with the provisions of the law of this State in force at the time of such issuance may, with the consent of the Insurance Commissioner, amend such certificates or may cancel and retire all or any part of such certificates presently outstanding and issue in exchange therefor other certificates representing a similar proportionate interest in the group of assets held in trust for the benefit of the holders of such presently outstanding mortgage participation certificates. The plan under which such amended certificates or such other certificates are

to be issued, and the form of such amended certificates and such other certificates, shall be submitted to the Insurance Commissioner for his approval, and all such amended or new certificates and any agreement under which the same may be issued shall contain, notwithstanding anything in this chapter to the contrary, such terms and provisions as shall be approved or required by such commissioner. Any executor, administrator, guardian, trustee, insurance company, bank, banking institution or trust company, and any officer of the State of California, now holding one or more mortgage participation certificates as a legal investment or as a fund or deposit required by law to be made with the State of California, may consent to the amendment of such certificates or may exchange such certificates for other certificates issued as herein provided, and may hold such amended certificates or such other certificates as legal investments or as securities eligible for deposit with the State of California or with its officers or officials in the same manner and to the same extent as the particular mortgage participation certificates so amended, or the particular certificates in exchange for which such other certificates may be issued, are now held.

Appraisement of mortgaged property.

453 8. Before investing in any security or making or issuing any policy of mortgage insurance thereon or participation certificate therein, every mortgage insurance company shall cause an appraisement of the real property with improvements thereon securing the same to be made by a competent person or corporation appointed as appraiser by resolution of the board of directors of said company. No such appointment shall be valid or effective unless and until the same shall have been approved by both the Insurance Commissioner and the Superintendent of Banks, and such appointment shall be revocable at any time by either the Insurance Commissioner or the Superintendent of Banks should they or either of them consider said appointee incompetent or any appraisals made by said appointee improper, after a hearing upon due notice thereof first given to the appraiser and the company.

Appraiser's report.

Such approved appraiser shall examine and appraise said property and determine the fair market value thereof without deducting therefrom the amount of any outstanding and unpaid taxes, bonds or assessments, and shall thereafter make his verified report to said mortgage insurance company. Said report shall state whether such property is improved or productive and shall contain a general statement of the character of the property appraised, the purposes for which it is being used, and the kind and condition of the improvements, and the fair market value of each parcel of land and of the improvements thereon, and shall contain such other information as shall be ordered by the Insurance Commissioner or the Superintendent of Banks. Appraisals made as herein provided by an approved appraiser shall, in the absence of any negligence, gross error, fraud or collusion, be conclusive as to the facts therein stated.

453.9. Every mortgage insurance company shall make a report in writing to the Insurance Commissioner, which report shall be made monthly and shall be verified by the oath of its president or vice president and its secretary or treasurer. Such report shall be in such form and contain such information as the commissioner shall require. Monthly report to Insurance Commissioner.

There shall be filed with such report an appraisement made by an approved appraiser, in accordance with the provisions of section 453.8 of this chapter, of each separate parcel of property securing any security which has been guaranteed or insured during the month covered by the report, an appraisement of which has not theretofore been filed in accordance with the provisions of this section or of section 453.7 of this chapter. Each appraisement shall be signed and verified by the approved appraiser making the same and shall be accompanied by a certificate signed and verified by an officer of such mortgage insurance company to the effect that said company has in its possession and control evidences of title consisting of a full abstract of title, a full certificate or guarantee of title, or a policy of title insurance, showing that the mortgage or deed of trust securing such loan is a first mortgage or first deed of trust upon real estate and the improvements thereon, if any. Concurrently with such filing, a verified copy of such report, together with a copy of all appraisements filed therewith, shall be sent by said company to the Superintendent of Banks.

In addition to the above monthly report, every mortgage insurance company shall make and file with the Insurance Commissioner an annual report in writing covering the calendar year, in such form and containing such information as said commissioner shall require. Annual report.

In case of the neglect or failure of any such mortgage insurance company to make and file such monthly reports in the office of the Insurance Commissioner before the twentieth day of the next succeeding month, or to file such annual report covering any calendar year on or before the first day of March next following the close of such calendar year as herein provided, such company shall forfeit to the State of California ten dollars per day for every day during which said neglect or failure continues; provided, however, that the Insurance Commissioner shall have authority to extend the time within which any report must be filed. Penalties.

453.10. Any association, corporation, firm or person who, without complying with the provisions of this chapter, shall engage as a business in the making or issuing of policies of mortgage insurance or mortgage participation certificates, as herein defined, in California, or shall advertise the making or issuing of such policies of mortgage insurance or such mortgage participation certificates in California, or shall publicly offer to make or issue such policies of mortgage insurance or such mortgage participation certificates in California shall be guilty of a misdemeanor, and any officer, director, agent Penalties.

or other employee of any such association, corporation, firm or person who knowingly consents, permits or makes any violation of any of the terms or provisions of this section shall be guilty of a misdemeanor.

See Stats 1933, Ch 360.

Mortgage moratorium

453.11. In the event sales on execution or under power of sale contained in any mortgage or deed of trust, or by direction of court in an action for the recovery of a debt or for the enforcement of a right secured by a mortgage or other lien, shall be extended or postponed by any law of this State or of the United States, or by any order or ruling of any officer of this State or of the United States, or in the event the date when payment of either principal or interest shall become due under any note secured by a mortgage or deed of trust on real estate shall be extended or postponed by any law of this State or of the United States, or by any order or ruling of any officer of this State or of the United States, then and in any of such cases there shall be a corresponding extension for a like period of time of the date upon which mortgage insurance companies are required to make any and all payments under and by reason of any and all policies of mortgage insurance or mortgage participation certificates then issued and outstanding.

CHAPTER 98.

An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the principal and interest of such bonds.

[Approved by the Governor April 17, 1933. In effect August 21, 1933.]

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

Municipal improvement district bonds validated

SECTION 1. Whenever the legislative branch of any municipality has heretofore called an election under the provisions of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under said act as amended, for the purpose of submitting to the qualified electors of any municipal improvement district formed in such municipality the question whether an indebtedness shall be incurred by such municipal improvement district for the acquisition or construction of any public improvement, work or public utility or property or easement to be used in connection with any public improvement, work or public utility, and where at such election not less than two-thirds of all the qualified voters voting thereat shall have heretofore voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the pro-

Stats 1915, p 99

posed issuance of the bonds of such municipal improvement district, the power to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed, and declared valid to all intents and purposes; and the bonds heretofore issued and sold are declared to be and shall be, in the actual form in which such bonds have been issued, the legal and binding obligations of and against such district; and the bonds heretofore authorized to be issued which may be hereafter issued and sold, are declared to be and shall be the legal and binding obligations of and against such district; and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of all said bonds.

Tax to pay bonds

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of said municipal corporation set apart for that purpose, sufficient to meet all sums coming due for the principal and interest on such bonds, a tax upon the taxable property in such district sufficient to pay the interest on such bonds for that year and such portion of the principal thereof as is to become due before the time for making the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

Bonds not validated

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, nor to legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such municipal improvement district voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature at a date more than forty years from the time of their issuance.

CHAPTER 99.

An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

[Approved by the Governor April 17, 1933. In effect August 21, 1933.]

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

County water district bonds validated.

Stats 1913, p 1049

SECTION 1. Where in any county water district organized under the provisions of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, proceedings have been taken for the purpose of voting upon, issuing or selling bonds of such district for any purpose or purposes, all acts and proceedings of the board of directors of such district, the officers of election and all other acts and proceedings leading up to and including the issuance of such bonds, if they have been heretofore sold, and all such acts and proceedings heretofore had, although the bonds are not yet sold, are hereby legalized, confirmed and validated to all intents and purposes, and the power of such district and of the board of directors thereof to issue and sell such bonds is hereby ratified, confirmed and approved, and said bonds heretofore sold are declared to be and shall be, in the form and manner in which said bonds have been actually sold and delivered, the legal and valid obligations of and against such district, and said bonds heretofore authorized to be issued and hereafter sold and delivered are declared to be and shall be legal and binding obligations of such district, and the full faith and credit of such district is hereby declared to be pledged for the prompt payment of the principal and interest thereof.

Use of funds.

SEC. 2. The proceeds of sale of any such bonds, whether heretofore sold or hereafter sold and delivered, may be applied by the board of directors of any such district in the manner now or hereafter provided by law for the purpose of carrying out in any manner the general purposes for which such district was organized, and notwithstanding that the method of application of such proceeds was not expressly authorized by law at the time of the calling or holding of the election at which such bonds were authorized to be issued.

Tax to pay bonds.

SEC. 3. For the purpose of paying interest on such bonds as it becomes due, and the principal thereof on or before maturity, the board of directors of such district is hereby

authorized and directed to cause taxes to be levied in the manner now or hereafter provided by the provisions of said act of 1913.

CHAPTER 100.

An act to extend the time for the payment of taxes for the period of sixty days and declaring the urgency thereof.

[Approved by the Governor April 17, 1933. In effect immediately.]

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

Time for payment of taxes extended

SECTION 1. The time for the payment of taxes upon all real property which became due and payable on January 20, 1933, is hereby extended for a period of sixty days.

SEC. 2. The time for computing or determining delinquencies and penalties and the time for performing acts or duties by public officials with relation thereto, which is dependent or based upon the payment of any real property taxes on or before April 20, 1933, is hereby extended to and including June 20, 1933.

None of the provisions of this act shall apply to or in, nor to taxes or payment of taxes of any consolidated city and county operating under a freeholder charter adopted under the provisions of section 8 of Article XI of the State Constitution, which charter prohibits the drawing of any warrant against any fund of the city and county in which there is an insufficient unencumbered balance for the payment thereof. Provided, the legislative body of any such consolidated city and county shall by resolution provide for the payment of the tax mentioned herein in installments, the first of which said installments shall not exceed fifty per cent of the said tax, and the last of which said installments shall be payable not later than June 20, 1933, and the penalties now provided by law for the nonpayment of a second installment of taxes shall attach to each such installment for the nonpayment thereof. If the exception in this paragraph expressed be declared unconstitutional by final judgment of a court of competent jurisdiction, such decision shall not affect the validity of any of the other provisions of this act.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

The facts constituting such necessity are as follows: There exists throughout the State of California economic conditions which make it impossible for property owners to pay this installment of taxes. Further delinquencies at this time will add a tremendous burden on the property which will have to

bear the cost of government. It is essential that confidence be restored by giving property owners additional time to secure funds to meet their obligations. This act will aid in accomplishing this necessary result and should go into effect immediately.

CHAPTER 101.

An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

[Approved by the Governor April 17, 1933. In effect August 21, 1933.]

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

Acquisition and improvement district bonds validated

Stats 1925, p 849

SECTION 1. When in any acquisition and improvement district organized under the provisions of the Acquisition and Improvement Act of 1925, proceedings have been taken for the purpose of issuing or selling bonds of such district for any purpose or purposes, all acts and proceedings of the legislative body conducting the proceedings in such district and all other acts and proceedings leading up to and including the issuance of such bonds, if they have been heretofore sold, and all such acts and proceedings heretofore had, although the bonds are not yet sold, are hereby legalized, confirmed and validated to all intents and purposes, and the power of such district and of the legislative body conducting the proceedings in such district to issue and sell such bonds is hereby ratified, confirmed and approved, and said bonds heretofore sold are declared to be and shall be, in the form and manner in which said bonds have been actually sold and delivered, the legal and valid obligations of and against such district, and the said bonds heretofore authorized to be issued and hereafter sold and delivered are declared to be and shall be legal and binding obligations of such district.

Taxes to pay bonds

SEC. 2. For the purpose of paying the interest on such bonds as it becomes due and the principal thereof on or before maturity, the assessors, treasurers, boards of supervisors and other officers of the respective counties or municipalities shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds for the payment of the principal and interest of bonds of acquisition and improvement districts. It shall be and is hereby made the duty of the legislative body which is required under the provisions of said Acquisition and Improvement Act of 1925, to levy all special assessment taxes therein provided for, to levy and collect at the time and in the manner in said act provided, a

special assessment tax upon all of the lands within any such district clearly sufficient to pay the principal and interest of said bonds as the same shall become payable; and such legislative body is hereby vested with power and jurisdiction to do all and singular the things herein and in said Acquisition and Improvement Act of 1925 required to be done by it for the purpose of providing funds sufficient to pay the principal and interest of said bonds as the same become due.

CHAPTER 102.

An act to amend sections 1202a, 1572, 1576, and 1586, of the Penal Code, relating to the State prisons, establishing a female department thereof and transferring an appropriation therefor, and declaring the urgency thereof.

[Approved by the Governor April 18, 1933. In effect immediately.]

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

SECTION 1. Section 1202a of the Penal Code is hereby amended to read as follows: Stats 1923, p. 72.

1202a. If the judgment is for imprisonment in the State prison and the defendant is a male person the judgment shall direct that the defendant be taken to the warden of the State Prison at San Quentin; provided, however, that if the defendant shall have previously been convicted of a felony, or if the court in the exercise of its discretion shall deem it a proper case so to do, it shall direct that the defendant be taken to the warden of the State Prison at Folsom. If the defendant is a female person and the judgment is for imprisonment in the State prison, said judgment shall direct that said defendant be taken to the warden or other person in charge of the female department of the "State Prison at San Quentin" at the California Institution for Women. Thereafter, and until the termination of the sentence, the State Board of Prison Directors may transfer the defendant from one State prison to the other as in the opinion of the board conditions may require. Imprisonment in State prison. Female prisoners

SEC. 2. Section 1572 of the Penal Code is hereby amended to read as follows: Stats 1909, p 427

1572. The State prisons of this State shall be known as the State Prison at San Quentin, which is situated in the county of Marin, a female department of which is situated in the county of Kern, and which prison shall have an official staff conforming to the laws of the State in relation to State prisons; and the State Prison at Folsom, which is situated in the county of Sacramento, and which shall have a similar staff and be similarly organized, and all the finances and accounts of the two prisons shall be kept separate and apart from each other. Names of State prisons.

Female department

The said State Prison at San Quentin shall have a female department situated at the California Institution for Women in the county of Kern. Said female department shall be the administration building, the detention building and Cottage "A" at said California Institution for Women and such grounds in connection therewith as may from time to time be determined necessary by the Board of Prison Directors. The expense of the support of said female department, in the county of Kern, shall be paid out of moneys heretofore or hereafter appropriated for the support of the California Institution for Women and such other moneys as may be appropriated for the California State Prison at San Quentin.

Stats 1929, p 154.

SEC. 3. Section 1576 of the Penal Code is hereby amended to read as follows:

Powers and duties of prison directors.

1576. It shall be the duty of the directors to determine the necessary officers and employees of the prisons other than those of the wardens and clerks, specifying their duties severally, and fixing their salaries; provided, however, that the salary of such officers or employees so fixed shall not in any case from and after the date this act becomes effective be less than the sum of one hundred dollars per month to and including June 30, 1930, and that thereafter the salary of such officers or employees so fixed shall not in any case be less than the sum of one hundred ten dollars per month; to prescribe rules and regulations for the government of the prisons, and to revise and change the same from time to time as circumstances may require, and to board and lodge the officers and employees, or allow them a money commutation in lieu thereof; provided, the warden may make temporary rules, in cases of emergency, to remain in force until the succeeding meeting of the board. At least three of the directors shall visit the prisons once in each month and oftener if necessary, at such times as they may select, and said female department at least once in every three months. The directors shall audit all claims for supplies, services, and expenses of officers and employees, and all other demands against the prison.

Second—To enter or cause to be entered on their journal by the clerks all official acts which shall be signed by at least three members of the board.

Third—On or before the first day of December of each year to report to the Governor the condition of the prisons, together with detailed statements of receipts and expenditures, and such suggestions concerning the prisoners as may appear to be necessary and expedient.

Fourth—The board of directors shall also adopt rules and regulations not inconsistent with the Constitution and the laws of the State of California for the government of the board, and may change the same at their pleasure.

Fifth—The board of directors shall have power to establish an office in San Francisco, and employ a secretary.

Stats 1923, p 321.

SEC. 4. Section 1586 of the Penal Code is hereby amended to read as follows:

1586. All convicts may be employed by authority of the board of directors, under charge of the wardens respectively and such skilled foremen as they may deem necessary in the performance of work for the State, or in the manufacture of any article or articles for the State, or the manufacture of which is sanctioned by law. Such needlework as the female prisoners may make from time to time may be sold. The money received from the sale of said needlework shall be paid to the warden and placed to the credit of the female who made the same. Upon the release of such female the money shall be paid to her. The convicts at the female department of the "State Prison at San Quentin" at the California Institution for Women may perform such work as authorized by section 13 of the act establishing the said California Institution for Women and for that purpose the State Board of Prison Directors are authorized to cause such work to be done within a radius of three miles from such female department at the California Institution for Women of the State Prison at San Quentin. Employment of convicts

At Folsom after the completion of the dam and canal the board may commence the erection of structures for jute manufacturing purposes. The board of directors are hereby authorized to purchase from time to time such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured, and not needed by the State, for cash, at private sale, in such manner as provided by law.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall go into immediate effect. The following is a statement of the facts constituting such necessity: Urgency.

At the present time San Quentin prison lacks the proper quarters and space to properly care for the number of prisoners confined therein. This congested condition endangers the public peace and safety as it is conducive to prison breaks and to the spread of disease. The removal of the female prisoners to the California Institution for Women as provided by this act, would relieve this condition and would make available additional space to give proper care and hospitalization to the prisoners remaining at San Quentin.

CHAPTER 103.

An act to extend the time for the payment of taxes and special assessments to or for cities, counties, cities and counties, all districts, and other public corporations, for the period

of sixty days, and declaring the urgency thereof, and providing same shall take effect immediately.

[Approved by the Governor April 13, 1933. In effect immediately.]

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

Time for payment of taxes extended.

SECTION 1. The time for the payment of taxes on real property to or for any city, county, city and county, all districts or other public corporations, in all cases where such taxes become due and payable January 20, 1933, is hereby extended for a period of sixty days.

SEC. 2. The time for the payment of taxes on real property, and any unpaid taxes on personal property secured thereby, to or for any city, in all cases where such taxes become due and payable subsequent to January 1, 1933, and not now delinquent, and prior to October 1, 1933, is hereby extended for a period of sixty days; provided this act shall not apply to any city, or consolidated city and county, governed under a freeholders' charter, until the legislative body thereof has elected to come under its provisions by the adoption of a resolution or ordinance to that effect. If this last proviso be declared unconstitutional by final judgment of a court of competent jurisdiction, such decision shall not affect the validity of any other provision of this act.

SEC. 3. The time at which any of the taxes mentioned in this act become delinquent and subject to penalties, is hereby extended for a period of sixty days from and after the present date of delinquency, and the time for performing acts or duties by public officials with relation to the collection of taxes is hereby extended accordingly.

Special assessments

SEC. 4. The provisions of this act shall apply to all special assessments for street and other improvements which are collectible at the same time and in the same manner as property taxes are collected, and which are set forth on the same tax bill and made subject to the same penalties for delinquency.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the preservation of the public peace, health and safety, the facts constituting such urgency being as follows: There exists throughout the State of California economic conditions which make it impossible for property owners to pay their taxes or the second installment thereof at this time, and it is essential that they be given additional time in which to secure funds to meet this obligation. This act will aid in accomplishing that purpose, wherefore it shall take effect immediately.

CHAPTER 104.

An act to amend section 60 of the Civil Code, relating to illegal and void marriages.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Section 60 of the Civil Code is hereby amended to read as follows: Stats 1905, p. 554.

60. All marriages of white persons with negroes, Mongolians, members of the Malay race, or mulattoes are illegal and void. Void marriages.

CHAPTER 105.

An act to amend section 69 of the Civil Code, relating to marriage licenses.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Section 69 of the Civil Code is hereby amended to read as follows: Stats. 1927, p. 1166.

69. All persons about to be joined in marriage must first obtain a license therefor, from the county clerk of the county in which the marriage is to be celebrated, which license must show: Marriage licenses

1. The identity of the parties.
2. Their real and full names, and places of residence.
3. Their ages; and
4. Whether white, Mongolian, negro, Malayan or mulatto.

No license must be granted when either of the parties, applicants therefor, is an imbecile, or insane, or who at the time of making the application, or proofs herein required, for said license, is under the influence of any intoxicating liquor, or narcotic drug; no license must be issued authorizing the marriage of a white person with a negro, mulatto, Mongolian or member of the Malay race. If the male is under the age of twenty-one years, or the female is under the age of eighteen years, and such person has not been previously married, no license must be issued by the county clerk unless the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, is presented to him, duly verified by such parents, or parent, or guardian; and such consent must be filed by the clerk, and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters in this section enumer-

ated, examine the applicants for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by them.

Application

Application for a marriage license must be made by the parties to the marriage at least three days and not more than thirty days, before the license shall be issued. Immediately upon receipt of an application for a license the county clerk shall have the parties record in a book kept for the purpose notice of intention to marry, and after the expiration of three days and not more than thirty days after application and signing of notice of intention to marry the clerk may issue such license to marry. Such notice of intention shall be substantially in the following form:

Notice of Intention to Marry

Form of notice

Notice is hereby given that _____ a native of _____ of the age of _____ years, residing at (full address to be inserted), and _____ a native of _____ of the age of _____ years, residing at (full address to be inserted), intend within thirty days from date hereof, to apply to the county clerk of _____ county, State of California, for license to marry.

CHAPTER 106.

Stats 1931, p 102, amended

Stats 1931, p 127, repealed

An act to amend section 1 of an act entitled "An act establishing certain additional State highways and classifying them as secondary highways," approved March 27, 1931, and to repeal an act entitled "An act establishing certain additional State highways and classifying them as secondary highways," approved April 1, 1931, relating to the State highway system and the addition and classification of certain highways.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats 1931, p 102

SECTION 1. Section 1 of an act entitled "An act establishing certain additional State highways and classifying them as secondary highway," approved March 27, 1931, is hereby amended to read as follows:

Secondary State highways.

Section 1. The Department of Public Works is hereby authorized and directed to lay out and construct highways by the most direct and practicable routes between the termini stated herein, which highways are declared to be, and classified as, secondary State highways.

(a) Alturas to Oregon State line near New Pine Creek.
(b) Quincy to State Highway Route 29, near Chats.
(c) Vallejo to State Highway Route 8.
(d) Walnut Creek to Oakland.

(e) Weed to California-Oregon State line, near Calor.
(f) Bishop to California-Nevada State line (Montgomery Pass).
(g) Bakersfield to Mojave.
(h) Red Box Divide to Pine Flats (Route 61 to Route 62).
(i) State Highway Route 26 near Colton via Pomona to Los Angeles.
(j) State Highway Route 43, Waterman Canyon via Santa Ana Canyon to Newport Beach.
(k) Beaumont to Riverside.
(l) Riverside to San Diego.
(m) Pomona to Temecula.
(n) Blythe to California-Arizona State line at the Colorado River and State Highway Route 64 to State Highway Route 26, near Indio.
(o) National City to International boundary line near Tia Juana.
(p) El Centro to Calexico.
(q) Oasis to California-Nevada State line.
(r) State Highway Route 2 near Ventura to State Highway Route 4 at Castaic Junction.
(s) From State Highway Route 31 near Cajon Pass to State Highway Route 23 near Lancaster.
(t) Pomona to Fullerton via Brea Canyon.
(u) Cambria to San Luis Obispo.
(v) Santa Barbara to State Highway Route 2 at Zaca via San Marcos Pass.
(w) State Highway Route 14 near Crockett to American Canyon Route near Vallejo.

Repeal

SEC. 2. An act entitled "An act establishing certain additional State highways and classifying them as secondary highways," approved April 1, 1931, is hereby repealed.

CHAPTER 107.

An act relating to revenue bonds issued by the California Toll Bridge Authority and authorizing counties, cities and counties, and cities to purchase the same, this act to take effect immediately.

[Approved by the Governor April 20, 1933 In effect immediately.]

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

Purchase of California Toll Bridge Authority bonds

SECTION 1. Until four years from and after the date upon which this act takes effect, any county, city and county, or city may purchase revenue bonds issued by the California Toll Bridge Authority for the construction of any toll bridge, out of moneys of the general fund of such county, city and county, or city, or of any fund of the county, city and county, or city,

available for the purpose of laying out, constructing, maintaining or repairing public roads, bridges or highways, whether such moneys are raised by taxation or are received from the State by the county, city and county, or city; provided, however, that no such county, city and county, or city may purchase such bonds in excess of the amount of six hundred fifty thousand dollars.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution of the State of California and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect.

The following is a statement of the facts constituting such necessity: The construction of a toll bridge and approaches thereto over the bay of San Francisco from the City and County of San Francisco to the county of Alameda and the efficient maintenance and operation of it by the State are essential to complete and make effective the system of State highways. It is necessary for the preservation of the public peace, health and safety that greater facilities for travel and transportation across the bay of San Francisco be immediately afforded by the construction of such toll bridge and the approaches thereto and this act is necessary in order to enable and assure the immediate financing and construction of said toll bridge.

CHAPTER 108.

An act to amend section 520 of the Penal Code, relating to the punishment of extortion in certain cases.

[Approved by the Governor April 20, 1933 In effect August 21, 1933.]

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

Pen C. 1872

SECTION 1. Section 520 of the Penal Code is hereby amended to read as follows:

Punishment for extortion

520. Every person who extorts any money or other property from another, under circumstances not amounting to robbery, by means of force, or any threat, such as is mentioned in the preceding section, is punishable by imprisonment in the State prison for not less than one nor more than ten years.

CHAPTER 109.

An act to amend section 1322 of the Penal Code, relating to husband and wife.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1322 of the Penal Code is hereby amended to read as follows: Stats 1911, p 270

1322. Neither husband nor wife is a competent witness for or against the other in a criminal action or proceeding to which one or both are parties, except with the consent of both, or in case of criminal actions or proceedings for a crime committed by one against the person or property of the other, whether before or after marriage or in cases of criminal violence upon one by the other, or upon the child or children of one by the other or in cases of criminal actions or proceedings for bigamy, or adultery, or in cases of criminal actions or proceedings brought under the provisions of section 270 and 270a of this code or under any provisions of the "Juvenile Court Law." Husband and wife as witnesses

Stats 1915, p 1225.

CHAPTER 110.

An act relating to grants of lands granted to cities and towns under the provisions of an act of Congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867, and procedure in relation to such land.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

SECTION 1. In the case of town lands mentioned in the act of Congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867, when grants or deeds thereof have heretofore been made by the municipal authorities or by any officers of any incorporated city or town in this State, which grants or deeds are invalid solely by reason of the operation of the provisions of any or all of the acts entitled, respectively, "An act to authorize the city clerk of the city of Placerville to execute certain trusts in relation to the lands granted to said city," approved March 27, 1874, "An act to authorize the city clerk of the city of Placerville to execute certain trusts in relation to the lands granted to said city," approved March 28, 1874, "An act appointing and empowering Charles F. Irwin a trustee to execute certain trusts, directing the manner of executing the same and the use of the funds arising there- Deeds and grants validated

Stats 1873-4, p 706

Stats 1873-4, p 754

Stats 1875-6, p 328

Stats. 1877-8, p 252.

from," approved March 18, 1876, and "An act amendatory of and supplementary to an act entitled 'An act appointing and empowering Chas. F. Irwin a trustee to execute certain trusts, directing the manner of executing the same, and the use of the funds issuing therefrom,' approved March eighth, eighteen hundred and seventy-six," approved March 14, 1878, such grants or deeds are hereby ratified and confirmed in like manner as though said acts had never been enacted.

SEC. 2. Every deed or grant of such town land executed prior to the first day of January, 1933, by any person purporting in good faith to act as a trustee under the provisions of any of the acts herein cited, is hereby ratified and confirmed.

Stats. 1873-4, p. 706.

SEC. 3. The acts entitled "An act to authorize the city clerk of the city of Placerville to execute certain trusts in relation to the lands granted to said city," approved March 27, 1874, "An act to authorize the city clerk of the city of Placerville to execute certain trusts in relation to the lands granted to said city," approved March 28, 1874, "An act appointing and empowering Charles F. Irwin, a trustee, to execute certain trusts, directing the manner of executing the same and the use of the funds arising therefrom," approved March 18, 1876, and "An act amendatory of and supplementary to an act entitled 'An act appointing and empowering Chas. F. Irwin a trustee to execute certain trusts, directing the manner of executing the same, and the use of the funds issuing therefrom,' approved March eighth, eighteen hundred and seventy-six," approved March 14, 1878, are hereby repealed, but this repeal shall not affect any right, title or interest heretofore conveyed by any person acting under authority conferred by those acts.

Stats. 1873-4, p 754.

Stats. 1875-6, p 328.

Stats. 1877-8, p 252

Act to govern.

SEC. 4. All cities, towns, and their corporate authorities, which hitherto have been bound by, and the procedure of which in regard to said land has been prescribed by said acts shall henceforth be bound by the provisions of an act entitled, "An act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the act of Congress entitled an act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven," approved March 24, 1868, and in regard to such land, such cities, towns, and their corporate authorities shall proceed in accordance with the provisions of said act.

Stats 1867-8, p 487.

CHAPTER 111.

An act to provide for restoration of recorded maps which are injured, destroyed, or are lost or stolen.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Petition re unavailable maps

SECTION 1. Whenever any map which has been recorded in the office of the recorder of any county, or city and county of this State, has been, or shall hereafter be injured, destroyed, lost, or stolen, any person or persons interested may file in the superior court of the county, or city and county, wherein said map was originally filed or recorded, a verified petition in writing alleging that such map has been injured, destroyed, lost, or stolen, according to the facts in the case, without fault or neglect of the party or person making such application, and that said petitioner has a true and correct copy of said original map and offers the same for record in the place and stead of the original map injured, destroyed, lost, or stolen. The petition must be accompanied by a copy of the true copy offered for recording.

Hearing

Upon the filing of the said petition the clerk must set said petition for hearing by the court, and give notice of said hearing by causing notice of the time and place of hearing to be posted at the courthouse in the county, or city and county, where the court is held at least ten days prior to said hearing. A copy of said petition, together with a copy of the true copy offered for record must be served upon the recorder of the county, or city and county, wherein the proceedings are brought at least ten days prior to the hearing. The court may order such further notice to be given as in its judgment may seem proper. At the time set for the hearing the court shall take evidence for and against the petition, and if it satisfactorily appear to the court from the evidence presented that the copy of the map submitted is a true copy of the original map so injured, destroyed, lost, or stolen, the court shall thereupon decree that such copy is a true copy of the original map and order the said copy placed of record in the office of the recorder in the place and stead of the original map injured, destroyed, lost, or stolen.

Decree

SEC. 2. A certified copy of the decree of the court ordering the recording of the true copy of the map shall accompany the true copy of the map for record, and when presented to the recorder of the county, or city and county, for record, the said recorder shall place of record the said copy of the map in the place and stead of the original map injured, destroyed, lost, or stolen.

Recording of copy

When placed of record the said copy shall have the same force and effect as the original map, and conveyances of property whether heretofore or hereafter made, referring to the

original map shall have the same effect as though such original map had not been injured, destroyed, lost, or stolen, and conveyances thereafter made referring to the copy of such original map shall be deemed to refer also to the original map.

CHAPTER 112.

Stats. 1927, p. 149, amended.

An act to amend sections 3 and 5b of the "Narcotic Rehabilitation Act," relating to drug addicts.

[Approved by the Governor April 20, 1933 In effect August 21, 1933.]

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

Stats. 1931, p. 408.

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Arrest of drug addict.

Sec. 3. Whenever it appears by affidavit to the satisfaction of a magistrate of a county or city and county that any person is a drug addict within the meaning of this act, he must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. The person charged must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered at length in the minute book of the court or must be signed by the judge and filed and a certified copy of the said order must be served on such person. The judge may also order that such notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, or city and county, as the court may deem necessary or proper. The judge may cause witnesses to be summoned and examined before him, and after a hearing and examination, if he believes the person charged is a drug addict, the court must make an order that such person be confined in the State Narcotic Hospital for an indeterminate period of not less than eight months nor more than two years; but the court shall make no such order in respect to any person who has theretofore been committed to and has received treatment at said hospital but shall

Arraignment.

Trial.

Commitment

forthwith discharge such person unless there has been first filed with the court a written report of the medical superintendent of the hospital stating that such person is a suitable case for treatment at the hospital. The court may commit any female drug addict and any drug addict who is afflicted with tuberculosis or communicable diseases to any State hospital.

SEC. 2. Section 5b of said act is hereby amended to read as follows: Stats 1931, p 380

Sec. 5b. The Superintendent of the State Narcotic Hospital may at any time determine that a patient is not a suitable case for treatment therein if, in his opinion, the patient: Unsuitable patients.

(1) Has a disease or organic disorder, the treatment of which requires or is facilitated by the administration of a certain amount of narcotic drug, or is a menace to the health or morals of other patients in the hospital, or

(2) Has a physical or mental disorder or habit to which the drug addiction is merely incidental, or

(3) Is incorrigible or mutinous or refuses to cooperate with the superintendent, or

(4) Has previously received treatment at a State hospital and will not be benefited by further treatment.

The superintendent may certify such determination to the court from which the patient was committed. Upon receipt of such certificate, the committing court must immediately order the return of the patient to await its further action.

CHAPTER 113.

An act to amend section 19a of "The California Irrigation District Act," relating to officers of irrigation districts. Stats 1897, p 254, amended.

[Approved by the Governor April 20, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 19a of the California Irrigation District Act is hereby amended to read as follows: Stats 1917, p 751

Sec. 19a. Within twenty days after receiving their certificates of election hereinafter provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The assessor shall execute an official bond in the sum of five thousand dollars, and the collector an official bond in the sum of twenty thousand dollars, and the district treasurer an official bond in the sum of one hundred thousand dollars; each of said bonds to be approved by the board of directors; provided, that the board of directors may, if it shall be deemed advisable, fix the bonds of the treasurer and collector, respectively, to suit the conditions of the district, the maximum amount of the treasurer's Official bonds of district officers

bond not to exceed one hundred thousand dollars, and the minimum amount thereof not to be less than five thousand dollars; and the maximum amount of the collector's bond not to exceed twenty thousand dollars, and the minimum amount of the collector's bond not to be less than five thousand dollars. Each member of said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by the judge of the superior court of said county where such organization was effected, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district; provided, that in case any district organized under this title is appointed fiscal agent of the United States or by the United States in connection with any Federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties.

CHAPTER 114.

An act to add a new section to the Political Code, to be numbered 3747a, relating to segregation of valuation of property on the assessment roll.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 3747a, and to read as follows:

Separation of property for assessment purposes

3747a. At any time after taxes are due and prior to the date when the last installment of taxes becomes delinquent as provided for under section 3756 of this code, any person, firm or corporation, claiming an interest in any lot, piece, parcel or fractional part of land, which lot, piece, parcel or fractional part does not have a separate valuation on the assessment roll, may have such lot, piece, parcel or fractional part segregated and separately valued on said roll, in the manner hereinafter set forth.

Procedure

Each applicant for said segregation and separate valuation must first pay to the officer then having custody of the assessment roll the full amount of the taxes, including penalties,

levied against all of the personal property secured by the real property described in the original assessment, if any. The officer receiving the application for said segregation shall forthwith submit a description of said lot, piece, parcel or fractional part of land, together with the proposed segregations, to the assessor, who must place a separate valuation upon each of the proposed segregations. The aggregate amount of assessed valuation of the parcels so segregated shall remain the same as before such segregation. The assessor must transmit such valuations to the officer then having custody of the assessment roll, who shall cause the description of the property together with separate valuations, to be entered on the assessment roll. Thereafter, taxes including proportionate accrued penalties, if any, on such lot, piece, parcel or fractional part may be paid separately from the whole assessment in the manner provided by section 3747 of this code.

Fee

The officer to whom application for segregation and separate valuation is made, shall charge and collect a fee of fifty cents for each lot, piece, parcel or fractional part separately valued and assessed and shall deposit all fees so collected in the county treasury.

CHAPTER 115.

An act to validate the formation, organization and existence of municipal improvement districts.

[Approved by the Governor April 20, 1933 In effect August 21, 1933.]

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

Municipal improvement districts validated

Stats 1915, p 99

SECTION 1. Whenever the legislative body of any municipality has heretofore declared any portion of such municipality to be a municipal improvement district under the provisions of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under the provisions of such act as amended, and such district has existed as such for a period of six months prior to the taking effect of this act, all acts and proceedings of such municipality and all acts of all public officers leading up to and including the formation of such district are hereby legalized, ratified and confirmed and declared valid for all intents and purposes, and any such district is hereby declared to be a legal municipal improvement district.

CHAPTER 116.

An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Irrigation district bonds validated.

SECTION 1. Whenever proceedings have heretofore been taken by any irrigation district organized or existing under any law or laws of this State, for the issuance and sale or exchange of bonds, including refunding bonds, of such district for any purpose or purposes, all acts and proceedings of the board of directors of said district and all acts of the board of supervisors of the county or counties in which such district or any part thereof is situated and all acts of public officers in connection therewith leading up to and including the issuance of such bonds, including refunding bonds, if they have hitherto been issued or sold or exchanged, and all such acts and proceedings heretofore taken if such bonds, including refunding bonds, are not yet issued or sold or exchanged, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to issue such bonds, including such refunding bonds, is hereby ratified, confirmed and declared, and such bonds and refunding bonds heretofore issued and sold or exchanged are declared to be and shall be, in the form and manner in which such bonds and refunding bonds have been actually issued and delivered, the legal and binding obligations of and against such district, and the bonds and refunding bonds heretofore authorized to be issued which may be hereafter issued and sold or exchanged are declared to be and shall be the legal and binding obligations of such district, and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, including refunding bonds.

Taxes to pay bonds.

SEC. 2. For the purpose of paying the interest on such bonds or refunding bonds as it becomes due and the principal thereof at maturity, the board of directors of the district and other officers who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds, for the payment of the principal and interest of bonds of such districts, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts and the payment thereof.

CHAPTER 117.

An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Sanitary district bonds validated

SECTION 1. Whenever proceedings have heretofore been taken by any sanitary district organized or existing under any law or laws of this State, for the issuance and sale of bonds, including refunding bonds, of such district for any purpose or purposes, all acts and proceedings of the board of directors of such district and all acts of the board of supervisors of the county or counties in which such district or any part thereof is situated and all acts of public officers in connection therewith leading up to and including the issuance of such bonds, including refunding bonds, if they have hitherto been issued or sold, and all such acts and proceedings heretofore taken if such bonds, including refunding bonds, are not yet issued or sold, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to issue such bonds, including such refunding bonds, is hereby ratified, confirmed and declared, and such bonds and refunding bonds heretofore issued and sold are declared to be and shall be, in the form and manner in which such bonds and refunding bonds have been actually issued and delivered, the legal and binding obligations of and against such district, and the bonds and refunding bonds heretofore authorized to be issued which may be hereafter issued and sold are declared to be and shall be the legal and binding obligations of such district, and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, including refunding bonds.

Taxes to pay bonds

SEC. 2. For the purpose of paying the interest on such bonds or refunding bonds as it becomes due and the principal thereof at maturity, the board of directors of the district and other officers who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds, for the payment of the principal and interest of bonds of such districts, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts and the payment thereof.

CHAPTER 118.

An act validating the formation, organization and existence of sanitary districts.

[Approved by the Governor April 20, 1933. In effect August 21, 1933]

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

Sanitary districts validated.

SECTION 1. In all cases where the board of supervisors of any county in this State has purported to form or organize a sanitary district under any law or laws of this State, and such district has thereafter acted or functioned as a district for at least six (6) months prior to the taking effect of this act, all acts and proceedings taken for the purpose of forming or organizing such districts are hereby legalized, validated and declared to be sufficient for all purposes, and all such sanitary districts are hereby declared to be duly formed and organized under their appropriate names as of the time of their purported formation or organization, with boundaries as shown or indicated in the orders of the board of supervisors purporting to form or organize the same and to be duly existing sanitary districts of this State; and all such districts shall henceforth have all the rights and privileges and be subject to all the duties and obligations of duly formed or organized sanitary districts.

CHAPTER 119.

An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

[Approved by the Governor April 20, 1933. In effect August 21, 1933]

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

School districts validated.

SECTION 1. All school districts, high school districts, and junior college districts, of any kind or class, which have acted and existed as such for more than one year prior to the taking effect of this act, are hereby declared to be legally and duly formed, organized, established, incorporated and existing, and, as such school districts, high school districts and junior college districts, shall have all the rights and privileges and be subjected to all the duties and obligations of duly formed, organized, established or incorporated school districts, high school districts, and junior college districts.

CHAPTER 120.

An act to validate bonds of flood control districts and all proceedings relative thereto and to provide for the levy and

collection of taxes to pay the principal and interest of such bonds.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Flood control district bonds validated

SECTION 1. Whenever proceedings have heretofore been taken by any flood control district organized or existing under any law or laws of this State for the issuance and sale of bonds of such district for any purpose or purposes, all acts and proceedings of the board of trustees of such district, and all acts of public officers in connection therewith leading up to and including the issuance of such bonds, if they have hitherto been issued or sold, and all such acts and proceedings heretofore taken if such bonds are not yet issued or sold are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to issue such bonds is hereby ratified, confirmed and declared, and such bonds heretofore issued and sold are declared to be and shall be, in the form and manner in which such bonds have been actually issued and delivered, the legal and binding obligations of and against such district. The bonds heretofore authorized to be issued which may be hereafter issued and sold are declared to be and shall be the legal and binding obligations of such district, and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, including refunding bonds.

Taxes to pay bonds

SEC. 2. For the purpose of paying the interest on such bonds as it becomes due and the principal thereof at maturity the board of trustees of such district and the various public officers who are charged with duties in connection with the assessment and collection of taxes shall have the same power and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds for the payment of the principal and interest of bonds of such district at the time and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such district.

CHAPTER 121.

An act to validate proceedings for the annexation, incorporation, and inclusion of territory by municipal corporations.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Annexation validated

SECTION 1. Any territory which purports to have been heretofore annexed to, incorporated in, and included within a

municipal corporation under any proceedings taken for that purpose, the certified record whereof shall have heretofore been filed by the Secretary of State, is hereby declared to be and to have been, since the filing of said record, duly annexed to, incorporated in, and included within such municipal corporation; and all proceedings for the annexation of such territory are hereby validated and declared legal; provided, however, that this act shall not operate to legalize an annexation where the legality of the proceedings for such annexation is being contested or inquired into in legal proceedings which are now pending and undetermined.

CHAPTER 122.

An act to validate the organization and existence of municipal utility districts.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Municipal utility districts validated

SECTION 1. Whenever the board of supervisors of any county has heretofore declared any portion of such county (whether consisting of any municipality together with unincorporated territory or of any two or more municipalities therein) to be a municipal utility district under the provisions of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, or under the provisions of such act, as amended, and such district has existed as such for a period of six months prior to the taking effect of this act, all acts and proceedings of such board of supervisors and all acts of all public officers leading up to and including the formation of such district or districts are hereby legalized, ratified and confirmed and declared valid for all intents and purposes, and every such district so organized is hereby declared to be a valid and legally existing municipal utility district.

Stats 1921, p 245.

CHAPTER 123.

Stats. 1927, p 1711, amended.

An act to amend section 16 of the act known as the "Act Concerning Cosmetology," relating to exemptions.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats 1931, p 2403.

SECTION 1. Section 16 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 16. Nothing in this act shall be construed to prohibit service contemplated by this act in cases of emergency or domestic administration, without compensation, nor to prohibit the recommendation, demonstration administration or sale of cosmetics by any person not claiming himself or herself to be a cosmetician; and the following persons shall be exempted from the provisions hereof, namely: (a) All persons authorized by the laws of this State to practice medicine, surgery, dentistry, pharmacy (including those employed in pharmacies), osteopathy, chiropractic, naturopathy or chiropody; (b) commissioned officers of the Medical Corps of the United States Army, Navy, or Marine Hospital Service or Public Health Service when engaged in the actual performance of their official duties, and attendants attached to same; (c) barbers, in so far as their usual and ordinary vocation and profession is concerned when engaged in any of the following practices, namely: Arranging, dressing, curling and waving, cleansing, cutting, or singeing, the hair of any person; or in massaging, cleansing, stimulating, exercising, or similar work, the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams. Exemptions from act.

CHAPTER 124.

An act to amend section 3.174 of the School Code, relating to attendance of pupils in school districts other than those in which they reside.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3.174 of the School Code is hereby amended to read as follows: Sch. C, p 114

3.174. Boards of trustees and city boards of education shall have power to permit children from other districts to attend the schools of their district. No pupil shall attend school in a district other than that in which he resides without first obtaining the consent of the county superintendent of schools having jurisdiction over the district in which such pupil resides. School attendance: Residence

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CHAPTER 125.

An act to amend section 9 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary Stats 1923, p 393, amended

districts in any part of the State, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provisions for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, relating to elections.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats 1923, p. 393.

SECTION 1. Section 9 of the act cited in the title hereof is hereby amended to read as follows:

Members of sanitary board Term of office

Sec. 9. Except as herein provided the term of office of the members of the sanitary board shall be four years and they shall hold office until the election and qualification of their successors.

The five members elected at the election at which the district is organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall serve until the election held in September of the fourth year of the district's existence. The other three shall serve until the election held in September of the second year of the district's existence.

The members of the board of any sanitary district organized under this act before September, 1933, shall serve until September, 1934. Before this time they shall so classify themselves, by lot, that two of them shall serve until the election in September, 1934, and the other three shall serve until the election in September, 1936.

Compensation

Each of the members of the sanitary board shall receive for each attendance of the meetings of the sanitary board, five dollars, and shall receive no other compensation, no member of the sanitary board, shall receive pay for more than one meeting in any calendar month.

Elections

All elections for officers, after the formation of the district shall be held on the first Monday after the second Tuesday in the month of September. Not less than twenty days before the day of such election the sanitary board must give notice of said election by posting notices thereof in three public places in the sanitary district, which notices must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select not more than five polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election

board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the State, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

Canvass of vote

The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the sanitary board. Said board shall within five days after the election canvass said returns, and shall make, sign and deliver certificates of election to the person or persons elected.

CHAPTER 126.

An act to amend section 1.70 of the School Code, and to add two new sections to said code, to be numbered 1.72, and 1.73-1, relating to transportation of school pupils.

[Approved by the Governor April 20, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 1.70 of the School Code is hereby amended to read as follows:

Stats 1931, p 2579

1.70. The governing board of any elementary school district shall have power to provide, with the written approval of the county superintendent of schools, for the transportation of pupils to and from school whenever in the judgment of such board such transportation is advisable, and good reasons exist therefor; to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier, or to contract with and pay responsible private parties for such transportation; provided, however, that in order to procure such service at the lowest possible figure consistent with proper and satisfactory service, such governing board shall secure bids whenever it be contemplated that a contract may be made with a person or corporation other

Transporting pupils Elementary schools.

than a common carrier but may, in their discretion, let the contract for such service to other than the lowest bidder. No board shall make any purchase or enter into any contract for such service without securing the written approval of the county superintendent of schools.

New section.

SEC. 2. A new section is hereby added to the School Code, to be numbered 1.72, and to read as follows:

Payment in lieu of transportation. Elementary schools.

1.72. In lieu of furnishing transportation to pupils attending the elementary schools of an elementary school district, the governing board thereof may pay to the parents or guardian of each such pupil a sum not to exceed twenty-five cents per day for each day of actual school attendance; except that no parents or guardian shall receive, under the provisions of this section, more than seventy-five cents per day for all the children residing in the same household and attending the elementary schools of the district.

New section.

SEC. 3. A new section is hereby added to the School Code, to be numbered 1.73-1, and to read as follows:

Same: Secondary schools.

1.73-1. In lieu of furnishing transportation to pupils attending the secondary schools of a secondary school district, and as an alternative to the provisions of section 1.73 of this code, the governing board of such district may pay to the parents or guardian of each such pupil a sum not to exceed twenty-five cents per day for each day of actual school attendance, except that no parents or guardian shall receive, under the provisions of this section, more than seventy-five cents per day for all the children residing in the same household and attending the secondary schools of the district.

CHAPTER 127.

An act to amend section 1158 of the Civil Code, relating to recordation of instruments or judgments affecting the title to or possession of real property.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats. 1921,

SECTION 1. Section 1158 of the Civil Code of the State of California is hereby amended to read as follows:

1158. Any instrument or judgment affecting the title to or possession of real property may be recorded under this chapter; provided, however, that deeds or grants conveying to a political corporation or governmental agency real estate, or any interest therein, or easements thereon, for public purposes shall not be accepted for recordation without the consent of the grantee, evidenced by its resolution of acceptance attached to such deed or grant; provided, further, that such political corporation or governmental agency by a general

resolution may authorize an officer or agent thereof to consent to such deeds or grants, in which event the required consent of the grantee may be evidenced by the written acceptance of such officer or agent attached to such deed or grant, together with a certified copy of the resolution conferring authority upon such officer or agent.

CHAPTER 128.

An act to amend an act entitled "An act providing for the designation of money in the State treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premium received therefrom and permitting the subsequent sale or exchange of the bonds so purchased," approved June 10, 1913, as amended, by amending section 1, relating to the investment of surplus money in the State treasury.

Stats 1913, p 563, amended.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1 of the act cited in the title hereof, is hereby amended to read as follows:

Stats 1913, p. 563.

Section 1. Any money in the State treasury which shall have been designated as surplus money under the provisions of this act may in the manner hereinafter provided be invested in bonds of any of the following classes:

Investment of surplus moneys in State treasury.

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds of this State, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest;

(c) Bonds of any county, city and county, city, metropolitan water district, municipal utility district or school district of this State.

CHAPTER 129.

An act to amend sections 671 and 672 of the Political Code, relating to investments to be made by the Director of Finance of school land funds and of estates of deceased persons' funds.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 671 of the Political Code of the State of California is hereby amended to read as follows:

Stats 1927, p 449

Investment of school land funds

671. Whenever and as often as there is in the State treasury the sum of ten thousand dollars as the proceeds of the sale of State school lands, the Director of Finance must invest the same in the bonds of this State, or in the bonds of the United States, or in the bonds of any county, permanent road district, city and county, city, town, school district, metropolitan water district, municipal utility district or irrigation district within this State; the investment to be made in such manner and on such terms as the director shall deem best for the fund. All such bonds purchased under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a special school fund deposit, and the interest upon such bonds when collected, shall be placed by him to the credit of the State school fund.

Stats. 1927, p 449

SEC. 2. Section 672 of said Political Code is hereby amended to read as follows:

Investment of estates of deceased persons fund

672. Whenever and as often as there is in the State treasury to the credit of the estates of deceased persons' fund (in excess of the retention hereinafter provided for) the sum of ten thousand dollars or more, the Director of Finance must invest the same in bonds of this State, or in the bonds of the United States, or in the bonds of the several counties, cities and counties, permanent road districts, cities and towns, metropolitan water districts, municipal utility districts or school districts of this State; the investments to be made in such manner and on such terms as the directors shall deem best for the fund. No investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the amount of ten thousand dollars, and whenever a demand presented against said fund will reduce the amount of cash therein below the specific amount of ten thousand dollars it shall be the duty of the director to sell such bonds belonging to said fund as he may deem proper, for the purpose of making good the cash retention of ten thousand dollars. Bonds purchased under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a portion of said estates of deceased persons' fund, and the interest upon such bonds shall be paid into the State school fund and apportioned like other moneys employed for the support of common schools.

CHAPTER 130.

An act to amend section 537 of the Code of Civil Procedure, relating to attachments.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats 1929, p 723.

SECTION 1. Section 537 of the Code of Civil Procedure is hereby amended to read as follows:

When attachment may issue

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this State, and is not secured by any mortgage, deed of trust or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless; provided, that an action upon any liability, existing under the laws of this State, of a spouse, relative or kindred, for the support, maintenance, care or necessaries furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this State, or who has departed from the State, or who can not after due diligence be found within the State, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this State, or who has departed from the State, or who can not after due diligence be found within the State, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to property in this State, in consequence of negligence, fraud, or other wrongful act.

4. In an action in unlawful detainer where it appears from the verified complaint on file therein that rent is actually due and payable from the defendant to the plaintiff for the premises sought to be recovered in said action; provided the payment of such rent is not secured by any mortgage or lien upon real or personal property, or pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff or the person to whom the security was given, become valueless.

5. In an action by the State of California or any political subdivision thereof, for the collection of taxes due said State or political subdivision, or for the collection of any moneys due upon any obligation or penalty imposed by law.

CHAPTER 131.

Stats. 1929, p 695, repealed.

An act to repeal an act entitled "An act providing for the compilation of, printing, binding, publishing, and distribution of a legislative manual, State Blue Book or roster, repealing all conflicting acts," approved May 21, 1929.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 132.

Stats 1917, p 658, amended.

An act to amend sections 4, 5, 10 and 11a of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to the operation of the business of industrial loan companies.

[Approved by the Governor April 20, 1933 In effect August 21, 1933.]

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

Stats 1921, p 729.

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Powers of industrial loan companies

Sec. 4. Every corporation under the provision of this act shall have power: subject to the supervision and control of the Corporation Commissioner of the State of California:

First—To loan money on personal security, or otherwise, and to deduct interest therefor in advance at the rate of six per cent per annum, or less, and, in addition, to receive and to require uniform weekly or monthly installments on its certificates of investment, purchased by the borrower simultaneously with the said loan transaction or otherwise, and pledged with the corporation as security for the said loan, with or without an allowance of interest on such installments.

Second—To sell or negotiate choses in action for the payment of money at any time, either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without an allowance of interest upon such installments. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits or to issue certificates of deposit. The issuance of choses in action herein authorized shall be approved as to form by the Commissioner of Corporations and shall bear the indorsement on the face of the instrument "This is not a certificate of deposit."

Third—To charge for a loan, made pursuant to this section, two dollars, or less for every fifty dollars, or fraction thereof loaned, for expenses, including any examination or investi-

gation of the character and circumstances of the borrower, and the drawing and taking acknowledgments of any papers, or other expenses incurred in making the loan. No charge shall be collected unless a loan shall have been made.

Fourth—To establish offices, or places of business within the county in which its principal place of business is located, but not elsewhere.

Fifth—To purchase, sell or discount choses in action, secured or unsecured, chattel mortgages or conditional sales contracts, which shall have a maturity within two years from the date of said purchase and such purchase, sale or discount shall not be construed to be either a loan or an investment of funds as such terms are used and defined under the provisions of this act.

In addition to powers herein enumerated, every corporation, under the provisions of this act, shall have the general powers conferred upon corporations by chapter three, title one, part four, division first, of the Civil Code, except as herein otherwise provided.

SEC. 2. Section 5 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1917, p 658

Sec. 5. No corporation under the provisions of this act shall:

(a) Hold at any one time the obligation or obligations of any person, firm or corporation, as primary debtor for more than two per cent of the amount of the capital and surplus of such industrial loan company. Limitation on corporate powers.

(b) Make any loan, under the provisions of this act, for a longer period than one year from the date thereof.

(c) Deposit any of its funds with any other moneyed corporation, unless such corporation has been designated as such depository by a vote of the majority of the directors or of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

(d) Invest any of its funds, otherwise than as herein authorized, except in such investments as are by law legal investments for savings banks, or in the choses in action issued by any other corporation organized under this act.

(e) Have outstanding at any time its investment certificates in an aggregate sum in excess of ten times the aggregate amount of its paid up capital, exclusive of those hypothecated with the company issuing them.

SEC. 3. Section 10 of the act cited in the title hereof is hereby amended to read as follows: Stats 1917, p 658.

Sec. 10. Corporations under the provisions of this act shall be subject to the provisions and regulations of "An act to define investment companies, investment brokers and agents; to provide for the regulation, supervision and licensing thereof; to provide penalties for the violation thereof; to create the office of Commissioner of Corporations and making an appropriation therefor," approved May 28, 1913, and any additions or amendments thereto. Subject to investment companies act. Stats 1913, p 715.

Not subject to personal property brokers act.

Corporations under the provisions of this act shall not be subject to the provisions or regulations of an act entitled "An act to define personal property brokers and to regulate their charges and business," approved April 16, 1909.

Stats. 1909, p. 969

Stats. 1933, Ch. 42

SEC. 4. Section 11a of said act as added by chapter 42, Statutes of 1933, is hereby amended to read as follows:

Suspension of payment.

Sec. 11a. The Corporation Commissioner whenever it may appear that such action is necessary for the protection of the interests of the investment certificate holders, stockholders, investors or any other creditors of any industrial loan company or to protect such company itself which is organized and/or operating under this act or that such action is in the public interest, order such company or companies forthwith to suspend as herein set forth the payment in lawful money of the liabilities of such company or limit the payment of same in such manner as he may prescribe. Such order shall become effective upon receipt by such company of notice thereof and shall continue in full force and effect until rescinded or modified by the Corporation Commissioner in writing and delivered to the manager or executive officer thereof. Whenever in the judgment of the Corporation Commissioner the condition of any such company warrants such action, the liabilities, the payment of which have been so suspended, may be paid in lawful money by such company in whole or prorata in part upon such terms and conditions as the Corporation Commissioner may prescribe.

Nothing herein contained shall affect the right of any such company to pay its current operating expenses and liabilities incurred during such period of suspension or limitation.

After such order of suspension or limitation and until such order of suspension or limitation shall be rescinded, no assignment or hypothecation shall be made by such company of any indebtedness due to it from an investor without first crediting thereon the investment liability of the company to such investor-borrower.

Powers of commissioner

The Corporation Commissioner is hereby authorized and empowered to prescribe such rules and regulations as he may deem necessary to carry out the provisions of this act.

Nothing herein contained shall be construed to limit the powers of the commissioner pursuant to this act or any other laws now in effect.

The authority herein contained is in addition to the other powers provided in this act and, in the discretion of the commissioner, may be exercised by him in conjunction therewith or independently thereof.

Violation.

Whenever the commissioner shall believe from evidence satisfactory to him that any company, director, officer, agent or employee thereof has violated or is about to violate any of the provisions of this act, or any order, license, permit, decision, demand or requirement of the commissioner, or any part or provision thereof, he may bring an action in the name of the people of the State of California in the superior court of

the State of California against such company, director, officer, agent or employee thereof to enjoin such company, director, officer, agent or employee thereof from continuing such violation or engaging therein or the attempt to violate said act or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

CHAPTER 133.

An act to amend section 1530 of the Probate Code and to add a new section to the Probate Code, to be numbered 1540, relating to exchange of property belonging to one subject to guardianship.

[Approved by the Governor April 20, 1933 In effect August 21, 1933]

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

SECTION 1. Section 1530 of the Probate Code is hereby amended to read as follows: Stats. 1931, p 587.

1530. If the income of an estate under guardianship is insufficient for the support, maintenance and education of the ward and of such members of his family as he is legally obligated to support and maintain, including his care, treatment and support, if confined in a State hospital for the insane, or if the personal estate and the income from the real estate is insufficient to pay his debts, his guardian may sell any of his real or personal property, or mortgage or give a deed of trust upon any of his real property for that purpose, or to exchange any of such real or personal property, whenever it appears it is for the advantage, benefit and best interests of the ward and such members of his family as he is legally bound to support and maintain, subject to confirmation or direction by the court as hereinafter provided. When ward's property may be sold.

SEC. 2. A new section is hereby added to the Probate Code, to be numbered 1540, and to read as follows: New section.

1540. When property can be exchanged to the advantage and best interests of the ward and such members of his family as he is legally bound to support and maintain, after hearing before the court, conveyances to effectuate such exchange may be executed to the person with whom such exchange is made, by the guardian. The provisions of this code governing sales, reports and conveyances by administrators shall apply to and govern exchanges of property by guardians so far as applicable. Exchange of ward's property.

CHAPTER 134.

An act to amend section 172b of the Civil Code, relating to exchange of community property when one spouse incompetent.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 99.

SECTION 1. Section 172b of the Civil Code is hereby amended to read as follows:

Petition to sell community real property when spouse incompetent.

172b. Where real property is held as community property, and either the husband or wife has been adjudged insane or incompetent, the husband or wife, not insane nor incompetent, may petition the superior court of the county in which such community real property is situated for an order permitting the husband or wife, not insane nor incompetent, to sell and convey, to exchange, to mortgage, to lease, or to execute a deed of trust upon such community real property to raise moneys to provide for the support and care either of the sane or of the insane or incompetent spouse, or of their minor children, and also to raise moneys for the payment of the necessary taxes, interest and other charges incurred and required to be paid for the protection and preservation of the community estate and whenever it appears it is for the advantage, benefit and best interests of the spouses, the estate or their dependents. Such petition must be subscribed and sworn to by the applicant, setting forth the name and age of the insane or incompetent husband or wife; a description of the premises constituting the community real property petitioned to be sold, mortgaged, leased or upon which a deed of trust is to be executed; the value of same; the county in which it is situated; and such facts in addition to the insanity or incompetency of the husband or wife, relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition.

CHAPTER 135.

An act to add a new section to the Political Code to be numbered 3614, relating to exempting orphanages from taxation.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 3614 and to read as follows:

Orphanages exempt from taxation.

3614. 1. All buildings, and so much of the real property connected therewith as may be required for the occupation of institutions sheltering more than twenty orphan or half-orphan

children receiving State aid shall be free from taxation; provided that no building or real or personal property so used which may be rented and the rent received by the owner therefor shall be exempt from taxation under the terms of this act.

Claim for exemption

2. Any person, institution or association, claiming property to be exempt from taxation under this section, or on whose behalf a claim for exemption is made, shall make a return thereof to the assessor annually, the same as property is listed for taxation, and shall accompany the same by an affidavit in the form prescribed by the State Board of Equalization which shall show that the building is used for sheltering more than twenty orphan or half-orphan children receiving State aid; that the described portion of the real property claimed as exempt is required for the convenient use and occupation of such building; that the same is not rented for sheltering said orphan or half-orphan children receiving State aid and rent received by the owner thereof, and in addition shall give such other information and answer such other questions as may be required in said form of affidavit so prescribed by said State Board of Equalization.

Failure to properly claim exemption.

3. Failure on the part of any person, institution or association, claiming such exemption, or on whose behalf such exemption is claimed, to make said affidavit required in the form prescribed by said State Board of Equalization between the first Monday in March and the first Monday in July of each year and/or to give therein all information and answer all questions required thereby shall be deemed a waiver of such exemption by such person, institution or association by whom or on whose behalf such exemption is claimed.

CHAPTER 136.

An act to amend section 4286 of the Political Code, relating to the compensation of county and township officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

[Approved by the Governor April 20, 1933 In effect August 21, 1933]

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

Stats 1931, p 139

SECTION 1. Section 4286 of the Political Code is hereby amended to read as follows:

Mono County Salaries

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

Clerk

1. The county clerk, one thousand two hundred dollars per annum.

Sheriff.

2. The sheriff, two thousand six hundred dollars per annum.

Recorder. 3. The recorder, nine hundred dollars per annum. In counties of this class the recorder shall have one deputy at a salary of three hundred sixty dollars per annum, payable in equal monthly payments of thirty dollars each and every month, and in addition to said salary said deputy shall receive as added compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording any and all instruments required to be filed and recorded in said county recorder's office and the total compensation of said deputy shall be paid out of the salary fund of said county in the same manner and at the same time as the county recorder is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of said county recorder, and it is intended that the same shall apply immediately to the present incumbent.

Auditor. 4. The auditor, nine hundred dollars per annum.

Treasurer 5. The treasurer, one thousand five hundred dollars per annum.

Tax collector 6. The tax collector, one thousand two hundred dollars per annum.

Assessor 7. The assessor, one thousand five hundred dollars per annum.

District attorney 8. The district attorney, two thousand dollars per annum.

Coroner 9. The coroner, such fees as are or may hereafter be allowed by law.

Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools 11. The superintendent of schools, six hundred dollars per annum.

Surveyor 12. In counties of this class the county surveyor shall receive the sum of ten dollars per day for all work performed for the county. The said county surveyor shall also receive all necessary expenses and transportation on work performed for the county in the field.

Classification of townships 13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred

fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of one thousand five hundred shall belong to and be known as townships of the fifth class; provided, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.

Justices of the peace and constables

14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars, to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

Supervisors

15. Each member of the board of supervisors, sixty dollars per month, and twenty cents per mile one way to board meetings.

Jurors.

16. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, fifteen cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 137.

An act to add a new section to the Political Code, to be numbered 356a, relating to contracts between State agencies.

[Approved by the Governor April 20, 1933 In effect August 21, 1933]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 356a, and to read as follows:

Contracts between State agencies

356a. Any State department, office, board, commission or bureau may, subject to the approval of the Department of Finance, contract with another such agency for the furnishing

to it of necessary special or technical services or the performance of certain of its work or functions when the same will tend to eliminate duplication or expense. State departments, officers, boards, commissions or bureaus which are requested to furnish such special or technical services, or to perform such work, are authorized to comply with such requests, and to employ the services of such employees, and to furnish such materials, supplies, or equipment as may be necessary to efficiently carry on the work or services provided for in the contract. Said contract shall specify the amount to be paid for the furnishing of such services or the performance of such work or functions and such amount shall be paid to the agency entitled thereto under such contract in accordance with law from out of the funds, moneys or appropriations made available by law for the support of the agency to whom said services are furnished or for whom such work or functions are performed. All moneys received by any agency under the provisions of this section shall be deposited in the State treasury and shall be used in augmentation of the appropriation made for such agency.

CHAPTER 138.

An act to amend section 844 of the Probate Code, relating to leases of real property.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats 1931, p 587.

SECTION 1. Section 844 of the Probate Code is hereby amended to read as follows:

Lease without court order.

844. The executor or administrator may lease real property without an order of court when the tenancy is from month to month, or for a term not to exceed one year, and the rental does not exceed one hundred dollars a month.

CHAPTER 139.

An act to amend section 920.5 of the Probate Code, relating to the deposit of money by trust companies.

[Approved by the Governor April 20, 1933. In effect August 21, 1933.]

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

Stats 1931, p 587.

SECTION 1. Section 920.5 of the Probate Code is hereby amended to read as follows:

Interest on deposits by trust company.

920.5. When a trust company is an executor, administrator, special administrator, or administrator with the will annexed, and in the exercise of reasonable judgment deposits money of the estate in any department of the corporation of which it is

a part, it shall be chargeable with interest thereon at the rate of interest prevailing among banks of the locality upon such deposits.

CHAPTER 140.

An act making an appropriation to pay the cost of printing constitutional amendments for the 1932 election, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor April 20, 1933. In effect immediately.]

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

Appropriation Printing constitutional amendments.

SECTION 1. The sum of eighteen thousand seven hundred one and forty-four one-hundredths dollars ($18,701.44) is hereby appropriated to the Secretary of State out of any money in the State treasury, not otherwise appropriated, to pay the cost of printing constitutional amendments for the 1932 election.

Current expenses.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provision of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 141.

An act making an appropriation for the support of the Department of Finance, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor April 20, 1933. In effect immediately.]

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

Appropriation Department of Finance.

SECTION 1. The sum of two hundred forty-three thousand seventy-nine dollars and eighty-one cents ($243,079.81) is hereby appropriated to be paid as hereinafter prescribed and to be expended by the Department of Finance to reimburse the banks that have advanced money to pay checks drawn by various agencies and departments of the State against accounts in the California National Bank in Sacramento.

SEC. 2. Said sum of two hundred forty-three thousand seventy-nine dollars and eighty-one cents ($243,079.81) shall be paid as follows:

One hundred ninety-nine thousand eight hundred twelve dollars and twenty-two cents ($199,812.22) out of any money in the State treasury not otherwise appropriated;

One thousand one hundred thirty-one dollars and thirty-four cents ($1,131.34) out of any money in the motor vehicle fund in the State treasury;

Five thousand forty-six dollars and six cents ($5,046.06) out of any money in the highway maintenance fund in the State treasury; and

Thirty-seven thousand ninety dollars and nineteen cents ($37,090.19) out of any money in the fish and game preservation fund in the State treasury.

When moneys of the California National Bank are made available for distribution to agencies or departments of the State, such moneys shall be deposited by said agencies or departments in the State treasury to the credit of the various State funds in the same percentage as the withdrawals made from each fund by the above appropriation.

Current expenses.

SEC. 3. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 142.

An act making an appropriation for contingent expenses of the Senate for the fiftieth session of the Legislature, and declaring that this act shall take effect immediately.

[Approved by the Governor April 21, 1933 In effect immediately.]

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

Appropriation Contingent expenses of Senate

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for contingent expenses of the Senate for the fiftieth session of the Legislature. This appropriation shall be available for the purposes for which it is appropriated without regard to fiscal years.

Current expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of Article IV, section 1 of the Constitution, take effect immediately.

CHAPTER 143.

An act making an appropriation for the contingent expenses of the Assembly at its fiftieth session, and declaring that this act shall take effect immediately.

[Approved by the Governor April 21, 1933 In effect immediately.]

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

Appropriation Contingent expenses of Assembly

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the State treasury not

otherwise appropriated, for contingent expenses of the Assembly for the fiftieth session of the Legislature.

SEC. 2. This appropriation shall be available for the purposes for which it is appropriated without regard to fiscal years.

SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately. Current expenses

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CHAPTER 144.

An act to amend section 3633 of the Political Code, relating to the assessment of property.

[Approved by the Governor April 21, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 3633 of the Political Code is hereby amended to read as follows: Stats 1897, p 63.

3633. If any person, after demand made in writing by the assessor, neglects or refuses to give under oath, the statement herein provided for, or to comply with the other requirements of this title, the assessor must note the refusal on the assessment book, opposite the name of such person, and must make an estimate of the value of such property of such person; but the estimate so made shall not be in excess of the true value of such property as nearly as such value may be ascertained. The assessor must transmit on or before the first day of July of each year to the board of supervisors a verified report in writing, separate from the assessment roll, containing a complete list of all persons who refuse or neglect to furnish a statement of their property as herein provided for, or to comply with the requirements of this title, the amount of the assessment upon the property of such persons, with a statement of the particular facts, if any, upon which the assessment has been made, and the valuation of the property so assessed ascertained. Failure to file tax statement. Duty of assessor.

The board of supervisors must investigate and inquire into all assessments and values so fixed by the assessor, as prescribed by this section, and for that purpose must require each taxpayer affected by such assessment and valuation to make a statement under oath, within ten days from making an order requiring such statement, setting forth specifically, all the property owned or controlled, or in the possession of such taxpayer on the first Monday of March. Duty of supervisors.

If any taxpayer, after demand made by the board of supervisors, shall neglect or refuse to make and deliver to the said board of supervisors the statement, duly verified, herein provided for, or to comply with the other requirements of this

title, the said board of supervisors, sitting as a county board of equalization must increase or decrease such assessment and valuation to such an amount as the said board shall deem just.

CHAPTER 145.

Stats. 1913, p 1086, amended.

An act to repeal section 16x6 of the Weights and Measures Act and to add a new section thereto, to be numbered 16x6, relating to the sealer of weights and measures in counties of the sixth class.

[Approved by the Governor April 21, 1933. In effect August 21, 1933.]

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

Stats 1927, p. 1834.

SECTION 1. Section 16x6 of the Weights and Measures Act is hereby repealed.

SEC. 2. A new section is hereby added to the Weights and Measures Act, to be numbered 16x6, and to read as follows:

Fresno County: Sealer

Sec. 16x6. In counties of the sixth class the sealer of weights and measures shall receive a salary of one hundred eighty dollars per month and he shall have three deputies at a salary of one hundred thirty-five dollars per month each; provided, however, that from and after the first Monday in January, 1935, the sealer of weights and measures shall receive a salary of one hundred dollars per annum and he shall have three deputies at a salary of one thousand six hundred twenty dollars per annum each.

CHAPTER 146.

Stats 1911, p 80, amended

An act to amend section 9a6 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,'" approved February 25, 1911, as amended, relating to libraries in counties of the sixth class.

[Approved by the Governor April 21, 1933. In effect August 21, 1933.]

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

Stats. 1931, p 866

SECTION 1. Section 9a6 of the act cited in the title hereof is hereby amended to read as follows

Fresno County Librarian.

Sec. 9a6. In counties of the sixth class, the salary of the county librarian shall be three thousand two hundred dollars per annum.

CHAPTER 147.

An act to amend section 19x6 of the Juvenile Court Law, relating to the probation officer in counties of the sixth class. Stats. 1915, p. 1225, amended.

[Approved by the Governor April 21, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x6 of the Juvenile Court Law is hereby amended to read as follows: Stats. 1931, p. 1245.

19x6. In counties of the sixth class there shall be one probation officer whose salary shall be two thousand five hundred fifty dollars per annum; there shall be one assistant probation officer whose salary shall be one hundred eighty dollars per month; two assistant probation officers at a salary of one hundred thirty-five dollars per month each; one assistant probation officer, who shall be a competent stenographer, at a salary of one hundred twelve dollars and fifty cents per month; and one clerk, who shall be a competent stenographer, at a salary of one hundred twelve dollars and fifty cents per month. Fresno County: Probation officer.

CHAPTER 148.

An act to amend section 2322x6 of the Political Code, relating to the office of the agricultural commissioner in counties of the sixth class.

[Approved by the Governor April 21, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2322x6 of the Political Code is hereby amended to read as follows: Stats. 1931, p. 867.

2322x6. In counties of the sixth class, the commissioner shall receive a salary of three thousand sixty dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit: Fresno County: Agricultural commissioner.

(a) Two inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for such inspectors shall not exceed three thousand six hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed ten inspectors at a compensation of four dollars and twenty-five cents per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eleven thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred twelve dollars and fifty cents during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand three hundred fifty dollars.

CHAPTER 149.

An act to provide for a convention in the State of California to pass on the amendment to the Constitution of the United States for the repeal of the Eighteenth Amendment thereof and for the prohibition of the transportation and importation of intoxicating liquor into the States and territories in violation of the laws thereof, proposed by the Congress for ratification by conventions in the several States, and to call a special election for the purpose of filling the offices of delegates to such convention in this State, and to provide that this act shall take effect immediately.

[Approved by the Governor April 21, 1933. In effect immediately.]

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

Convention to vote on repeal of 18th Amendment

SECTION 1. The Congress of the United States having proposed a certain amendment to the Constitution of the United States, an amendment providing for the repeal of the Eighteenth Amendment to said Constitution and prohibiting the transportation and importation of intoxicating liquor into the States and territories in violation of the laws thereof, and the Congress having proposed that said proposed amendment be ratified by conventions in the several States, a special election for the purpose of filling the offices of delegates to such convention in this State is hereby called, to be held throughout the State of California in the year 1934, on the same day as the "August primary election" in said year is held, unless prior to said date there is called and held a special election throughout the State for the submission to the electors of amendments to the State Constitution proposed by the Legislature, in which latter event said special election for the purpose of filling the offices of delegates to such convention is hereby called to be held throughout the State on the same day as such election for submission of said amendments to the State Constitution.

Date of election.

Qualified electors.

SEC. 2. At such election for the filling of the offices of delegates to such convention, all persons qualified to vote for members of the State Legislature shall be entitled to vote.

Conduct of election

SEC. 3. Except as in this act otherwise provided, such election shall be called, conducted and the results thereof canvassed and certified in the same manner as in the case of election in this State of electors of President and Vice President of the United States, and all provisions of the laws of this State

relevant to the election of such electors of President and Vice President of the United States except in so far as inconsistent with this act are hereby made applicable to the election of delegates to such convention.

Number of delegates

SEC. 4. The number of delegates to be chosen to such convention shall be twenty-two and each candidate for the office of delegate to the convention shall be voted on throughout the entire State.

Qualification. Nomination

SEC. 5. Each candidate for the office of delegate to the convention shall be a qualified elector of the State, and each candidate nominated from a congressional district shall be a qualified elector of that district. Nomination for the office of delegate shall be by petition and not otherwise, and no candidate shall be nominated by a petition of less than one hundred qualified electors of the State. Each person signing a nominating petition shall be a qualified elector of this State, and each person signing a nominating petition of a candidate to be nominated from a congressional district shall be a qualified elector of such congressional district.

Petition

Nominations shall be without party or political designation but the nominating petition shall contain a statement as to each nominee to the effect that such candidate favors ratification of the proposed amendment to the Constitution of the United States or that such candidate opposes the ratification thereof, and no single nominating petition shall contain the name of any nominee whose position as to favoring or opposing such ratification as stated in said petition is different from that of any other nominee as stated therein. All such nominating petitions shall be certified in the same manner as initiative petitions and shall be filed with the Secretary of State at least thirty-five days before the date of such election. The number of candidates stated to favor ratification shall be twenty-two and the number of candidates stated to oppose ratification shall be twenty-two.

One candidate who favors ratification and one candidate who opposes ratification shall be nominated from each congressional district of the State; and two candidates who favor ratification and two candidates who oppose ratification shall be nominated from the State at large.

Who nominated

The candidate stated to favor ratification to be nominated from each congressional district shall be the one whose nominating petition or petitions is or are signed by the largest number of electors of such congressional district signing the petition or petitions of any candidate stated to favor ratification; and the candidate stated to oppose ratification to be nominated from each congressional district shall be the one whose nominating petition or petitions is or are signed by the largest number of electors of such congressional district signing the petition or petitions of any candidate stated to oppose ratification. The candidates stated to favor ratification to be nominated from the State at large shall be those whose nomination petitions are signed by the largest number of electors of the State signing

petitions for candidates at large stated to favor ratification, and the candidates stated to oppose ratification to be nominated from the State at large shall be those whose nominating petitions are signed by the largest number of electors of the State signing petitions for candidates at large stated to oppose ratification.

In the event that the petitions of two or more candidates are signed by the same number of electors, the Secretary of State shall decide between such candidates by lot. Within four days after the last date for the filing of such nominating petitions the Secretary of State shall determine the candidates nominated in accordance with the foregoing and shall certify the names of such candidates to the county clerk or registrar of voters of every county or city and county in the State.

Form of ballot.

SEC. 6. The election of delegates to such convention shall be by ballot separate from any ballot to be used at the same election and which shall be prepared as follows: The ballot shall first state the substance of the proposed amendment, and this shall be followed by appropriate instructions to the voter. The ballot shall then contain two perpendicular columns of equal width, headed respectively in plain type "For ratification and for repeal" and "Against ratification and against repeal." In the column headed "For ratification and for repeal" shall be placed the names of the nominees nominated as in favor of ratification. In the column headed "Against ratification and against repeal" shall be placed the names of the nominees nominated as against ratification. The voter shall indicate his choice by making one or more cross marks in appropriate spaces provided on the ballot. The ballot shall be so arranged that the voter may by making a single cross vote for the entire group of nominees whose names are comprised in any one of said two columns. The ballot used shall be in substantially the following form:

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, FOR THE REPEAL OF THE EIGHTEENTH AMENDMENT.

Delegates to the Convention to Ratify the Proposed Amendment.

The Congress has proposed an amendment to the Constitution of the United States repealing the Eighteenth Amendment to said Constitution and prohibiting the transportation or importation into any State or Territory of the United States for delivery or use therein of intoxicating liquor, in violation of the laws thereof.

The Congress has also proposed that said amendment shall be ratified by conventions in the States.

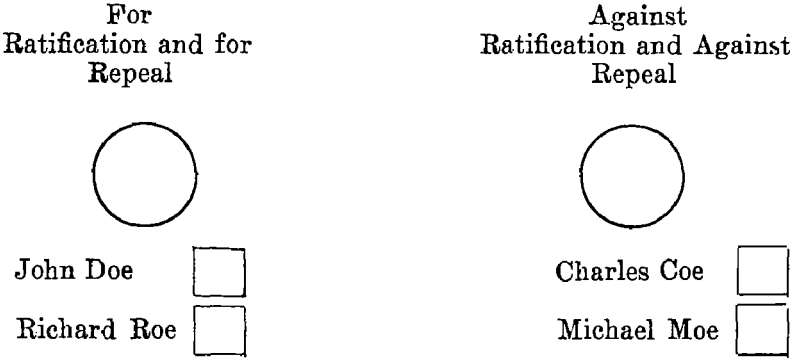
Instructions to Voters.

Do not vote for more than 22 candidates.

To vote for all candidates in favor of ratification and in

favor of repeal, or for all candidates against ratification and against repeal, make a cross-mark in the CIRCLE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate make a cross-mark in the SQUARE at the right of the name.



SEC. 7. Candidates to the number of twenty-two who shall receive the highest number of votes cast at such election shall be delegates to the convention. On the fortieth day after the date of said election or as soon as the returns have been received from all counties in the State (if received within that time) the Secretary of State shall compare and estimate the vote and file in his office a statement thereof and make out and deliver or transmit by mail to each person elected a certificate of election. On the same date as the delivery or transmission by mail of such certificates of election the Secretary of State shall deliver or transmit by mail to each person elected a delegate a notice of the time when such convention shall meet which time shall be on a date selected by the Secretary of State and shall be not less than five days nor more than ten days after the delivery or transmission of such notice. Who elected.

SEC. 8. The delegates to the convention shall meet at the Senate Chambers at the State Capitol at Sacramento at the time specified in such notice and shall thereupon constitute a convention to pass upon the question of whether or not the proposed amendment shall be ratified. Holding convention.

SEC. 9. The convention shall be the judge of the election and qualification of its members, and shall have power to elect its president, secretary and other officers and to adopt its own rules. If there shall be a vacancy in the convention caused by the death or disability of any delegate or by any other cause, such vacancy shall be filled by appointment by the majority vote of the remaining delegates whose names appeared in the same column of the ballot as did that of the member whose office as delegate shall have been so vacated; provided that if the convention contains no other delegate or delegates to fill such vacancy in the manner aforesaid such vacancy shall be filled immediately by the Governor. Procedure.

Record of convention

SEC. 10. The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment. Upon final adjournment such journal shall be filed with the Secretary of State.

Notification of Secretary of State of United States.

SEC. 11. If the convention shall agree by vote of a majority of the total number of delegates to the ratification of the proposed amendment a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the Governor and the Secretary of State of this State who thereupon shall transmit to the Secretary of State of the United States a certificate under the great seal of the State of California certifying to the ratification of the proposed amendment.

Convention provided for by Congress

SEC. 12. If, prior to the date fixed in section 1 hereof for the holding of the election hereby called, the Congress of the United States prescribes the manner in which such convention shall be constituted and shall not except such States as theretofore may have provided for constituting such convention, then the preceding provisions of this act shall be inoperative and the convention shall be constituted and shall operate and proceed as the Congress shall direct, and all officers of the State who may by the Congress be authorized or directed to take any action to constitute such a convention for this State are hereby authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a statute of this State.

Calling election

SEC. 13. Inasmuch as this act provides for the calling of an election, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 150.

Stats. 1883, p. 93, amended

An act to add section 869 to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the use of park land for the erection of public buildings.

[Approved by the Governor April 21, 1933. In effect immediately.]

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

New section. See Stats 1933, Ch 516. Use of park land

SECTION 1. A new section is hereby added to the act cited in the title hereof, to be numbered 869, and to read as follows:

Sec. 869. Whenever the city council or board of trustees shall deem it necessary and for the best interests of a city that land heretofore purchased by said city for park or other purposes should be used for the construction of a city hall or other public buildings or the creation of a civic center, said

council or board of trustees may, by a four-fifths vote, adopt an ordinance declaring such necessity and providing for the erection of a city hall or other public building or buildings or the creation of a civic center thereon.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution of the State of California, necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. The following is a statement of the facts constituting such necessity: Urgency.

The occurrence of an earthquake in the southern portion of this State has caused the destruction of numerous public buildings within cities of this class. In order that such cities may immediately reconstruct their public or civic buildings upon a scale commensurate with their present requirements of government and in order to provide for employment of various people now unemployed and residing within the boundaries of said cities it is necessary that land be made available thus permitting the construction of said buildings and the furnishing of employment take effect immediately.

CHAPTER 151.

An act making an appropriation to meet a deficiency in the appropriation for the support of the State Board of Equalization for the eighty-third and eighty-fourth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor April 24, 1933 In effect immediately]

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

SECTION 1. Out of any money in the State treasury, not otherwise appropriated, the sum of four thousand three hundred eighty dollars ($4,380) is hereby appropriated to meet the deficiency in the appropriation for support of the State Board of Equalization for the eighty-third and eighty-fourth fiscal years. Appropriation Board of Equalization

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately. Current expenses.

CHAPTER 152.

An act to amend section 1723 of the Code of Civil Procedure, relating to the termination of certain interests in property.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1899.

SECTION 1. Section 1723 of the Code of Civil Procedure is hereby amended to read as follows:

Termination of interest in property.

1723. Whenever title to or an interest in real property is affected by the death of any person, any person who claims any interest in such real property, which interest is affected by the death of such person, may file in the superior court of the county of which the decedent was a resident at the time of his death, or if the decedent was a nonresident at the time of his death, in any county in which any part of such real property is situated, a verified petition setting forth those facts, and particularly describing the real property and his interest therein.

Hearing

The clerk must set the petition for hearing by the court and give notice thereof by causing a notice of the time and place of the hearing to be posted at the courthouse in the county where the court is held, at least ten days before the hearing, provided the court may order such further notice to be given as in his judgment may seem proper.

The court shall take evidence for or against the petition and may render judgment thereon establishing the fact of such death, which judgment shall be prima facie evidence of the fact of such death.

Inheritance tax.

Any inheritance tax which becomes payable by reason of such death must be paid before such decree is made, and one of the inheritance tax appraisers provided for by law must be appointed by the court in every such proceeding to determine what if any inheritance tax is payable unless another proceeding is pending in which the taxability of the transfer involved in such proceedings may be determined. If the said inheritance tax appraiser reports that no inheritance tax is payable he shall be paid by the petitioner or petitioners for his services and expenses a reasonable amount to be fixed by the court in which said proceeding is pending.

Recording of decree.

A certified copy of the decree may be recorded in the office of the recorder of each county in which any part of the land is situated.

CHAPTER 153.

An act to amend section 3805a of the Political Code, relating to cancellation of assessments, certificates of sale and deeds.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3805a of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1910.

3805a. Whenever the possessory interest in land belonging to the United States, or land upon which final payment had not, at the time of assessment, been made to the United States, or land of this State upon which the full purchase price has not or had not been made to the State, has been, or may hereafter be, assessed and sold to the State for delinquent State, county or local district taxes, or whenever the taxes levied against any such possessory interests in lands, or against any such State lands, have not been paid, the board of supervisors shall, upon verified application of the owner of the land, by an order entered upon its minutes, direct the auditor to cancel such assessment; and if the property under such assessment has been sold to the State, and a certificate of sale or deed thereon issued to the State, such order of the board shall further direct the recorder to cancel such certificate of sale and deed; provided, that no order to cancel any such assessments, certificates of sale or deeds shall be made where the person or persons to whom such land or possessory interests, or State lands, his or their successors or assigns, have, after such assessment, obtained from the United States or this State a patent or the absolute title to said lands or retain any interest therein, or been in possession of the premises; and provided, that no order to cancel any assessment shall be made whereby the person or persons, his or their successors or assigns shall be relieved from paying the taxes upon said property for the full time he or they have had the possession of said property, no matter in whose name said property was or had been assessed. Before an order to cancel such assessment, certificate of sale or deed shall be granted, the applicant shall file with the board a certificate of the Register of the United States Land Office, or of the State Land Office, showing that the person or persons to whom such assessment was made, his or their successors and assigns, never received a patent or otherwise acquired title to said lands. Upon effecting the cancellations provided for in this and the preceding section, all assessments, certificates of sale and deeds the subject of such cancellation shall be null and void.

Assessment of public lands.

Cancellation of assessment.

Effect of cancellation.

CHAPTER 154.

An act to amend section 653d of the Penal Code, relating to rebating wages on public work, so as to specifically include within its terms any person who accepts or conspires to accept a rebate from those performing services under contractors and subcontractors doing public work.

[Approved by the Governor April 25, 1933 In effect August 21, 1933.]

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

Stats 1927, p 897.

SECTION 1. Section 653d of the Penal Code is hereby amended to read as follows:

Retaining wages of employees on public works.

653d. Every person, whether as a representative of an awarding or public body or officer, or as a contractor or subcontractor doing public work, or agent or officer thereof, who takes or receives, or conspires with another to take or receive, for his own use or the use of any other person acting with him any part or portion of the wages paid to any laborer, workman or mechanic, including a piece worker and working subcontractor, in connection with services rendered upon any public work within this State, whether such work is done directly for the State, or public body or officer thereof, or county, city and county, city, town, township, district or other political subdivision of the said State, or for any contractor or subcontractor engaged in such public work for such an awarding or public body or officer, is guilty of a felony.

CHAPTER 155.

An act to amend section 1261 of the Political Code, relating to election supplies and records.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

Stats 1931, p 429

SECTION 1. Section 1261 of the Political Code is hereby amended to read as follows:

Disposition of election supplies and records.

1261. The board of election, as soon after the polls are closed as it is possible to so do, shall prepare the supplies and records of the election for delivery to the county clerk or registrar of voters in the manner following:

They shall enclose and seal in one package the voted ballots. In another package they shall enclose and seal the spoiled, canceled and unused ballots. In another package they shall enclose and seal one tally list. In one or two other packages, as determined by the county clerk or registrar of voters, and with the contents thereof as determined by the said officer, they shall enclose and seal one tally list, the roster of voters,

the copy of the index used as the voting record, the challenge list, the assisted voter's list and the affidavits of election officers assisting voters. The book of affidavits of registration shall constitute another package and shall be enclosed or not in a wrapper and sealed as the county clerk or registrar of voters shall determine. Each of said packages shall be directed to the county clerk or registrar of voters and across the flap of each sealed package at least three members of the board of election shall write their respective names.

The said board must immediately transmit, unsealed, to the county clerk or registrar of voters a statement showing the result of the votes cast at the polling place. It must be signed by the members of the board and shall be open to the inspection of the public. The said board must also, before it adjourns, post conspicuously on the outside of the polling place, a copy of the result of the votes cast at such polling place, which copy shall be signed by the members of the board. It shall be a misdemeanor for any person to remove or deface such posted copy of the result, or to delay delivery of or change the copy to be delivered to the county clerk or registrar of voters.

CHAPTER 156.

An act to amend section 1265 of the Political Code, relating to the disposal of election supplies and records.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1265 of the Political Code is hereby amended to read as follows: Stats 1929, p 1418.

1265. The records and supplies of election when received by the county clerk or registrar of voters shall be disposed of as follows: Disposition of election supplies and records

The package containing the voted ballots shall be kept by the county clerk or registrar of voters, unopened and unaltered, for six months subsequent to the date of the declaration of the result of the election by the body canvassing the returns thereof, when, if a contest has not yet been commenced, which may involve the vote of the precinct from which the package has been received, he shall destroy it, or have it destroyed, without being opened or its contents examined. If such a contest has been commenced prior to the date thus fixed for its destruction the package and contents thereof shall be subject to the order of the court in which the contest is pending and shall not be destroyed until after final determination of the said contest; provided, however, that in no event shall the said package or its contents be taken from the custody of the county clerk or registrar of voters. If the package has Contested election

been held because of a contest it shall be destroyed after final determination of said contest.

The package containing the spoiled, canceled and unused ballots shall remain unopened in the custody of the county clerk or registrar of voters and shall be held and disposed of as are the voted ballots.

The package containing one tally list only shall be delivered to the clerk of the board of supervisors or other body charged with the canvass of the returns of the election prior to the first Monday after election. Immediately after the conclusion of the canvass of the returns of the election the said tally lists shall be returned to the county clerk or registrar of voters and by him held and disposed of as are the voted ballots.

The package or packages containing the other tally list, the roster of voters, the copy of the index used as the voting record, the challenge list, the assisted voter's list and the affidavits of election officers assisting voters shall remain in the custody of the county clerk or registrar of voters, but may be opened and its contents subjected at all times to the inspection of all electors.

This package shall be disposed of as are the voted ballots.

The package containing the book of affidavits of registration shall be opened immediately and the book of affidavits returned to its usual place and use in the office of the county clerk or registrar of voters.

Whenever said packages, or any of them, shall have been inspected and examined, and a record made of the testimony therein contained, the same shall be restored to the exclusive control and custody of the county clerk or registrar of voters, who shall reseal the packages with the ballots contained therein, and keep the same until he shall thereafter destroy them, in accordance with the direction of this section; provided, further, that if in any congressional district within this State there has been or shall be filed a contest of the election of any person declared to have been elected a member of Congress, and the county clerk or registrar of voters in any county or city and county be notified by the contestant, that such congressional election contest is pending then and in that case such county clerk or registrar of voters shall not destroy the ballots in that county or city and county, or in the part or portion thereof within such congressional district in which such contest is pending, until the final determination of such contest before the House of Representatives of the Congress of the United States; and such county clerk or registrar of voters shall hold such ballots in his custody subject to the inspection of any committee of the House of Representatives or subcommittee thereof, having in charge the investigation of such contest, and shall produce such ballots for examination before any such committee of the House of Representatives or subcommittee or before any commissioner designated by such congressional committee or subcommittee or before any officer designated by act of Congress and duly

Contest of congressional election.

selected to take depositions and proof in any such contest of the election of any person to Congress.

CHAPTER 157.

An act to repeal section 1267 of the Political Code, relating to delivery of election returns by clerk to supervisors.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1267 of the Political Code is hereby repealed. Repeal.

CHAPTER 158.

An act to repeal section 1264a of the Political Code, relating to roster of voters.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1264a of the Political Code is hereby repealed. Repeal.

CHAPTER 159.

An act to repeal section 1266 of the Political Code, relating to destruction of ballots.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1266 of the Political Code is hereby repealed. Repeal.

CHAPTER 160.

An act to repeal section 1268 of the Political Code, relating to copy of register.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1268 of the Political Code is hereby repealed. Repeal.

CHAPTER 161.

An act to require security for the payment of wages of persons engaged in the mining industry.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

Miners Payment of wages

SECTION 1. Every person, firm or corporation engaged in the business of extracting, or of extracting and refining or reducing metals or minerals other than petroleum, other than parties having a free and unencumbered title to the fee of the property being worked, and also other than mining partnerships in respect to the members of the partnership, must, before commencing work in any period for which a single payment of wages is made, have on hand either physically or by deposit with a bank or trust company, cash or readily salable securities of a market value equivalent to such cash, in a sufficient amount to make the payment of wage of every person employed on the mining property or in connection therewith for such period.

Penalty.

SEC. 2. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

CHAPTER 162.

An act relating to the formation, organization and proceedings of metropolitan water districts; confirming the formation, organization and existence of such districts; establishing and validating the boundaries thereof; confirming the appointment of the members of the boards of directors of such districts and all acts and proceedings of such members heretofore had or taken; confirming and validating any and all acts and proceedings heretofore had or taken by such districts in connection with the issuance of bonds thereof and all bonds heretofore authorized or issued by such districts and authorizing such bonds to be sold and delivered; providing for the levy and collection of a tax sufficient to pay the principal and interest of any such bonds; and declaring this act to be an urgency measure.

[Approved by the Governor April 25, 1933. In effect immediately.]

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

Metropolitan water districts validated Stats 1927, p 694

SECTION 1. All districts heretofore organized or attempted to be organized under the provisions of an act of the Legislature of the State of California entitled, "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur

bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, and all districts heretofore organized or attempted to be organized under the provisions of said act as amended, and which have been declared to be duly incorporated by any certificate or purported certificate of incorporation issued by the Secretary of State at any time prior to the adoption of this act, which have acted as such metropolitan water districts are hereby declared to have been legally and duly incorporated, formed and organized as of the respective dates the Secretary of State issued such certificates of incorporation, and the incorporation of every such metropolitan water district is hereby validated and confirmed, and such metropolitan water districts shall have all the rights and privileges and be subject to all of the duties and obligations of duly and regularly formed, established or incorporated metropolitan water districts.

Territory included.

SEC. 2. Every such metropolitan water district shall include and comprise the territory (whether contiguous or noncontiguous) included within the corporate boundaries of the municipalities named in such certificate of incorporation so issued by the Secretary of State, as modified by the exclusions therefrom of the corporate area of municipalities withdrawing from such metropolitan water district as certified to the Secretary of State by the secretary of such district in the manner provided by said act, and as modified by the additions thereto of the corporate area of municipalities annexing to such metropolitan water district as certified to the Secretary of State by the secretary of such district in the manner provided by said act and by the additions to such metropolitan water district of the area annexed to or consolidated with any city, the area of which is a part of such district, and the boundaries of every such metropolitan water district as herein defined are hereby confirmed, validated and declared to be legally established.

Boards of directors.

SEC. 3. The members of the respective boards of directors of every such metropolitan water district heretofore appointed by the respective chief executive officers of the municipalities whose corporate area is included in such districts, and now acting as such, are hereby declared to be the duly and legally appointed members of such boards of directors, and all such appointments are hereby confirmed, ratified and approved. All acts and proceedings of such boards of directors as now or heretofore constituted (and irrespective of the time, manner or method of appointment of the members of said boards or of the number of members so appointed) are hereby ratified, confirmed and approved with like force and effect as though

Acts ratified

each and every such director had been or was a duly and regularly appointed, qualified and acting member of the board of directors of such district at the time of any such action or proceeding by said board of directors or the adoption or passage of any resolution, order or ordinance thereof.

Bonds validated.

SEC. 4. In all cases where any such metropolitan water district has heretofore taken any proceedings for the purpose of authorizing, issuing or selling bonds of such district for any purpose or purposes for which bonds are authorized to be issued or sold and where an election has been called and held to vote upon a proposition of incurring such bonded indebtedness of such district and a majority of the votes cast at such election upon such proposition were favorable to the incurring of such indebtedness, all of the acts and proceedings of the board of directors and officers of such district, and of the election officers serving at or for such election, and all of the acts and proceedings of the boards of supervisors of the respective counties in which such district is situated, either in whole or in part, and all of the acts and proceedings of the county clerks and registrars of voters and other officers of such counties affecting or relating to such election or issuance of such bonds, are hereby legalized, ratified, confirmed and validated to all intents and purposes; and all such acts and proceedings heretofore had, although the bonds authorized to be issued thereby are not now sold or delivered, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of directors thereof to issue and sell said bonds is hereby ratified, confirmed and declared and said bonds, the proceedings for the issuance of which are hereby ratified, whenever hereafter sold in accordance with the provisions of said act, shall be the valid and legally binding obligations of and against said district.

Tax to pay bonds

SEC. 5. Both the principal and interest of said bonds shall be paid from an annual tax levied upon all the taxable property within such district in the manner and under the procedure prescribed in said act, and all of the taxable property within such district shall be and remain liable to taxation for the payment of the principal and interest of said bonds as herein and in said act provided; and for the purpose of paying the principal and interest of such bonds issued or to be issued, as it becomes due, the officers of such district and the assessors, auditors, tax collectors, treasurers and other officers of the respective counties within which said metropolitan water district is situated in whole or in part, shall have the powers and perform the duties provided by law relative to the assessment, levy and collection of taxes and custody of funds for the payment of the principal and interest of bonds of metropolitan water districts; provided, always, however, that any revenues of such metropolitan water districts may be applied to the extent to which the same are available to the payment

of principal and/or interest of the bonded indebtedness of any such districts.

Bonds not validated

SEC. 6. This act shall not operate to legalize any bonds which mature more than fifty (50) years from their date or dates of issuance or which will exceed the limitation of indebtedness prescribed by said act.

Urgency

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The peace, health and safety of the citizens of various cities in the southern part of this State are dependent upon the obtaining of an adequate supply of water for municipal and domestic use therein, from the Colorado river, by means of an aqueduct, diversion works and other facilities of such magnitude as to be possible only through the medium of a metropolitan water district, organized and functioning for the purpose of bringing such water to its component cities; that there is now a metropolitan water district, comprised of thirteen cities in the southern part of this State, organized and functioning for this purpose; that at an election held therein on the 29th day of September, 1931, the issuance of bonds sufficient to enable such district to commence the construction of the necessary diversion works, aqueduct and other facilities, and the acquisition of the rights of way required therefor, was authorized; that if the provisions of this act become a law immediately, the sale by such metropolitan water district of its bonds so authorized, will be furthered, and such district thereby will be enabled to obtain without delay the necessary funds for the construction of such diversion works, aqueduct and other facilities and the acquisition of the rights of way therefor and the doing of the other things immediately required of such district in order to function properly for the immediate preservation of the peace, health and safety of the citizens of the component cities of such district.

CHAPTER 163.

Stats 1911, p. 582, amended

An act to amend an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, by amending section 1, relating to the investment of moneys in the sinking funds

of counties, cities and counties, incorporated cities and towns.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

Stats 1911, p 582.

SECTION 1. Section 1 of the act cited in the title hereof, is hereby amended to read as follows:

Investment of money in sinking fund.

Section 1. Any county, city and county, or incorporated city or town, which has now or hereafter shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness, or for any other purpose, is hereby authorized to invest any such moneys temporarily in any bonds already issued or hereafter issued of such county, city and county, or incorporated city or town, respectively, or of the United States or the State of California, or of any other county, city and county, or incorporated city or town, or of any metropolitan water district, municipal utility district or of any school district within the State, and such investment may be made by direct purchase of any issue of bonds, or part thereof, at the original sale of such bonds, or by the purchase of such bonds after they have been so issued. Any bonds thus purchased and held in any such sinking fund may, from time to time, be sold and the proceeds temporarily reinvested in bonds, as above provided. Sales of any bonds thus purchased and held in any sinking fund shall, from time to time, be made in season, so that the proceeds may be applied to the purposes for which the sinking fund was created.

CHAPTER 164.

An act to amend section 111 of the Penal Code, relating to a payment by the State of costs of certain criminal trials.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1420.

SECTION 1. Section 111 of the Penal Code is hereby amended to read as follows:

Expense of trial of convicts.

111. Whenever a trial is had of any person under any of the provisions of sections 105 and 106, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any convict in the State prison, whenever a convict in the State prison is tried for any crime committed therein, and whenever a trial or hearing is had on the question of the insanity of any convict, the county clerk of the county where such trial or hearing is had must make out a statement of all the costs incurred by the county for the

investigation, and preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such convict, and of the execution of the sentence of such convict, exclusive of the cost of any report or statement required by section 1192a of the Penal Code, properly certified to by a judge of the superior court of such county, which statement must be sent to the State Board of Prison Directors for their approval; and after such approval, said board must cause the amount of such costs to be paid out of the money appropriated for the support of the State prison, to the county treasury of the county where such trial or hearing was had.

CHAPTER 165.

An act to amend an act entitled "An act relating to the use of the air and to make uniform the law with reference thereto; providing for the licensing of aircraft, airmen and air navigation facilities; providing, in a certain contingency, for the creation of the Aeronautical Commission of California, prescribing its powers and duties and making an appropriation for its use; providing for the enforcement of the act and penalties for violations thereof and repealing acts in conflict therewith," approved June 18, 1929, by amending section 1 defining the term "Federal license."

Stats 1929, p 1874, amended

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1 of an act entitled "An act relating to the use of the air and to make uniform the law with reference thereto; providing for the licensing of aircraft, airmen and air navigation facilities; providing, in a certain contingency, for the creation of the Aeronautical Commission of California, prescribing its powers and duties and making an appropriation for its use; providing for the enforcement of the act and penalties for violations thereof and repealing acts in conflict therewith," approved June 18, 1929, is hereby amended to read as follows:

Stats 1929, p 1874

Section 1. (a) The term "aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

Definitions

(b) The term "air navigation facility" includes any airport, emergency landing field, light, or other signal structure, radio directional finding facility, radio or other communication facility, and any other structure or facility used as an aid to air navigation.

(c) The term "airport" means any locality either of water or land which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air.

(d) The term "airman" means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

(e) The term "Federal license" shall mean, as the case may be, a valid, unrevoked and unsuspended aircraft license issued by the Secretary of Commerce to aircraft which have met the minimum air worthiness requirements of the Department of Commerce, or airman license issued by the Secretary of Commerce under the authority of the Federal act and the lawful rules and regulations issued or which may be issued thereunder.

(f) The term "person" means every natural person, firm, copartnership, association or corporation.

CHAPTER 166.

Stats. 1917, p. 1225, amended

An act to amend section 19x33 of the Juvenile Court Law, relating to probation officers in counties of the thirty-third class.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1235

SECTION 1. Section 19x33 of the Juvenile Court Law is hereby amended to read as follows:

Mendocino County Probation officer

Sec. 19x33. In counties of the thirty-third class there shall be one probation officer whose salary shall be one hundred dollars per month. In counties of the thirty-third class the probation officer shall perform in addition to his duties as probation officer, the duties of investigator for the board of supervisors on applications for county and State aid. In counties of this class the probation officer shall have one assistant whose salary shall be seventy-five dollars per month.

CHAPTER 167.

An act to amend section 429 of the Fish and Game Code, relating to license fees.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

NOTE—See Stats. 1933, Ch. 73.

CHAPTER 168.

An act to repeal sections 1205, 1206, 1210 and 1211 of the Fish and Game Code, relating to water fowl.

[Approved by the Governor April 25, 1933 In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 169.

An act to add section 798.6 to the Fish and Game Code, relating to abalones.

[Approved by the Governor April 25, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 170.

An act to amend section 1557 of the Probate Code, relating to guardian and ward.

[Approved by the Governor April 25, 1933. In effect August 21, 1933]

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

SECTION 1. Section 1557 of the Probate Code is hereby amended to read as follows: Stats. 1931, p 587.

1557. On the application of the guardian or of any person interested in the estate of the ward, the court may authorize and require the guardian to invest the proceeds of sales, and any other of his ward's money in his hands, in real property, or in any other manner most to the interest of the ward; and the court may make such orders and give such directions as are needful for the management, investment and disposition of the estate as circumstances require. Upon the filing of the application, the clerk shall set the same for hearing by the court and shall give notice thereof by causing a notice to be posted at the courthouse of the county where the proceeding is pending at least five days before the day of hearing in the manner prescribed in section 1200 of this code. At least five days before the day of hearing, the applicant shall cause a copy of the notice to be mailed to the guardian if he is not the applicant, and to all persons who have requested special notice. Where, however, the application is by the guardian, the court or judge may order the notice to be given for a shorter period or dispensed with. Investment of funds of ward. Hearing. Notice.

CHAPTER 171.

An act to amend sections 706, 736, 789, 790 and 791 of the Probate Code, relating to claims secured by liens.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 587.

SECTION 1. Section 706 of the Probate Code is hereby amended to read as follows:

Claim Founded on written instrument

706. If a claim is founded on a written instrument, the original need not be filed or presented, but a copy thereof with all indorsements must be attached to the claim. The original instrument must be exhibited to the executor, or administrator or judge, upon demand, unless it is lost or destroyed, in which case its loss or destruction must be stated in the claim. If the claim or any part thereof is secured by a mortgage, deed of trust or other lien which has been recorded in the office of the recorder of the county in which the land affected by it lies, it shall be sufficient to describe the mortgage, deed of trust or lien and refer to the date or volume and page of its record.

Same Secured by lien

Stats. 1931, p. 587.

SEC. 2. Section 736 of the Probate Code is hereby amended to read as follows:

Devise of land subject to mortgage

736. When a testator devises land subject to a mortgage, deed of trust or other lien, other property specifically devised or bequeathed shall not be sold for the purpose of exonerating the encumbered property, unless a contrary intention can be gathered from the terms of the will, read in the light of the circumstances surrounding its execution. A mere direction that all the testator's debts be paid is not sufficient evidence of such contrary intention.

Stats. 1931, p. 587.

SEC. 3. Section 789 of the Probate Code is hereby amended to read as follows:

Sale of property subject to lien

789. When real property is sold which is subject to a mortgage, deed of trust or other lien which is a valid claim against the estate of the decedent, and has been filed and allowed, or presented and allowed, the purchase money must be applied, after paying the necessary expenses of the sale, first, to the payment and satisfaction of the mortgage, deed of trust or lien, and the residue, if any, in due course of administration. The application of the purchase money to the satisfaction of the mortgage, deed of trust or lien must be made without delay; and the land is subject to such mortgage, deed of trust or lien until the purchase money has been actually so applied.

Stats. 1931, p. 587.

SEC. 4. Section 790 of the Probate Code is hereby amended to read as follows:

Disposition of proceeds

790. The purchase money, or so much thereof as may be sufficient to pay such mortgage, deed of trust or lien with interest, and any lawful costs and charges thereon, may be

paid to the clerk of the court, whereupon the mortgage, deed of trust or lien upon the land shall cease, and the purchase money must be paid over by the clerk of the court without delay, in payment of the expenses of sale, and in satisfaction of the debt to secure which the mortgage, deed of trust or other lien was taken, and the surplus, if any, at once returned to the executor or administrator, unless for good cause shown, after notice to the executor or administrator, the court otherwise directs.

SEC. 5. Section 791 of the Probate Code is hereby amended to read as follows: Stats 1931, p 587

791. At any sale of real property upon which there is a mortgage, deed of trust or lien, the holder thereof may become the purchaser, and his receipt for the amount due him from the proceeds of the sale is a payment pro tanto. If the amount for which he purchased the property is insufficient to defray the expenses and discharge his mortgage, deed of trust or lien, he must pay the clerk of the court an amount sufficient to pay such expenses. Lien holder as purchaser

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CHAPTER 172.

An act to add a new section to the School Code to be numbered 2.995, relating to powers and duties of boards.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the School Code to be numbered 2.995 and to read as follows: New section.

2.995. Boards of school trustees and boards of education shall have power to install a lighting system and maintain the same in any underpass in the vicinity of a school house. Lighting systems in underpasses.

CHAPTER 173.

An act to consolidate the government and administration of the State Narcotic Hospital and Pacific Colony, and declaring the urgency thereof.

[Approved by the Governor April 25, 1933. In effect immediately.]

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

SECTION 1. From and after July 1, 1933, the government and administration of the State Narcotic Hospital and Pacific Colony shall be and they are hereby consolidated. Administration of institutions consolidated.

SEC. 2. Between the effective date of this act and July 1, 1933, the director shall make all necessary arrangements for the consolidated government and administration of said institutions under one medical director and superintendent and Duties of Director of Institutions

staff, to the end that all duplication of effort and responsibility concerning the two institutions will be eliminated. The director shall abolish such positions as are not absolutely essential to the administration and government of the two institutions.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, and shall therefore go into immediate effect.

The facts constituting such necessity are as follows: The general fund in the State treasury is seriously depleted and it is essential that drastic economies be effected in order that the functions of the State may be continued. It is essential that such economies be put into effect as soon as possible and this bill will permit the economies provided for herein to be arranged for and carried out by the beginning of the ensuing fiscal year.

CHAPTER 174.

An act to add a new section to the Penal Code, to be numbered 653g, relating to employment on public work.

[Approved by the Governor April 25, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section 653g, and to read as follows:

Fee for securing employment on public work prohibited

653g. Any person, firm, association or corporation, or agent of officer thereof, who shall charge or collect, or attempt to charge or collect, either directly or indirectly, a fee or valuable consideration for registering any person for public work, as herein defined, or for giving information as to where such employment may be procured, or for placing, or assisting in placing, or attempting to place, any person in such public work, whether such work is done by contract, subcontract or otherwise, and whether the person so placed, or to be placed, or registered, is to work directly for the State, or political subdivision, district or municipality thereof, or is to work for a contractor or subcontractor doing public work, as herein defined, for the said State or political subdivision, district or municipality thereof, shall be guilty of a misdemeanor, punishable by a fine of not exceeding five hundred dollars or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court, and any person who, acting on behalf of the State, or any political subdivision, district or municipality thereof, or any person acting as a contractor or subcontractor, or agent or representative thereof, doing any public work for or on behalf of the State, or any political subdivision, district or municipality thereof, who places any order for the employment of one or more

workers on public work, as herein defined, with any other person, firm, association or corporation, or agent or officer thereof, where the filling of which order for employment involves the charging of a fee, or the receiving of a valuable consideration from any applicant for such employment, shall likewise be guilty of a misdemeanor, and subject to the same punishment.

"Public work" defined.

The term "public work" as used in this section means and includes the construction, alteration, addition to, repair or improvement of any public building, highway, road, tunnel, sewer, excavation, irrigation project or other structure, project, development or improvement, and includes also construction, alteration and repair work done for irrigation, utility, reclamation and improvement districts, and other districts of this type, as well as street, sewer and other improvement work done under the direction and supervision of the State, or of any political subdivision, district or municipality thereof, whether such political subdivision, district or municipality operates under a freeholder's charter heretofore or hereafter approved or not.

Constitutionality.

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

CHAPTER 175.

An act to amend section 1204 of the Code of Civil Procedure so as to give a preference to all wage claimants under a receivership.

[Approved by the Governor April 25, 1933 In effect August 21, 1933]

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

Stats 1931, p. 1699.

SECTION 1. Section 1204 of the Code of Civil Procedure is hereby amended to read as follows:

Preferred creditors when assignment of property is made.

1204. When any assignment, whether voluntary or involuntary, and whether formal or informal, is made for the benefit of creditors of the assignor, or results from any proceeding in insolvency or receivership commenced against him, or when any property is turned over to the creditors of a person, firm, association or corporation, or to a receiver or trustee for the benefit of creditors, the wages and salaries of miners, mechanics, salesmen, servants, clerks, laborers, and other persons, for personal services rendered such assignor, person, firm association or corporation, within ninety days prior to such assignment, or the taking over of such property, or to the commencement of the proceeding when a court action is

involved, and not exceeding two hundred dollars each, constitute preferred claims, and must be paid by the trustee, assignee or receiver before the claim of any other creditor of the assignor, insolvent, or debtor whose property is so turned over, and must be paid as soon as the money with which to pay same becomes available. If there is insufficient money with which to pay all such labor claims in full the money available must be distributed among the claimants in proportion to the amount of their respective claims. The trustee, receiver or assignee for the benefit of creditors shall have the right to require sworn claims to be presented and shall have the right to refuse to pay any such preferred claim, either in whole or in part, if he has reasonable cause to believe that such claim is not valid but must pay any part thereof that is not disputed, without prejudice to the claimant's rights as to the balance of his claim, and withhold sufficient money to cover the disputed portion until the claimant in question has a reasonable opportunity to establish the validity of his claim by court action, either in his own name or through an assignee.

This section is binding upon all the courts of this State and in all receivership actions the court must order the receiver to pay promptly out of the first receipts and earnings of the receivership, after paying the current operating expenses, such preferred labor claims.

CHAPTER 176.

An act relating to and regulating the grazing of live stock on public lands of the United States in the State of California, protecting customary grazing uses thereon, making certain acts unlawful, and prescribing penalties and liabilities for violation of the act.

[Approved by the Governor April 26, 1933. In effect August 21, 1933.]

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

Right to graze on U. S. land limited

SECTION 1. It shall be unlawful to graze live stock on any part of the unreserved and unappropriated public lands of the United States in the State of California, when such grazing will or does prevent, restrict or interfere with the customary use of such land for grazing live stock by any person who, by himself or his grantors or predecessors, shall have become established, either exclusively or in common with others, in the grazing use of such lands under and in accordance with the customs of the graziers of the region involved; provided that this act shall not prohibit the grazing on any part of such public lands of live stock owned, kept or used for work or milking purposes by any ranch owner or bona fide settler, for his domestic use, as distinguished from commercial

use, nor prohibit the grazing on such public lands of any live stock necessary for and used in connection with any mining or construction work or other lawful work of similar character.

What establishes use

Customary or established use as graziers, otherwise than under operation of law, as herein used, shall be deemed to include the continuously open, notorious, peaceable and public use of such range, seasonally, for a period of five years or longer immediately prior to the approval of this act, excepting adverse climatic conditions, by the person or his grantors and/or predecessors in interest except in cases where initiated without protest or conflict to prior use or occupancy thereof. It is further provided that any change in such customary use so established shall not be made hereafter so as to prevent, restrict or interfere with the customary or established use of any other person or persons.

SEC. 2. This act shall not be construed to prohibit any such established user from continuing his grazing use, as established in accordance with such customs.

Penalty

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; and independently of the foregoing penalty, shall be liable to any person injured for all damages sustained by reason of such violation, and for such exemplary damages as the circumstances may warrant.

Violations restrained.

SEC. 4. The violation of any provision of this act may be restrained by injunction, issued by a court of competent jurisdiction, pursuant to the provisions of law and principles of equity relating to injunctions.

"Person" defined

SEC. 5. The word "person" as used in this act includes individuals, companies, partnerships and associations.

SEC. 6. Nothing herein contained shall be construed to prohibit free transit over and rights in the public domain where such are provided by the acts of Congress.

Police power

SEC. 7. This act shall be deemed an exercise of the police power of the State, for the protection of the economic welfare and peace of the people of the State, and all of its provisions shall be liberally construed for the accomplishment of its purposes, and nothing in this act shall be construed as amending or repealing existing law regarding the grazing use of the public lands or of water for the purpose of watering live stock or as modifying or compromising any valid rights or priorities as may exist therein at the time of its enactment.

CHAPTER 177.

An act to amend sections 605g, 605h, 605i and 605j of the Civil Code, relating to corporations sole.

[Approved by the Governor April 27, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1847

SECTION 1. Section 605g of the Civil Code is hereby amended to read as follows:

Formation of corporations sole

Sec. 605g. Formation. A corporation sole may be formed hereunder by the bishop, chief priest, presiding elder or other presiding officer of any religious denomination, society or church, for the purpose of administering and managing the affairs, property and temporalities thereof.

Stats. 1931, p. 1847

SEC. 2. Section 605h of the Civil Code is hereby amended to read as follows:

Articles of incorporation

Sec. 605h. Articles of Incorporation. The articles of incorporation shall state:

1. The name of the corporation.

2. That the officer forming the corporation is duly authorized by the rules, regulations or discipline of such religious denomination, society or church to take such action.

3. The county in this State where the principal office for the transaction of the business of the corporation is to be located.

4. The manner in which any vacancy occurring in the office of the bishop, chief priest, presiding elder or other presiding officer is required to be filled by the rules, regulations or constitution of the denomination, society or church.

5. If desired, any lawful provision for the regulation of the affairs of such corporation, including restrictions upon the power to amend all or any part of the articles of incorporation.

The articles shall be subscribed and verified by the bishop, chief priest, presiding elder or other presiding officer forming the corporation and shall be submitted to the Secretary of State for filing in his office. If they conform to law he shall file the same and place thereon an indorsement of the date of filing. Upon the filing of the articles with the Secretary of State the corporation sole shall be formed.

A copy of the articles of incorporation, certified by the Secretary of State and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.

When filed, the articles or certified copies thereof shall have the same force and effect in evidence as do properly certified articles of other nonprofit corporations.

Stats. 1931, p. 1847

SEC. 3. Section 605i of the Civil Code is hereby amended to read as follows:

Sec. 605i. Perpetual Existence and Powers. Every corporation sole shall have perpetual existence and shall, for the purposes of the trust, have power to contract in the same manner and to the same extent as a natural person, and may sue and be sued, and may defend, in all courts and places, in all matters and proceedings whatever, and shall have authority to borrow money, and give promissory notes therefor, and to secure the payment thereof by mortgage or other lien upon property, real or personal; to buy, sell, lease, mortgage, and in every way deal in real and personal property in the same manner that a natural person may, and without the order of any court; to receive bequests and devises for its own use or upon trusts to the same extent as natural persons may, subject, however, to the laws regulating the transfer of property by will; and to appoint attorneys in fact. Every such corporation shall have continuity of existence, notwithstanding vacancies in the incumbency thereof, and during the period of any such vacancy, such corporation sole shall have the same capacity and right to receive and take any gift, bequest, devise or conveyance of property, either as grantee for its own use, or as trustee, and to be or be made the beneficiary of a trust, as though there were no vacancy. No agency created by a corporation sole by a written instrument which in express terms provides that the agency thereby created shall not be terminated by a vacancy in the incumbency of such corporation, shall be terminated or affected by the death of the incumbent of such corporation or by a vacancy in the incumbency thereof, however caused. Perpetual existence and powers.

Sec. 4. Section 605j of the Civil Code is hereby amended so as to read as follows: Stats 1931, p 1847.

605j. Corporations Sole Heretofore Formed. Any corporation sole heretofore formed and existing under the laws of this State may elect to continue its existence hereunder by filing a certificate to that effect, under its corporate seal, if any, and the hand of its chief officer, or amended articles of incorporation in the form required herein. The powers and privileges granted and duties imposed by sections 605h, 605i, 605j, 605k, and 605*l*, shall apply to all corporation sole organized either before or since this code took effect and whether the corporations organized before have theretofore elected or shall hereafter elect to continue their existence under this code or not. Corporations sole heretofore formed

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CHAPTER 178.

An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale;

to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately.

[Approved by the Governor April 27, 1935. In effect immediately.]

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

Definitions

SECTION 1. As used in this act:

(a) "Beverage" means and includes any beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, or other fermented beverage containing not less than one-half of one per cent and not more than three and two-tenths per cent of alcohol by weight.

(b) "Person" means and includes every natural person, partnership, association, company, corporation, organization, or manager, agent, servant, officer or employee of any of them.

(c) "Manufacturer" means every person who, within the State of California, produces, brews, ferments or manufactures a beverage as herein defined, or who, in the case of a beverage produced, brewed, fermented or manufactured outside of the State of California, is the first in possession thereof within the State after completion of the act of importation.

(d) "Sale" means and includes any sale, exchange, barter or other act whereby the title to a beverage is transferred for a consideration, from a manufacturer, "on sale" licensee or "off sale" licensee as herein defined, to any other person and the words "sell" or "sold" mean and include the act of making any such "sale."

(e) "On sale license" means and includes a license to sell beverages at retail for consumption only on the premises in respect to which the license is issued.

(f) "Off sale license" means and includes a license to sell beverages at retail in original packages for consumption only off the premises in respect to which the license is issued.

(g) "Package" means and includes any container or receptacle used for holding or containing beverages, which container or receptacle is corked or sealed.

(h) "Corked" and "sealed" shall mean and include closed with any stub, stopper, or cap, whether made of cork, wood, glass, metal or other material.

(i) "Board" means the State Board of Equalization of the State of California.

(j) "Premises" as used in subdivision (e) hereof shall, when applied to drive-in eating places, include the stand from which meals are served and the grounds immediately surrounding such stands on and from which meals are served, in the usual and ordinary course of such business.

Application for manufacturer's license

SEC. 2. Every person who engages in business as, or becomes, a manufacturer, as herein defined, shall make an application to the board for a license to engage in such business or to become a manufacturer within the meaning of this act. The application shall be made on a form to be prescribed, prepared and furnished by the board and shall be

accompanied by a fee of one hundred dollars. If the application is made by a natural person it must be signed by him or if made by an association or partnership, by a member or partner thereof, or if made by a corporation, by an executive officer thereof or by some person authorized by the corporation to sign the application. All such applications must be made under oath by the person signing them.

Bond. Before granting any licenses authorizing any person to engage in business as a manufacturer the board must require such person to file with said board, in such form as shall be prescribed by said board, a bond duly executed by such person as principal and a corporation such as is mentioned in section 1056 of the Code of Civil Procedure in this State, as surety, payable to the people of the State of California, conditioned upon faithful performance of all of the requirements of this act and expressly providing for the payment of all excise taxes, penalties and other obligations of such person, arising out of this act.

The total amount of the bond or bonds required of any such manufacturer shall be fixed by the board and may be increased or reduced by said board at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any such manufacturer, the board must require a bond or bonds equivalent in total amount to one and one-half times his estimated monthly excise tax determined in such manner as said board may deem proper; provided, that the total amount of the bond or bonds required of any such manufacturer shall never be less than five hundred dollars.

U. S. permit. SEC. 3. Upon payment of the application fee prescribed by section 2 hereof and filing with the board a photostatic copy of a permit issued to the applicant under the laws of the United States of America, if such a permit be required under said laws, establishing the right of the applicant to engage in said business, the board shall issue to the applicant a license which shall not be assignable, shall be valid only for the person in whose name it is issued, and shall at all times be conspicuously displayed at the place or places of business for which it is issued.

Renewals. SEC. 4. All licenses issued under the provisions of section 3 hereof shall expire on the thirty-first day of December next succeeding the date upon which they are issued. Licenses issued hereunder must be renewed annually upon application made to the board in such form as it may prescribe. Any such application for renewal must be accompanied by the fee prescribed by section 2 hereof, and by a photostatic copy of a valid and effective permit issued under the laws of the United States of America as required by section 3 hereof. Upon such application, payment of said fee and filing of said photostatic copy the board shall renew said license. Said application for renewal shall be filed not less than ten days nor more than sixty days before the first day of January of the year for which the license is to be issued.

Excise tax.

SEC. 5. An excise tax is hereby imposed on all beverages sold by a manufacturer at the rate of sixty-two cents for every barrel containing not more than thirty-one gallons at a proportionate rate per gallon for any other quantity thereof in any other container of less capacity. Said excise tax shall not be construed to be in whole or in part, in addition to the excise tax imposed by chapter 51 of the Statutes of 1933, approved April 6, 1933.

It shall be presumed, for the purposes of this act, that all beverage produced, brewed, fermented or manufactured outside of this State and imported into this State by any manufacturer or delivered to such manufacturer here, has been sold by such manufacturer unless he shall establish to the satisfaction of the board that such beverage is still in the ownership and possession of such manufacturer, or, prior to the termination of such ownership or possession, has been lost through evaporation, leakage, spillage or destruction by the elements. Nothing in this act shall be construed as requiring the payment to the State of the excise tax specified in this section upon more than one sale of the same beverage.

Monthly statements

SEC. 6. Every manufacturer shall render to the board on or before the tenth day of each month a verified statement of quantity of beverage sold by such manufacturer during the preceding calendar month. Such statement shall be in such form as the board may prescribe, together with such other information as the board may require.

If any manufacturer shall fail, neglect or refuse to file said report, the board must note such failure, neglect or refusal upon the tax roll hereinafter described, and must estimate the amount of beverage sold by said manufacturer, assessing the excise tax thereon and said manufacturer shall be estopped from complaining of the amount of said estimate.

Assessment of tax.

The board shall, on or before the twenty-second day of May, 1933, and on or before the twenty-second day of each calendar month thereafter, assess the excise tax due hereunder, and prepare and complete an assessment roll showing the amount of the excise assessed against each manufacturer and immediately deliver said assessment roll to the State Controller.

When payable.

Excise taxes herein required to be paid shall be payable in monthly installments to the State Controller for the month ending April 30, 1933, and for each and every calendar month thereafter. The amount of such excise tax for each month shall be paid on or before the first day of the second calendar month thereafter, and if not paid prior thereto, shall become delinquent at five o'clock in the afternoon of said day, and ten per cent penalty shall be added thereto for delinquency.

Collection

The board may, at its option, provide by rule and regulation for the collection of said excise tax by the sale, affixing and cancellation of revenue stamps to be affixed to containers of said beverages upon the sale thereof by a manufacturer, and may prescribe the form and method of such affixing and cancellation. All such statements shall constitute public

records and shall be open to the inspection of the licensing boards hereinafter referred to and their duly authorized agents.

Board may examine books, etc.

SEC. 7. The board may at any time within one year after said statement is due examine the books and records of any person required to make said statement, and such books and papers shall at all times be subject to the inspection of said board or its representatives, during regular business hours. To that end the board may appoint, exempt from the provisions of the Civil Service Act, such auditors, investigators and other employees as it may deem necessary to enforce its powers and perform its duties hereunder.

If any examinations or investigations made by the board shall disclose that any reports of manufacturers theretofore filed with said board by said manufacturers pursuant to the requirements of this act, have shown incorrectly the amount of beverage sold or the excise tax accruing thereon, said board shall have the power, and is hereby authorized, to make such changes in subsequent assessments of said manufacturers under this act as it may deem necessary to correct the errors disclosed by its examination of the records of said manufacturers or its investigations in pursuance of its powers hereunder.

Refusal to permit inspection or keep books. Penalty.

SEC. 8. Any person refusing to permit the board or any of its representatives to make the inspection for which provision is made in the preceding section or failing to keep books of account as may be prescribed by the board or failing to preserve such books for the period for which they are to be opened to the inspection of the board, and any person altering, canceling or obliterating entries in such books of account for the purpose of falsifying the records of sales of beverages made under this act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Failure to pay tax.

SEC. 9. Any manufacturer who fails to pay the excise tax herein prescribed at the time at which it is due shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Revocation or suspension of license.

SEC. 10. The board on five days' notice and after a hearing duly held shall have power to revoke or suspend the license of any manufacturer who fails or neglects to comply with any of the provisions of this act.

To what act applies.

SEC. 11. The provisions of this act relative to the payment of an excise tax shall apply to the sale of beverages within the State of California by a manufacturer as said term is defined by section 1 of this act after completion of the act of importation. None of the provisions of this act shall apply, or be construed to apply, to commerce with foreign nations or commerce with the several States, except in so far as the same may be permitted under the provisions of the Constitution and laws of the United States, nor to any beverage exported from this State, but every manufacturer shall be

required to report such exports to the board in such detail as the board may require, otherwise the exemption herein granted shall be null and void and such beverage shall be considered sold in this State subject fully to the provisions of this act.

Exemption for exported beverage

In support of any exemption from excise taxes claimed under this section on account of the exportation of beverages every manufacturer must execute an export certificate in such form as shall be prescribed, prepared and furnished by the board containing a sworn statement made by some person having knowledge of the fact of such exportation that the beverage has been exported from this State, and giving such detail with reference to shipment as said board may require. All exportation certificates must be completed and on file in the office of the board within thirty days after the close of the calendar month in which the shipments were made and no certificate not completed and filed within such period shall be recognized for any purpose by the State or any agency thereof. The board may demand of any manufacturer such additional data as are deemed necessary by said board in support of any such certificate and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of said certificate.

Rules of board

SEC. 12. The board shall administer all of the provisions of sections 1 to 11 inclusive of this act and to that end shall prescribe all necessary rules and regulations to carry out such provisions.

Penalty for manufacture without license

SEC. 13. Any person who sells beverages as a manufacturer, as said terms are herein defined, without having first obtained a license therefor or who violates any of the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Disposition of moneys collected

SEC. 14. All moneys collected under the provisions of sections 2, 4 and 5 of this act shall be paid into the State treasury to the credit of the general fund. All fines and forfeitures imposed and collected for the violation of any of the provisions of sections 8, 9 and 13 hereof, shall be paid into the county treasury to the credit of the general fund of the county where the violation occurs, except in cases wherein violations are tried in police city, or municipal courts, in which instance the fines and forfeitures herein mentioned shall be paid into the city treasury. The board shall from time to time and at least once in every month transfer and report all moneys collected by it hereunder to the State treasury.

Tax a lien.

SEC. 15. The excise tax required to be paid by this act shall constitute a lien upon, and shall have the effect of, an execution duly levied against, any and all property of the manufacturer attaching at the time of the sale subject to said excise tax, and remaining until the excise tax is paid or the property sold in payment thereof. The lien created by the

provisions of this act shall be paramount to all private liens or encumbrances whatever.

Delinquency Notice

In the event that any manufacturer is delinquent in the payment of the excise tax herein provided for, the Controller shall notify the board forthwith and may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such manufacturer, or owing any debts to such manufacturer, at the time of receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, other personal property or debts until the Controller shall have consented to a transfer or disposition, or until twenty days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the Controller of any and all such credits, other personal property or debts, in their possession, under their control or owing by them, as the case may be.

Collection of delinquent tax

Whenever any manufacturer shall be delinquent in the payment of the excise tax herein provided for, the Controller or his duly authorized representative shall proceed forthwith to collect the excise tax due from such manufacturer in the following manner: the Controller shall seize any property, real or personal, subject to the lien of said excise tax, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the excise tax due hereunder, together with any penalty or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent manufacturer and to all persons appearing of record to have an interest in such property, in writing at least ten days before the date set for such sale by enclosing such notice in an envelope addressed to said manufacturer at his last known residence or place of business in this State if any, and, in the case of any person appearing of record to have an interest in such property, addressed to such person at the last known place of residence, if any, and depositing the same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, however, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county for said ten-day period. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the excise taxes, penalties and costs, the name of the manufacturer and the further statement that, unless such excise taxes, penalties and costs are paid on or before the time fixed in said notice for such sale, said

Notice of sale.

property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

Sale.

At any such sale, the property shall be sold by the Controller or by his duly authorized agent in accordance with law and said notice, and the Controller shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest title in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of the manufacturer. If, upon any such sale, the moneys so received shall exceed the amount of all license taxes, penalties and costs due the State from such manufacturer, any such excess shall be returned to the manufacturer, and his receipt therefor obtained; provided, however, that if any person having an interest in or lien upon the property has filed with the Controller prior to any such sale notice of such interest or lien said Controller shall withhold any such excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If, for any reason, the receipt of such manufacturer shall not be available, the Controller shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such manufacturer, his heirs, successors or assigns.

Suit by Attorney General to collect tax.

The Controller must also immediately transmit notice of such delinquency to the Attorney General who shall at once proceed to collect all sums due to the State from any such manufacturer hereunder by bringing suit against the necessary parties to effect forfeiture of the bond or bonds of the manufacturer, reducing any deficiency to judgment against the manufacturer.

Remedies cumulative.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the board, Controller or Attorney General shall be or be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

In any suit brought to enforce the rights of the State hereunder the assessment roll prepared by the board pursuant to section 6 of this act, or a copy of so much thereof as is applicable in such suit, duly certified by the Controller showing unpaid excise taxes assessed against any manufacturer, shall be prima facie evidence of the assessment of the excise tax, the delinquency thereof, the amount of the excise tax, penalties and costs due and unpaid to the State, that the manufacturer is indebted to the people of the State of California in the amount of such excise tax and penalties therein appearing unpaid and that all the forms of law in relation to the assessment and levy of such excise tax have been fully complied with by all persons required to perform administrative duties under this act.

License to sell on carriers

SEC. 16. On application to the said Board of Equalization and pursuant to such regulations as from time to time it may

prescribe, the board shall issue permits to sell and furnish the beverages defined in section 1 (a) hereof on the trains, vehicles or boats of common carriers. Said board shall charge and collect therefor, and pay into the general fund of the State, permit fees which are hereinafter fixed in amounts hereby found to be reasonably required to defray the expenses of issuing and supervising such permits. Such permit fees shall be based on the average number in actual operation of each class of operating units, namely, trains, vehicles and boats operated under such permit during the calendar year and upon which such beverages are sold, furnished or offered for sale within said State, such average to be ascertained by the board under such regulations as it may prescribe. Such permit fee shall be: for each train or vehicle of said average number the sum of twelve dollars and for each boat of said average number the sum of fifty dollars. The said permit shall authorize only the sale or furnishing of such beverages on such train, vehicle or boat to a bona fide passenger or employee or person then actually being transported on said train, vehicle or boat, for consumption only on such train, vehicle or boat. Said permit shall not authorize "off sale" privileges or transactions nor shall it authorize "on sale" privileges at any fixed place of business such as a hotel, restaurant, eating house or station. The issuance of said permit shall preclude and supersede the levy, requirement or assessment of any license or permit by any county, city and county, or municipal corporation for all or any of the privileges conferred by the "on sale" permit authorized by this section.

Supervisors to issue certain licenses.

SEC. 17. The board of supervisors of the several counties and cities and counties and the city councils, boards of trustees or other governing bodies of municipal corporations of this State, or such other official boards, officers or commissions as may now or hereafter be designated by their respective charters or ordinances, are hereby constituted licensing boards for the issuance of "on sale" and "off sale" licenses under this act.

Application.

SEC. 18. Any person desiring a license for "on sale" or "off sale" retail sales shall make application to the licensing board having jurisdiction of the territory within which such sales are proposed to be made. Such application shall be made upon forms to be prescribed by the licensing board and shall contain such information as the licensing board may prescribe and shall be accompanied by a license fee not exceeding the rate of fifty dollars per annum in the case of an "on sale" license and not exceeding the rate of ten dollars per annum in the case of an "off sale" license. The amount, method and period of payment thereof shall be fixed by ordinance. "On sale" licenses operating for a period of six months or less shall pay a proportionate amount of the license fee, which shall not in any event be less than twenty-five per cent of the annual rate.

Fee

"On sale" license: To whom issued.

SEC. 19. "On sale" licenses shall be granted only to bona fide restaurants, public eating places, clubs, boarding houses

and/or hotels. "On sale" licensees may serve beverages as herein defined, to bona fide guests and patrons only, to be consumed only with meals furnished in good faith at regular public tables, or at eating counters at which said guests and patrons are seated, or in the case of clubs and/or hotels, may be served in guests' rooms. In the case of drive-in eating places, such beverages may be served with meals within the premises as said term is defined by subdivision (j) of section 1 hereof.

"Off sale" licenses

"Off sale" licensees may sell beverages, as herein defined, in original packages for consumption off of the premises only. It shall constitute a misdemeanor, punishable in the manner hereinafter provided, to serve or make sales of beverages in violation of the manner herein prescribed and such violation shall constitute grounds for suspension or revocation of permit by the licensing board upon notice and hearing. Any person violating any of the provisions of sections 16 to 25 inclusive of this act, or selling beverages without obtaining the permits for sale thereof as required by section 18 hereof, or failing to pay the license fees provided by sections 18 and 20 hereof, shall be guilty of a misdemeanor, and shall be punishable by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Penalty.

Tax on sale under each license.

SEC. 20. Each holder of an "on sale" or "off sale" license shall pay to the county, city and county or municipal corporation within and by which said license is issued a tax of not to exceed fifty cents per barrel upon beverages sold by said licensee as fixed by ordinance; provided, however, the legislative body of the county, city and county, or municipal corporation within their respective jurisdictions may decrease but may not increase the amount of the maximum tax herein by this section authorized and may within said maximum limitation herein prescribed classify the various types of "on sale" and "off sale" licenses and within said maximum fix the tax applicable to each of said classifications; provided, however, any tax so fixed by such legislative body shall be uniform throughout the territory over which such body has jurisdiction. The legislative body of the county, city and county or municipal corporation within their respective jurisdictions may prescribe that said tax as fixed by their respective ordinances shall be paid directly to said legislative body or to such officer of said county, city and county or municipal corporation as may be designated by said ordinances. This section shall be construed to provide for the levy of only one tax as to each "on sale" or "off sale" license in any county, or city and county and shall further be construed to provide that such tax may not be levied or collected by more than one county, city and county or municipal corporation upon any one container or quantity of such beverage. The rates hereinabove provided shall, in the case of beverages sold in containers of less than one barrel shall, be proportioned at the rate of thirty-one gallons as the equivalent of one barrel.

Such tax shall be in lieu of any and all other taxes or fees imposed on account of "on sale" or "off sale" licenses, except the annual license fee provided for in section 18. The holder of each "on sale" permit shall have and possess the right, without further payment of license fees or taxes, to exercise the rights of an "off sale" licensee and to make "off sale" transactions on the premises covered by the "on sale" license.

Investigation of applicant for license

SEC. 21. Upon receipt of an application for a license and the license fee the licensing board shall thoroughly investigate and deny the application if:

Grounds for denial of license.

(a) The applicant is not of good moral character; or

(b) The premises in respect to which the license is to be issued do not comply with the provisions of this act; or,

(c) The premises and equipment or the plans and specifications thereof in respect to which the license is to be issued are injurious to the public health and safety; or,

(d) The applicant has had a license forfeited, suspended or revoked under the provisions of this act; or,

(e) The applicant subsequent to the passage of this act and within one year prior to filing his application, has been convicted of a violation of any law concerning the manufacture, transportation or sale of liquor or has been convicted of a felony under the laws of this State, the United States or any State of the United States; or,

(f) The premises wherein said license is proposed to be exercised or the proposed sale of beverages therein violates any building, zoning, health, safety or police ordinance or any law of the United States or of this State. The licensing board may consider any objections or protests to the issuance of licenses and the board may grant or refuse to grant the license applied for if the applicant does not comply with the provisions of this act, and shall issue said license if the application complies with the provisions hereof.

License: What to contain.

SEC. 22. Every license issued under this act shall set forth the name of the person to whom it is issued. If the license is issued under a fictitious name such license shall set forth in addition to said name, the name or names of each of the persons conducting the business under the fictitious name. The license shall also specify the location by street and number of the premises or other designation sufficient to identify it in respect to which the license is issued.

Each license shall be signed by the licensee, shall be nontransferable, shall be posted in a conspicuous place in the premises in respect to which it was issued, and shall be exhibited to any representative of the licensing board or any peace officer.

Each license issued hereunder is separate and distinct and no person shall seek to exercise the privileges granted under any license other than the license he holds. A separate license shall be issued for each specific business and each location, and each license is applicable only to the premises in respect to which it is issued. The licensing board shall determine

what constitutes a single store, business, premises or establishment with respect to the issuance of a license hereunder.

Suspension or revocation of license

SEC. 23. The licensing board may upon its own motion and shall upon the verified complaint in writing of any person investigate the action of any licensee and shall have power to temporarily suspend or permanently revoke a license issued hereunder for any of the following acts or omissions:

(a) Misrepresentation of a material fact by the applicant in obtaining a license;

(b) If the licensee violates or causes or permits to be violated any of the provisions of this act;

(c) If the licensee commits any act which under this act would be sufficient ground for the denial of an application for a license.

Prior to the revocation or suspension of any license by a licensing board ten days' notice shall be given to the licensee by personal service or by registered mail directed to the licensee at his latest address of record. Licenses shall be suspended or revoked by the board, only upon notice as provided herein and upon a hearing at which the licensee may attend and show cause why his license should not be revoked. The determination of such board after such hearing shall be subject to review by a court of competent jurisdiction.

Manufacturer not to be interested in "on sale" license

SEC. 24. No manufacturer of beverages nor any officer, director or employee of such manufacturer, nor any person who owns any interest in the business of such manufacturer, shall acquire, hold or have any interest either direct or indirect in the business of any "on sale" licensee nor in the furniture and fixtures of the premises wherein the business of such licensee is conducted nor shall any such person endorse, guarantee, or stand surety for a lease or any other obligation of any such licensee.

Sale to minors

SEC. 25. It shall be a misdemeanor, punishable by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, to sell beverages, as said term is herein defined, to any person under the age of nineteen years.

Constitutionality.

SEC. 26. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Local option

SEC. 27. Nothing herein concerning "on sale" or "off sale" licenses shall be construed to prevent or prohibit any county, city and county, or municipal corporation from enacting by ordinance any law or laws prohibiting the sale of beverages as defined by this act, except that no such law or laws shall authorize or require the payment of any application

fee, license fee, or tax in excess of the maximum provided in sections 18 and 20 of this act.

Advertising beverages.

SEC. 28. Every license for the manufacture, importation, or sale of beverages issued pursuant to this act, shall entitle the holder of such license to advertise the sale of such beverages in any newspaper, periodical, or magazine printed outside of the State of California or printed within any county, city and county, or municipal corporation in this State, which has a board empowered to issue or which does issue licenses for the sale of such beverages. It shall not be unlawful for any such newspaper, periodical or magazine, or any edition or issue thereof, to be purchased, sold, circulated or distributed anywhere within this State by reason of the fact that it contains any advertisement concerning beverages.

Act takes effect when.

SEC. 29. The provisions of this act shall become operative and applicable and shall be administered upon the occurrence of an event, which event shall be whenever the sale in California of beverages as defined herein is not prohibited by the laws of the United States.

Urgency.

SEC. 30. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall, within the meaning of section 1 of Article IV of the Constitution of this State, take effect as a statute immediately, but shall become operative, applicable, and administrable upon the occurrence of the events, under the circumstances, in the manner, and to the extent elsewhere herein stated.

The statement of the facts constituting the necessity hereof is as follows: The Congress of the United States may at any time authorize the manufacture and sale of beverages containing low percentages of alcohol. It is essential to the peace, health, and safety of the people of this State that this act take effect immediately in the manner above provided in order that in the event the Congress of the United States authorizes the same there be provided an immediate method for the regulation, taxation, and control within this State of such manufacture and sale of beverages containing low percentages of alcohol.

CHAPTER 179.

An act authorizing suits against the State to quiet title against it to real property purchased under the provisions of an act entitled "An act to provide for the management and sale of lands belonging to the State," approved March 28, 1868, also an act entitled "An act to provide for the sale of certain lands belonging to the State," approved April 27, 1863, including any case wherein relief has been granted to a purchaser or purchasers under the provisions of an act entitled "An act for the relief of purchasers of State lands," approved March 27, 1872; provided that all taxes

Stats. 1867-8, p. 507.

Stats. 1863, p. 591.

Stats 1871-2, p. 587.

levied against the property during the thirty years next preceding the commencement of the action have been fully paid.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Quiet title actions against State authorized

Stats 1867-8, p 507

Stats 1863, p 591.

SECTION 1. In any case where the State of California has sold any land or lands under the provisions of the following named acts, or any of them, to wit: An act entitled "An act to provide for the management and sale of the lands belonging to the State," approved March 28, 1868; an act entitled "An act to provide for the sale of certain lands belonging to the State," approved April 27, 1863, to any person or persons and full payment has been made therefor, and no patent has been made or delivered by or on behalf of the State of California, or the patent from the State of California therefor has been lost or destroyed and was never recorded in the office of the county recorder of any county wherein any of such land is situated; or in any case wherein relief has been granted to a purchaser or purchasers under the provisions of an act entitled "An act for the relief of purchasers of State lands," approved March 27, 1872, the person or persons claiming or deraigning title to any such lands through or under any purchase thereof from the State of California, including such person or persons as may have been granted relief under said act entitled "An act for the relief of purchasers of State lands," approved March 27, 1872, is and are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said State, to quiet title to said land, or any portion thereof, and to prosecute the same to final judgment. In any case where such full payment has been made, or in any case where relief has been granted under the provisions of said act approved March 27, 1872, the title of the plaintiff may be quieted against the State of California in and by such judgment, whether or not any such patent has been made or delivered; provided, however, that it shall first appear that all taxes levied against such property during the thirty years next preceding the commencement of the action, have been fully paid.

Stats. 1871-2, p 587

Laws governing procedure.

SEC. 2. All the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the State in any such suit, no costs shall be allowed against the State.

Limitation

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Service of summons

SEC. 4. Service of summons in such suits shall be made on the Governor and the Attorney General.

CHAPTER 180.

An act to amend sections 814, 821, 828 and 829 of the Agricultural Code, relating to the standardization of lettuce and apples. Agricultural Code. amended

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 181.

An act to amend section 815 of the Agricultural Code, relating to the standardization of Persian melons, casabas, honeydew melons and watermelons. Same.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 182.

An act to amend section 811 of the Agricultural Code, relating to the standardization of cantaloupes. Same.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 183.

An act to amend section 798 of the Agricultural Code, relating to the standardization of dates. Same.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 184.

An act to amend section 782 of the Agricultural Code, relating to the powers of the director. Same.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 185.

An act to amend section 1115 of the Political Code to provide for the printing of the index to registration affidavits.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 811.

SECTION 1. Section 1115 of the Political Code is hereby amended to read as follows:

Index to registration affidavits.

1115. Within ten days after the binding of said books by precincts the county clerk or registrar of voters shall prepare an index of each book, for county or city and county elections, said index to contain the names, addresses, occupations and political party as they appear in said books, and also a ruled space, to the left of and in front of the name of the elector, within which to write, in figures, the line number designating the position of the name of such voter on the roster of voters for each elector who votes. Such names shall include Christian or given names, the middle name or initials, if any; and, if the name be that of a woman, the Christian name shall be preceded by the designation of "Miss" or "Mrs." as the case may be. Such index shall be printed in eight point roman type on twelve point body, and each line shall be not less than five inches long. The county clerk or registrar of voters shall have at least forty copies of said index printed for the use of said county, and he shall at the same time also have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding twenty, as the governing body of such municipalities shall by resolution require. The county clerk or registrar of voters shall furnish upon written or oral demand of every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county or upon written demand of his campaign committee, one copy of a printed index of the registration, for such primary and general elections in which said candidate will participate, at a cost of fifty cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The county clerk or registrar of voters shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precincts, and shall keep at least one copy of said general index in his office for public reference. He shall also transmit one copy of said general index to the State Librarian at Sacramento.

Printed copies.

Copies for candidates.

CHAPTER 186.

An act to add a new section, to be numbered 73a, to the Code of Civil Procedure, relating to superior courts.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 73a and to read as follows: New section.

73a. Whenever, under the provisions of sections 73 and 142 of this code, any session of the superior court is required to be held in any city or town other than the county seat, the judge and clerk, or deputy clerk, and one court reporter of such court shall be allowed their necessary expenses in going to, returning from, and attending upon the business of such court. Such expense shall be a charge against the treasury of the county and paid out of the general fund thereof. Expenses when court held other than at county seat.

CHAPTER 187.

An act to repeal an act entitled "An act concerning the completion of unfinished public buildings now in process of construction by this State, permitting alterations of and additions to the original plans for the construction thereof, and permitting the execution of contracts for the construction thereof and for the purchase of materials for use therein without publishing notice of such work and without calling for or receiving bids therefor, declaring the urgency thereof and providing that this act shall take effect immediately," approved April 9, 1931. Stats 1931, p 171, repealed

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby repealed. Repeal.

CHAPTER 188.

An act to amend section 857 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to cities and towns of the sixth class. Stats 1883, p 93, amended

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 857 of "An act to provide for the organization, incorporation, and government of municipal cor- Stats 1931, p. 187.

porations," approved March 13, 1883, is hereby amended to read as follows:

Councilmen and offices: Qualifications.

Sec. 857. No person shall be eligible to hold the office of councilman in such city or town, unless he be a qualified elector therein, and shall have resided in such city or town for one year next preceding the date of his election; nor shall any person be eligible to hold any other elective office in such city or town unless he be a qualified elector therein. The foregoing qualification shall not apply to an appointive office, but any person who is a qualified elector of the State of California shall be eligible to an appointive office in such city or town though he be not a resident therein.

CHAPTER 189.

An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act.

[Approved by the Governor April 28, 1933 In effect August 21, 1933.]

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

Deposit of public funds.

SECTION 1. All moneys belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, including all moneys collected by, or paid to the treasurer of any county, city and county, city, town, municipality, or other public or municipal corporation within the State, or other official having authority to collect or receive the same, for the payment of principal, interest or penalties of bonds required by law, ordinance or resolution, to be paid to, or collected by, such treasurer or other official, shall, so far as possible, be deposited in such State or National bank or banks in the State as the treasurer of the county, city and county, city, town, municipality or other public or municipal corporation, as the case may be, or other official having the legal custody thereof, shall select for the safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the treasury of such county, city and county, city, town, municipality or other public or municipal corporation; provided, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; and said bank or banks are hereby empowered so to do; and provided further, that such depositary bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per centum per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; and provided further, that such deposit shall not

Bank: How selected.

exceed the paid-up capital, exclusive of reserve and surplus, of any depositary bank. Any and all bids may be rejected by the treasurer and new bids asked for. The transportation of moneys to and from such depositaries shall be borne by such depositaries and they shall handle, collect and pay all checks, drafts and other exchange without cost to such county, city and county, city, town, municipality or other public or municipal corporation. Such deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the treasurer or other authorized official; provided, however, that the treasurer may, with the consent of the governing body of the county, city and county, city, town, municipality or other public or municipal corporation, deposit any part of such moneys for a definite term and may agree with any depositary bank or banks as to the period of time of any such deposit or deposits, but no such agreement shall provide for the deposit of any of such moneys for a longer period than one year; and provided further, that such treasurer is hereby authorized, under such conditions as he with the approval of the governing body of such county, city and county, city, town, municipality or other public or municipal corporation may fix, to deposit moneys in any bank or banks within or without this State, necessary for the payment of the principal and interest of bonds at the place or places at which the same are payable, and the provisions of this act shall not apply to deposits for such purposes. Conditions of deposit.

SEC. 2. The interest to be paid by any such depositary bank shall be on the average daily balances of the moneys kept on deposit therewith, and shall be payable quarterly. The treasurer shall render to such depositary and to the county auditor of the county or city and county or to the auditor, controller, secretary or corresponding officer of the city, town, municipality or other public or municipal corporation a statement showing the amount of accrued interest for each such depositary for the preceding quarter. Interest on all moneys deposited as herein provided for shall belong to and shall be paid quarterly into the general fund of the county, city and county, city, town, municipality or other public or municipal corporation represented by the officer making such deposit, except where the law otherwise directs. Payment of interest.

SEC. 3. There shall be two classes of deposits; one shall be known as active deposits and the other as inactive deposits. The treasurer, with the consent of the governing body of the county, city and county, city, town, municipality or other public or municipal corporation, shall determine what amount of money shall be deposited as inactive deposits. Such treasurer may call in moneys from inactive deposits and place them in active deposits, when it shall be necessary to do so, for the purpose of providing for current demands; and, when there are inactive moneys in his possession for which there are no demands, said inactive moneys may be placed as active deposits. When there are no demands for either active or inactive Active and inactive deposits.

moneys, such treasurer may deposit with the Federal Reserve Bank of San Francisco any gold coin or other moneys in his possession and take from said bank a certificate or other exchange showing such deposit. The provisions of this act shall not apply to such deposits with the Federal Reserve Bank.

Security for deposits.

SEC. 4. For the security of inactive deposits there shall be deposited with such treasurer treasury notes or bonds of the United States, or of this State or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district within this State, which bonds shall be approved by the treasurer and attorney of the county, city and county, city, town, municipality or other public or municipal corporation. The market value of the bonds furnished shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. For the security of active deposits, there shall be deposited with such treasurer, treasury notes or bonds of the United States or of this State, or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district within this State, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this State; provided, that the furnishing of surety bonds shall be optional with the treasurer; provided, however, that when there is no qualified bank within the county or city and county owning the money, or the county or counties within which the city, town, municipality or other public or municipal corporation owning the money is situated requesting such active deposit, and offering any of the classes of securities, including surety bonds, herein provided for such deposits, then no such surety bond or notes or bonds shall be accepted as security for active deposits in banks outside of such county while any notes or bonds of the United States, or of this State, or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district within the State shall be offered as security for active deposits by any bank in the State qualified to accept such deposits, provided further, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States Treasury Department, but in fixing such limit there shall be deducted from such penalty the amount of any reinsurance the terms of which inure directly to the county, city and county, city,

town, municipality or other public or municipal corporation making the deposit, placed with a company qualified to execute bonds hereunder within the limits applicable to said company and evidence of such reinsurance shall be furnished to the treasurer making the deposits within twenty days after the date of such surety bond.

Such securities shall be approved by the treasurer and attorney of such county, city and county, city, town, municipality or other public or municipal corporation to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. No surety bond shall be accepted from any surety company, unless said company shall be approved by the Insurance Commissioner of the State as a company possessing the qualifications herein required to secure the deposit of any funds, and it shall be the duty of said commissioner to issue such certificate on demand of the proper officer of the county, city and county, city, town, municipality or other public or municipal corporation showing the qualifications of such companies; and, unless said company shall also hold a certificate of authority from the United States Treasury Department as being acceptable as a surety on federal bonds. The form of bonds required under this act shall be approved by the attorney for such county, city and county, city, town, municipality or other public or municipal corporation.

Additional security.

SEC. 5. If in any case or at any time the security deposited with such treasurer is not deemed satisfactory by such treasurer, he may require such additional security as may be satisfactory to him. Such security, or any part thereof, may be withdrawn or released on the written consent of such treasurer, and the attorney of the county, city and county, city, town, municipality or other public or municipal corporation; provided, that a sufficient amount of said notes or bonds or, when permissible, surety bonds of sufficient penalties, to secure said deposits shall always be kept in the treasury, and in the event that any said bank or banks of deposit shall fail to pay such deposits, or any part thereof, on the demand of the treasurer then it shall be the duty of such treasurer to forthwith recover upon or convert said notes or bonds into money and to disburse the same according to law. The surety upon such surety bond may terminate such bond as to future liability by giving fifteen days' notice in writing of such termination to the treasurer, and upon receipt of such notice, the treasurer shall require other security in lieu thereof, or shall withdraw the funds covered by said surety bond within said period of fifteen days, but such notice of termination shall not affect any liability accruing prior to the expiration of said period of fifteen days.

Contract of deposit

SEC. 6. Such treasurer shall take from such depositary or depositaries a written contract in triplicate, setting forth the conditions upon which funds are deposited therewith, one of which shall be filed with the auditor of such county, or city and

county, or the auditor, controller, secretary or corresponding officer of the city, town, municipality or other public or municipal corporation. Each depositary shall render, quarterly, to such treasurer a statement, in triplicate, showing the daily balances or amount of money of such county, city and county, city, town, municipality or other public or municipal corporation held by it during the quarter and the amount of accrued interest thereon separately, one of which shall be filed by the treasurer with the auditor of such county, or city and county, or the auditor, controller, secretary or corresponding officer of the city, town, municipality or other public or municipal corporation.

Statement rendered by bank.

Indemnity bond.

SEC. 7. Such treasurer with the approval of the attorney of the county, city and county, city, town, municipality or other public or municipal corporation, shall, if in his judgment it shall appear necessary for the security of the county, city and county, city, town, municipality or other public or municipal corporation, require said banks of deposit to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks to be approved by the treasurer and such attorney, to secure such county, city and county, city, town, municipality or other public or municipal corporation against loss by any depreciation in value that may occur in such bonds held by him as security for the safe-keeping and prompt payment of the moneys in such banks.

Liability of treasurer.

SEC. 8. Such treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act, while the same remain there deposited under the terms of this act; but such treasurer shall be chargeable with the safe-keeping, management and disbursement of the bonds, notes and certificates of deposit deposited with him as security for deposits of such moneys, and with the interest thereon, and the proceeds of any sale under the provisions of this act, and the respective county, city and county, city, town, municipality or other public or municipal corporation shall be responsible for the custody and safe return of any securities so deposited.

Receipt for deposits.

SEC. 9. At the time of depositing any moneys in any bank designated as a depositary, such treasurer shall take and preserve a receipt, certificate of deposit, or such other evidence of the deposit as the treasurer may require. The money so deposited may be drawn out by the check or order of such treasurer.

Deposit of public funds not held by treasurer.

SEC. 10. All moneys belonging to any county, city and county, city, town, municipality or other public or municipal corporation within the State under the control of any officer or employee thereof other than the treasurer thereof, shall be deposited as active deposits in such State or national bank or banks in this State as such officer or employee may select; and provided, that the bank or banks in which said moneys are deposited may be required to pay interest thereon and

shall furnish security for such deposits as herein provided for active deposits.

Money held by tax collector.

SEC. 11. All moneys under the control of any tax collector of any county, city and county, city, town, municipality or other public or municipal corporation must be immediately deposited with the treasurer of any such county, city and county, city, town, municipality or other public or municipal corporation; provided, that any such moneys may, under permission and instructions of the treasurer having authority so to do, be deposited by such tax collector in any bank selected as a depositary in accordance with the provisions of this act.

Penalties.

SEC. 12. Any officer or employee of any county, city and county, city, town, municipality or other public or municipal corporation of this State who deposits any money belonging to or in the custody of such county, city and county, city, town, municipality or other public or municipal corporation in any manner other than as prescribed in this act shall be subject to forfeiture of his office or employment.

Stats 1927, p 1388, repealed.

SEC. 13. An act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other political subdivision within this State, and to repeal all acts or parts of acts in conflict with this act," approved May 24, 1927, and all acts amending said act and all acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 190.

Stats. Ex. Sess 1911, p 117, amended.

An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 14 thereof relating to assessments and assessment lists of the Sacramento and San Joaquin Drainage District and providing when public officers shall not be entitled to fees, section 36 thereof relating to reapportionment of assessments on subdivided lands, and section 37a thereof relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being public law number eight hundred forty-three, Seventieth Congress, approved February 28, 1929.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Stats 1929, p. 707.

SECTION 1. Section 14 of the "Reclamation Board Act" approved December 24, 1911, as amended, is hereby amended to read as follows:

Assessment lien on land.

Sec. 14. After the Reclamation Board has held the hearings in each county pursuant to section 13 of this act and the

assessment lists have been made to conform with its decision, said lists shall be certified by the secretary of the board to be correct, and shall thereupon be filed in the offices of the county treasurers, respectively, of the several counties in which are situated any of the lands assessed thereby. Each such county treasurer shall endorse thereon the date and time to the hour and minute when the same was so filed in his office; and thereafter from that time such assessment shall constitute a lien upon the lands so assessed in such county, and shall impart notice to all subsequent purchasers or incumbrancers or any person acquiring any interest in or lien upon said lands. The assessment shall then be paid to the respective county treasurers in one or more installments of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct.

When payable.

At any time within thirty days after said assessment list has been so filed in the office of the county treasurer as provided above, the whole amount of such assessment upon any tract of land therein separately assessed may be paid in cash to the county treasurer and thereupon the county treasurer shall issue his receipt therefor and shall endorse the fact and date of such payment upon the assessment list, and thereupon the lien of such assessment upon such tract of land shall cease. No interest shall be charged on any assessment paid in full within this thirty-day period. All assessments not paid in full within said period of thirty days shall bear interest at the rate of seven per cent per annum from and after the time when the assessment list is filed in the office of the county treasurer for collection. The remaining portion not yet ordered paid by said board of the assessment upon any tract of land may be voluntarily paid in full, with the accrued interest thereon, at any time after the lien of such assessment has accrued.

Delinquent installments.

If any installment shall remain unpaid at the expiration of thirty days from the date of the board order calling said installment, then said installment shall become delinquent, together with accrued interest thereon to date of delinquency. When any such installment shall become delinquent, a penalty of ten per cent of the amount of such installment plus interest, shall be added thereto and collected for the use of the district; provided, that if any action is pending in any court to have the assessment on any tract of land reviewed, modified or annulled, as provided herein, such assessment, if not annulled in said action, may, in the discretion of the board, become delinquent thirty days after any judgment rendered therein shall become final. From date of delinquency until time of delinquent sale, such unpaid installment, together with added interest and penalty, shall bear interest at the rate of seven per cent per annum.

Notice of delinquency and sale.

After the said installment has become delinquent, the board, when it shall deem it advisable, shall publish in each county

where such delinquencies exist, at least two times, to wit: once a week for two weeks successively in some newspaper of general circulation published in the said county, a list in one notice of all said delinquencies in such county which notice shall contain a description of the property assessed as described in the assessment list by reference number as set forth in said assessment list or by other descriptions sufficient to identify the same, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount of the delinquent installment, interest and penalty as above provided, and a further notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county at a specified day and hour, to pay said installment with accrued interest and the penalty, together with its proportion of the total cost of publication of said notice of sale.

Sale.

At the time and place stated in said notice, or such other time to which said sale may have been postponed, the county treasurer shall sell each parcel of land described in said notice to the highest bidder for gold coin of the United States unless prior thereto he shall have received payment in full of said delinquent installment, interest, penalty and cost of publication. If not completed on the first day the sale may be continued from day to day and over Sundays and legal holidays until completed. No license shall be required of the county treasurer for conducting such sale. No bid for any parcel shall be accepted which is less than the aggregate sum then due for said installment thereon, together with accrued interest, penalty and cost of publication. If no bid is made for any parcel at such delinquent sale which is equal to the total amount then due thereon, the county treasurer shall bid in and sell said parcel to the said Sacramento and San Joaquin Drainage District for the amount of said delinquent installment or installments, together with accrued interest, penalty and cost of publication.

Certificate of sale.

The county treasurer shall execute to each purchaser at such delinquent sale including said drainage district, a certificate of such sale which certificate of sale shall be recorded by said purchaser in the county recorder's office of said county. Out of the proceeds of said sales the county treasurer shall transmit to the State Treasurer the total amount then due on the property so sold as shown in said notice, and shall pay to the owner of said property any surplus remaining after such payment to the State Treasurer. The county treasurer shall, when directed by the reclamation board, postpone the said delinquent sale from time to time for not less than ten nor more than thirty days by a written notice posted at or near the place of sale, which written notice shall be substantially as follows: The sale of property for delinquent assessment under (name and number of assessment) of the Sacramento and San Joaquin Drainage District, which was fixed for (time and place of sale) has been postponed to (time to which postponed) at the same place.

Redemption. Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to the date of such redemption, together with the amount remaining due and unpaid of any installment upon any assessment on said land under the Reclamation Board Act, with the penalty prescribed above for such other delinquencies. If no redemption shall be made within one year the reclamation board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances except State, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of said or any assessment made by said drainage district, which said balance must be called in and collected in the same manner as other assessments, except that no parcel sold and conveyed to the Sacramento and San Joaquin Drainage District shall thereafter, until redeemed or until sold and disposed of by the reclamation board, be subject to sale by the treasurer for subsequent installments of the said or any assessment as in this act provided.

Deed.

Sale of land bid in by district. Each deed by the reclamation board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by grantee of the lands therein described. All deeds herein required to be executed by the reclamation board may be executed by the president and secretary thereof on behalf of said board. Any parcel of land bid in and purchased by the Sacramento and San Joaquin Drainage District at such delinquent sale shall be held in trust for the assessment under which the same was sold and may be sold and conveyed by said reclamation board or their successors in office at any time after the expiration of said redemption period of one year at public or private sale and with or without notice, to any person paying not less than the amount for which said parcel was bid in by said county treasurer at such delinquent sale for said drainage district, with interest thereon at the rate of twelve per cent per annum compounded yearly from the date of such delinquent sale, and also the amount of all subsequent installments or other assessments then delinquent, with accrued interest and penalties thereon.

Payment for the land so purchased shall be made in gold coin of the United States, and the reclamation board shall execute a deed to such purchaser at such sale conveying said property, free of all encumbrances except State, county and

other municipal taxes, assessments levied or assessed by statutory authority and the unpaid balance of all assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments. If any lands so held by said drainage district remain unsold then the reclamation board shall sell all such lands so held by said drainage district at public auction to the highest bidder for cash, upon two weeks published notice substantially in the manner provided for notice upon above delinquent sales, and shall execute to the purchaser a conveyance, which deed shall convey title to the land as above prescribed. The proceeds of such sale shall be deposited with the State Treasurer to the credit of the assessment under which the property became delinquent:

Expenses.

No county or public officer shall charge or receive any fee for any of the services required to be performed by him under the provisions of this act; but any reasonable and necessary expense actually incurred by any officer in carrying out any of the provisions of this act relating in any manner to the collection or enforcement of any assessment, shall be paid out of the funds of said drainage district applicable thereto.

Stats 1921, p. 1353.

SEC. 2. Section 36 of said act is hereby amended to read as follows:

Reapportionment of assessment.

Stats 1919, p 1092.

Sec. 36. Whenever any tract of land upon which an assessment shall have been made, including assessments which have been bonded under and pursuant to the provisions of chapter 520, Statutes of 1919, approved May 27, 1919, as amended, shall be subdivided into smaller parcels, the reclamation board shall at any time, after the list shall have been certified by the secretary of the board to be correct and deposited as provided in this act, have power to and shall reapportion the assessment or assessments upon such tract, including assessments or portions thereof which have become delinquent together with the delinquencies thereon including penalties and interest, in such manner as will charge each of said smaller parcels with a just proportion of assessment or assessments made upon said tract so subdivided and with a just proportion of said delinquencies.

Delinquencies

Stats. 1919, p 1092

Assessments and delinquencies thereon on tracts of land which have become delinquent and which have been sold for delinquency pursuant to the provisions of section 14 of this act and/or of sections 45, 46, 47, 48, 49 and 50 of chapter 520, Statutes of 1919, approved May 27, 1919, as amended, and which have been subdivided, shall be reapportioned in the same manner and with the same effect as if such tract had not been so sold.

Application for reapportionment.

Whenever as application shall be made to the reclamation board for such reapportionment, the reclamation board shall reapportion the assessment upon such tract or tracts in such manner as in their judgment will charge each of said smaller tracts with a just proportion of the assessment made upon said tract so subdivided, and with a just proportion of said delinquencies, but before such reapportionment shall become final,

Notice of hearing.

the reclamation board shall appoint a time when it will meet for the purpose of hearing objections to such reapportionment, and notice of such hearing shall be given by publication for two weeks in some newspaper of general circulation published in the county in which such land or some portion thereof is situated. Such notice need not describe the lands with particularity, but it shall be sufficient to describe the tract or tracts of land subdivided as a tract or tracts assessed to the owner or owners giving his name or other names upon the assessment list. As many tracts may be embraced in one application as applicant is the owner of, or interested in.

Hearing

At the time appointed, or such other time to which the hearing may be postponed, or which may be appointed by the reclamation board, the board shall hear any objections that may be made to such reapportionment and shall approve, or modify, or alter such reapportionment in such manner as in their judgment will charge each of said smaller parcels with a just proportion of the assessment made upon the tract so subdivided and shall enter an order on its minutes accordingly.

Filing new assessment

When such reapportionment shall have been made by the reclamation board, it shall deposit, in the office of the county treasurer of the county in which such land is situated, a list or lists of the charges assessed against each of said parcels, and said lists, after such filing with the county treasurer of said county, shall have the same effect as an original assessment. The filing of such lists shall be conclusive evidence that the requisite notice has been given, and that all acts required to be done before the filing of such lists have been duly done and performed, and the decision of the reclamation board shall be final and conclusive.

The expenses of publication and such other expenses as the reclamation board may order shall be borne and paid by the applicant.

Stats 1931, p 735.

SEC. 3. Section 37a of said act is hereby amended to read as follows:

Purpose of section

Stats 1925, p. 325.

Sec. 37a. The purpose of this section is to further the provisions of chapter 176 of the California Statutes of 1925 approving the modified report of the California Debris Commission dated January 5, 1925, as a plan for controlling the flood waters of the Sacramento and San Joaquin rivers and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of lands that are susceptible to overflow from said rivers and their tributaries, which said report was adopted by the Congress of the United States in section 13 of that certain act of said Congress entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928.

Money received from U S.

All money or funds which have heretofore or shall hereafter be reimbursed, paid or released by the United States to the State of California under and pursuant to the war department appropriations act of Congress for the fiscal year ending

June 30, 1930, being public law number eight hundred forty-three, seventieth Congress, approved February 28, 1929, and any and all acts of similar import adopted by the United States under and pursuant to the modified report of the California Debris Commission aforesaid are hereby appropriated for the uses and purposes hereinafter set forth, and all said money or funds together with all money which shall be or has been appropriated or made available by the State of California for expenditure during the eighty-first, eighty-second, eighty-third, eighty-fourth, eighty-fifth and eighty-sixth fiscal years under and pursuant to said chapter 176 California Statutes of 1925 hereinbefore referred to (except for purposes of bank protection and maintenance and except appropriations pursuant to the provisions of chapter 556, Statutes of 1919), shall immediately, upon any of said moneys becoming available, be deposited in a fund which is hereby created to be known as "Joint navigation and flood control project fund," which said fund shall be expended and disbursed by the State Reclamation Board for the uses and purposes and subject to the conditions hereinafter set forth at such times and in such manner as said reclamation board in its discretion shall deem necessary or proper; provided further, that in the event any moneys so made available during any of said fiscal years are not expended or encumbranced during such year said moneys shall not revert to the general fund but shall continue to be available for the uses and purposes herein specified from year to year until expended. The State Controller shall issue his warrants upon order by the reclamation board payable out of said fund and the State Treasurer is hereby directed to pay the same. Said money shall be set aside, disbursed and applied by the reclamation board for the uses and purposes hereinafter set forth in such amounts as said board may from time to time determine and declare, as follows, to wit:

Stats 1925, p 325.

Stats 1919, p 1209.

Fund created.

Use of fund

(1) For new construction, lands, rights of way, or easements required to be done or acquired by the State of California, pursuant to said plan or project. On all work which, under said report of the California Debris Commission is to be prosecuted jointly by the United States and the State of California, the reclamation board may upon request by the California Debris Commission cause warrants to be drawn by the State Controller and the State Controller shall draw his warrant in favor of the Treasurer of the United States payable out of said fund; provided, however, that no amounts shall be so drawn from said fund and paid to the said Treasurer of the United States unless an equal amount shall have been appropriated or authorized to be appropriated by the Congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work so to be undertaken jointly as aforesaid.

1 New construction.

(2) The reclamation board shall have the right to draw upon said fund in an amount not to exceed twenty-five thou-

2 Overhead

sand dollars during any one fiscal year for the purpose of defraying the general administrative operations and overhead of the said reclamation board in connection with the prosecution and completion of said modified report of the California Debris Commission.

3. Certain projects.

(3) The reclamation board may from time to time set aside for the uses and purposes hereinafter in this subdivision (3) set forth such portion, or portions, of the moneys of said fund as shall not theretofore have been set aside for the uses and purposes in subdivisions (1) and (2) of this section provided, and the State Department of Finance with the consent of the reclamation board is hereby authorized, from time to time and in such manner as it in its discretion shall determine to purchase, retire and cause to be canceled, at such price or prices as it may deem advisable, but not to exceed par plus the accrued interest thereon, all or any warrants or bonds of the Sacramento and San Joaquin Drainage District heretofore or hereafter issued as provided in the Reclamation Board Act or in chapter 520, Statutes of California 1919 and drawn on or based upon or secured by Sutter-Butte by-pass assessment number six, Feather River assessment number seven or Sacramento River outlet assessment number two.

Such of said money as becomes available for the purchase of warrants prior to or during the fiscal year commencing July 1, 1929, shall be allocated to the projects hereinafter set forth in the following proportions, to wit:

Sutter-Butte by-pass project number six	78.97%
Feather River project number seven	3.36%
Sacramento River outlet project number two	17.67%

Such of said money as may become available during the fiscal years commencing July 1, 1930, and July 1, 1931, shall be allocated to the said projects in the following proportions, to wit:

Sutter-Butte by-pass project number six	76.45%
Feather River project number seven	3.76%
Sacramento River outlet project number two	19.79%

Such of said money as may become available during the fiscal year commencing July 1, 1932, and each fiscal year thereafter, shall be allocated to the said projects in the following proportions, to wit:

Sutter-Butte by-pass project number six	95.31%
Feather River project number seven	4.69%

Legislative policy.

The Legislature hereby declares that said percentages are based upon what it has determined to be a relatively fair division and allocation of said funds based upon the proportion which the costs of each of said projects incurred for public benefits bears to the total cost for all of said projects for public benefits as distinguished from private and reclamation benefits and also having in mind appropriations pursuant to

the provisions of Statutes of California 1919, chapter 556 thereof, and also having in mind the retirement heretofore made of obligations of said projects. The use of moneys heretofore, or hereafter to be, appropriated or made available by the State of California to further carry out the legislation contained in chapter 176 of California Statutes of 1925 shall not be restricted to the uses and purposes hereinabove in subdivision (3) set forth, but such money, or any part thereof, may be set aside, applied and disbursed for any and all of the purposes in subdivisions (1), (2) and/or (3) of this section provided and in the manner and to the extent as hereinabove set forth.

All other acts or parts of acts in so far as they are in conflict with this act are hereby repealed.

CHAPTER 191.

An act to repeal an act entitled "An act to authorize justices of the District Court of Appeal for the Second Appellate District to provide proper rooms for the accommodation of the court and its officers and library, and declaring the expenses thereof to be an annual charge against the general fund in the State treasury," approved May 25, 1919.

Stats 1919, p. 1239.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby repealed.

Repeal

CHAPTER 192.

An act to amend Sacramento and San Joaquin Drainage District Refunding Act, approved May 26, 1927, as amended, by amending section 2 thereof, relating to the operation and maintenance of certain units of the flood control work within the Sacramento and San Joaquin drainage district.

Stats 1927, p 1503, amended.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2 of Sacramento and San Joaquin Drainage District Refunding Act, as amended, is hereby amended to read as follows:

Stats 1931, p 738

Sec. 2. For a period of four years from and after the date upon which this act as hereby amended becomes effective, the operation and maintenance of the units or portions of the flood control work within the Sacramento and San Joaquin

Work transferred to Department of Public Works.

Drainage District hereinafter enumerated shall be under the direction and control of the Department of Public Works, and the cost of such operation, control and maintenance, during said period, shall be defrayed by the State:

(1) The east levee of the Sutter by-pass north of Nelson slough.

(2) The levees and channels of the Wadsworth canal, the intercepting canals draining into the same, and all structures incidental thereto.

(3) The collecting canals, sumps, pumps and structures of the drainage system of project number six east of the Sutter by-pass.

(4) The by-pass channels of the Butte slough by-pass, the Sutter by-pass, the Tisdale by-pass, the Yolo by-pass and the Sacramento by-pass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(5) The levees of the Sacramento by-pass.

(6) The channels and the overflow channels of the Sacramento River and its tributaries within the Sacramento and San Joaquin Drainage District.

(7) The Sacramento River outlet enlargement project below Cache slough to the extent of the State's liability therefor.

(8) The Knights Landing ridge cut flowage area.

(9) The flood relief channels controlled by the Moulton and Colusa weirs and the training levees thereof.

The Sacramento and San Joaquin Drainage District and the reclamation board and the members thereof, during said period, are hereby relieved of all responsibility or liability for the operation or maintenance of all levees, overflow channels, by-passes, weirs, cuts, canals, pumps, drainage ditches, sumps, bridges, basins, or other flood control works within or belonging to the Sacramento and San Joaquin Drainage District.

CHAPTER 193.

An act to add a new section to chapter 4 of Division VI of the Agricultural Code, to be numbered 1217.5, relating to non-profit cooperative marketing associations.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 194.

An act to add section 1242 to the Probate Code, relating to judgment rolls.

Stats. 1931, p. 587, amended.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Probate Code, to be numbered 1242, to read as follows:

New section.

1242. The following papers, without being attached together, shall constitute the judgment roll in the proceedings mentioned in this code:

What constitutes judgment roll.

1. The petition or application or contest or report or account which initiates a particular proceeding; any order directing notice to be given of the hearing thereof; any notice of the hearing thereof, or any order to show cause made thereon, with the affidavits showing such publication, posting or mailing of the notice or order as may be required by law or the order of the court; the citation, in case no answer or written opposition is filed by a party entitled, by law or order of court, to notice of the proceeding by citation, with the affidavit or proof of service thereof, and if service of such citation is made by publication, the affidavit for such publication and the order directing publication; any finding of the court or referee therein; the order or judgment made or rendered therein; and the letters testamentary or of administration, if any.

2. If answer or demurrer or written opposition or counter petition in such proceeding is filed, all pleadings and all papers in the nature of pleadings therein; all orders striking out any pleading in whole or in part therein; any order made on demurrer, or relating to a change of parties, therein; the verdict of the jury, if any; and the papers mentioned in subdivision 1 of this section.

3. If the proceeding is for the probate of a will, the will; and if the proceeding is a contest of a will, or for the revocation of the probate of a will, or a partial, ratable or final distribution of the estate under a will, the will and the order admitting the same to probate; and the papers mentioned in subdivisions 1 and 2 of this section.

4. If the proceeding is for the settlement of the final account of the executor or administrator, or for the final distribution of the estate, the affidavit showing publication of notice to creditors, in addition to other papers as above provided.

CHAPTER 195.

Stats. 1923, p. 21, amended

An act to amend sections 1 and 3 of "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 1930. See Ch. 1055, Stats. 1933

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Deposit of State moneys in approved banks.

Section 1. All moneys under the control of the State Treasurer belonging to or in the custody of the State, shall, so far as possible, be deposited by the State Treasurer to the credit of the State in such State or national bank or banks in the State as the Treasurer, with the approval of the Governor and State Controller, shall select for the safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the State treasury; provided, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; and provided, further, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest for such deposits, as may be determined by bids to be submitted at such times and in such manner as the Treasurer shall direct; and provided, further, that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus, of any depository bank. Any and all bids may be rejected by the Treasurer, with the approval of the Governor and State Controller, and new bids asked for.

Conditions of deposit.

The expense of transportation of moneys to and from the State treasury to such depositories shall be borne by such depositories and they shall handle, collect and pay all checks, drafts and other exchange without cost to the State. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the State Treasurer; provided, however, that the Treasurer may with the consent of the Governor and Controller deposit any part of such moneys for a definite term and may agree with any depository bank or banks as to the period of time of any such deposit or deposits, but no such agreement shall provide for the deposit of any of said moneys for a longer period than one year; and, provided, further, that the State Treasurer is hereby authorized, under such conditions as he with the approval of the Governor, may fix, to deposit moneys in any bank or banks outside this State, necessary for the payment of the principal or interest of bonds, made payable outside of this State, at the place or places at which the same are payable.

Stats. 1923, p. 21

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Sec. 3. There shall be two classes of deposits; one class shall be known as inactive deposits, upon which interest shall be paid at not less than two per centum per annum; the other class shall be known as active deposits. The State Treasurer, with the consent of the Governor and Controller, shall determine what amount of money shall be deposited as active deposits and what amount of money shall be deposited as inactive deposits. The State Treasurer may call in moneys from inactive deposits and place them in active deposits, when it shall be necessary to do so for the purpose of providing for current demands; and, when there are inactive moneys in his possession for which there are no demands, said inactive moneys may be placed as active deposits. The maximum amount of such active deposits at any one time shall not be in excess of the greatest total disbursements made by the State Treasurer during sixty consecutive days in the preceding twelve months and the State Treasurer, with the approval of the Governor and State Controller, shall fix the rate of interest on such active deposits. When there are no demands for either active or inactive moneys the Treasurer may deposit with the Federal Reserve Bank of San Francisco any gold coin or other moneys in his possession and take from said bank a certificate or other exchange showing such deposit. The provisions of this act shall not apply to such deposits with the Federal Reserve Bank.

Active and inactive deposits.

CHAPTER 196.

An act to amend section 137 of the Fish and Game Code, relating to fish and game districts.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 197.

An act to repeal sections 19j and 19x10 of the Juvenile Court Law, relating to the probation officer in counties of the tenth class.

Stats 1915, p 1225, amended

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x10 of the act cited in the title hereof is hereby repealed.

Stats 1931, p 1004. Repeal

SEC. 2. Section 19j of the act cited in the title hereof is hereby repealed.

Stats 1915, p 1225. Repeal.

CHAPTER 198.

Stats. 1913, p. 1086, amended.

An act to repeal section 16x10 of the Weights and Measures Act, relating to the sealer of weights and measures in counties of the tenth class.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1003. Repeal.

SECTION 1. Section 16x10 of the act cited in the title hereof is hereby repealed.

CHAPTER 199.

An act to repeal section 2322x10 of the Political Code, relating to the office of the agricultural commissioner in counties of the tenth class.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. Section 2322x10 of the Political Code is hereby repealed.

CHAPTER 200.

An act to repeal Article X of Chapter X of Title II of Part IV of the Political Code, embracing section 4239, and to add to Chapter X of Title II of Part IV thereof a new Article X, embracing sections 4239 and 4239a to 4239w, inclusive, relating to the compensation of county and township officers in counties of the tenth class.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 997. Repeal.

SECTION 1. Article X of Chapter X of Title II of Part IV of the Political Code is hereby repealed.

New article.

SEC. 2. A new article is hereby added to Chapter X of Title II of Part IV of said code, to be numbered Article X and to read as follows:

Article X. Counties of the Tenth Class.

4239. General Provisions.
4239a. Clerk.
4239b. Sheriff.
4239c. Recorder.

4239d. Auditor.
4239e. Treasurer.
4239f. Tax Collector.
4239g. Assessor.
4239h. District Attorney.
4239i. Coroner.
4239j. Superintendent of Schools.
4239k. Surveyor.
4239*l*. Supervisors.
4239m. Public Administrator.
4239n. Agricultural Commissioner.
4239o. Probation Officer.
4239p. Sealer of Weights and Measures.
4239q. Official Reporter.
4239r. Jurors.
4239s. Jury Commissioner.
4239t. Township Classification.
4239u. Justices of the Peace.
4239v. Justice's Clerks.
4239w. Constables.

San Joaquin County. General provisions.

4239. (1) In counties of the tenth class, the salaries, fees, mileage and commissions provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage except as in this article provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this article otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by law. All compensations, fees, commissions, and mileage except as in this article otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all such compensation, commissions, fees and mileage as is required to be so paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

Duties of employees.

(2) All the deputies, assistants, employees, emergency help and clerks mentioned in this article shall perform in addition to the duties herein enumerated such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner as the principals are paid; except, that allowances for use of motor vehicles by deputy sheriffs employed as traffic officers shall

be made on claims against the county and paid by the board of supervisors as other claims are paid.

Bonds. (3) The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, surveyor, superintendent of schools, justices of the peace, constables and clerks of the justices of the peace, and the full time deputies and the bond clerk in the county treasurer's office shall be executed with a reliable bond and surety company and the cost of said bond when duly approved shall be a charge against the county, and payable out of the general fund.

Clerk. 4239a. In counties of the tenth class, the county clerk shall receive a salary of three thousand two hundred four dollars ($3,204) per annum, and is allowed the following deputies and assistants at the salaries indicated:

One chief deputy, two thousand one hundred sixty dollars ($2,160) per annum;

Three courtroom deputies, two thousand forty dollars ($2,040) per annum each;

Five office deputies, one thousand five hundred eighty-four dollars ($1,584) per annum each;

One deputy who shall act as clerk to the board of supervisors, two thousand forty dollars ($2,040) per annum;

Not to exceed twenty emergency deputies for the purposes of registering electors and performing all duties pertaining to elections, not to exceed the sum of four dollars ($4) per diem each. The aggregate compensation of said emergency deputies shall not exceed the sum of six thousand dollars ($6,000) in any one fiscal year; provided, however, that for each special election the clerk shall be allowed in addition to allowances herein provided for the actual and necessary expenses thereof not to exceed the sum of two thousand two hundred dollars ($2,200) for each such special election;

Extra deputies, for registering electors, ten cents for each elector registered and the postage or express charges necessary in sending affidavits of registration to the county clerk's office.

Sheriff. 4239b. In counties of the tenth class, the sheriff shall receive a salary of three thousand six hundred dollars ($3,600) per annum, and is allowed his actual, reasonable and necessary expenses in all criminal and civil cases.

The sheriff is allowed the following deputies at the salaries indicated:

One undersheriff, two thousand one hundred sixty dollars ($2,160) per annum;

One chief deputy, one thousand eight hundred dollars ($1,800) per annum;

One superintendent of identification, two thousand four hundred dollars ($2,400) per annum;

One assistant superintendent of identification, two thousand two hundred fifty-six dollars ($2,256) per annum;

One clerk of the identification bureau, one thousand two hundred dollars ($1,200) per annum;

Four deputies for service in the field, one thousand seven hundred forty dollars ($1,740) per annum each;

One motor boat deputy, one thousand seven hundred forty dollars ($1,740) per annum;

One chief jailor, one thousand eight hundred thirty-six dollars ($1,836) per annum;

Three jailors, one thousand five hundred thirty dollars ($1,530) per annum each;

Three bailiffs, one thousand four hundred seventy-six dollars ($1,476) per annum each;

One bookkeeper, one thousand five hundred thirty dollars ($1,530) per annum;

Two stenographers, one thousand three hundred fifty dollars ($1,350) per annum each;

One matron of the county jail, one thousand two hundred dollars ($1,200) per annum.

Recorder.

4239c. In counties of the tenth class the recorder shall receive a salary of three thousand two hundred four dollars ($3,204) per annum, and is allowed the following deputies at the salaries indicated:

One first assistant, two thousand forty dollars ($2,040) per annum;

One second assistant, one thousand six hundred ninety-two dollars ($1,692) per annum;

Two comparing clerks, one thousand five hundred eighty-four dollars ($1,584) per annum each;

One index clerk, one thousand five hundred eighty-four dollars ($1,584) per annum;

One deputy, one thousand four hundred twenty-eight dollars ($1,428) per annum;

Four deputies, one thousand three hundred fifty dollars ($1,350) per annum each;

Necessary assistants in cases of emergency, not to exceed the sum of four dollars ($4) per diem each. The aggregate compensation of said necessary assistants shall not exceed the sum of one thousand dollars ($1,000) in any one calendar year.

Auditor.

4239d. In counties of the tenth class the auditor shall receive a salary of three thousand two hundred four dollars ($3,204) per annum, and is allowed the following deputies and assistants at the salaries indicated:

One chief deputy, two thousand forty dollars ($2,040) per annum;

One second deputy, two thousand forty dollars ($2,040) per annum;

One chief accountant, two thousand forty dollars ($2,040) per annum;

One third deputy, one thousand eight hundred dollars ($1,800) per annum;

One stenographer, one thousand three hundred fifty dollars ($1,350) per annum:

Necessary assistants for the purpose of extending taxes and in cases of emergency, not to exceed the sum of four dollars ($4) per diem each. The aggregate compensation of said necessary assistants shall not exceed the sum of two thousand five hundred dollars ($2,500) in any one calendar year.

Treasurer. 4239e. In counties of the tenth class, the treasurer shall receive a salary of two thousand two hundred dollars ($2,200) per annum, and is allowed the following deputies and assistants at the salaries indicated:

One chief deputy, two thousand four hundred dollars ($2,400) per annum;

One deputy, one thousand eight hundred thirty-six dollars ($1,836) per annum;

One bookkeeper, one thousand seven hundred eighty-eight dollars ($1,788) per annum;

Two deputies, one thousand seven hundred forty dollars ($1,740) per annum each;

Two deputies who shall each serve for not more than six months in any one calendar year, one hundred twelve dollars and fifty cents ($112.50) per month each;

One deputy, who shall serve for not more than six months in any one calendar year, one hundred thirty-two dollars ($132) per month;

One deputy, who shall serve for not more than six months in any one calendar year, one hundred eighteen dollars ($118) per month;

One cashier and bond clerk, who shall serve for not more than two hundred days in any one calendar year, not to exceed the sum of five dollars ($5) per diem;

One guard, one thousand five hundred eighty dollars ($1,580) per annum;

One guard, who shall serve for a period of not to exceed one hundred eighty days in any one calendar year, not to exceed the sum of four dollars ($4) per diem;

Emergency deputies, as required, not to exceed the sum of four dollars ($4) per diem each. The aggregate compensation of the emergency deputies shall not exceed the sum of three thousand two hundred dollars ($3,200) in any one calendar year.

Tax collector. 4239f. In counties of the tenth class, the tax collector shall receive a salary of two thousand dollars ($2,000) per annum.

Assessor. 4239g. In counties of the tenth class, the assessor shall receive a salary of three thousand two hundred four dollars ($3,204) per annum, and is allowed his actual, reasonable and necessary expenses while engaged in his official duties in the field. The assessor is allowed the following deputies and assistants at the salaries indicated:

One draftsman, two thousand one hundred sixty dollars ($2,160) per annum;

One chief deputy, two thousand one hundred sixty dollars ($2,160) per annum;

One chief office deputy, one thousand seven hundred eighty-eight dollars ($1,788) per annum;

Two office deputies, one thousand five hundred eighty-four dollars ($1,584) per annum each;

One stenographer and copyist, one thousand three hundred fifty dollars ($1,350) per annum;

Fourteen field deputies, six dollars and fifty cents ($6.50) per diem each. Said field deputies shall be employed in the county outside of the city of Stockton, shall each serve for not more than eighty days in any one calendar year, and shall each furnish at his own expense necessary automobile transportation while so employed;

Emergency deputies, not to exceed the sum of four dollars ($4) per diem each. The aggregate compensation of the emergency deputies shall not exceed the sum of seven thousand six hundred eighty dollars ($7,680) in any one calendar year.

District attorney.

4239h. In counties of the tenth class, the district attorney shall receive a salary of four thousand five hundred dollars ($4,500) per annum, and shall be allowed, in addition to the salary herein fixed, his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which said charges and expenses incurred by him shall be a legal charge against the county. The district attorney shall not personally engage in private practice during office hours, but this shall not be construed to preclude him from nominal appearances in uncontested civil matters.

The district attorney is allowed the following deputies and assistants at the salaries indicated:

One first assistant, two thousand seven hundred sixty dollars ($2,760) per annum;

One second assistant, two thousand four hundred dollars ($2,400) per annum;

One third assistant, two thousand two hundred eighty dollars ($2,280) per annum;

One fourth assistant, two thousand two hundred eighty dollars ($2,280) per annum;

One shorthand reporter, two thousand two hundred eighty dollars ($2,280) per annum;

One county detective who has all the powers of, and is a peace officer and has power of deputization, and who shall perform such duties as may be required of him by the district attorney, one thousand eight hundred dollars ($1,800) per annum;

One secretary, one thousand three hundred fifty dollars ($1,350) per annum;

Two stenographers, one thousand two hundred dollars ($1,200) per annum each.

Coroner

4239i. In counties of the tenth class, the coroner shall receive such fees as are now or may hereafter be allowed by law, and is allowed the following clerk at the salary indicated:

One clerk, one thousand five hundred eighty-four dollars ($1,584) per annum;

In the event that the board of supervisors, in the manner provided by law, consolidates the duties of the coroner's office with the duties of another office, the coroner shall receive a salary of six hundred dollars ($600) per annum, and shall be allowed his actual and necessary expenses incurred in performing the duties of his office. He shall also in that event be allowed the following clerk at the salary indicated:

One clerk, one thousand five hundred eighty-four dollars ($1,584) per annum.

Superintendent of schools.

4239j. In counties of the tenth class, the superintendent of schools shall receive a salary of three thousand six hundred dollars ($3,600) per annum, and such other expenses as are allowed by the School Code, and is allowed the following deputies and assistants at the salaries indicated:

One first deputy, two thousand forty dollars ($2,040) per annum;

One second deputy, one thousand three hundred fifty dollars ($1,350) per annum;

Emergency deputies, not to exceed the sum of four dollars ($4) per diem each. The aggregate compensation of the emergency deputies shall not exceed the sum of one thousand two hundred dollars ($1,200) in any one calendar year.

Surveyor.

4239k. In counties of the tenth class the surveyor shall receive a salary of three thousand two hundred four dollars ($3,204) per annum, and is allowed his actual, reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

The surveyor is allowed the following deputies and assistants at the salaries indicated:

One chief deputy, two thousand four hundred dollars ($2,400) per annum;

One draftsman, one thousand eight hundred seventy dollars ($1,870) per annum.

Supervisors.

4239*l*. In counties of the tenth class, each member of the board of supervisors shall receive a salary of one thousand eight hundred dollars ($1,800) per annum. Each member shall also receive his necessary expenses when attending to the business of the county, other than the meetings of the board, and seven cents per mile each way in traveling to and from his residence to the county seat, but not more than one mileage at any one regular, adjourned, or special meeting of the board shall be allowed.

4239m. In counties of the tenth class, the public administrator shall receive such fees as are now or may hereafter be allowed by law. Public administrator.

4239n. In counties of the tenth class, the agricultural commissioner shall receive a salary of two thousand four hundred dollars ($2,400) per annum, and is allowed the following deputies and assistants at the salaries indicated: Agricultural commissioner.

Two deputies, one thousand seven hundred eighty-eight dollars ($1,788) per annum each;

One supervising inspector, two thousand forty dollars ($2,040) per annum;

One stenographer-bookkeeper, one thousand three hundred fifty dollars ($1,350) per annum;

One warehouseman-truck driver, one thousand five hundred thirty dollars ($1,530) per annum;

Fifteen inspectors, one thousand five hundred eighty-four dollars ($1,584) per annum each;

Fifteen inspectors, one dollar ($1) per annum each;

The agricultural commissioner, deputies and inspectors shall each be allowed expenses as provided for in the Agricultural Code, and their salaries and expenses shall be paid in the manner prescribed in said code.

4239o. In counties of the tenth class, the probation officer shall receive a salary of two thousand forty dollars ($2,040) per annum, and is allowed the following assistants at the salaries indicated: Probation officer.

One assistant, one thousand three hundred fifty dollars ($1,350) per annum;

Two assistants, one thousand two hundred dollars ($1,200) per annum each.

The probation officer and his assistants shall each be allowed expenses as provided for in the Juvenile Court Law, and their salaries and expenses shall be paid in the manner prescribed in said act.

4239p. In counties of the tenth class, the sealer of weights and measures shall receive a salary of two thousand forty dollars ($2,040) per annum, and is allowed the following deputy at the salary indicated: Sealer.

One deputy, one thousand five hundred eighty-four dollars ($1,584) per annum.

The sealer of weights and measures and his deputy shall each be allowed expenses as provided for in the Weights and Measures Act, and their salaries and expenses shall be paid in the manner prescribed in said act.

4239q. In counties of the tenth class, the fee of the official reporter for reporting testimony and proceedings in those cases in which said fee is by law made a county charge, shall be ten dollars ($10) per diem. Reporter.

4239r. In counties of the tenth class, the fees for each trial juror for attendance in the superior court shall be three dollars ($3) for each day's attendance, and said trial juror shall be allowed mileage at the rate of seven cents per mile for each Jurors.

and every mile actually and necessarily traveled in attending upon and returning from court, said mileage to be computed for daily attendance, irrespective of whether said daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed three dollars ($3) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of seven cents per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

Jury commissioner.

4239s. In counties of the tenth class, the jury commissioner shall receive a salary of one thousand two hundred dollars ($1,200) per annum, and is allowed his office expenses not to exceed one hundred fifty dollars ($150) per annum.

Township classification.

4239t. In counties of the tenth class, for the purpose of regulating the compensation of township justices, the township justices' clerks and the township constables, townships are hereby classified, on the basis of population into the following classes:

First class, townships having a population of forty-five thousand (45,000) or more;

Second class, townships having a population of thirty thousand (30,000) or more and less than forty-five thousand (45,000);

Third class, townships having a population of fifteen thousand (15,000) or more and less than thirty thousand (30,000);

Fourth class, townships having a population of ten thousand (10,000) or more and less than fifteen thousand (15,000);

Fifth class, townships having a population of seven thousand (7,000) or more and less than ten thousand (10,000);

Sixth class, townships having a population of four thousand (4,000) or more and less than seven thousand (7,000);

Seventh class, townships having a population of three thousand five hundred (3,500) or more and less than four thousand (4,000);

Eighth class, townships having a population of two thousand seven hundred fifty (2,750) or more and less than three thousand five hundred (3,500);

Ninth class, townships having a population of two thousand five hundred (2,500) or more and less than two thousand seven hundred fifty (2,750);

Tenth class, townships having a population of one thousand five hundred (1,500) or more and less than two thousand five hundred (2,500);

Eleventh class, townships having a population of less than one thousand five hundred (1,500).

For the purposes of this section, the population of the several townships shall be ascertained by multiplying the number

of registered voters therein at the last general election by three and one-half.

Justices of the peace.

4239u. In counties of the tenth class, justices of the peace of the several townships shall receive the following salaries:

In townships of the first class, three thousand dollars ($3,000) per annum;

In townships of the second class, two thousand seven hundred dollars ($2,700) per annum;

In townships of the third class, two thousand one hundred dollars ($2.100) per annum;

In townships of the fourth class, one thousand six hundred twenty dollars ($1,620) per annum;

In townships of the fifth class, one thousand two hundred dollars ($1,200) per annum;

In townships of the sixth and seventh classes, seven hundred twenty dollars ($720) per annum each;

In townships of the eighth, ninth and tenth classes, five hundred forty dollars ($540) per annum each;

In townships of the eleventh class, three hundred dollars ($300) per annum.

Justices' clerks.

4239v. In counties of the tenth class, justices of the peace of townships of the first and second classes, may each appoint one clerk, who shall hold office during the pleasure of the appointing power. Each clerk must give a bond in the sum of three thousand dollars, conditioned for the faithful discharge of the duties of the office. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. and during such reasonable time thereafter as may be necessary for the proper performance of his duties.

The justices' clerks shall receive the following salaries:

In townships of the first class, one thousand five hundred eighty-four dollars ($1,584) per annum;

In townships of the second class, one thousand three hundred fifty dollars ($1,350) per annum.

Constables.

4239w. In counties of the tenth class, constables shall receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the follow-

ing expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual reasonable and necessary cost of transporting prisoners to and from the county jail, of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest has been made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court or to the insane asylum.

Said constables shall also receive the following salaries for all services rendered by them in criminal cases:

In townships of the first, second, third, fourth and fifth classes, one thousand two hundred dollars ($1,200) per annum each;

In townships of the sixth and seventh classes, six hundred dollars ($600) per annum each;

In townships of the eighth, ninth and tenth classes, five hundred forty dollars ($540) per annum each;

In townships of the eleventh class, three hundred dollars ($300) per annum each.

CHAPTER 201.

Stats. 1911, p. 80, amended.

An act to repeal section 9a10 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,'" approved February 25, 1911, as amended, relating to the county librarian in the counties of the tenth class.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

Stats 1931, p 872. Repeal.

SECTION 1. Section 9a10 of the act cited in the title hereof is hereby repealed.

CHAPTER 202.

An act to add a new section to the Political Code to be known as 674a, relating to purchase and sale of bonds by the Director of the Department of Finance.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code to read as follows: New section.

Sec. 674a. Whenever by law the Director of Finance is authorized to invest funds in the purchase of bonds or whenever said director is authorized by law to sell bonds, the consent of the State Board of Control must be first secured. Purchase or sale of bonds by State.

CHAPTER 203.

An act to add section 374c to the Penal Code, relating to shooting from public roads and highways.

[Approved by the Governor April 28, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 374c and to read as follows: New section.

374c. Every person who shoots any firearm from or upon a public road or highway is guilty of a misdemeanor. Shooting on highways.

CHAPTER 204.

An act to amend section 16x33 of the Weights and Measures Act, relating to sealers of weights and measures in counties of the thirty-third class. Stats 1913, p. 1086, amended

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this twenty-eighth day of April, A.D. 1933.

FRANK F. MERRIAM,
President of the Senate.

WALTER J. LITTLE,
Speaker of the Assembly.

[In effect August 21, 1933.]

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

SECTION 1. Section 16x33 of the Weights and Measures Act is hereby amended to read as follows: Stats 1931, p 2452.

Mendocino County Sealer.

Sec. 16x33. The sealer of weights and measures in counties of the thirty-third class shall receive a salary of one hundred dollars per month, and deputies shall receive five dollars per day for each day actually employed

Sec. 2. This act shall apply to the present incumbents.

CHAPTER 205.

An act to amend section 2322x33 of the Political Code, relating to the office of the agricultural commissioner in counties of the thirty-third class.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this twenty-eighth day of April, A.D 1933.

FRANK F. MERRIAM,
President of the Senate.
WALTER J. LITTLE,
Speaker of the Assembly.

[In effect August 21, 1933.]

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

Stats 1931, p. 905.

Section 1. Section 2322x33 of the Political Code is hereby amended to read as follows:

Mendocino County. Agricultural commissioner

2322x33. In counties of the thirty-third class, the commissioner shall receive a salary of one thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there are hereby allowed to the commissioner, three inspectors to be appointed by said commissioner which positions are hereby created and the salaries are hereby fixed as follows: three inspectors at a compensation of three dollars per diem, during the time actually employed, but the aggregate which may be expended in any year for such inspectors shall not exceed five hundred dollars.

Sec. 2. This act shall apply to the present incumbents.

CHAPTER 206.

An act to amend section 4262 of the Political Code, relating to the compensation of the county and township officers in counties of the thirty-third class.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this twenty-eighth day of April, A.D 1933

FRANK F. MERRIAM,
President of the Senate
WALTER J. LITTLE,
Speaker of the Assembly.

[In effect August 21, 1933.]

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

Stats 1931, p. 1120

Section 1. Section 4262 of the Political Code is hereby amended to read as follows:

4262. In counties of the thirty-third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Mendocino County. Salaries.

1. The county clerk, two thousand four hundred dollars per annum. In counties of this class the county clerk is hereby allowed a deputy clerk, which office is hereby created, at an annual salary of one thousand eight hundred dollars. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid the sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section 1115 of this code; and provided, further, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, as proper allowance of said claim by said board of supervisors. Clerk.

2. The sheriff, four thousand five hundred dollars per annum. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; provided, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; provided, further, that the sheriff shall be entitled to receive and retain for his own use, all expenses necessarily incurred in conveying insane persons to and from the insane asylum, and in conveying persons to and from the State prisons, or other State institutions, which expenses shall be allowed by the board of examiners and collected from the State. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action. The sheriff shall not be entitled to any per diem for conveying persons to or from the said prisons or to or from the insane asylums or other State institutions. He shall have one deputy to be appointed by the sheriff, at a salary of one thousand five hundred dollars per annum, which office is hereby created. In the event that the offices of sheriff and coroner are consolidated, the holder of the consolidated office shall receive the salary heretofore specified for the sheriff and the following fees and no others: Sheriff.

For general services of holding an inquest before a jury or investigating the cause of death where such investigation is required by law, five dollars.

For each mile necessarily traveled by him in conducting an inquest before a jury or in making any investigation to ascertain the cause of death, his actual expense.

Recorder. 3. The recorder, two thousand one hundred dollars per annum. He shall have one deputy to be appointed by the recorder, at a salary of nine hundred dollars per annum, which office is hereby created.

Auditor. 4. The auditor, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand two hundred dollars per annum, to be appointed by the auditor, which office is hereby created, and one deputy at a salary of nine hundred dollars per annum, to be appointed by the auditor, which office is hereby created.

Treasurer. 5. The treasurer, two thousand one hundred dollars per annum; provided, that in the event the offices of treasurer and public administrator are hereafter consolidated, the holder of the consolidated office shall receive the salary heretofore specified for the treasurer and shall collect such fees as are now or may hereafter be allowed by law and shall deposit them, as collected, to the credit of the salary fund of the county; and that there shall be allowed to the holder of the consolidated office a clerk whose salary shall be one thousand eighty dollars per year to be paid by the county as other officers are paid.

Tax collector. 6. The tax collector, one thousand eight hundred dollars per annum. He shall have one deputy at a salary of nine hundred dollars per annum, to be appointed by the tax collector, which office is hereby created.

License collector. 7. The license collector, three hundred dollars per annum, but he shall receive no fees nor commissions on the amount of licenses collected, nor for any other service required by law.

Assessor. 8. The assessor, three thousand dollars per annum, but he shall receive no fees nor commissions on personal property taxes collected, nor for making up military roll, nor for any other service required by law. He shall have one office deputy at a salary of nine hundred dollars per annum, and eight deputies for a period not exceeding two months of each year, at a salary of one hundred fifty dollars per month, each, all to be appointed by the assessor.

District attorney. 9. The district attorney, two thousand six hundred dollars per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested.

The district attorney is hereby allowed a stenographer, which office is hereby created, at an annual salary of nine hundred dollars.

Coroner. 10. The coroner, such fees as are now or may be hereafter allowed by law.

11. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

12. The superintendent of schools, two thousand four hundred dollars and actual traveling expenses when visiting the schools of his county. He shall have one deputy, to be appointed by the superintendent of schools, at a salary of nine hundred dollars per annum, which office is hereby created. Superintendent of schools.

13. The surveyor shall receive ten dollars per diem while engaged in the discharge of the duties of the office, and he shall be allowed one deputy at a salary of ten dollars per diem while engaged in the discharge of his official duties. The surveyor shall also be paid the actual and necessary expenses of transportation of himself, his deputy and surveying crews, and subsistence of himself and deputy, all while in the field. He shall also be allowed four helpers at a wage of five dollars per diem, each, while actually and necessarily engaged in assisting the surveyor in the discharge of his duties. The county shall also provide for the use of the surveyor, a suitable office, office furniture, field and office equipment, lights and care for said office, office and record books, and other necessary materials for the performance of his duties. In computing the per diem of the surveyor, his deputy and crews, the time spent in traveling shall be included. Surveyor

14. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them: (1) In townships having a population of five thousand or more, one hundred dollars per month; provided, that where there is now or may be hereafter created in such township, more than one justice of the peace, the monthly salary of said two justices shall each be seventy-five dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, seventy-five dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, fifty dollars per month; (5) in townships having a population of five hundred and less than one thousand, forty dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. The population of townships shall, for the purposes of this section, be determined by the census last had by the Federal government. Justices of the peace.

15. Each member of the board of supervisors shall be allowed the sum of seventy-five dollars for each meeting of said board; provided, that no member shall be allowed to receive pay for more than twelve meetings during any one year; and the further sum of ten cents per mile, mileage in traveling to and from his residence to the county seat; and Supervisors.

for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; provided, he shall not in any one year receive more than six hundred dollars as such road commissioner.

Constables.

16. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: (1) in townships where the population is five thousand or more, sixty dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month; (5) in townships having a population of less than one thousand, twenty dollars per month. In addition to the monthly salaries allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issue of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; provided, that no more than three dollars shall be charged or received for any one day; and provided, further, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the civil cases. Constables may also, when necessary, by first obtaining an order from the district attorney of the county or from a judge of the superior court of this State, employ a temporary guard for the safekeeping or protection of prisoners, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive, in addition to the fees and salaries in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses, actually incurred in the pursuit within the county of insane persons or criminals charged with a felony, and the same shall be a county charge. The population of townships shall, for the purposes of this section, be determined by the census last had by the Federal government.

Jurors.

17. In counties of this class grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class,

jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents per mile; provided, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established.

Deputies and assistants

18. The salaries of all deputies and assistants provided for in this act shall be paid by the county, monthly, in the same manner and from the same fund as the county officers are paid.

Constitutionality.

The Legislature hereby declares that if any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act.

SEC. 2. This act shall apply to present incumbents.

CHAPTER 207.

An act to provide emergency unemployment relief through State loans in aid of counties and municipalities administering such relief; providing for the issue of bonds, and making appropriations for such purposes and declaring the urgency thereof.

[Approved by the Governor April 29, 1933. In effect June 27, 1933.]

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

Appropriation. Emergency unemployment relief.

SECTION 1. For the purpose of providing temporary emergency unemployment relief through furnishing to the counties and municipalities of the State an additional source of credit for financing their relief program during the two years next ensuing, there is hereby appropriated, to be expended in accordance with law by the State Emergency Relief Commission in cooperation with the Emergency Relief Administrator the sum of twenty million dollars which shall be made available in the form of loans in aid of counties and municipalities in administering relief work in accordance with the terms hereinafter specified. The moneys hereby appropriated shall be derived solely and entirely out of the fund provided by the sale of bonds under the provisions of this act.

Loans to counties and cities.

SEC. 2. The loans made under this act shall be secured by the notes of the counties or municipalities receiving such assistance, or by such other security as said commission and administrator may determine and shall constitute a debt of the borrowing county to the State. The loans shall bear interest at the rate paid by the State on the State bonds, or on whatever other means State adopts to finance these loans, and shall be

repaid in equal annual installments over a ten-year period, beginning July 1, 1937.

State Emergency Relief Commission.

SEC. 3. The administration of this act shall be vested in the State Emergency Relief Commission in cooperation with the Emergency Relief Administrator, special assistant to the Governor, at Sacramento. For the purposes of this act, the term "commission" whenever used herein refers to said commission and the term "administrator" whenever used herein refers to said administrator. For the purposes of this act said commission, acting with said administrator, may appoint and fix the compensation of such expert and professional assistants who shall be exempt from the provisions of the State Civil Service Act, and such other employees not so exempt as they may deem necessary to carry out the purposes of this act. The Emergency Relief Administrator shall, in the administration of this act, act in cooperation with, and as the executive officer of, the State Emergency Relief Commission, to the end that there shall be uniformity and economy in the administration of State funds and funds made available to the State by the Federal government for the relief of destitution.

Commission members.

The members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under the provisions of this act. Nothing in this act shall be construed to change or affect any existing arrangements or provisions relating to the compensation of the Emergency Relief Administrator.

Administrative expense.

SEC. 4. In the administration of this act the commission in cooperation with the administrator shall be authorized to expend out of the money appropriated in section 1 of this act for such purpose, for the purpose of supervision and administration, and for necessary office and clerical assistance a sum not exceeding fifty thousand dollars.

General powers of commission and administrator.

SEC. 5. For the purpose of this act the commission, or any member thereof, and the administrator is authorized to administer oaths and examine witnesses and shall possess all the powers conferred upon the head of a department by the provisions of section 653 of the Political Code.

SEC. 6. The commission acting in cooperation with the administrator is authorized to make all rules and regulations pertaining to the conditions under which unemployment relief loans shall be granted to the counties and municipalities applying for the same; to make rules and regulations as to the manner in which the money loaned to said counties and municipalities for unemployment relief shall be expended and the standards of relief that shall be made; to require, with respect to all such loans, that the communities so aided shall contribute equal or stipulated amounts for local unemployment relief.

No loans after July 1, 1935.

SEC. 7. No loan under this act shall be made on or after July 1, 1935.

SEC. 8. No loan shall be granted under this act, except under the following conditions, which shall be and are hereby made binding upon the county or municipality to which the loan is granted: Reasonable standards for administration of the relief financed in any part by the proceeds of the loan shall be prescribed by the commission in cooperation with the administrator. The standards, so prescribed, shall cover the amounts and proportions of aid and assistance granted to individuals, qualifications therefor, limiting the amount to be used for administrative purposes and such other matters as, in the opinion of the commission and the administrator should reasonably be made the condition of relief. The administration, and the method thereof, of any moneys loaned under this act, together with any other moneys applied to the same purpose as the loaned moneys shall be subject to the supervision and inspection of the commission and the administrator as executive officer thereof. For the purpose of such supervision and inspection the commission, or any member thereof, and the administrator is hereby authorized and empowered to exercise all the powers granted in section 5 of this act, to inspect the records and reports of any borrower hereunder in relation thereto and generally to supervise and prescribe standards for the expenditure of such moneys by the borrower and its agencies. Conditions on loans.

SEC. 9. For the purpose of creating a fund to provide for the making of loans under the provisions of, and for the administration of this act, the Unemployment Relief Finance Committee created by section 18 hereof shall be and it hereby is authorized to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, not otherwise, nor in excess thereof. Creation of loan fund.

SEC. 10. For the purposes of this act, and immediately after adoption of any resolution by the Unemployment Relief Finance Committee hereby created, provided for in section 19 of this act, the State Treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of twenty million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said Unemployment Relief Finance Committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer, and shall be so payable at the times specified in said resolution or resolutions. Bond regulations.

All bonds issued under this act shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer

either by original signature or by a signature stamp adopted for each particular bond issue under this act and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and referring to this act and to the resolution of the Unemployment Relief Finance Committee hereunder by virtue of which said bond is issued.

Interest coupons.

SEC. 11. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Retirement of bonds.

SEC. 12. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in section 13 hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the State Treasurer.

Appropriation · Bond payments.

SEC. 13. There is hereby appropriated from the general fund in the State treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

There shall be collected annually in the same manner and at the same time as other State revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collec-

tions of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Method of payment.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the State treasury, all of the moneys in the specific fund into which the proceeds from the sale of the said bonds have been covered as herein prescribed, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the State treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semiannually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the Controller of the State in favor of the State Treasurer or in favor of any duly authorized agent of the State Treasurer, upon demands audited by the State Department of Finance, and the moneys to be returned into the general fund in the State treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller of the State upon demands duly audited by the Department of Finance.

Appropriation Preparation of bonds.

SEC. 14. The sum of thirty-five thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the expenses that may be incurred by the State Treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the general fund in the State treasury out of the specific funds into which the proceeds from the sale of said bonds shall be respectively covered in accordance with the provisions of this act on Controller's warrant duly drawn for that purpose.

Sale of bonds.

SEC. 15. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said Treasurer shall be directed by the Governor of the State, under seal thereof, after a resolution requesting such sale shall have been adopted by the State Emergency Relief Commission, consented to in writing by the Emergency Relief Administrator and approved by the Governor, but said Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the Governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the

bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said Treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Notice of bond sale

SEC. 16. Due notice of the time and place of sale of all bonds must be given by said Treasurer by publication in one newspaper published in the City and County of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles once a week during four weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall forthwith be paid over by said Treasurer into the unemployment relief loan fund, which fund is hereby created in the State treasury, to be paid out in accordance with law and, except as herein provided, by the State Emergency Relief Commission in cooperation with the Emergency Relief Administrator. Such moneys must be administered strictly and exclusively in the administration of said act, except that proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Unemployment relief *loan fund* created.

Investment of surplus funds.

SEC. 17. The Director of Finance shall be and is hereby authorized, with the approval of the State Board of Control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the Board of Control; or the Director of Finance may, with the approval of the State Board of Control, invest moneys in any of the funds subject to the control of the commission and administrator or appropriated for their use, in interest bearing certificates of deposit of State banks having a paid up capital of five hundred thousand dollars or more; provided, that the total amount of money so deposited with any one bank shall not exceed a sum equal to fifty per cent of the paid up capital of such bank; provided, however, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with the provisions of an act entitled "An act to authorize and control the depositing in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts conflicting with this act," approved April 12, 1923, and of any and all acts amendatory thereof or supplemental thereto, of moneys of any of the funds subject to the control of the commission and administrator or appropriated for their use.

Stats 1923, p. 21

Interest accruing upon the deposit of moneys appropriated for the use of the commission and administrator, or of any funds subject to the control of the commission and administrator shall be paid into and credited to the respective appropriation or fund to which the money so deposited belongs.

Unemployment Relief Finance Committee created

SEC. 18. There is hereby created an Unemployment Relief Finance Committee composed of the Governor, State Controller, State Treasurer, Director of Finance, and the Emergency Relief Administrator, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The Attorney General of the State shall be the legal adviser of the Unemployment Relief Finance Committee.

Upon request of the commission, consented to in writing by the administrator, supported by a statement of the plans and projects of the commission, made in cooperation with the administrator, with respect thereto, the Unemployment Relief Finance Committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

Regulations for issuance of bonds.

SEC. 19. Whenever the said Unemployment Relief Finance Committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

Maturity dates.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the Unemployment Relief Finance Committee shall be guided by such estimates as they can secure of probable revenues to the counties to which, or to the counties in which the cities are located to which loans are made under the provisions of this act, from payments out of the motor vehicle fuel fund in the State treasury to said counties during the years 1938 to 1947, inclusive, in order that, as far as possible, the payments of interest and principal on said bonds out of the general funds of the State shall be reimbursed as far as possible out of said payments from the motor vehicle fuel fund as provided in this act. The Unemployment Relief

Finance Committee shall fix and determine said dates and amounts in such a manner as to, so far as possible, accomplish all said payments under such circumstances that the general fund will be reimbursed out of the motor vehicle fuel fund in the same year in which such payments of interest or principal are made and to the extent of such payments.

Interest. The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the Unemployment Relief Finance Committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; provided, that the interest coupon first payable may, if the Unemployment Relief Finance Committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Committee expense. SEC. 20. All actual and necessary expenses of the Unemployment Relief Finance Committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the State Department of Finance and on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the State Emergency Relief Commission and Emergency Relief Administrator.

Annual report. SEC. 21. The State Controller, the State Treasurer and the Unemployment Relief Finance Committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

When act effective. SEC. 22. This act shall take effect upon the adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating and making fully and completely effective this act.

Reimbursement of State from motor vehicle fuel fund SEC. 23. The officer or officers charged with the duty of ordering the making of payments and of making payments out of the motor vehicle fuel fund, or out of the fund into which the moneys now paid into the motor vehicle fuel fund are paid during the years hereinafter referred to, to the county treasuries as provided in the act creating the motor vehicle fuel fund and any other act providing that moneys be transferred or paid into that fund, shall in each year between the years 1938 to 1947, both inclusive, withhold from said pay-

ments to any county, or to any county in which there is a city which has borrowed money under the provisions of this act, an amount sufficient to pay one-tenth of the accumulated interest, compounded annually, on any loan made hereunder, from the date the loan to said county or city is made to the year in which the payment is withheld, and also one-tenth of the principal amount of said loan and also the interest on said loan for the current year. The equivalent of the sums so withheld shall be paid into the general fund of the State as reimbursement for the expenditures out of said fund in the payment of interest and principal on loans made hereunder.

County's consent to loan.

SEC. 24. Inasmuch as the State is to be reimbursed for loans made hereunder out of the motor vehicle fuel fund, and the payments from said fund are normally made to the counties, no loan under this act shall be made to any city unless the board of supervisors of the county in which the city is located by ordinance consent to said loan, and this shall be the case so long as and to such extent as the city does not provide for reimbursement of the county in the amount so withheld for said loan.

SEC. 25. The payments withheld from the counties under the provisions of this act shall constitute, pro tanto, payments of the loans by the State under the provisions of this act.

Alternative manner of reimbursement.

SEC. 26. Any county or municipality may, at the time of applying for or securing a loan under the provisions of this act, provide other means satisfactory to the Unemployment Relief Finance Committee, State Emergency Relief Commission and Emergency Relief Administrator, for the payment of said loan. In such case, said commission, together with said administrator, and said committee, shall by resolution state the means to be adopted for such repayment, and that they consent thereto. In such case no payments out of the said motor vehicle fuel fund or other fund into which are paid moneys now paid into the motor vehicle fuel fund shall be withheld from any county, as above provided, except as stated by the resolutions of the commission together with the administrator and of said committee.

Short title.

SEC. 27. This act may be known and cited as the "Unemployment Relief Bond Act of 1933" and shall take effect upon the adoption by the people of an amendment to the Constitution of the State of California expressly validating the provisions thereof.

CHAPTER 208.

An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

[Approved by the Governor May 1, 1933. In effect immediately.]

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

Registration of motor vehicles used for cooperative relief.

SECTION 1. (a) The Department of Motor Vehicles may, during the registration years of 1933 and 1934, issue a permit for any motor vehicle used exclusively in unemployment cooperative relief work by any cooperative association operating without profit, dues, or the payment of any salaries in the distribution by means of barter of goods, wares and merchandise from one region to another, which permit shall allow the operation of any such motor vehicle while so used without the payment of the registration fees required under the California Vehicle Act. Not more than six hundred permits may be issued under the provisions of this act.

(b) Every application for permit hereunder must be accompanied by an affidavit duly verified by the owner of the motor vehicle for which permit is requested, which affidavit shall set forth such facts as will enable the Department of Motor Vehicles to determine if such vehicle is entitled to be operated under such permit without payment of the registration fees therefor. Any person who makes a false statement in the affidavit required by this act is guilty of a misdemeanor.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such shall go into immediate effect. The following is a statement of facts constituting such necessity:

There are throughout the State of California a great number of unemployed and destitute people. Many persons and agencies have made available for the relief of such unemployed and destitute persons divers goods, wares and merchandise. It is necessary for the proper distribution of such goods, wares and merchandise that transportation facilities be furnished. Many persons own or possess motor vehicles, motor trucks, trailers and semi-trailers available for the solicitation or transportation of such goods, wares and merchandise but such persons are financially unable to pay the required fees for the registration of such vehicles and the prompt and efficient distribution of the same and immediate unemployment relief will be impossible if this act does not go into immediate effect.

CHAPTER 209.

An act to amend sections 8, 14 and 19 of chapter thirteen, Statutes of 1929, entitled "An act to carry into effect the provisions of section 16 of article thirteen of the Constitution of the State of California, relating to bank and corporation taxes," relating to taxes upon banks and corporations, and providing that this act shall take effect immediately.

Stats 1929, p. 19, amended.

[Approved by the Governor May 1, 1933. In effect immediately.]

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

SECTION 1. Section 8 of an act entitled "An act to carry into effect the provisions of section 16 of article thirteen of the Constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, is hereby amended to read as follows:

Stats. 1931, p. 60.

Sec. 8. In computing "net income" the following deductions shall be allowed:

Deductions allowed.

(a) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title or in which it has no equity.

Expenses.

(b) All interest paid or accrued during the taxable year on indebtedness.

Interest.

(c) Taxes or licenses paid or accrued during the taxable year, other than taxes paid to the State under this act or under subdivision (d) of section 14 of Article XIII of the Constitution of this State, and other than taxes on or according to or measured by income or profits paid or accrued within the taxable year imposed by the authority of (1) the government of the United States or any foreign country, (2) any State, Territory, county, city and county, school district, municipality, or other taxing subdivision of any State or Territory, and other than taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against local benefits as is properly allocable to maintenance or interest charges; provided, however, that the deduction of personal property taxes shall be subject to the provisions of section 26 hereof.

Taxes.

(d) Losses sustained during the taxable year and not compensated for by insurance or otherwise, except that such losses may, with the consent of the Franchise Tax Commissioner, hereinafter designated "commissioner," be accounted for as of a different period. In the case of any loss claimed to have been

Uncompensated losses.

sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition, the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or other disposition, no deduction for the loss shall be allowed unless the claim is made by a taxpayer, a dealer in stocks or securities, and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed. Upon the subsequent sale or disposition of shares of stock or securities, in respect of which a loss has been disallowed, the basis for measuring gain or loss in the case of the property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis shall be decreased in the amount of the difference.

Bad debts.

(e) Debts ascertained to be worthless and charged off within the taxable year, or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable in part only, the commissioner may allow such debt to be charged off in part.

Depreciation.

(f) Exhaustion, wear and tear and obsolescence of property to be allowed upon the basis provided in sections 113 and 114 of that certain act of the Congress of the United States known as the "Revenue Act of 1932," which are for the purposes of this subsection hereby referred to and incorporated with the same force and effect as though fully set forth herein.

Depletion.

(g) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements according to the peculiar conditions in each instance, such reasonable allowance in all cases to be made under the rules and regulations to be prescribed by the commissioner.

In the case of leases the deduction shall be equitably apportioned between the lessor and the lessee.

Computation of depletion.

The basis upon which depletion is to be allowed in respect of any property and the amount of depletion allowable shall be as provided in sections 113 and 114 of the said Revenue Act of 1932, which are, for the purposes of this subsection, hereby referred to and incorporated with the same force and effect as though fully set forth herein.

Dividends from income of intrastate business.

(h) Dividends received during the taxable year from a bank or corporation doing business in this State declared from income arising out of business done in this State; but if the income out of which the dividends are declared is derived

from business done within and without this State, then so much of the dividends shall be allowed as a deduction as the amount of the income from business done within this State bears to the total business done. The provisions of this subsection shall not apply to dividends received from corporations not taxable under article thirteen of the Constitution of this State.

The burden shall be on the taxpayer to show that the amount of dividends claimed as a deduction has been received from income arising out of business done in this State.

Return paid by mutual building and loan associations.

(i) In the case of a building and loan association, organized and operating wholly or partly on a mutual plan, the return paid or credited on or apportioned to the withdrawable shares of such association, but not exceeding the return such shares would receive computed at the average rate paid by all such associations in this State, or by such associations in a particular locality, as the Building and Loan Commissioner of this State may determine, on money borrowed or obtained through the issue during the taxable year of the association of all classes of notes and investment certificates not evidencing any proprietary interest in the association, such rate to be determined by the Building and Loan Commissioner and certified by him to the Franchise Tax Commissioner on or before the first day of March of each year.

Interest paid by mutual savings banks.

(j) In the case of a mutual savings bank, the entire amount of interest paid to depositors possessing no proprietary interest in the institution or in its surplus, and interest on their deposits to members possessing a proprietary interest in the institution or in its surplus at a rate determined by the State Superintendent of Banks to be the going rate of interest upon savings deposits in the State during the preceding calendar year, such rate to be certified by him to the commissioner on or before the first day of March of each year.

Income of farmers' cooperatives

(k) In the case of farmers, fruit growers, or like associations organized and operated in whole or in part on a cooperative or a mutual basis, (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, which may include reasonable reserves, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing, or producing, supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or by their agents; or when done on a nonprofit basis for or with nonmembers.

Income of other cooperatives.

(l) In the case of other associations organized and operated in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members, or with nonmembers, done on a nonprofit basis.

Effect if deduction adjudged discriminatory.

If any deduction provided for in this section is finally adjudged discriminatory against a national banking association contrary to section 5219 of the Revised Statutes of the United States, or is for any reason finally adjudged invalid, in that event the tax of the favored taxpayer shall be recomputed by the Tax Commissioner for the taxable year in question, as of the time of allowance of the deduction, by disallowing the deduction, and any difference between the amount of the tax as recomputed and the amount of the tax as originally computed shall be subject to the provisions hereof relating to original computations.

Stats. 1931, p. 60.

SEC. 2. Section 14 of said act is hereby amended to read as follows:

Allocation of income or deductions among affiliated banks and corporations.

Sec. 14. In the case of two or more corporations or banks or of one or more banks and one or more corporations owned or controlled directly or indirectly by the same interests, the commissioner is authorized to distribute, apportion, or allocate gross income or deductions between or among such corporations or banks, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such corporations or banks.

An affiliated group of banks or an affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for any taxable year in lieu of separate returns. In the case of a bank or corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such bank or corporation for such part of the year as it is a member of the affiliated group. As used in this section an affiliated group means two or more banks or two or more corporations connected through stock ownership, in the case of a bank, with a common parent bank, or in the case of a corporation with a common parent corporation, if at least ninety-five per centum of the stock of each of the banks or corporations, except the common parent bank or corporation, is owned directly by one or more of the other banks or corporations, as the case may be, and the common parent bank or corporation owns directly at least ninety-five per centum of the stock of at least one of the other banks or corporations as the case may be. As used in this section the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

Computation of tax on consolidated return

If a consolidated return is made subject to the provisions of this section the tax imposed under this act shall be computed as a unit upon the consolidated net income of the group except as hereinafter provided. The parent corporation and each subsidiary, a member of the group during any part of a consolidated period shall be severally liable for the tax (including any deficiency in respect thereof) computed upon the consolidated net income of the group. If a subsidiary by reason of a bona fide sale of stock for fair value has ceased

to be a member of the affiliated group its liability shall remain unchanged, except that if such cessation occurred prior to the date upon which any such deficiency is assessed, such deficiency, in the case of such former subsidiary, shall be reduced to an amount equal to such part as may be allocable to it upon the basis of the consolidated net income properly assignable to it. In no case, however, shall any demand for the payment of any deficiency be made, or any proceeding in court for the collection thereof be begun against such former subsidiary prior to the determination by the commissioner that the amount of the deficiency can not be collected from the parent corporation and the corporations (if any) remaining members of the affiliated group.

Where a member of an affiliated group filing a consolidated return is a bank or corporation commencing to do business in this State for the first time after the effective date of this act, its tax for its first and second taxable years shall be computed without regard to this section but in accordance with the provisions of section 13 of this act. The tax of the remaining members of the group for the year succeeding the year in which such bank or corporation commenced to do business shall be computed as if such bank or corporation were not a member of the affiliated group.

Commissioner to prescribe regulations.

The commissioner shall prescribe such regulations as he may deem necessary in order that the tax liability of an affiliated group of corporations making a consolidated return and of each corporation in the group during, before and after the period of affiliation, may be determined, assessed, collected, and adjusted in such manner as clearly to reflect the income and to prevent avoidance of tax liability.

Stats 1929, p. 19.

SEC. 3. Section 19 of said act is hereby amended to read as follows:

Computation of profit or loss from disposition of property.

Sec. 19. For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal or mixed, the basis shall be determined in accordance with the provisions of section 113 of the Federal Revenue Act of 1932 which are hereby referred to and incorporated for the purpose of this section with the same force and effect as though fully set forth herein.

(a) Except as otherwise provided in this section the gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the basis herein provided and the loss shall be the excess of such basis over the amount realized.

(b) In computing the amount of gain or loss under subsection (a) proper adjustment shall be made for any expenditure, receipt, loss or other item properly chargeable to capital account.

(c) The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market price or value of the property (other than money) received.

(d) In the case of a sale or exchange, the extent to which the gain or loss determined under this section shall be recognized shall be determined under the provisions of section 20.

(e) Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payments in installments) the inclusion in gross income of that portion of any installment payment representing gain or profit in the year in which such payment is received.

Liquidation of corporation.

(f) Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock.

The gain or loss to the distributee resulting from such exchange shall be determined under this section but shall be recognized only to the extent provided in section 20.

Other distribution by corporation.

(g) If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of earnings or profits, then the amount of such distribution shall be applied against and reduce the basis of the stock and if in excess of such basis, such excess shall be included in gross income in the same manner as a gain from the sale or exchange of property. The provisions of this subsection shall also apply to distributions from depletion reserves based on discovery value of mines.

Extension of time to file tax returns

SEC. 4. A general extension of time of two months, in the case of returns for the taxable year ended December 31, 1932, required by said act to be filed by March 15, 1933, and of one month, in the case of returns for the taxable year ended January 31, 1933, required to be filed by April 15, 1933, is hereby granted. No interest shall be assessed or collected by reason of such extension.

Constitutionality.

SEC. 5. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Tax levy.

SEC. 6. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately, and shall be applied in the computation of taxes accruing subsequent to December 31, 1932.

CHAPTER 210.

Stats 1929, p 19, amended.

An act to amend sections 4, 5, 6, 12, 13, 20, 21, 25, 26, 27, 29, 30, 31 and 33 of chapter thirteen, Statutes of 1929, entitled

"An act to carry into effect the provisions of section 16 of article thirteen of the Constitution of the State of California, relating to bank and corporation taxes," relating to taxes upon banks and corporations, and providing that this act shall take effect immediately.

[Approved by the Governor May 1, 1933. In effect immediately.]

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

SECTION 1. Section 4 of an act entitled "An act to carry into effect the provisions of section 16 of Article XIII of the Constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, is hereby amended to read as follows:

Stats. 1929, p. 19 See Stats. 1933, Ch. 303.

Sec. 4. Every financial, mercantile, manufacturing and business corporation doing business within the limits of this State, of the classes referred to in subdivision 2 (a) of section 16 of article thirteen of the Constitution of this State, shall annually pay to the State, for the privilege of exercising its corporate franchises within this State, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, at the rate of four per centum upon the basis of its net income for the next preceding fiscal or calendar year.

Corporations taxable under act.

Each such corporation shall be entitled to an offset against said franchise tax, in the manner hereinafter provided, in the amount of taxes paid upon its real and personal property to any county, city and county, city, town, or other political subdivision of the State, but the total offset shall not exceed seventy-five per centum of the said franchise tax, and in no case shall the taxpayer be entitled to offset more than ten per centum of its said real property taxes.

Offsets.

In any event, each such corporation shall pay annually to the State, for the said privilege, a minimum tax of twenty-five dollars.

Minimum tax.

Every corporation subject to be taxed pursuant to subdivision (d) of section 14 of article thirteen of the Constitution of this State, and not otherwise taxed in pursuance of this section, shall pay annually to the State a tax of twenty-five dollars in lieu of the tax on its general corporate franchise under the provisions of said subdivision (d).

The provisions of this section shall not apply to any corporation organized for religious, charitable, social, fraternal or civic purposes if its organization or activities result in no financial or pecuniary gain or profit to the stockholders or members thereof.

Exempt corporations.

Any corporation organized to hold the stock or bonds of any other corporation or corporations, and not trading in such stock or bonds or other securities held, and engaging in no other activities than the receipt and disbursement of dividends from such stock or interest from such bonds, shall not be considered a financial, mercantile, manufacturing or business cor-

poration or a corporation doing business in this State for the purposes of this act.

Accrual date.

Taxes under this section and under section 1 and 2 of this act shall accrue on the first day after the close of the "taxable year," as defined in section 11 hereof.

Tax computation when different statutes applicable

The tax on any bank or corporation for a period beginning in one calendar year (hereinafter in this section called "first calendar year") and ending in the following calendar year (hereinafter in this section called "second calendar year") where the law applicable to the computation of taxes for calendar year banks or corporations for the second calendar year is different from the law applicable to computation of taxes for calendar year banks or corporations for the first calendar year, shall be the sum of: (1) the same proportion of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such year, which the portion of such period falling within the first year is of the entire period; and (2) the same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period.

Refund of excess tax.

Any tax that has been paid under the law applicable to the first calendar year if in excess of the tax imposed by this section shall be refunded or credited to the bank or corporation as provided in section 27. Any tax in addition to that paid under the law applicable to the first calendar year made necessary by this section shall be immediately due and payable upon notice and demand from the commissioner.

Stats 1931, p 2225.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Definitions. "Corporation"

Sec. 5. The term "corporation," as herein used, shall include every financial corporation, other than a bank or banking association, and every mercantile, manufacturing and business corporation of the classes referred to in subdivision one (c) of section 5219 of the Revised Statutes of the United States, and every corporation subject to be taxed pursuant to section 4 hereof.

"Bank"

The term "bank," as hereinafter used, shall include national banking associations.

"Doing business"

The term "doing business," as herein used, means actively engaging in any transaction for the purpose of financial or pecuniary gain or profit.

Stats 1931, p. 2225

SEC. 3. Section 6 of said act is hereby amended to read as follows:

"Gross income"

Sec. 6. The term "gross income," as herein used, includes gains, profits and income derived from the business, of whatever kind and in whatever form paid; gains, profits or income from dealings in real or personal property; gains, profits or income received as compensation for services, as interest, rents, commissions, brokerage or other fees, or otherwise received in carrying on such business; all interest received from Federal,

State, municipal or other bonds, and, except as hereinafter otherwise provided, all dividends received on stocks. The term gross income does not include the following items which shall be exempt from taxation under this act:

Exemptions.

(a) Amounts received under life insurance policies and contracts paid by reason of the death of the insured but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(b) Amounts received (other than amounts paid by reason of the death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon. In the case of a transfer for a valuable consideration by assignment or otherwise, of a life insurance, endowment or annuity contract or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be excluded from gross income under paragraph (a) of this section.

(c) Stock dividends or subscription rights; but gain may be derived or loss sustained by the shareholders from the sale of such stock or the sale of such rights. The amount of gain derived or loss sustained from the sale of such stock or rights or the sale of the stock or rights in respect to which the stock or rights are issued or the sale of the stock acquired with such rights shall be determined as provided in section 19.

Stats 1929, p. 19.

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

Computation of net income.

Sec. 12. The net income shall be computed upon the basis of the taxpayer's annual accounting period, fiscal year or calendar year as the case may be, in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of said commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year, or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

Computation when accounting period changed.

If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income, shall with the approval of the commissioner, be computed on the basis of such new accounting period subject to the following provisions:

(a) If a taxpayer, with the approval of the commissioner, changes the basis of computing net income from fiscal year to calendar year, a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31. If the change is

from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the beginning of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the beginning of the new fiscal year.

(b) Where a separate return is made under paragraph (a) on account of a change in the accounting period then the income shall be computed on the basis of the period for which separate return is made. The due date of the separate return for such period is the fifteenth day of the third month following the close of that period.

(c) If a separate return is made under paragraph (a) on account of a change in the accounting period, the net income, computed on the basis of the period for which separate return is made, shall be placed on an annual basis by multiplying the amount thereof by twelve and dividing by the number of months included in the period for which separate return is made. The commissioner shall compute the amount of a tax on the income placed on such annual basis, and shall allow the offset provided for in section 26 from such tax. The tax due under this section (which shall not be subject to offset) shall be such part of the tax (less the offset allowed) computed on such annual basis as the number of months in such period is of twelve months.

Stats. 1931, p 64. See Stats. 1933, Ch. 303.

SEC. 5. Section 13 of said act is hereby amended to read as follows:

Annual return.

Sec. 13. Every bank and corporation shall, within two months and fifteen days after the close of its taxable year, transmit to the commissioner a return in a form prescribed by him, specifying, for the taxable year, all such facts as he may by rule, or otherwise, require in order to carry out the provisions of this act.

Tax when commencing business.

A bank which locates or commences to do business within the limits of this State, and a corporation which commences to do business in this State, after the effective date of this act, shall thereupon prepay the minimum tax hereunder, which prepayment must be made before the bank or corporation files with the Secretary of State its articles of incorporation or duly certified copy thereof as the case may be. Upon the filing of its return within two months and fifteen days after the close of its first taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year, a credit being allowed for the prepayment of the minimum tax. Said return shall also, in accordance with sections 23 to 26 inclusive, be the basis for the tax of said bank or corporation for its second taxable year, if its first taxable year is a period of twelve months. In every case in which the first taxable year of a bank or corporation constitutes a period of

less than twelve months, said bank or corporation shall pay as a prepayment of the tax for its second taxable year an amount equal to the tax (after the offset allowance has been computed) for its first taxable year, the same to be due and payable at the same times and in the same manner as if that amount were the entire amount of its tax (after the offset allowance has been computed) for that year; and upon the filing of its tax return within two months and fifteen days after the close of its second taxable year it shall pay a tax for said year based upon its net income received during that year, allowing a credit for the prepayment; but in no event shall the tax for the second taxable year be less than the amount of the prepayment for that year, and said return for its second taxable year shall also, in accordance with section 23 to 26 inclusive be the basis for the tax of said bank or corporation for its third taxable year. This paragraph shall not apply to a bank or corporation which commences to do business in this State, pursuant to a reorganization or pursuant to a consolidation of two or more banks or corporations.

Tax when reorganization commencing business.

Where a bank or corporation commences to do business in this State pursuant to a reorganization of a bank or corporation, it shall pay no tax for its first taxable year, but its tax for its second taxable year shall be computed upon the basis of its net income for its first taxable year and the net income of the reorganized bank or corporation for the months of the taxable year prior to the reorganization. Every such bank or corporation in its return filed for its first taxable year shall specify all such facts with respect to the reorganized bank or corporation for the months of the taxable year prior to the reorganization as the commissioner may require in order to carry out the provisions of this paragraph. The term "reorganization" as herein used shall include (1) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred; or (2) a recapitalization; or (3) a mere change in identity, form or place of organization however effected.

"Reorganization" defined.

Tax when consolidation commencing business.

Where a bank or corporation commences to do business in this State pursuant to a consolidation of two or more banks or corporations, it shall pay no tax for its first taxable year but its tax for its second taxable year shall be computed upon the basis of its net income for its first taxable year and the net income of the consolidated banks or corporations for the months of their taxable years prior to the consolidation. Every such bank or corporation in its return filed for its first taxable year shall specify all such facts with respect to the consolidated banks or corporations for the months of their taxable years prior to the consolidation as the commissioner may require in order to carry out the provisions of this paragraph.

Tax when merger.

Where a bank or corporation or two or more banks or corporations merge with another bank or corporation, the tax of the

surviving bank or corporation for its taxable year succeeding its taxable year in which the merger occurs shall be computed upon the basis of its net income for its preceding taxable year and the net income of the merged banks or corporations for the months of their taxable years prior to the merger. Every such surviving bank or corporation in its return for its taxable year in which the merger occurs, shall specify all such facts with respect to the merged banks or corporations for the months of their taxable years prior to the merger as the commissioner may require in order to carry out the provisions of this paragraph.

Rate of tax applicable.

Wherever it is provided in this section that the tax on any bank or corporation shall be measured in part by any of the net income of a reorganized, consolidated, or merged bank or corporation, the same rate of tax shall apply to such income as would have applied to such income had the reorganization, consolidation, or merger not occurred, and had the reorganized, consolidated, or merged bank or corporation continued doing business in this State.

Offsets.

The tax for the second taxable year of a bank or corporation doing business in this State pursuant to a reorganization or consolidation, and the tax of a surviving bank or corporation, in the case of a merger, for its first taxable year succeeding the merger, shall, in addition to any other offset allowed by this act, be subject to offset in the amount of real and personal property taxes paid by the reorganized, consolidated, or merged banks or corporations upon their property to any county, city and county, city, town or other political subdivision of the State during the taxable year in which the reorganization, consolidation or merger occurred; provided, however, that the offset herein provided for shall be allowed subject to the conditions and limitations set forth in sections 4 and 26 of this act.

Tax when dissolving or withdrawing from business.

Any bank or corporation which is dissolved and any foreign corporation which withdraws from the State during any year shall pay a tax hereunder only for the months of its fiscal year which precede such dissolution or withdrawal, according to or measured by such proportionate part of the net income of the preceding taxable year as the number of months of the year prior to such dissolution or withdrawal bears to the entire preceding taxable year; provided, however, that in the case of any bank or corporation which is dissolved, or which withdraws from the State during any year, the offset from the tax for the months prior to such dissolution or withdrawal shall not exceed that proportion of the offset computed under section 26 which the number of said months prior to such dissolution or withdrawal bears to the number of months of the preceding taxable year; and provided, further, that the taxes levied under this act shall not be subject to abatement or refund because of the cessation of business or corporate existence of any bank or corporation pursuant to a reorganization, consolidation, or merger. In any event, each

such corporation shall pay a minimum tax not subject to offset of twenty-five dollars for such period.

Tax when discontinuing business.

When a bank or corporation discontinues doing business within the State during any fiscal or calendar year as the case may be, and does not dissolve or withdraw from the State, during that year and does not resume doing business during the succeeding fiscal or calendar year, its tax for the year in which it resumes doing business shall be computed upon the basis of the net income for the year in which it discontinued doing business. One-half the amount of the additional tax shall be due and payable at the time the bank or corporation resumes doing business, and the balance shall be due and payable within six months of the time the bank or corporation resumes doing business. All the provisions of this act relating to delinquent taxes shall be applicable to such additional tax if it is not paid on or before its due date

Accrual of tax liability.

The tax liability imposed under this act shall attach whether a bank or corporation has a taxable year of twelve months or of less duration.

Stats. 1929, p. 19.

SEC. 6. Section 20 of said act is hereby amended to read as follows:

Computation of profit from sale or exchange.

Sec. 20. Upon the sale or exchange of property the entire amount of the gain or loss, determined under the preceding section shall be recognized, with the exceptions provided for in section 112 of said "Revenue Act of 1932," which are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

In the case of installment sales the taxpayer may elect to proceed in the manner provided in section 44 of the said revenue act of 1932, in which case the taxpayer shall account for profits on installments received subsequent to December 31, 1927, on sales made prior thereto. If the taxpayer elects to proceed otherwise, the transaction will be deemed to have been closed when the sale was made.

Stats 1929, p. 19.

SEC. 7. Section 21 of said act is hereby amended to read as follows:

Basis as to certain property.

Sec. 21. In the case of property acquired in a manner described in section 113 (a) (2) to (a) (12) of the Federal Revenue Act of 1932 the basis shall be determined in accordance with the provisions of section 113 of the Federal Revenue Act of 1932 which are hereby referred to and incorporated for the purpose of this section with the same force and effect as though fully set forth herein.

Stats 1931, p. 2225

SEC. 8. Section 25 of said act is hereby amended to read as follows:

Examination of returns.

Sec. 25. As soon as practicable after the return is filed, the commissioner shall examine it and shall determine the correct amount of the tax. If the commissioner determines that the tax disclosed by the original return is less than the tax disclosed by his examination he shall mail notice to the taxpayer at its post-office address (which must appear on its return) of the additional tax proposed to be assessed against

Notice.

it. Such notice shall set forth the details of the proposed additional assessment and of computing said tax.

Protest against additional tax.

Within sixty days after the mailing of said notice the taxpayer may file with the commissioner a written protest against the levy of the proposed additional tax, as computed by the commissioner, specifying therein the grounds upon which the protest is based. The protest must be under oath.

Hearing

If no such protest is so filed the amount of the tax shall be final upon the expiration of said sixty-day period. If a protest is so filed it shall be the duty of the commissioner to reconsider the computation and levy of the tax complained of, and if the taxpayer has so requested in its protest, it shall be the duty of the commissioner to grant said taxpayer, or its authorized representatives, an oral hearing. After consideration of the protest and the evidence adduced in the event of such oral hearing, the commissioner's action upon the protest shall be final upon the expiration of thirty days from the date when he mails to the taxpayer notice of his action, unless within that thirty-day period the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. The appeal must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination, and the reasons therefor, which shall be final upon the expiration of sixty days from the time of such determination, unless within such sixty-day period the commissioner shall apply to the Supreme Court of the State for a writ of certiorari or review for the purpose of having the lawfulness of the decision of the State Board of Equalization inquired into and determined.

Appeal to State Board of Equalization.

Demand for deficiency.

When a deficiency has been determined and the tax has become final under the provisions of this section, the commissioner shall mail notice and demand to the taxpayer for the payment thereof, and such tax shall be due and payable at the expiration of ten days from the date of such notice and demand.

A certificate by the commissioner or of said board as the case may be, of the mailing of the notices specified in this section shall be prima facie evidence of the computation and levy of the deficiency in tax and of the giving of said notices.

Limitation

Except in the case of a fraudulent return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the taxpayer within three years after the return was filed and no deficiency shall be assessed or collected with respect to the year for which such return was filed unless such notice is mailed within such period.

Stats. 1931, p. 64.

SEC. 9. Section 26 of said act is hereby amended to read as follows:

See Stats 1933, Ch 303

Sec. 26. A corporation subject to the tax herein provided for shall receive an offset against said tax, subject to the limita-

tions provided in section 4 hereof, for real and personal property taxes paid upon its property to any county, city and county, city, town or other political subdivision of the State during the taxable year. Every bank and banking association subject to the tax herein provided for shall receive an offset against said tax, subject to the limitations provided in section 3 hereof, for taxes paid upon its real property during the taxable year to any county, city and county, city, town, or other political subdivision of the State. At the time of payment of the first installment of tax under the provisions of section 23 of this act, each taxpayer claiming an offset against the tax shall submit to the commissioner evidence in such form as he shall prescribe in support of such claims. Offsets for local taxes.

Where a consolidated return has been made under section 14 hereof the offset allowable against the tax liability of the consolidated group may include said property taxes paid during said period by all corporations which are included in the consolidated group, subject to the limitations of section 4 hereof. Same: Consolidated returns.

If a bank or corporation in paying the tax provided for in this act desires to claim an offset in the computation of its tax, the four per centum rate shall be applied to such offset and the amount so computed shall be added to and included in the tax of the bank or corporation.

If any real or personal property taxes are at any time refunded to any bank or corporation taxable under this act and said bank or corporation has been allowed an offset for such taxes against any tax imposed under this act, said bank or corporation shall report that fact to the commissioner and shall pay a tax not subject to offset in an amount equivalent to any offset which has been allowed against any tax at any time imposed under this act on account of such refunded real or personal property taxes. Refunds of local taxes.

SEC. 10. Section 27 of said act is hereby amended to read as follows: Stats 1931, p. 64.

Sec. 27. If in the opinion of the commissioner, or said board, as the case may be, a tax has been computed in a manner contrary to law or has been erroneously computed by reason of a clerical mistake on the part of the commissioner or said board, such fact shall be set forth in the records of the commissioner, and the amount of the illegal levy shall be credited on any taxes then due from the taxpayer under this act, and the balance shall be refunded to the taxpayer or its successor through reorganization, merger, or consolidation, or to stockholders upon dissolution. Refunds

If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, the commissioner shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board, the same shall be credited on any taxes then due from the taxpayer under this act and the balance shall be refunded to the taxpayer, but no

Claims for refunds.

such credit or refund shall be made in the case of overpayments made before June 1, 1932, unless duplicate copies of a claim for refund are filed by the taxpayer with the commissioner within one year from the date of overpayment, and in the case of overpayments made on or after June 1, 1932, unless duplicate copies of a claim for refund are filed within three years from the date of overpayment. Every claim for refund must be in writing under oath and must state the specific grounds upon which the claim is founded.

Disallowance of claims.

If the commissioner disallows any claim for refund he shall notify the taxpayer accordingly. Within thirty days after the mailing of such notice, or if the commissioner does not act upon any claim for a refund within six months from the time the claim was filed, then within thirty days after the expiration of said six months, the commissioner's action upon the claim shall be final, unless within such thirty-day period the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. The appeal must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. If the board sustains the commissioner the commissioner's action in disallowing the claim shall thereupon be final.

Appeal.

Interest

Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of six per centum per annum as follows:

(1) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this act.

(2) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the commissioner.

Recovery of erroneous refunds.

Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of six per centum per annum from the date the refund was made or the credit allowed, in an action brought by the Controller of the State in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, and such actions shall be tried in the county of Sacramento unless the court with the consent of the Attorney General, order a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

In the event that a tax has been illegally levied against a taxpayer the commissioner shall certify such fact to the State Board of Control and said board shall authorize the cancellation of the tax upon the records of the commissioner. Cancellations

SEC. 11. Section 29 of said act is hereby amended to read as follows: Stats. 1929, p 19.

Sec. 29. The taxes levied under this act shall constitute a lien upon all property of the taxpayer, which lien shall attach on the first Monday in March of the year in which the taxes accrue; provided, however, that in the case of a bank or corporation commencing to do business in this State for the first time after the effective date of this act the lien of the taxes for the first and second taxable years of such bank or corporation shall attach on the first Monday in March subsequent to the time the bank or corporation commenced to do business. Every tax herein provided for has the effect of a judgment against the taxpayer, and every lien has the effect of an execution duly levied against all property of the delinquent, and the judgment is not satisfied nor the lien removed until the tax and the penalty are paid, or the property sold for the payment thereof. No decree of dissolution shall be made and entered by any court, nor shall the county clerk of any county or the Secretary of State file any such decree, or file any other document by which the term of existence of any taxpayer shall be reduced or terminated, nor shall the Secretary of State file any certificate of the surrender by a foreign corporation of its right to do intrastate business in this State until the tax and penalty shall have been paid. Tax liens.

SEC. 12. Section 30 of said act is hereby amended to read as follows: Stats 1929, p 19.

Sec. 30. Any taxpayer claiming that the tax computed and levied against it is void in whole or in part may pay its tax under protest and bring an action against the State Treasurer for the recovery of the whole or any part of the amount paid. The protest must be in writing and must state the grounds upon which the claim is founded. Such action must be filed within ninety days from the date of mailing the notice of final determination of the tax under section 25 hereof or the tax rate under section 4a hereof; provided, that no action shall be filed for the recovery of a deficiency assessment unless the taxpayer has made protest to the commissioner of the computation and levy complained of under the provisions of section 25 hereof; and provided further, that no such action shall be filed to recover any deficiency assessment, or any part thereof, if the taxpayer has at any time appealed to the State Board of Equalization from the action of the commissioner in overruling the taxpayer's protest to the commissioner's proposal of the said deficiency assessment. Actions to recover taxes paid under protest.

When a refund claim has been filed under the provisions of section 27 hereof, and the same has been denied or no action thereon has been taken by the commissioner within six months Same Refunds.

from the filing thereof, the taxpayer may bring an action against the State Treasurer on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed as an overpayment, but such action must be brought within ninety days from the date of the commissioner's final action upon such claim; provided, that no action shall be filed if the taxpayer has appealed to the State Board of Equalization from the action of the commissioner with respect to any refund claim.

Procedure. Whenever under the provisions of this section an action is commenced against the State Treasurer, a copy of the complaint and the summons must be served upon the Treasurer, or his deputy. At the time the Treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted The Attorney General must defend the action. The provisions of the Code of Civil Procedure, relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes. In any such action the court shall have power to render judgment for plaintiff for any part or portion of the tax, interest, penalties or costs found to be void and so paid by plaintiff upon such assessment. The amount of the judgment shall first be credited on any taxes due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff or its successor through reorganization, merger, or consolidation, or to its stockholders upon dissolution.

Review of decisions of State Board of Equalization. Within sixty days after the determination of the State Board of Equalization of any appeal from the action of the commissioner either the commissioner or the appellant may apply to the Supreme Court of the State for a writ of certiorari or review for the purpose of having the lawfulness of the decision or order of the board inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the board to certify its record in the case to the court. On the return day, the cause shall be heard by the Supreme Court, unless for a good reason the same be continued. No new or additional evidence may be introduced in the Supreme Court, but the cause shall be heard on the record of the board as certified to by it. The review shall not be extended further than to determine whether the board has regularly pursued its authority, including a determination of whether the decision or order under review violates any provision of the Constitution of the United States or of the State of California. The findings and conclusions of the board on questions of fact shall be final and shall not be subject to review. The board and each party to the proceeding before the board shall have the right to appear in the review proceeding. Upon the hearing, the Supreme Court shall enter judgment either

affirming or setting aside the order or decision of the board. The provisions of the Code of Civil Procedure of this State relating to the writs of review shall, so far as applicable and not in conflict with the provisions of this act apply to proceedings instituted in the Supreme Court under the provisions of this section.

Interest. In any judgment of any court rendered for any overpayment in respect of any tax imposed by this act, interest shall be allowed at the rate of six per centum per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the commissioner.

Stats. 1929, p. 19. SEC. 13. Section 31 of said act is hereby amended to read as follows:

Actions to recover delinquent taxes. Sec. 31. At any time within three years after the delinquency of any tax, or any installment thereof, the Controller of the State may bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California to collect the amount delinquent, together with penalties, and such action shall be tried in the county of Sacramento unless the court, with the consent of the Attorney General, order a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings, herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In such action a certificate by the commissioner or by the Controller showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency and of compliance by the commissioner and the State Board of Equalization with all the provisions of this act in relation to the computation and levy of the tax.

Seizure and sale of property for delinquent taxes. At any time within which an action can be brought to collect any delinquent tax as provided in the preceding paragraph, the Controller may collect the tax, together with penalties and interest, in the following manner: The Controller shall seize any property, real or personal, owned by the bank or corporation against whom the tax is assessed, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the tax due hereunder, together with any interest, and any penalty or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent bank or corporation and to all persons appearing of record to have an interest in such property, in writing at least ten days before the date set for such sale by enclosing such notice in an envelope addressed to said bank

Notice

or corporation at its last known place of business in this State if any, and, in the case of any person appearing of record to have an interest in such property, addressed to such person at the last known place of residence, if any, and depositing the same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, however, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county for said ten-day period. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the taxes, interest, penalties and costs, the name of the bank or corporation, and the further statement that, unless such taxes, interest, penalties and costs are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

Contents of notice

Sale

At any such sale, the property shall be sold by said Controller or his duly authorized agent in accordance with law and said notice, and the Controller shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest title in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of said bank or corporation. If, upon any such sale, the moneys so received shall exceed the amount of all taxes, interest, penalties and costs due the State from such bank or corporation, any such excess shall be returned to the bank or corporation and a receipt therefor obtained; provided, however, that if any person having an interest in or lien upon the property has filed with the Controller prior to any such sale notice of such interest or lien the Controller shall withhold any such excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If, for any reason, the receipt of such bank or corporation shall not be available, the Controller shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such bank or corporation or its successor through reorganization, merger, or consolidation, or its stockholders upon dissolution.

State's remedies are cumulative.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the Controller shall be or be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

Stats. 1931, p. 2225.

SEC. 14. Section 33 of said act is hereby amended to read as follows:

Sec. 33. Any corporation which has suffered the suspension or forfeiture provided for in the preceding section may be

relieved therefrom upon making application therefor in writing to the Controller and upon payment of the tax and the interest and penalties for nonpayment of which the suspension or forfeiture occurred, together with all other taxes, deficiencies, interest and penalties due under the act if the payment is made during the taxable year in which the suspension or forfeiture occurred, or upon payment of such amounts together with an amount equal to the amount of the tax and penalties for the nonpayment of which the suspension or forfeiture occurred, if payment is made in any year other than such year, and upon the issuance by the Controller of a certificate of revivor. Application for such certificate on behalf of any domestic corporation which has suffered such suspension may be made by any stockholder or creditor or by a majority of the surviving trustees or directors thereof; application for such certificate may be made by any foreign corporation which has suffered such forfeiture or by any stockholder or creditor thereof.

Revivor of corporate powers upon payment.

Before such certificate of revivor is issued by the Controller he shall obtain from the Secretary of State an endorsement upon such application of the fact that the name of such corporation is not one which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive, the name of a foreign or domestic corporation which is authorized to transact business in this State or a name which is under reservation. If the name of such corporation is one which is likely to mislead the public or is the same as, or resembles so closely as to tend to deceive, the name of a foreign or domestic corporation which is authorized to transact business in this State, or a name which is under reservation, the Secretary of State shall not endorse such statement upon such application until the corporation therein named, if it be a domestic corporation, files in his office amended articles of incorporation changing its name, or, if it be a foreign corporation, files in his office a copy of such document changing its name as may be required by the law of the State or other jurisdiction under which it was incorporated, which copy shall be certified in the manner prescribed by section 405 of the Civil Code. Upon the issuance of such certificate by the Controller the corporation therein named shall become reinstated but such reinstatement shall be without prejudice to any action, defense or right which has accrued by reason of the original suspension or forfeiture. The certificate of revivor shall be prima facie evidence of such reinstatement and such certificate may be recorded in the office of the county recorder of any county of this State.

Corporate name

SEC. 15. A general extension of time of two months in the case of returns for the taxable year ended December 31, 1932, required by said act to be filed by March 15, 1933, and of one month, in the case of returns for the taxable year ended January 31, 1933, required to be filed by April 15, 1933, is hereby granted. No interest shall be assessed or collected by reason of such extension.

Extension of time to file tax returns.

Constitutionality

SEC. 16. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Tax levy

SEC. 17. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of article four of the Constitution, take effect immediately, and shall be applied in the computation of taxes accruing subsequent to December 31, 1932.

CHAPTER 211.

An act to provide for the taxation of Massachusetts or business trusts, and providing that this act shall take effect immediately.

[Approved by the Governor May 1, 1933 In effect immediately.]

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

Franchise tax on Massachusetts and business trusts.

SECTION 1. Every Massachusetts or business trust doing business within the limits of this State shall annually pay to the State for the privilege of doing business within this State a tax according to or measured by its net income to be computed in the manner hereinafter provided at the rate of 4 per centum upon the basis of its net income for the next preceding fiscal or calendar year.

See Ch 1049, Stats. 1933.

In any event each such Massachusetts or business trust shall annually pay to the State for the said privilege a minimum tax of twenty-five dollars.

Accrual date.

Taxes under this section shall accrue on the first day after the close of the taxable year as hereinafter defined.

Stats 1929, p 19 as amended, made applicable

SEC. 2. Sections 5 to 38 inclusive of chapter 13, Statutes of 1929, entitled "An act to carry into effect the provisions of section 16 of article thirteen of the Constitution of the State of California, relating to bank and corporation taxes," as amended, and any amendments thereto hereafter made shall apply, and shall be construed to apply to all such Massachusetts or business trusts to the same extent and with the same force and effect as they are applicable to manufacturing, mercantile and business corporations of the classes referred to in subdivision 2 (a) of section 16 of article thirteen of the Constitution of this State.

Massachusetts or business trust defined

SEC. 3. The term Massachusetts or business trust as herein used shall include every business organization consisting essentially of an arrangement whereby property is conveyed to

trustees where the trustees are not restricted to the mere collection of funds and their payment to the beneficiaries but are associated together with similar or greater powers than the directors in a corporation for the purpose of carrying on some business enterprise.

Trust instrument to be filed

SEC. 4. A copy of the trust instrument of any Massachusetts or business trust doing business within the limits of this State shall be filed in the office of the Secretary of State and the county clerk of any county in which the said Massachusetts or business trust does business.

Liability for failure to file

If said instrument is not filed as herein provided by any Massachusetts or business trust now doing business within the limits of this State within sixty days after the effective date of this act, or in the case of any such Massachusetts or business trust commencing to do business within the limits of this State after the effective date of this act, if said instrument is not filed as herein provided prior to commencing to do business the beneficiaries of such trust shall be personally liable jointly and severally for the acts done thereafter by the trustees of such Massachusetts or business trusts.

Constitutionality.

SEC. 5. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Tax levy

SEC. 6. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of article four of the Constitution, take effect immediately.

CHAPTER 212.

An act to amend sections 5 and 7 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expense thereof," approved May 23, 1923, relating to organization and management of fire protection districts.

Stats 1923, p 431, amended.

[Approved by the Governor May 3, 1933 In effect August 21, 1933]

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

Stats 1931, p 1599.

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Powers and duties of supervisors.

Sec. 5. The board of supervisors of any county wherein any county fire protection district is established shall be the governing body thereof and shall have power to make and enforce all rules and regulations necessary for the administration and government of such district and for the furnishing of fire protection thereto and for the elimination of fire hazards therein; to appoint agents and employees for such district sufficient to maintain and operate the property acquired for the purposes of the district and to police the district; to clear any or all town lots, homesites, villa lots or lands immediately adjacent thereto within the district of dry grass, weeds, stubble, brush, rubbish, litter or other inflammable material; to acquire real or personal property needful for the purposes of said district and to dispose of the same when no longer needed; to construct any needed structures; to accept donations or contributions of any kind or nature which are made to the fire protection district and to expend donated or contributed funds in furtherance of the purposes of this act; and to perform all other acts necessary or proper to accomplish the purposes of this act, and not inconsistent with the provisions thereof.

Stats. 1923, p. 670.

SEC. 2. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Annual tax levy.

Sec. 7. The board of supervisors shall levy a tax each year equally upon all taxable property real, personal or mixed in each county fire protection district sufficient to defray the cost of maintenance thereof and to meet such other expenditures as are authorized by this act in connection therewith. Such tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this act with respect to the district within which collected and for no other purpose. In case the board of supervisors should appoint five commissioners to manage the affairs of the district as provided in section 5 hereof, said commissioners shall recommend the amount of tax to be levied, and certify the same by resolution to the board of supervisors not later than the first day of August of each year. The board of supervisors may also provide that demands on the funds of the district shall be made upon warrants issued by the county auditor upon requisition of said commissioners, signed by the president and attested by the secretary thereof; in which case, the treasurer of the county shall pay such warrants without further authority.

Disbursement of funds

CHAPTER 213.

An act to add a new section to the Political Code, to be numbered 473a, relating to the centralization in the Attorney General's office of all attorneys and legal advisers for

State departments, divisions, commissions, bureaus, boards, offices, and institutions, and the reimbursement of the Attorney General's office for such services.

[Approved by the Governor May 3, 1933 In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 473a and to read as follows: New section.

473a. No department, division, commission, bureau, board, office or institution of the State, except the Division of Contracts and Rights of Way, Division of Labor Statistics and Law Enforcement, Industrial Accident Commission, Railroad Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Division of Water Resources, Secretary of State, Division of State Lands, and Department of Education shall employ any legal advisor or attorney other than the Attorney General, or one of his assistants or deputies, in any matter in which such department, division, commission, bureau, board, office or institution is interested. Centralization of attorneys for State agencies.

Whenever the provisions of any existing statute authorize any department, division, commission, bureau, board, officer or institution of the State to employ an attorney or attorneys or any person in a legal advisory capacity other than as in this section provided, the terms of such statute shall, subject to the provisions hereof, be deemed and construed to refer to an assistant or assistants, deputy or deputies, of the Attorney General. The Attorney General shall have power to assign to any such department, division, commission, bureau, board, office or institution such assistant or assistants, deputy or deputies from his staff, under such terms and conditions as he shall deem necessary to conduct the legal business of, or render legal advisory service to, said department, division, commission, bureau, board, office or institution. Attorney General to assign deputies.

The cost of all such legal services performed or rendered by the Attorney General or by any of his deputies or assistants for a State department, division, commission, bureau, board, office or institution which is supported otherwise than by appropriations from the general fund in the State treasury, shall be a charge against, and shall be paid from the moneys and funds appropriated, or made available by law, for the support of such department, division, commission, bureau, board, office or institution, and shall be fixed and determined by the Attorney General. All moneys paid for such services, under and pursuant to this section, shall be paid into the State treasury to the credit and in augmentation of the current appropriation for the support of the Attorney General's office, to be expended in accordance with law, for the support of said office. Cost of legal services.

CHAPTER 214.

Stats 1913, p 1035, amended

An act to add a new section to be numbered 14a to the "State Civil Service Act," relating to the abolition or discontinuance of positions.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section to be numbered 14a is hereby added to the act cited in the title hereof, to read as follows:

Lay off of State employees

Sec. 14a. Whenever it is necessary because of lack of work or lack of funds, or whenever it is advisable in the interests of economy, to reduce the staff of any department or agency in the State service, the appointing power may with the approval of the commission lay off employees according to the procedure set forth in this act and the rules and regulations thereunder. The duties performed by the employee or employees so laid off may be assigned to any other permanent civil service employee or employees in the department or agency, who in the opinion of the commission are qualified to perform such duties regardless of the specific classification or grade to which such employees are allocated. Any action brought against the appointing power or the Civil Service Commission by an employee laid off must be brought and served within one year, but in the event of such action said employee can not be compensated for the time subsequent to the date of lay off unless such action is filed and served within ninety days from the date of lay off.

Limitation of actions for lay off.

Abolition or discontinuance of positions

In the event that any department, board, commission, elective office or other State agency decides to abolish one or more positions of any grade, or to temporarily discontinue the same because of lack of work or lack of funds, or in the interest of economy, then a number of employees of that department, board, commission, elective office or agency equal to the number of positions to be so abolished or discontinued, shall be laid off. Lay offs shall be made in accordance with the seniority and the efficiency of the employee or employees of the grade in which the lay off is to be made by applying the following rule: In determining the rating to be given for seniority, two points shall be allowed for each complete year of State service, and in determining the rating to be given for efficiency that number of points shall be allowed which expresses the efficiency of the employee in terms of percentage of perfection, with one hundred per cent considered as perfect; provided, however, that if a rating of less than seventy per cent for efficiency is given to an employee the employee or the commission may compel the appointing authority to prefer charges against said employee for inefficiency in accordance with section 14 of this act. In making lay offs the combined score of the employee for seniority and efficiency shall be con-

Rules for lay offs

sidered, and the employee or employees of the grade under consideration having the lowest combined score or scores, up to the number of positions to be abolished or discontinued, shall be laid off; provided, however, that in any case where an employee has previously served the State with civil service status in the next lower grade of the class under consideration, or its equivalent in any previous classification, said employee shall be afforded the option of being demoted to said lower grade in lieu of being laid off, to replace the employee in said lower grade having the lowest combined score for seniority and efficiency, provided such combined score is lower than that of the employee being demoted. The names of employees thus laid off or demoted shall be placed upon the departmental lay-off list for the grade from which they were laid off or demoted, and also upon the general lay-off list for such positions as, in the opinion of the commission, the employees are qualified and entitled to hold. The order of names on all lay-off lists shall be the relative order of combined scores for seniority and efficiency. Any employee replaced by an employee from the next higher grade in the manner provided in this section, who has previously served the State, with civil service status in the grade of the same class, or its equivalent in any previous classification, next below that in which he was serving at the time of replacement, shall have the same option of demotion as though his position were abolished or discontinued, and under the conditions provided in this section may replace an employee in said next lower grade. All employees compensated on a monthly basis who are to be laid off or demoted under the provisions of this act shall be given fifteen days' notice of such lay off or demotion prior to the effective date thereof.

Lay-off lists.

Notice.

CHAPTER 215.

An act to amend section 28 of The General Cemetery Act, relating to the extension of time for the disinterment and removal of bodies from cemeteries.

Stats 1931, p 2434, amended.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 28 of the General Cemetery Act, is hereby amended to read as follows:

Stats 1931, p 2434.

Sec. 28. The provisions of that certain act of the Legislature approved June 5, 1923, relating to the abandonment of cemeteries and parts thereof, entitled "An act authorizing the board of supervisors or other governing body of any incorporated city, or city and county having a population of more than one hundred thousand persons, to order the disinterment and removal of all human bodies interred in any ceme-

Status of other cemetery acts.

Stats 1923, p 646.

tery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside of the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed"; and the provisions of section 10 of said act, as amended by an act of the Legislature approved June 14, 1929, are hereby continued in full force and effect, and said act as amended is hereby approved, adopted and enacted as section 28 of this act, as fully as if copied herein. Nothing contained herein shall affect proceedings heretofore commenced for the disinterment, removal and reinterment of the remains of the dead under the provisions of said act approved June 5, 1923, as amended by said act approved June 14, 1929, but all such proceedings heretofore commenced may be prosecuted regardless of any provisions of this act, and the bodies of the dead in the cemeteries of the class mentioned in said act approved May 20, 1923, as amended, may be disinterred, removed and reinterred pursuant to the provisions of said last-mentioned act; provided, however, that the time prescribed by any municipal ordinance heretofore enacted pursuant to the provisions of the above-mentioned act for the disinterment and removal of bodies from any such cemetery, is hereby extended for the period of two years from the date of approval of this act by the Governor; provided further, that at any time either before or after the expiration of the time prescribed by any law or ordinance heretofore enacted pursuant to the provisions of the above-mentioned act for the disinterment and removal of the bodies from any such cemetery such time so prescribed may be and is hereby extended for an additional period of four years from and after the effective date of this amendatory act whenever the person, corporation, association or corporation sole owning or controlling such cemetery shall declare by certificate or by resolution of its board of directors or trustees that in order to effect the removal of said cemetery and the disinterment and removal of the bodies therefrom it is necessary to sell or dispose of the cemetery land and that by reason of prevailing economic conditions or any other cause the said cemetery land can not be so sold or disposed of at its fair and reasonable value or at a sum sufficient to provide for such disinterment and removal and shall file a copy of the said certificate or resolution with the board of supervisors or other governing body of the city

Stats. 1929, p. 1683.

Extension of time to disinter.

or city and county in which such cemetery is situated; provided further, that at any time either before or after the expiration of the time prescribed by any law or ordinance heretofore enacted pursuant to the provisions of the above-mentioned act for the disinterment and removal of the bodies from any such cemetery the board of supervisors or other governing body of any incorporated city or city and county may extend such time so prescribed for a period of not to exceed four years from and after the effective date of this amendatory act. Such time may be further extended by the superior court of the county, in which such cemetery is located, upon good cause shown upon application for such extension by the person, corporation, association, or corporation sole owning or controlling such cemetery. When by any law or ordinance the bodies buried in any cemetery must be removed therefrom and reinterred elsewhere, no county, town or political subdivision wherein the reinterment of disinterred remains takes place, shall charge for any permit or levy a tax of any nature for the reinterment, cremation or replacing in a mausoleum of such disinterred remains.

CHAPTER 216.

An act to amend section 605 of the Probate Code, relating to the appointment of appraisers.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 605 of the Probate Code is amended to read as follows: Stats. 1931, p. 587.

605. To make the appraisement, the court or judge must appoint one of the inheritance tax appraisers provided for by law; or, upon the request of the executor or administrator or of any person interested in the estate, may, in its discretion, appoint three persons, one of whom must be an inheritance tax appraiser, in which case any two of them may act provided one of them be the inheritance tax appraiser. Appointment of appraisers.

CHAPTER 217.

An act to amend an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, as amended, by amending section 1, relating to the invest- Stats. 1913, p. 76, amended.

ment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district or flood control district.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 28.

SECTION 1. Section 1 of the act cited in the title hereof, is hereby amended to read as follows:

Investment of surplus funds

Section 1. Any county, city and county, incorporated city or town, municipal utility district or flood control district, which now has, or hereafter shall have, any surplus money in the treasury thereof, not required for the immediate necessities of the said county, city and county, incorporated city or town, municipal utility district or flood control district, is hereby authorized to invest such portion of any such surplus as to the governing body of the said county, city and county, incorporated city or town, flood control district or municipal utility district, may be deemed wise or expedient in any bonds already issued or hereafter issued by such county, city and county, incorporated city or town, flood control district or municipal utility district respectively, or in bonds already issued or hereafter issued by any metropolitan water district, county water district or by any school district situated in whole or in part within the limits of such county, city and county, incorporated city or town, or within the county in which any part of such flood control district or municipal utility district is situated, or in bonds already issued or hereafter issued by the State of California, or the United States, and such investment may be made by direct purchase of any issue of bonds, or part thereof, at the original sale of such bonds, or by the purchase of such bonds after they have been thus issued.

Sale of bonds.

Any bonds thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds as above provided. Sales of any bonds thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds were originally purchased, was placed in the treasury of the county, city and county, incorporated city or town, municipal utility district, or flood control district.

CHAPTER 218.

An act to amend section 805 of the Agricultural Code, relating to the standardization of oriental persimmons.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 219.

An act to amend an act entitled "An act to require the Director of the Department of Natural Resources to register and mark buildings of historical interest or landmarks," approved April 24, 1931, by amending the title thereof, and by amending section 2 and by adding a new section to be numbered section 3, relating to historical buildings and landmarks.

Stats 1931, p 320, amended.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

SECTION 1. The title of the above act is hereby amended to read as follows:

Stats 1931, p 320

An act relating to historical buildings and landmarks and to the acceptance thereof and the powers, duties and jurisdiction of the Department of Natural Resources in connection therewith.

Title amended.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Stats 1931, p 320

Sec. 2. The director may accept for registration any historical building or landmark only in the event that the following conditions are complied with:

Requirements for registration

(a) Whenever in the judgment of the director the building or landmark is of sufficient historical interest.

(b) Whenever the applicant or applicants for registration of any historical building or landmark shall first arrange for the public to have free ingress and egress to such building or landmark.

(c) Whenever a proper monument is erected upon a landmark with a durable plaque affixed to the monument carrying an adequate description of the nature and history of such landmark.

(d) Whenever a durable plaque bearing an adequate description of the nature and history of a historical building is affixed to such building.

SEC. 3. A new section is hereby added to said act to be numbered section 3, to read as follows:

New section

Sec. 3. In the event that the director accepts for registration any building or landmark he shall list such building or landmark in a register kept for that purpose and shall either affix in a prominent place on such building and on the monument erected on a landmark, a suitable numbered placard declaring that such building or landmark is a registered State landmark or shall include this information upon the durable plaque mentioned in section 2 hereof.

Register of buildings and landmarks.

CHAPTER 220.

Stats. 1919, p. 1092, amended

An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended by amending section 29 thereof relating to the maturity, calling and redemption of bonds of said district, section 42 thereof relating to the calling of installments to pay interest and principal on such bonds and to provide a sinking fund, section 45 thereof relating to sales for delinquent assessments, section 50 thereof relating to the redemption of delinquent assessments and to deeds by the reclamation board where lands have not been redeemed and section 52 thereof relating to the investment of surplus moneys in the bond fund and to the cancellation of bonds purchased with such moneys.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

Stats. 1919, p. 1092

SECTION 1. Section 29 of an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin Drainage District based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, is hereby amended to read as follows:

Payment of principal.

Sec. 29. The principal of said bonds shall by an order of said board entered in its minutes, be made payable on the first day of July or the first day of January and in such years as the board may prescribe, but such bonds shall be payable serially within twenty years from their date in the manner following, to wit: Not less than ten per cent of their aggregate face value of such bonds issued shall be payable within ten years from their date, and not less than nine per cent of the aggregate face value of such bonds issued shall be payable each year beginning with the eleventh year from their date until the whole amount of said bonds have been paid; provided, however, that the reclamation board may call and redeem in their numerical order such an amount of said bonds as in its judgment it may see fit on any interest date subsequent to the first day of July, 1921, at their face value, with accrued interest to date of redemption. To effect any such redemption, the reclamation board shall cause to be published two times, to wit: once each week for two successive weeks, in a newspaper published in the city of Sacramento, a notice stating that at such next semiannual interest date, the bonds specified in such notice will be redeemed and that there will be due and payable on such bonds at the places specified therein for payment, the amount of the principal thereof with accrued interest.

Redemption of bonds.

SEC. 2. Section 42 of said act is hereby amended to read as follows: Stats. 1929, p. 580.

Sec. 42. Upon the sale of any of the bonds of the Sacramento and San Joaquin Drainage District based upon any assessment levied by the reclamation board, as herein provided, the reclamation board shall immediately, and annually thereafter, by an order entered in its minutes ascertain and determine the total amount necessary to be collected upon such assessment for the payment of principal and interest of all such bonds which will or may become due on the two semiannual due dates next succeeding the date of said order. Said reclamation board may also in its discretion in said order fix and determine upon such additional sum as the said board may deem proper to be collected to provide a sinking fund for the retirement of such bonds on or before maturity. Immediately upon making said order the said board shall prepare in duplicate, retaining one original thereof, and causing the other original thereof to be certified by its secretary or assistant secretary and delivered to the county treasurer of each county wherein are situated any of the lands covered by such assessment, a statement of the amount of such assessment necessary to be collected for such year to pay the said principal and interest of said bonds falling due as aforesaid, to which there shall be added and collected an additional amount of fifteen per cent of said amount to cover possible delinquencies. Said statement shall also include, and there shall be added and collected, such additional sum as the board in its said order may have fixed and determined upon to provide a sinking fund for the redemption of bonds on or before maturity. The amount necessary to pay the interest and/or principal falling due as aforesaid, together with the said additional fifteen per cent (15%) of said amount and together with the said amount for sinking fund purposes, shall constitute the amount to be collected and paid into the bond fund and shall be known as the installment for bonds. Such installment for bonds shall, unless otherwise determined by the reclamation board by an order entered in its minutes, a copy of which duly certified shall be transmitted to the county treasurer of each of said counties, be payable in two equal portions, the first of which shall be due and payable to such county treasurer, respectively, on the third Monday in October and shall be delinquent on the first Monday in December next thereafter at six o'clock p.m. and the remaining portion may be paid at any time before the last Monday in April next thereafter at six o'clock p.m. at which time the same shall become delinquent.

Annual installments for bonds.

Due date.

SEC. 3. Section 50 of said act is hereby amended to read as follows: Stats. 1919, p. 1092.

Sec. 50. Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purchaser a sum equal to the purchase price

Redemption of property sold.

stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within one year the reclamation board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances except State, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment made by said drainage district, each installment whereof may be called and collected as by law provided, except that no parcel sold and conveyed to the Sacramento and San Joaquin Drainage District shall thereafter, until redeemed or until sold and disposed of by the reclamation board, be subject to sale by the treasurer for delinquent installments of any assessment as in this act provided. Every deed by the reclamation board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by the grantee of the lands therein described. All deeds herein required to be executed by the reclamation board may be executed by the president and secretary thereof on behalf of said board.

Deed of conveyance if no redemption.

Stats 1919, p. 1092.

SEC. 4. Section 52 of said act is hereby amended to read as follows:

Investment of surplus funds.

Sec. 52. Whenever said district shall have any moneys in the bond fund of any assessment which money is not immediately required for the purpose of paying principal or interest on bonds of said assessment, the same or any part thereof may be invested in bonds of said district based upon and secured by said assessment and such investment may be made by the reclamation board by direct purchase of such bonds from time to time and in such manner as it in its discretion shall determine and at such price or prices as it may deem advisable but not to exceed par, plus the accrued interest thereon. Any bonds thus purchased and held in said bond fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds thus purchased and held in the bond fund shall from time to time be made in season so that the proceeds may be applied to the purpose for which the bonds fund was created; provided, however, that any bonds so purchased, as aforesaid, may in the discretion of the reclamation board be delivered to the State Treasurer for cancellation and such bonds shall thereupon be by him canceled and after such cancellation shall cease to be an indebtedness or obligation of said district and/or said assessment for any purpose whatsoever.

Stats. 1919, p. 1092

SEC. 5. Section 45 of said act is hereby amended to read as follows:

Sec. 45. If both portions of said installment are not paid before the last Monday in April at six o'clock p.m., the reclamation board shall publish in each county where such delinquencies exist, in one notice, a list of all said delinquencies in such county at least two times, to wit: once a week for two weeks successively in some newspaper of general circulation published in the said county, which notice shall contain a description of each parcel of land assessed within the said county whereon such installment or installments are delinquent, as such description appears on the assessment list, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners if such be the fact, the amount of the installment or installments delinquent on such parcel, the amount of the penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county at a specified day and hour, which shall not be less than thirty nor more than ninety days from the date of delinquency, to pay such delinquent installment or installments and penalty. At the time and place stated in said notice the county treasurer shall sell each parcel of land described in said notice to the highest bidder unless prior thereto he shall have received payment in full of said delinquent installment or installments together with such penalty. No bid for any parcel shall be accepted less than the aggregate sum then due for said installment or installments thereon, together with such penalty, except that the treasurer may receive from any purchaser at their face value, in lieu of cash, bonds of said drainage district issued upon such assessment, or their interest coupons, which bonds or coupons shall be then matured or will mature within one year after such sale. Any said bonds or coupons so received in payment shall be by the treasurer forthwith canceled and transmitted to the State Treasurer. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. There shall be credited to the bond fund of such assessment the amount of purchase money so paid in bonds or coupons on such delinquent sales, and of all sums endorsed as paid upon account of purchase money on any such bonds or coupons, specifying the same, a statement of which shall be furnished by the county treasurer to the State Treasurer.

Sale of land for delinquent installments.

CHAPTER 221.

An act to add section 675.2 to the Political Code, relating to the transfer of land between State agencies.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. Section 675.2 is hereby added to the Political Code to read as follows:

Transfer of land between State agencies.

675.2. In the case of State agencies other than municipal corporations or political subdivisions, having control or possession of land owned by the State, such control or possession may be transferred to another such agency with the approval in writing of the Director of Finance. The payment, to the transferring agency out of any funds available for the use of the transferee agency, of such consideration as the Director of Finance may deem proper for the transfer, may also be authorized by the Director of Finance in connection with such transfer. The recorder of every county in the State in which is located the land, or any portion thereof, so transferred, must on request and without fee record any instruments executed in connection with such transfer by the agencies involved or by the Director of Finance. For the purposes of this section the Department of Finance may act as the transferring agency in cases where the State owns an interest in land but which interest is not under the control or in possession of any other specific State agency.

CHAPTER 222.

An act to amend section 1030 of the Political Code, relating to office hours.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

Pol. C. 1872.

SECTION 1. Section 1030 of the Political Code is hereby amended to read as follows:

State office hours

1030. Unless otherwise provided by law, every department, bureau, board, commission and officer, except the State Compensation Insurance Fund, shall keep all of their offices open for the transaction of business from nine o'clock a.m. until five o'clock p.m. of each day, other than legal holidays, except during the months of July and August when such office shall, in lieu of the aforesaid hours, be kept open from eight o'clock a.m. until four o'clock p.m. of each said day, provided, that the office of the State Treasurer shall close one hour earlier than the time set herein for other departments, bureaus, boards, commissioners and officers.

CHAPTER 223.

An act providing for the supervision and regulation of for-hire vessels other than common carrier vessels, operating between points exclusively on the inland waters of the State of California; defining for-hire vessels and providing for the supervision and regulation thereof by the Railroad Commission; and providing for the enforcement of the provisions of this act and for the punishment of the violations thereof.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

Definitions.

SECTION 1. Definitions. (a) The term "commission," when used in this act, means the Railroad Commission of the State of California.

(b) The term "commissioner," when used in this act, means one of the members of the commission.

(c) The term "corporation," when used in this act, includes a corporation, a company, an association, and a joint stock association.

(d) The term "person," when used in this act, includes an individual, a firm, or a copartnership.

(e) The term "for-hire vessel," when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for use in the transportation of persons or property for compensation, except rowboats, sailing boats and barges under twenty tons dead weight carrying capacity, and vessels propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register, and shall not include a vessel or vessels as defined in sections 2 (l) and 2 (y) of the Public Utilities Act of the State of California (Stats. 1915, chapter 91, as amended, page 115).

Applicability of act.

SEC. 2. No person or corporation shall operate any "for-hire vessel" for the purpose of transporting persons or property for compensation or hire, between points exclusively on the inland waters of this State, except in accordance with the provisions of this act.

Permits to operate for-hire vessels

SEC. 3. From and after sixty (60) days after this act becomes effective, it shall be unlawful for any person or corporation to operate or permit to be operated, any for-hire vessel for the purpose of transporting persons or property for compensation or hire, between points exclusively on the inland waters of this State, without first having secured a permit from the commission as herein provided, and unless such permit is in full force and effect. Said permit or a copy thereof certified by an officer of said commission shall be carried on each vessel covered thereby, and shall be subject to inspection by any peace officer or other public officer or person charged with the enforcement of this act.

Applications for permits

SEC. 4. Every application for such permit shall be in writing, shall specify the points between which applicant proposes to operate, shall show the rates, fares, tolls, rentals and charges applicable to the services proposed to be rendered, shall show the commodities proposed to be transported, shall set forth the rules and regulations governing the proposed service. and shall conform to such rules and regulations as may be adopted from time to time by said commission.

Same—Hearing.

SEC. 5. Applications for permits may be granted by the commission without a public hearing, but for good cause shown, the commission may require a public hearing.

SEC. 6. Investigations and public hearings provided for in this act shall be made and conducted by the commission, any commissioner, or by any officer or employee of said commission designated by it as an examiner.

For the purpose of this act, each member of the commission and each examiner shall severally have power to administer oaths, certify to all official acts, issue writs of summons, subpoena, and all necessary process in like manner and to the same extent as courts of record. The process issued by the commission or any commissioner or any such examiner shall extend to all parts of the State and may be served by any person authorized to serve process in like manner and to the same extent as in courts of record, or by any person designated for that purpose by the commission, any commissioner or an examiner. The person serving any such process shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by law for similar service and such fee shall be paid in the same manner as provided herein for the payment of witnesses.

Witness fees.

Each witness who shall appear by order of the commission, any commissioner or an examiner shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid directly by the party at whose request such witness is subpoenaed. When a witness who has not been required to attend at the request of any party, shall be subpoenaed by the commission, any commissioner or an examiner, his fees and mileage shall be paid from the funds available to the commission.

Depositions

The commission, any commissioner or any examiner or any party may, in any investigation or hearing before the commission, cause the deposition of any witness residing within or without the State to be taken in the manner prescribed by law for like deposition in civil actions in the superior courts of this State, and to that end may compel the attendance of witnesses and the production of books, papers, documents, and accounts.

Witnesses exempt from prosecution.

No person shall be excused from testifying or from producing any book, document, paper or account in any investigation or inquiry by or hearing before the commission or any commissioner or examiner when ordered to do so, upon the ground that the testimony or evidence, book, document, paper or account required of him may tend to incriminate him or

subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath have testified or produced documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Rules for issuance of permits

The commission shall have authority from time to time to promulgate rules and regulations respecting the issuance of permits under the provisions of this act and for the conduct of investigations and hearings as provided herein.

Schedule of tariffs

SEC. 7. Before any permit shall become effective the grantee thereof shall file with the commission a schedule showing the rates, fares, tolls, rentals and charges applicable to the service proposed to be rendered, which shall conform to the rates, fares, tolls, rentals, and charges which were filed with the application, unless otherwise changed by the commission.

No for-hire vessel shall charge, demand, collect or receive, a greater or less or different compensation for the services rendered or to be rendered than the rates, fares, tolls, rentals, and charges applicable to such services as specified in its schedule of tariffs on file and in effect at the time.

Changes in schedule

Unless the commission otherwise orders, no change shall be made by any for-hire vessel in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service or in any privilege or facility, except after thirty days' notice to the commission and to the public as herein provided. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The commission, for good cause, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge or classification, or in any form of contract or agreement, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the commission, by some character to be designated by the commission, immediately preceding or following the item.

Raise in tariffs.

SEC. 8. (a) No for-hire vessel shall raise any rate, fare, toll, rental or charge or so alter any classification, contract, practice, rule or regulation, as to result in an increase in any rate, fare, toll, rental or charge, under any circumstances whatsoever, except upon receiving authority from the commission.

Procedure for change in tariffs.

(b) Whenever there shall be filed with the commission by a for-hire vessel or for-hire vessels, any schedule stating an

individual or joint rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, not increasing or resulting in an increase in any rate, fare, toll, rental, or charge, the commission shall have power, and it is hereby given authority either upon complaint or upon its own initiative without complaint, at once and if it so orders, without answer or other formal pleadings by the interested for-hire vessel or for-hire vessels, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, and pending the hearing and the decision thereon, such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect; provided, that the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond one hundred twenty days beyond the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, would otherwise go into effect, unless the commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the commission shall establish the rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the commission, or on such lesser time as the commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations, subject to the power of the commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same.

Contents of permits.

SEC. 9. Every permit issued under this act shall specify the points and routes to which it shall apply, the articles which may be transported thereover, and description of each vessel covered thereby, and such other conditions as the commission may impose.

Rules governing operation.

SEC. 10. The commission is hereby vested with power and authority, and it is hereby made its duty, to prescribe rules and regulations covering the operations of for-hire vessels between points exclusively on the inland waters of this State.

Amendment and revocation of permits.

SEC. 11. Any such permit may be amended from time to time by the commission, and said commission may revoke any such permit for violation of any of the terms and conditions thereof, or because of any unlawful operation thereunder. No such permit shall be amended or revoked, however, without the consent of the holder thereof unless the commission shall first have given the holder thereof not less than ten days' notice in writing of its intention to so revoke or amend such permit, and shall have stated in such written notice the ground or grounds

for revocation or amendment of such permit, and the effective date of any such revocation or amendment.

Hearing. If the holder of such permit shall, five days or more prior to such effective date, file a written demand with the commission for a public hearing in the matter of any such amendment or revocation, then any such amendment or revocation shall not be effective until said commission shall first have held a public hearing in respect thereto.

Accounts. SEC. 12. The commission is hereby vested with power and authority to require all persons or corporations operating for-hire vessels to keep accounts in accordance with such classification of accounts and rules in respect thereto as may be established by the commission from time to time, and to file such reports and to furnish the commission with such data concerning their business and practices as the commission may from time to time prescribe. Such accounts shall be open to the inspection of the commission or its representatives at all times.

No permit to common carrier. SEC. 13. No permit shall be issued to any person or corporation for the operation of for-hire vessels over the whole or any part of any route operated by the applicant as a common carrier.

Act applicable to interstate and foreign commerce. SEC. 14. The terms of this act and every part thereof shall apply and be construed to apply to interstate and foreign commerce, except in so far as the same may be in conflict with the provisions of the Constitution and laws of the United States.

Penalties. SEC. 15. Every person or corporation operating for-hire vessels to which this act applies, who violates, procures, aids or abets in the violation of, any provision of this act, or fails to comply with any order, decision, regulation or permit issued by the commission, shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not to exceed one thousand dollars ($1,000), or by imprisonment in the county jail not to exceed one (1) year, or both. Each day's violation of this act or of any of such terms or conditions of any such permit shall constitute a separate offense punishable as aforesaid.

Orders to cease and desist. SEC. 16. When a complaint has been filed with the commission alleging that any vessel is being operated without a permit as required by this act, or when the commission has reason to believe that this act is being violated, it shall be the duty of the commission to investigate such operations; and the commission shall have power to make its order requiring the owner or operator of such vessel to cease and desist from any operation in violation of this act; and it shall be the duty of the commission to enforce compliance with such order under the powers vested in it under this act or by law.

Enforcement. SEC. 17. The commission is hereby authorized to employ such forces as it may require to aid in the enforcement of this act; and any representative of the commission shall have all lawful powers of peace officers to make arrests for any violation of this act.

Rehearing.

SEC. 18. After any order or decision has been made by the commission, any party to the action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the vessel affected, may apply for a rehearing in respect to any matter determined in said action or proceeding and specified in the application for rehearing, and the commission may grant and hold such rehearing on said matters if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person unless such corporation or person shall have made, before the effective date of said order or decision, application to the commission for a rehearing. Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unlawful. No corporation or person shall in any court urge or rely on any ground not so set forth in said application. Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied. Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If any application for a rehearing be granted without a suspension of the order involved, the commission shall forthwith proceed to hear the matter with all dispatch and shall determine the same within twenty days after final submission, and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed. An application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision, or any requirement of any order or decision of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission may by order direct. If, after such rehearing and a consideration of all the facts, including those arising since the making of the order or decision, the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order or decision made after such rehearing abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect the right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

Writ of review.

SEC. 19. Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on

rehearing, the applicant may apply to the Supreme Court of this State, for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day, the cause shall be heard by the Supreme Court, unless for a good reason shown the same be continued. No new or additional evidence may be introduced in the Supreme Court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or of the State of California. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review, such questions of fact shall include ultimate facts and the findings and conclusions of the commission on reasonableness and discrimination. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the Supreme Court shall enter judgment either affirming or setting aside the order or decision of the commission. The provisions of the Code of Civil Procedure of this State relating to writs of review shall, so far as applicable and not in conflict with the provisions of this act, apply to proceedings instituted in the Supreme Court under the provisions of this section. No court of this State (except the Supreme Court to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, that the writ of mandamus shall lie from the Supreme Court to the commission in all proper cases.

Stay or suspension of decision of commission

SEC. 20. (a) The pendency of a writ of review shall not of itself stay or suspend the operation of the order or decision of the commission, but during the pendency of such writ, the Supreme Court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order or decision.

(b) No order so staying or suspending an order or decision of the commission shall be made by the Supreme Court otherwise than upon three days' notice and after hearing, and if the order or decision of the commission is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

Bond.

(c) In case the order or decision of the commission is stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved, on review, by the Supreme Court), payable to the people of the State of California, and sufficient in amount and security to insure the prompt payment, by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission.

Proceedings under act preferred over other civil causes.

SEC. 21. All actions and proceedings under this act, and all actions or proceedings to which the commission or the people of the State of California may be parties, and in which any question arises under this act, or under or concerning any order or decision of the commission, shall be preferred over all other civil causes except election causes and shall be heard and determined in preference to all other civil business except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the commission in any action or proceeding in which he may be allowed to intervene.

Exemptions.

SEC. 22. The provisions of this act shall not be deemed applicable to persons or corporations, their lessees, trustees or receivers who furnish water transportation service between points in this State for their affiliated companies or for the products of other persons or corporations, their lessees, trustees or receivers engaged in the same industry, if and so long as such water transportation service is furnished in tank vessels or barges specially constructed to hold liquids or fluids in bulk, and provided further, that such service is not furnished to others not engaged in the same industry.

Constitutionality.

SEC. 23. If any section, subsection, clause, or phrase of this act shall for any reason be held to be void or unconstitutional, such decision shall not affect the validity of the remaining provisions of this act, it being the intention of the Legislature to adopt and pass this act and each section, subsection, clause or phrase thereof irrespective of the fact that one or more of the sections, subsections, clauses, sentences or phrases thereof may be declared void or unconstitutional.

Short title.

SEC. 24. This act shall be known and cited as the "For-Hire Vessel Act."

CHAPTER 224.

Stats 1931, p. 483, amended.

An act to add section 13.16a to the Building and Loan Association Act, relating to the powers of building and loan associations.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Building and Loan Association Act, to be numbered 13.16a, and to read as follows:

Sec. 13.16a. Other Powers Upon Liquidation. The commissioner in his discretion may accept approved claims against any association in his possession for liquidation, based on investment certificates, or on shares in the case of any association in which shareholders shall have heretofore been granted the right and option by the association to exchange their shares for investment certificates of equal value, issued by such association and approved claims of general creditors against it in partial or full payment for real property of such association, with the approval of the court, after a hearing on such notice as the court shall prescribe. Claims received in payment pursuant to this section shall be accepted at their respective surrender values as estimated by the commissioner and fixed and determined by the court and all such claims shall thereafter be canceled.

Acceptance of claims upon liquidation

The commissioner in his discretion may reduce the rate of interest to be paid on any loan held by any association in liquidation, to a rate not less than 7.2 per cent a year; and may renew, extend the time of payment of, reduce the amount of the monthly payments of, or rewrite any such loan; and may make additional advances for the purpose of preserving the security of any such loan.

Reduction of interest rate, etc.

CHAPTER 225.

An act to amend section 2466 of the Political Code, relating to pilots and rates of pilotage through the Golden Gate into and out of the bays of San Francisco, San Pablo and Suisun.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2466 of the Political Code is hereby amended to read as follows:

Stats. 1915, p. 296.

2466. The following shall be the rates of bar pilotage through the Golden Gate and into or out of the bays of San Francisco, San Pablo and Suisun; all vessels under five hundred tons, two dollars per draft foot; all over five hundred tons, two dollars per draft foot and one and one-eighth cents per net ton for each and every ton registered measurement and every vessel spoken inward or outward bound except as hereinafter provided shall pay the said rates. A vessel is spoken by day by a pilot boat displaying a union jack or by night displaying a torch or flare-up within a distance of three miles of the vessel. In all cases where inward-bound vessels are not spoken until inside of the bar, the rates of pilotage herein provided shall be reduced fifty per cent. Vessels engaged in the whaling or fishing trades shall be exempt from all pilotage except where a pilot is actually employed.

Rates of pilotage, San Francisco.

CHAPTER 226.

An act to require the use of materials and supplies substantially produced in the United States, in public works and for public purposes.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

Definition "United States."

SECTION 1. When used in this act "United States" means the United States of America, and includes any Territory or insular possession of the United States.

Use of domestic products on public works.

SEC. 2. The governing body of any political subdivision, municipal corporation, or district, and any public officer or person charged with the letting of contracts for (1) the construction, alteration, or repair of public works or (2) for the purchasing of materials or supplies for public use, shall let such contracts only to persons, firms or corporations who agree to use or supply only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials and supplies as have been manufactured in the United States, substantially all from articles, materials, or supplies mined, produced, or so manufactured, as the case may be, in the United States.

Same—Clause in contract.

SEC. 3. Every contract for the construction, alteration or repair of public works or for the purchase of materials or supplies for public use shall contain a provision that only such unmanufactured articles, materials and supplies as have been mined or produced in the United States, and only such manufactured articles, materials and supplies as have been manufactured in the United States, substantially all from articles, materials and supplies mined, produced or so manufactured, as the case may be, in the United States shall be used in the performance of the contract.

Penalty.

SEC. 4. Any person, firm, or corporation who fails to comply with the provisions of any contract required by section 3 of this act shall not be awarded any contract to which this act applies for a period of three years from the date of the violation.

Notice of violation.

SEC. 5. The name of such person, firm or corporation, together with a report of the facts constituting the violation, shall be posted by the governing board or person who let the contract in at least three public places in the county in which the contract was made.

Exemptions.

SEC. 6. This act shall not apply if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States.

CHAPTER 227.

An act to amend sections 2 and 7 of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting government and municipal control of such annexed territory," approved June 11, 1913, relating to the annexation of territory to municipal corporations.

Stats 1913, p 587, amended.

[Approved by the Governor May 3, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1913, p. 587.

Sec. 2. The legislative body of any municipal corporation, upon receiving a written petition therefor signed as hereinafter provided, containing a description of the new territory proposed to be annexed to such municipal corporation, and asking that such territory be annexed thereto, must, without delay, pass a resolution of intention to call a special election giving at least fifty days notice thereof, and submit to the electors residing in the territory proposed by such petition to be annexed to such municipal corporation the question, whether such territory shall be annexed to, incorporated in and made a part of such municipal corporation. The resolution shall specifically describe the boundaries of the territory so proposed to be annexed to such municipal corporation, and shall designate such territory by some appropriate name or other words of identification by which such territory may be referred to and indicated upon the ballots to be used at an election at which the question of such annexation is submitted. The resolution shall contain a notice of the day, hour, and place when and where any person owning real property within such territory so proposed to be annexed and having any objections to the proposed annexation, may appear before the legislative body and show cause why such territory should not be so annexed. Such hearing shall not be less than fifteen nor more than forty days from the date of the passage of said resolution.

Municipal election re annexation of territory

Resolution.

The city clerk of the municipal corporation to which it is proposed to annex such territory shall cause a copy of the resolution to be published at least once a week for two successive weeks prior to the hearing, in a newspaper of general circulation published in the territory proposed to be annexed; if there be no such newspaper published in such territory then in a newspaper of general circulation published in the municipal corporation to which it is proposed to annex such territory; and if there be no such newspaper published in the municipal corporation a copy of the resolution shall be posted not less than ten days before the hearing in at least three public places within the territory proposed to be annexed.

Notice.

Protest and hearing

At any time not later than the hour set for hearing objections to the proposed election, any owner of property within the territory proposed to be annexed may make written protest against the proposed election. Such protest must be in writing and shall state the name or names of the owner or owners of the property affected thereby and the location and area of such property in general terms. At the time set for hearing protests the legislative body of such municipal corporation shall proceed to hear and pass upon all protests so made and if it be found that protest is made by the owner of a majority of separate parcels of property within the territory proposed to be annexed no further proceedings shall be taken in connection with the petition. If it be found that protest is not made by owners of a majority of the separate parcels of property within the territory proposed to be annexed, the legislative body of such municipal corporation must without delay call a special election and submit to the electors, residing in the territory proposed to be annexed, the question whether such territory shall be annexed to, incorporated in, and made a part of such municipal corporation.

City council to call election.

Petition.

The petition hereinabove mentioned shall be signed by not less than one-fourth in number of the qualified electors residing within the territory described therein, as shown by the registration of voters of the county in which such territory is situated.

Notice of election

The legislative body of the municipal corporation is hereby empowered to, and it shall be its duty to cause notice to be given of such election by the publication of a notice thereof in a newspaper of general circulation, if any such there be, printed and published outside of such municipal corporation, but in the county in which the territory so proposed to be annexed is situated, at least once a week for a period of four successive weeks next preceding the date of such election. If there be no such newspaper, then such legislative body shall cause notice of such election to be given by the posting thereof in three public places within the territory so proposed to be annexed at least four weeks next preceding the date of such election.

Date and proposition.

Such notice shall distinctly state the date of such election, and the proposition to be submitted, to wit, that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of such annexation is submitted as in this act provided. The electors in such territory shall be directed by such notice to vote upon such question in the manner hereinafter set forth in this section.

Voting precincts.

Such legislative body is hereby empowered, and it shall be its duty to establish, and in such notice of election to designate, the voting precinct or precincts and the

place or places at which the polls will be open for such election in such territory so proposed to be annexed, which said place or places shall be that or those commonly used as voting places within such territory, if any such there be. The legislative body of such municipal corporation is empowered to, and it shall, appoint the officers of such election, who shall be, for each voting place in such territory, two judges and one inspector, each of whom shall be a qualified elector of the voting precinct in which he is appointed to act as an officer of such election. Upon the ballots to be used at such election, there shall be printed the words "shall (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the city of (stating name of city). Opposite these words there shall be printed the words "Yes" and "No," and to the right of each of these last two words there shall be a voting square. If an elector shall stamp a cross (+) in the voting square after the printed word "Yes," the vote of such elector shall be counted in favor of the annexation of the territory referred to in such proposition to the municipal corporation named therein; and if an elector shall stamp a cross (+) in the voting square after the printed word "No," the vote of such elector shall be counted against such annexation. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election, shall be in conformity, as near as may be, with the laws of this State concerning general elections, except as herein otherwise provided. The judges and inspector of such election for each polling place shall immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so, as nearly as practicable, in the manner provided in the laws of this State relating to general elections, and they shall thereupon deliver the ballots, tally sheets, and returns to and deposit the same with the clerk of the legislative body of such municipal corporation. Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to canvass said returns; and such canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable, avoiding adjournment or adjournments, until said canvass is completed. Immediately upon the completion of such canvass, said legislative body shall cause a record thereof to be made and entered upon its minutes, stating the proposition submitted and showing the whole number of votes cast thereon in the territory proposed to be annexed, the number of votes cast therein in favor of annexation, and the number of votes cast therein against annexation.

Election officers.

Ballots.

Count of ballots

Canvass of returns.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

Stats 1915, p 305.

Sec. 7. Whenever a petition for the annexation of any new territory to any municipal corporation has been received by

Petition for annexation to be made to only one municipality.

the legislative body thereof, as in this act provided, no petition, filed under this or any other act, asking for the annexation, in whole or in part, of the territory described in such petition, to any other municipal corporation, shall be presented to the legislative body of such other municipal corporation, and the last mentioned legislative body shall not submit the question of the annexation of such territory or any part thereof to the electors of such other municipal corporation, until the question of the annexation thereof to the municipal corporation whose legislative body received the petition first in this section mentioned shall have been submitted to the electors residing in such territory, and a majority of electors voting upon such question in such territory, shall have voted against the annexation thereof to such municipal corporation, or, in the event that a majority of the electors in such territory voting therein shall have voted in favor of the annexation thereof to such municipal corporation, until the question of such annexation shall have been submitted to the electors of such municipal corporation, and a majority of the electors thereof voting upon such question, shall have voted against the annexation thereof to such municipal corporation. In the event any election authorized by this act is not called or held in the manner or within the time specified in this act, all proceedings relating to such consolidation shall be and become null and void.

Notice of intention to circulate petition for annexation.

Any five electors of a district in which it is proposed to circulate a petition asking for annexation of the territory included in such district as herein provided, may file with the legislative body of the municipal corporation to which such territory is sought to be annexed, a notice declaring their intention to circulate and file a petition asking for the annexation of the territory included in such district and described in said notice. Upon the receipt of any such notice of intention, such legislative body shall cause a copy of such notice to be published once a week for at least two successive weeks in a newspaper of general circulation published within the territory proposed to be annexed. If there be no such newspaper published within such territory then in a newspaper published in the municipal corporation to which it is proposed to annex such territory; and if there be no such newspaper, such notice shall be given by posting a copy thereof for a period of two weeks in at least three public places within the territory proposed to be annexed. Such notice shall contain the names of the persons filing the notice of intention to circulate such petition and the specific boundaries of the territory affected thereby. The legislative body may, within five days after the completion of publication or posting of notice, as the case may be, adopt a resolution acknowledging the receipt thereof and approving the intention of the petitioners to circulate such petition.

Publication of notice by city council.

Resolution of acknowledgment

Limitations

Within fifty days after the adoption of such resolution no petition filed under this or any other act, asking for the

annexation of all or any portion of the territory described in said notice of intention shall be filed with any other municipal corporation. If, upon the holding of the election in the territory sought to be annexed to said municipal corporation in the manner herein provided, the result of such election is adverse to such annexation, no new petition embracing the same territory, or any portion thereof, shall be filed with said municipal corporation within twelve months after the result of such election has been canvassed and declared.

CHAPTER 228.

An act to amend section 2322x30 of the Political Code, relating to the salaries of the agricultural commissioner and his deputies in counties of the thirtieth class.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2322x30 of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1030.

2322x30. In counties of the thirtieth class the commissioner shall receive a salary of one thousand nine hundred eighty dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner and the salaries are hereby fixed as follows: Kings County: Agricultural commissioner.

(a) The commissioner is authorized and empowered to appoint not to exceed three inspectors at a monthly salary not to exceed ninety-five dollars each during the time actually employed; and three inspectors at a compensation not to exceed three and 50/100 dollars per day during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand six hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint one clerk at a salary not to exceed nine hundred dollars per annum.

CHAPTER 229.

An act to add a new section to the Agricultural Code to be numbered 424, relating to the transportation of live stock.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 230.

Stats 1929, p 1683, repealed.

An act to repeal an act entitled "An act making an appropriation for the construction and completion, equipment, and furnishing of an addition to the State Office Building, at San Francisco, California," approved June 14, 1929.

[Approved by the Governor May 5, 1933 In effect August 21, 1933.]

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

Repeal.

SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 231.

An act to repeal section 195 of the Agricultural Code, relating to exemption of cattle from dipping or treatment.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 232.

Stats 1915, p 115, amended.

An act to amend section 60 of the Public Utilities Act, relating to complaints and procedure in respect thereto.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

Stats 1915, p 115.

SECTION 1. Section 60 of the Public Utilities Act is hereby amended to read as follows:

By whom complaint may be made.

Sec. 60. Complaint may be made by the commission of its own motion or by any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city and county, or city or town,

if any, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers or prospective consumers or purchasers, of such gas, electricity, water or telephone service. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the corporation or person complained of. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom a summons may be served in accordance with the provisions of the Code of Civil Procedure of this State, and may be made personally or by mailing in a sealed envelope, registered, with postage prepaid. The commission shall fix the time when and place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that public necessity requires that such hearing be held at an earlier date.

Joinder of causes

Service of notice.

Hearing.

CHAPTER 233.

An act to amend section 16x24 of the Weights and Measures Act, relating to the sealer of weights and measures in counties of the twenty-fourth class.

Stats 1913, p. 1086, amended.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 16x24 of the Weights and Measures Act is hereby amended to read as follows:

Stats 1931, p. 1005

Sec. 16x24. The sealer of weights and measures in counties of the twenty-fourth class shall receive a salary of one thousand six hundred twenty dollars per annum, and deputies shall receive five dollars per day for each day actually employed.

Solano County. Sealer.

CHAPTER 234.

An act to amend section 2322x24 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-fourth class.

[Approved by the Governor May 5, 1933 In effect August 21, 1933.]

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

Stats. 1931, p. 1004.

SECTION 1. Section 2322x24 of the Political Code is hereby amended to read as follows:

Solano County: Agricultural commissioner.

2322x24. In counties of the twenty-fourth class the commissioner shall receive a salary of two thousand one hundred sixty dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a monthly salary of one hundred fifty dollars per month during the time actually employed; three inspectors at a compensation of five dollars per day each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand seven hundred ninety dollars.

(b) One clerk at a monthly salary of ninety dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand eighty dollars.

CHAPTER 235.

An act to amend section 4253 of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

Stats. 1931, p 1214.

SECTION 1. Section 4253 of the Political Code is hereby amended to read as follows:

Solano County: Salaries.

4253. In counties of the twenty-fourth class, the county officers shall receive as compensation for their services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand two hundred forty dollars per annum, and such fees as are allowed by law for issuing hunting and fishing licenses, and for the naturalization of persons desiring to become citizens; also five hundred dollars additional per year for the registration of voters. He

shall also be allowed to appoint one chief deputy, which office of chief deputy is hereby created, who shall receive as compensation the sum of two thousand dollars per annum payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed to appoint one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of one thousand three hundred fifty dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; and provided, further, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of deputies, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county.

Sheriff.

2. The sheriff, four thousand fifty dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail at a salary of one thousand three hundred fifty dollars per annum, an undersheriff at a salary of two thousand dollars per annum, a deputy jailer at a salary of two thousand dollars per annum, who shall act as a jailer for the county jail, and a deputy jailer at a salary of two thousand dollars per annum, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

3. The recorder, two thousand seven hundred dollars per annum. He shall also be allowed one deputy, which office of deputy recorder is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officials are paid. He may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of five cents per folio for actual work done in copying and comparing any instrument to be recorded (except maps and plats) and for making copies of any records or papers. The compensation of the copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; provided, that the recorder shall file monthly with the auditor a verified statement show-

ing in detail the persons employed as such copyists and the amount due to each for such copying and comparing. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury.

Auditor. 4. The auditor, two thousand seven hundred dollars and such fees as are allowed by law. The auditor shall also be allowed one deputy, which office of deputy auditor is hereby created, who shall receive as compensation the sum of two thousand dollars per annum and one deputy, which office of deputy auditor is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum. In addition to said deputies the county auditor shall have the right to employ from time to time in his office such additional assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary not to exceed five dollars each for each day they are actually and necessarily employed and not to exceed the sum of five hundred dollars in any one year. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer. 5. The treasurer, two thousand seven hundred dollars per annum. He shall also be allowed one deputy which office of deputy treasurer is hereby created, who shall receive as compensation the sum of two thousand dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Tax collector. 6. The tax collector, two thousand seven hundred dollars per annum and his actual and necessary expenses when engaged in the collection of taxes in the various townships of the county; provided, however, such expenses shall not in any one year exceed the sum of one hundred dollars. He shall also be allowed one deputy, which office of deputy tax collector is hereby created, who shall receive as compensation the sum of two thousand dollars per annum, payable out of the same fund and in the same manner as the salaries of the other county officers are paid. In addition to said deputy, the county tax collector, shall have the authority to employ from time to time in his office such additional assistants as may be required to promptly perform the work necessary therein. Said assistants shall receive a salary not to exceed five dollars per day and not to exceed the sum of five hundred dollars in any one year. The deputy and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor 7. The assessor, three thousand six hundred dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the properties of his county; provided, such traveling expenses shall not in any one year exceed

the sum of two hundred dollars. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation two thousand dollars per annum, and one deputy, which office of deputy is hereby created, who shall receive as compensation one thousand two hundred dollars per annum. The salaries of which deputies shall be paid out of the same fund and in the same manner as the salaries of other county officers are paid. The assessor shall also receive six per cent of all personal property taxes collected by him and all fees and commissions allowed him by law for collection of poll taxes and preparation of roll of persons subject to military duty.

District attorney.

8. The district attorney, two thousand seven hundred dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed, the sum of two thousand dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of other county officials are paid. He shall be allowed two stenographers, which offices of stenographers are hereby created and who shall receive as compensation one thousand two hundred dollars each per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator.

10. The public administrator, eight hundred dollars per annum.

Superintendent of schools.

11. The superintendent of schools, two thousand seven hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools; provided, the superintendent of schools may appoint one deputy which office of deputy is hereby created, who shall receive as compensation the sum of one thousand five hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

Surveyor.

12. The surveyor, two thousand four hundred dollars per annum and in addition thereto all necessary expenses, such as transportation and pay for help which may be necessary for the performance of county duties. He shall also be allowed to appoint one clerk, which office of clerk is hereby created and who shall receive as compensation the sum of one thousand two hundred dollars per annum. The surveyor may employ such additional assistants as he may deem necessary, whose aggregate compensation shall not exceed four hundred dollars per annum. From and after January 1, 1935, the surveyor shall receive a salary of ten dollars per month and a

per diem of $10 per day and expenses when actually employed by the county.

Librarian. 13. The county librarian, two thousand one hundred sixty dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; provided, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

Justices of the peace. 14. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them: In townships having a population of six thousand or more, one hundred fifty dollars per month; in townships having a population of one thousand five hundred and less than six thousand, one hundred dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of six hundred fifty and less than one thousand, twenty dollars; in townships having a population of less than six hundred fifty, ten dollars. Each justice must pay into the county treasury, once a month, all fines and fees collected by him in criminal and civil cases as provided for by law.

Constables. 15. Constables, the following salaries which shall be paid monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of one thousand eight hundred and more, one hundred twenty-five dollars; in townships having a population of one thousand five hundred and less than one thousand eight hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of six hundred fifty and less than eight hundred, fifteen dollars; in townships having a population of less than six hundred fifty, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purpose of this section, the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; provided, however, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

Supervisors. 16. Each member of the board of supervisors, one thousand two hundred dollars per annum for all services rendered including mileage and including services as road commissioners; provided, that when required to go on business to

any point outside of the county, they shall be allowed actual expenses.

17. Each member of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; provided, that mileage be not allowed for more than two meetings in any one month. Board of education.

18. The salaries herein allowed are in full compensation for all duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies as provided in section 7 of this act shall be paid into the county treasury as provided by law except that the county clerk, sheriff, auditor, assessor, coroner, and constables, shall each be allowed the fees and commissions as provided for in subdivisions 1, 2, 4, 7, 9, and 15, respectively, of this act. Fees.

CHAPTER 236.

An act to amend section 1.272 of the School Code, relating to the powers and duties of attendance officers.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1.272 of the School Code is hereby amended to read as follows: Sch. Code, p. 15.

1.272. In counties, cities, and in cities and counties, and in school districts having an attendance officer or officers, such officer or officers shall have power and it shall be their duty to make and file the complaint provided for by this article, and to see that the charge is prosecuted by the proper authorities. Attendance officer to file complaint.

CHAPTER 237.

An act to repeal sections 2.1391 to 2.1398, inclusive, of the School Code, and to repeal an act entitled "An act relating to the finances of the State Board of Education," approved May 4, 1929, and to add a new section to the School Code to be numbered 2.1391, all relating to powers and duties of State Board of Education.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Sections 2.1391 to 2.1398, inclusive, of the School Code are hereby repealed. Repeal.

SEC. 2. An act entitled "An act relating to the finances of the State Board of Education," approved May 4, 1929, is hereby repealed. Sch. Code, p. 326.

New section.

SEC. 3. A new section is hereby added to the School Code to be numbered 2.1391 and to read as follows:

Use of "Textbooks appropriation."

2.1391. The appropriation heretofore made, known as the "Textbooks Appropriation," shall be subject to the draft of the State Board of Education for necessary expenses incurred by it for office supplies, the hiring of expert assistants, and for other necessary expenses.

CHAPTER 238.

An act to repeal section 6.390 of the School Code; to repeal section 6.390 of an act entitled "An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools," approved June 5, 1929; and to add a new section to the School Code to be numbered 6.390, relating to fees received for the listing of textbooks.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

Sch Code, p 285; p. 348.

SECTION 1. Section 6.390 of the School Code, and section 6.390 of an act entitled "An act relating to the adoption of textbooks for use in the public high schools of the State and to the furnishing of such textbooks for the use of the pupils of such schools," approved June 5, 1929, are hereby repealed.

New section.

SEC. 2. A new section is hereby added to the School Code to be numbered 6.390 and to read as follows:

Application and fee for listing of textbooks.

6.390. Any publisher desiring to offer textbooks for the use of pupils enrolled in the high schools of the State shall file with the State Board of Education at Sacramento a written application for the listing of such book or books accompanied by a uniform fee to be fixed by the State Board of Education and which shall not exceed five dollars for each book for which listing is applied, such sum to be deposited in the State treasury to the credit of the general fund.

Existing moneys.

SEC. 3. Any moneys heretofore deposited in the State treasury under the provisions of either of the sections repealed by this act, and remaining unexpended at the time this act takes effect shall, at such time, revert to and become a part of the general fund of the State.

CHAPTER 239.

An act to add a new article to be numbered III-A, to Chapter IV of Part I of Division VI of the School Code, embracing sections 6.190a to 6.194a, inclusive, and to repeal an act

entitled "An act providing for the dedication of real property for street or highway purposes by governing boards of school districts," approved May 31, 1929, relating to the powers of school, high school and junior college districts.

[Approved by the Governor May 5, 1933. In effect August 21, 1933.]

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

SECTION 1. A new article, to be numbered III-A, is hereby added to Chapter IV of Part I of Division VI of the School Code, to read as follows: New article

Article III-A—Dedication of Real Property.

6.190a. The governing board of any school district of any kind or class, or of any high school district of any kind or class, or of any junior college district of any kind or class, is hereby authorized to dedicate to the State or any political subdivision thereof, for public street or highway purposes, either with or without consideration and without a vote of the electors of such district first being taken, any real property belonging to their respective districts, and to dedicate to any municipal corporation without a vote of the electors of said district first being taken and with or without consideration, an easement to lay, construct, maintain and operate water or sewer pipes over and upon any land belonging to such school district. Board of school district authorized to dedicate land for street purposes.

6.191a. Every such dedication shall be made in the following manner: Before ordering the dedication of any such property such governing body shall in regular open meeting by a two-thirds vote of all its members adopt a resolution declaring its intention to dedicate the same, which said resolution shall describe the property proposed to be dedicated in such manner as to identify it, and shall specify the purposes for which and the terms upon which it will be dedicated, and shall fix a time not less than ten days thereafter for a public meeting of said governing body to be held at its regular place of meeting for a public hearing upon the question of making such dedication. Procedure for dedication.

6.192a. Notice of adoption of said resolution and of the time and place of holding said meeting shall be given by posting copies of said resolution signed by the members of such board, or by a majority thereof, in three public places in the district not less than ten days before the date of said meeting, and by publishing such notice once not less than five days before the date, of said meeting in a newspaper of general circulation, published in the district, if any such newspaper is published therein, or, if there be no newspaper published in the district, then in a newspaper published in the county in which such district or any part thereof is situated and having a general circulation in the district. Notice.

Hearing.

6.193a. At the time and place fixed in said resolution for the meeting of said governing body such public hearing shall be held and the said governing body may, except as may be otherwise provided, at the said meeting, or at any other meeting of the said governing body held within sixty days thereafter, unless a protest be entered as hereinafter provided in this article, adopt a resolution by a two-thirds vote of all its members authorizing and directing the president of said governing body, or any other presiding officer, or the secretary, or the members thereof, to execute a deed of dedication of the said property and to deliver the same, and upon the delivery and acceptance of such deed said dedication shall be fully effective.

Deed of dedication

Procedure on petition of protest

6.194a. If a petition protesting against the proposed dedication signed by at least ten per cent of the qualified electors of the district, as shown by the affidavit of one of the petitioners, be filed with said governing board at the meeting held at the time and place fixed in said resolution, the said governing board must, before taking any further action on the proposed dedication, submit the question of whether the proposed dedication should be made, to the superintendent of schools of the county having jurisdiction over the district, whose decision shall be final. Should the superintendent approve the proposed dedication, the board may proceed as hereinbefore in this article provided. Should the superintendent of schools not approve the proposed dedication, no further proceedings shall be had thereon.

CHAPTER 240.

An act to add a new section to the Fish and Game Code, to be numbered 791.5, relating to crabs.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 241.

An act to add section 698.5 to the Fish and Game Code, relating to the protection of fish.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 242.

An act to amend sections 822, 824, 829, and 1269a of the Penal Code and to add a new section thereto to be numbered section 815a, relating to bail in criminal cases.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered 815a and to read as follows: New section.

Bail to be fixed on issuance of warrant of arrest.

815a. At the time of issuing a warrant of arrest, the magistrate shall fix the amount of bail which in his judgment in accordance with the provisions of section 1275 will be reasonable and sufficient for the appearance of the defendant following his arrest, if the offense is bailable, and said magistrate shall endorse upon said warrant a statement signed by him, with the name of his office, dated at the county, city or town where it is made to the following effect "The defendant is to be admitted to bail in the sum of ------ dollars" (stating the amount).

SEC. 2. Section 822 of the Penal Code is hereby amended to read as follows: Pen. C. 1872.

Defendant arrested in another county to be admitted to bail.

822. If the offense charged is a misdemeanor, and the defendant is arrested in another county, the officer must, upon being required by the defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the indorsement referred to in section 815a, and take bail from him accordingly.

SEC. 3. Section 824 of the Penal Code is hereby amended to read as follows: Pen. C. 1872.

When bail is not given.

824. If, on admission of the defendant to bail in the amount specified in the indorsement referred to in section 815a, the bail is not forthwith given, the officer must take the defendant before the magistrate who issued the warrant, or, in case of his absence or inability to act, before the nearest or most accessible magistrate in the same county, and must at the same time deliver to the magistrate the warrant, with his return thereon indorsed and subscribed by him.

SEC. 4. Section 829 of the Penal Code is hereby amended to read as follows: Pen. C. 1872.

Admission to bail.

829. If the offense charged in the warrant issued pursuant to section 827 is a misdemeanor, the officer must, upon being required by the defendant, take him before a magistrate of the county in which the warrant was issued, who must admit the defendant to bail in the amount specified in the indorsement referred to in section 815a, and immediately transmit the warrant, deposition, and undertaking, to the clerk of the court in which the defendant is required to appear.

Stats 1929, p 605

SEC. 5. Section 1269a of the Penal Code is hereby amended to read as follows:

Release upon bail

1269a. No defendant charged in a warrant of arrest with any public offense shall be discharged from custody upon bail except upon a written order of a competent court or magistrate admitting the defendant to bail in the amount specified in the indorsement referred to in section 815a, and where an undertaking is furnished, upon a written order of such court or magistrate approving the undertaking. All such orders must be signed by such court or magistrate and delivered to the officer having custody of the defendant before the defendant is released. Any officer releasing any defendant upon bail otherwise than as herein provided shall be guilty of a misdemeanor.

CHAPTER 243.

Stats. 1907, p 124, amended

An act to amend sections 1, 6, 7, 8a, 8c, 8d, 8e, 8f, 8g, 8½ and 9, to repeal sections 8 and 8b, and to add new sections to be numbered 7a, 8 and 8b, to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

Stats 1913, p 692.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Unlawful to sell certain poisons unless labeled

Section 1. It shall be unlawful for any person to vend, sell, give away or furnish, either directly or indirectly any poisons enumerated in schedules "A" and "B" in section 5a of this act as hereinafter set forth, without labeling the package, box, bottle or paper in which said poison is contained, with the name of the article, the word "poison," and the name and place of business of the person furnishing the same. Said label shall be substantially in the form hereinafter provided. It shall be unlawful to sell or deliver any of the poisons named in schedule "A" or any other dangerously poisonous drug, chemical, or medicinal substance, which may from time to time be designated by the State Board of Pharmacy of California, unless on inquiry it is found that the person desiring the same is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose. It shall be unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons thus enumerated; provided, that this prohibition shall not apply to an officer or inspector of the State Board of Pharmacy in the performance

Unlawful to use for illegitimate purpose.

Giving fictitious name unlawful

of the duties enjoined by law upon said board, or to any person acting under authority of said board in the performance of said duties. Printed notice of all such additions to the schedule of poisons named and provided for in this section, and the antidote adopted by the Board of Pharmacy for such poisons shall be given to all registered pharmacists with the next following renewal of their certificates. It shall be unlawful to sell or deliver any poison included in schedule "A" or the additions thereto, without making or causing to be made, at the time of said sale, an entry in a book kept solely for that purpose, stating the date and hour of sale, and the name, address and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who must be a duly registered pharmacist; provided, however, that said entry shall be made out in full, in ink before said signature of the purchaser is made thereto, and that said entry shall be made by said dispenser himself, and not by any person who is not a duly registered pharmacist or duly registered assistant pharmacist.

Entries of sales in poison register.

Said book shall be in form substantially as follows:

Form of poison register.

Date and hour.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Signature of druggist.	Signature of purchaser.

This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five years after the date of the last entry therein.

Stats 1923, p. 1167.

SEC. 1a. Section 6 of said act is hereby amended to read as follows:

Prosecution of violators

Sec. 6. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed, to conduct all actions and prosecutions for the same; provided, that actions and prosecutions under the provisions of this act relating to the labeling, sale or use of poisons shall be made at the request of the Board of Pharmacy. The board may employ special counsel to assist the district attorney in such actions and prosecutions, but the compensation for such special counsel shall be paid only from funds derived from fines collected in prosecutions under the provisions of this act relating to poisons.

Special counsel for State Board of Pharmacy.

Special counsel for Division of Narcotic Enforcement

Subject to the approval of the Attorney General, the Chief of the State Division of Narcotic Enforcement shall have the power to employ special counsel who shall have authority to take complete charge of the conduct of actions or prosecutions for any violation of the provisions of this act relating to narcotics. The Chief of the Division of Narcotic Enforcement shall have power to fix the compensation to be paid for such service and may incur such other expense in connection with the conduct of such actions or prosecutions as he may deem necessary.

Compensation.

No attorney employed as special counsel under the provisions of this section shall receive as compensation therefor any sum in excess of three thousand five hundred dollars in any one year.

Stats. 1927, p. 1510.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

Penalties for unlawful sale of narcotics.

Sec. 7. Any person convicted under section 8 of this act for selling, peddling, furnishing, or giving away, or offering to sell, furnish, or give away, any of the narcotic drugs or substances or their derivatives mentioned in section 8, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the State prison for not less than six months nor more than six years and for the second and each subsequent offense, shall be imprisoned in the State prison for not less than one year nor more than ten years.

Penalties for unlawful possession of narcotics.

Any person convicted under section 8 of this act for having in possession any of the narcotic drugs or substances mentioned therein, or their salts, derivatives, or any preparation thereof, or for violating the provisions of section 8a, or the first paragraph of section 8d, hereof, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the State prison for not more than six years; for the second and each subsequent offense of which said person so convicted shall be found guilty, said person shall be punished by imprisonment in the county jail or in the State prison for not less than six months nor more than ten years.

Penalties for use of minor.

Any person who shall hire, employ, or use, any minor in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any of the drugs mentioned in section 8 hereof, shall upon conviction thereof be deemed guilty of a felony and shall be punished by imprisonment in the State prison for not less than one year nor more than six years, and for each subsequent offense upon conviction, be imprisoned in the State prison for not less than six years.

Penalties for forging or altering prescriptions.

Any person who shall forge or alter any prescription, or who shall utter any prescription bearing a forged or fictitious signature for any narcotic drugs specified in section 8 of this act or who obtains any such drugs by any forged, fictitious or altered prescription or who has in possession any such drugs secured by such forged, fictitious or altered prescription shall upon conviction for the first offense be punished by imprisonment in the county jail or in the State prison for not less than six months nor more than six years, and for a second or subsequent offense in the State prison for not less than one year nor more than ten years.

Penalties for other violations of act.

Any person violating any of the provisions of this act, except those for which a penalty is otherwise in this act specifically provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than five hundred dollars, or by imprisonment for not less than thirty days, and not more than one hundred eighty days, or by both such fine and imprisonment. All

moneys, forfeited bail or fines received under the operation of this act shall be sent without delay by the magistrate receiving same, seventy-five per cent to the State Treasurer to be deposited in the State treasury and twenty-five per cent to the city treasurer of the city, if incorporated, otherwise to the county treasurer of the county in which the prosecution is conducted. Disposition of fines and forfeitures.

SEC. 2a. A new section is hereby added to said act, to be numbered 7a, and to read as follows: New section.

Sec. 7a. It shall be the duty of all judges and magistrates collecting fines or forfeitures under this act to keep a record of said fines or forfeitures, and, upon the imposition of any such fine or forfeiture, to immediately transmit a copy of the record thereof to the county clerk of the particular county. It shall be the duty of the county clerk to keep a record of the fines and forfeitures imposed under this act in his county. Fines and forfeitures—judges to keep record.

Whenever an imprisonment has been imposed for a violation of this act, and before the termination of the sentence thereof, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture in lieu thereof, said lieu fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance. Lien fines.

It shall be the duty of the county clerk of each county to transmit to the State Treasurer an annual report of the fines and forfeitures collected during the calendar year within his county. Said report must be rendered before the fifteenth day of January of the following year. Annual report by county clerk

It shall be the duty of the State Treasurer to check the report of each county clerk with the transmittals of fines and forfeitures from the judges and magistrates, and whenever it is apparent that fines or forfeitures have not been transmitted, it shall be the duty of the State Treasurer to bring suit to enforce the collection or transmittal thereof, or both. Duty of State Treasurer.

The official bond of any judge or magistrate shall be liable for his failure to transmit the fines or forfeitures imposed by him under the provisions of this act.

The records kept by any judge, magistrate or county clerk, under the provisions of this section, shall be open to the public for inspection, and may be checked by the State Treasurer, the Attorney General, the district attorney of the particular county, or the State Division of Narcotic Enforcement. Records open to inspection.

SEC. 3. Section 8 of said act is hereby repealed. Repeal.

SEC. 4. A new section is hereby added to said act, to be numbered section 8, and to read as follows: New section.

Sec. 8. It shall be unlawful for any person, firm or corporation to sell, furnish, administer, or give away or offer to sell, furnish, administer, or give away or to have in possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, flowering tops and leaves of hemp or loco weed (cannabis sativa), Indian hemp, extracts, tinctures, or other preparations of hemp or loco weed (cannabis sativa) or Indian Unlawful sale of narcotics.

hemp, or chloralhydrate, or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds except upon the written prescription or order of a physician and surgeon, dentist or veterinary surgeon, licensed to practice in this State, which shall be wholly written, signed and dated by the person writing said prescription or order as of the date on which it is written, and shall contain the name and address of the person for whom prescribed. If prescribed by a veterinary surgeon it shall state the kind of animal for which ordered and the name of the owner, or person having custody of said animal.

Prescription

Same—Unlawful to antedate or postdate.

No physician and surgeon, dentist or veterinary surgeon shall antedate or postdate any prescription for any of the drugs enumerated in this act, nor issue any prescription which is false or fictitious in any manner. No person shall obtain or have in his possession any such antedated or postdated prescription nor any prescription not bearing the correct name and address of the person for whom such prescription was written nor any prescription which is false or fictitious in any manner or which has been altered by any person other than the person writing such prescription nor any of the drugs mentioned herein obtained by any such antedated, postdated, false, fictitious or altered prescription, or obtained by any prescription not bearing the correct name and address of the person for whom said prescription was written. No person, other than a physician and surgeon, dentist or veterinary surgeon, licensed to practice in this State, shall write any prescription for any of the drugs mentioned in this section and no such physician and surgeon, dentist or veterinary surgeon shall write or issue any such prescription which does not conform to all of the regulations in this act contained. Such order or prescription shall be retained on file by the person, firm or corporation who compounds or dispenses the articles ordered or prescribed and shall be preserved for at least three years from the date of filing thereof; and such prescription shall not be again compounded or dispensed. No copy or duplicate of such written order or prescription shall be made or delivered to any person other than an inspector of the Board of Pharmacy or the chief or inspector of the State Division of Narcotic Enforcement but the original shall be at all times open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the Division of Narcotic Enforcement and of the State Board of Pharmacy.

Record of prescriptions.

Copy or duplicate.

Exemptions.

The above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section 1 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and acts amendatory thereof; nor to sales to physicians and surgeons, dentists or

Stats 1905, p 535

veterinary surgeons, nor by such persons to each other, nor to the sale at retail in pharmacies by pharmacists to physicians and surgeons, dentists or veterinary surgeons licensed to practice in this State. All such wholesale jobbers, wholesalers and manufacturers, in this section mentioned, shall keep in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section 2 of the act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations, which shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or the chief or any inspector of the State Division of Narcotic Enforcement, and they shall be preserved for at least three years after the date of the last entry therein.

Wholesaler's record

Inspection

The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this State, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provisions of this act. A true and correct copy of all orders, contracts or agreements, taken for narcotic drugs specified in this section shall be forwarded by registered mail to the Division of Narcotic Enforcement within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this State, as provided for in said section.

Order to traveling agent.

Copy of order to board

It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine or any other person to administer to himself as an habitual user or administer to or furnish to or prescribe for the use of any other habitual user of the same, or of anyone representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloralhydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine, osteopathy or dentistry to prescribe, administer to or furnish any of the foregoing substances for himself or any person not in the regular practice of his profession under his treatment for a pathology or condition other than narcotic addiction, except as hereinafter provided, or for any veterinary surgeon to prescribe, administer to or furnish any of the foregoing substances for the use of himself or any other human beings.

Unlawful to furnish narcotics to habitual user.

The narcotic provisions of this act shall not be construed to prevent any physician and surgeon licensed as such in the State

Prescription of narcotics in good faith.

of California, from administering, furnishing or prescribing in good faith to any habitual user of narcotics who is under the professional care of such physician and surgeon for a disease, ailment, or injury, other than narcotic addiction, or for the infirmities attendant upon old age, such substances as such physician may reasonably deem necessary for the treatment of such disease, ailment, injury or infirmities, when such substances are furnished or prescribed in good faith in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction of an habitual user of narcotics. Every such licensed physician and surgeon shall report in writing, over his signature, by registered mail, to the office of the division of narcotic enforcement within five days after the first treatment every habitual user of narcotics under the professional care of such physician and surgeon stating the date, name and address of the patient, and the name and quantity of the narcotics prescribed in such treatment, and the physician and surgeon shall upon request in writing from the Division of Narcotic Enforcement furnish any additional reports upon the treatment of such habitual user as said narcotic division may in writing request. The above provisions shall not apply to preparations of the United States Pharmacopoeia and National Formulary or other recognized or established formula or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying the addiction of an habitual user of narcotics, containing not more than two grains of opium, or one-fourth grain of morphine, or one grain of codeine, or one-sixteenth grain of heroin, or ten grains of chloralhydrate, or two grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois, except tincture opii camphorata (commonly known as paregoric) which may be sold only upon the prescription of a physician and surgeon, licensed to practice in this State and said prescription shall not be again refilled or dispensed. No physician and surgeon, osteopath, dentist or veterinary surgeon, or other person shall prescribe, administer, or furnish any of the substances or drugs mentioned in this section except under the conditions and in the manner in this act prescribed.

Report of habitual users.

Exempt formulae.

Every person authorized by law to issue a prescription or administer or dispense narcotic drugs as mentioned in this act shall preserve for a period of not less than two years a record of the name and address of the person to whom, the date when, the character and quantity of the drug prescribed, or administered or dispensed, and the purpose for which each prescription was issued, or narcotic drug administered or prescribed or dispensed. Such record shall be open at all times to inspection by the inspectors of the Division of Narcotic Enforcement. In any prosecution under this act proof that the defendant had in his possession at any time a greater amount of drugs than

Record of prescriptions.

accounted for by the record required in this act shall constitute prima facie evidence of guilt.

SEC. 5. Section 8a of said act is hereby amended to read as follows: Stats 1915, p 1066.

Sec. 8a. The possession of a pipe or pipes used for smoking opium (commonly known as opium pipes) or the usual attachment or attachments thereto, or other contrivances used for smoking opium, or extracts, tinctures or other narcotic preparations of hemp, or loco weed, their preparations or compounds containing more than two grains to each fluid or avoirdupois ounce (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), is hereby made a misdemeanor, and upon conviction thereof shall be punishable by the penalties prescribed in section 7 of this act. Unlawful possession of opium pipe.

SEC. 6. Section 8b of said act is hereby repealed. Repeal.

SEC. 7. A new section is hereby added to said act, to be numbered section 8b, and to read as follows: New section.

Sec. 8b. All drugs and substances specified in section 8 and also all pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, flowering tops and leaves, or extracts, tinctures, or other preparations, of hemp, or loco weed, their preparations or compounds containing more than two grains of Indian hemp or loco weed to each fluid or avoirdupois ounce (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in chapter three of title twelve of part two of the Penal Code. All such drugs, pipes, used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, and all such hemp or preparation of hemp or loco weed seized under the provisions of this act shall be ordered destroyed by the judge of the court in which final conviction was had; said order of destruction shall contain the name of the party charged with the duty of destruction as herein required; provided, however, that the judge shall turn all such evidence over to the Division of Narcotic Enforcement of the State of California for such destruction; and provided, further, that any drugs specified in section 8 hereof, opium pipes and the usual attachments thereto, or smoking opium, seized under the provisions of this act, now in the possession of any city or county official or officials, or the State Board of Pharmacy, or said Narcotic Division, or which may hereafter come into their or its possession, in which no trial was had, shall be delivered to the Division of Narcotic Enforcement for destruction; provided, however, that none of the drugs specified in section 8, opium pipes and the usual attachments thereto, or smoking opium coming into the posses- Seizure and destruction of drugs and appliances.

sion of said division as above described, shall be destroyed within a period of six months from the date of such seizure. The Division of Narcotic Enforcement may dispose of all narcotics now on hand or hereafter coming into its possession (other than heroin or smoking opium), by gift to the medical superintendents of California State prisons or State hospitals for medical purposes.

Disposition of seized narcotics.

Stats. 1915, p. 1066.

SEC. 8. Section 8c of said act is hereby amended to read as follows:

Revocation of license of pharmacist.

Sec. 8c. The State Board of Pharmacy may revoke the registration of any registered pharmacist or assistant pharmacist upon conviction of violating any of the narcotic provisions of this act, and in such case said registration shall not be restored before the period of one year from the date of said revocation.

Stats. 1915, p. 1066.

SEC. 9. Section 8d of said act is hereby amended to read as follows:

Unlawful to maintain or visit opium resort

Sec. 8d. It shall be unlawful for any person to open or maintain, to be resorted to by other persons, any place where opium, or any of its preparations, or hemp or loco weed (cannabis sativa), Indian hemp, or extracts, or preparations thereof, is sold or given away to be smoked on the premises.

Every person who visits or resorts to any such place for the purpose of smoking opium or its preparations, or hemp or loco weed (cannabis sativa) or its preparations, is guilty of a misdemeanor.

Stats. 1919, p. 1275

SEC. 10. Section 8e of said act is hereby amended to read as follows:

Unlawful to sell hypodermic syringe or needle.

Sec. 8e. It is hereby made unlawful for any person to sell, vend, give away, or furnish, either directly or indirectly, to any person other than a duly licensed physician and surgeon licensed to practice and prescribe medicines in this State, or to a dentist or a veterinarian, or a pharmacist licensed to practice in this State, or person holding an unrevoked license to practice osteopathy, an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, without a written, signed order from a duly licensed physician and surgeon, dentist or veterinarian licensed to practice and prescribe medicine in this State, said order to contain the name and address of the party for whom ordered; or for any person other than a physician and surgeon, dentist, registered nurse, veterinarian or pharmacist licensed to practice in this State, to have in his possession such an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, or any instrument or contrivance used for the same purpose as a hypodermic syringe or hypodermic needle, unless said instrument or contrivance was purchased by said person through and with a written order signed by a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this State or person holding an unrevoked license to practice osteopathy, as above provided. No order, certificate or prescription shall be

Unlawful to possess hypodermic syringe or needle.

for more than one hypodermic syringe or for more than three hypodermic needles and no copy or duplicate of such order shall be made for or delivered to any person and said order or prescription shall be accepted and filled only once; provided, however, that the above restrictions shall not prevent any duly registered nurse of this State or student nurse in any hospital or training school for nurses from obtaining or possessing any hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a licensed physician and surgeon or licensed dentist; provided further, that the Board of Pharmacy may upon application and at its discretion issue a permit, revocable at the discretion of the said board, to any duly registered pharmacist, for a limited period, permitting and authorizing such pharmacist to sell and dispense hypodermic syringes and needles for specified purposes, to persons not addicted to the use of the narcotic drugs enumerated in this act, and sales made under the authority of and in conformity with the terms of such permit shall not be construed to be in violation of the provisions of this section.

Prescriptions.

Permit to sell.

SEC. 11. Section 8f of said act is hereby amended to read as follows:

Stats. 1919, p 1275.

Sec. 8f. For the purpose of this act the terms veterinarian, dentist, pharmacist shall be deemed to mean and shall refer only to persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in California. The term "physician," or "duly licensed physician," or "physician duly licensed to practice in this State," or "duly licensed physician licensed to practice and prescribe medicine in this State," or "practitioner of medicine," or "licensed physician," shall be deemed to mean and refer only to persons holding a valid and unrevoked physician's and surgeon's certificate, or certificate to practice medicine and surgery, issued by the Board of Medical Examiners or the Board of Osteopathic Examiners of the State of California or under the terms or provisions of any preceding medical practice act of the State of California.

Definitions.

The words "cannabis sativa" shall be construed to mean and refer to the male and female of that species.

SEC. 12. Section 8g of said act is hereby amended to read as follows:

Stats 1925, p 137.

Sec. 8g. Any automobile or other vehicle used to convey, carry or transport any of the drugs mentioned in section 8 of this act, which drugs are not lawfully possessed and transported, shall be forfeited to the State of California as provided in this section.

Seizure of automobile or other vehicle

(a) Any peace officer of this State, upon making, or attempting to make, an arrest for the unlawful transportation of any of the drugs mentioned in section 8 of this act shall seize the automobile or other vehicle used in their transportation, and hold the same as evidence until a forfeiture has been declared or a release ordered as provided in this section.

Notice.

(b) Notice of the seizure and of the intended forfeiture proceeding shall be filed with the county clerk and shall be served on all persons, firms or corporations having any right, title or interest in the automobile or other vehicle seized, hereinafter referred to as the "owners," in the following manner: upon each owner whose right, title or interest is of record in the Department of Motor Vehicles and upon each owner whose name and address is known, by mailing a copy of such notice by registered mail to the last known address of such owner, and upon all other owners by one publication in a newspaper of general circulation in the county where such seizure was made.

"Owner" defined

Answer.

Within twenty days after the date of mailing the notice by registered mail, or within twenty days after the date of publication, the owner or owners of the automobile or other vehicle so seized may make a verified answer to the fact of the use of the automobile or other vehicle in the unlawful transportation of the drugs mentioned in section 8 of this act; provided, however, that the claimant of any right, title or interest in said vehicle so seized may make a verified answer to establish his claim as provided in subdivision (e) of this section. No extensions of time shall be granted for the purpose of making the verified answer above required.

Hearing.

(c) If at the end of twenty days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of unlawful use and shall, upon motion, order the automobile or other vehicle forfeited to the State of California.

(d) If a verified answer has been filed, then the forfeiture proceeding may be set for hearing on a day not less than twenty days therefrom, and notice of this proceeding shall be given in the same manner as notice of the seizure was given as provided above.

(e) At the time set for the hearing any of the owners who have verified answers on file may show by competent evidence that the automobile or other vehicle was not in fact used in the unlawful transportation of drugs in violation of this act; provided, however, that the claimant of any right, title or interest in said vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that such right, title or interest was created after a reasonable investigation of the responsibility, character and reputation of the offender and without any knowledge that the vehicle was being, or was to be, used for the illegal transportation of such drugs.

Release of vehicle.

(f) In the event of such proof, the court shall order said vehicle released to such bona fide or innocent owner, lienholder, mortgagee or vendor if the amount due to such person shall be equal to, or in excess of, the value of the automobile, it being the intention of this section to forfeit only the right, title or interest of the offender; provided, that if the amount due to such person shall be less than the value of said vehicle, then said vehicle shall be sold in the manner provided for sales

of property under execution and the remainder of the proceeds of such sale, after payment of the balance due on the purchase price, mortgage, or lien, shall be deposited in the State treasury.

Should the fact be determined that the automobile or other vehicle was not used in the unlawful transportation of the drugs mentioned in section 8 of this act, the court shall order the automobile or other vehicle released to the owner or owners thereof.

Forfeited vehicles.

(g) Where an automobile or other vehicle has been ordered forfeited it shall be turned over to the Department of Finance of the State of California. The Department of Finance shall deliver to the State Division of Narcotic Enforcement such automobiles or other vehicles as may be needed by the said narcotic division to enforce the provisions of this act.

Exemptions.

(h) Nothing contained herein shall apply to common carriers or to an employee acting within the scope of his employment under this act.

Stats. 1927, p 105.

SEC. 13. Section 8½ of said act is hereby amended to read as follows:

Administration of narcotics.

Sec. 8½. Any of the drugs mentioned in section 8 of this act employed in treating a habitue or addict for narcotic addiction must be applied or administered by a licensed physician and surgeon of this State, or a registered nurse acting under his instructions, and except during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident or injury, shall be permitted only in institutions approved by the State Board of Medical Examiners, where the patient is kept under restraint and control, or in city or county jails or State prisons or State narcotic hospitals; provided further, that any licensed physician and surgeon treating any habitue for narcotic addiction shall not prescribe for or furnish such habitue more than eight grains of opium, or four grains of morphine, or two grains of cocaine, or any derivative of cocaine, or two grains of heroin for each daily treatment and at the end of fifteen days of such treatment the said physician and surgeon shall not prescribe for or furnish to such habitue, for each daily treatment, more than four grains of opium, or two grains of morphine, or one grain of cocaine, or any derivative of cocaine, or one grain of heroin, and at the end of thirty days from the first treatment, the prescribing or furnishing of any of the narcotic drugs above enumerated shall be entirely discontinued; and the physician shall report by registered mail to the Division of Narcotic Enforcement as required in section 8 of this act, and shall in the same manner further report in fifteen days, and in thirty days, and as often thereafter as requested in writing by said Division of Narcotic Enforcement, the progress of the patient under the treatment so administered by him; provided, however, that any licensed physician and surgeon regularly employed may prescribe for or furnish or administer to his patient who is suffering with some incur-

Persons suffering from incurable disease, etc.

able disease, ailment, or injury, other than narcotic addiction, and which disease, ailment or injury such physician in good faith believes requires such treatment, any of the narcotic drugs mentioned in section 8, in such quantity and for such length of time as may be reasonably necessary. The physician and surgeon prescribing or furnishing any of the narcotic drugs to an habitual user must personally furnish, by registered mail, a signed, detailed report in writing, to the Division of Narcotic Enforcement, within five days after writing the first prescription or furnishing the narcotic drug to such patient. The report shall contain the name of the patient, the character of the injury or ailment, the quantity and kind of drug used and a statement as to whether or not the patient is an addict. The physician and surgeon so administering said drugs shall keep a record of the person to whom such drugs were administered, the date of such administration, and the pathology for which said drugs were administered, which record shall be preserved for two years and shall at all times be open to inspection by the inspectors of the Division of Narcotic Enforcement and the inspectors of the State Board of Pharmacy. The Division of Narcotic Enforcement may employ a licensed physician to interview, examine and report the result of such interview or examination of any patient coming under the provisions of this section. Such patient shall submit to such interview and examination and shall not in any manner hinder or impede such interview or examination. The physician so employed by the Division of Narcotic Enforcement to conduct such interview and examination shall report the results of said examination and interview to the Division of Narcotic Enforcement, and said physician so employed may testify in any action brought under the narcotic provisions of this act or in any hearing before the State Board of Medical Examiners and such testimony shall not be privileged.

Report.

Investigators.

Penalties

Any person violating any provision of this section is guilty of a misdemeanor. In any prosecution of a physician and surgeon for a violation of this provision, proof that defendant received or had in his possession at any time, a greater amount of such drugs than the record required by this act accounts for, shall constitute prima facie evidence of his guilt.

Stats 1919, p. 1275

SEC. 14. Section 9 of said act is hereby amended to read as follows:

Sale of carbolic acid.

Sec. 9. The sale or furnishing of carbolic acid (phenol) in quantities of less than one pound, is prohibited unless upon the prescription of a physician and surgeon, dentist or veterinary surgeon duly licensed to practice in this State, but this prohibition shall not apply to solution of carbolic acid (phenol) containing not over ten per cent of the carbolic acid (phenol) and not less than ten per cent of ethyl alcohol. All sales of carbolic acid (phenol) thus diluted so as to contain no more than ten per cent of carbolic acid (phenol) may be made under the same conditions as the drugs enumerated in schedule "B" as

found in section 5a, but sales of carbolic acid (phenol) containing more than ten per cent of said acid shall be registered subject to the same regulation as the poisons enumerated in schedule "A" as found in section 5a.

CHAPTER 244.

An act to amend the title and sections 1, 2, 3, 3a, 5, 6, 7, 8, 10, 13, 14, 15, 21, 22, 23, 24, 27 and 28 of an act entitled "An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a State board therefor, providing penalties for violations thereof, and repealing the act entitled 'An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof,' approved April 16, 1915, as amended," approved April 20, 1929, relating to and regulating funeral directors, embalmers and embalmers' apprentices.

Stats. 1929, p. 258, amended

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

Title amended.

"An act regulating funeral directors and embalmers and the transportation of and traffic in dead human bodies, creating a State board therefor, providing penalties for violations thereof, and repealing the act entitled 'An act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof,' approved April 16, 1915, as amended."

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Stats. 1931, p. 1747.

Section 1. This act shall be known as the Funeral Directors and Embalmers Law. There is hereby created a board to be known as the State Board of Funeral Directors and Embalmers, consisting of five members, with a minimum of five consecutive years' experience, immediately preceding their appointment, in the preparation and disposition of dead human bodies and in the practice of embalming, appointed by the Governor and removable by him for incompetency or improper conduct. Such board is a continuation of the Board of Embalmers and Funeral Directors for all purposes. Except

Short title

Board of Funeral Directors and Embalmers

Term of office.

as herein provided, the term of office of the members of the board shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: one member January 15, 1934; one member January 15, 1935; one member January 15, 1936; two members January 15, 1937. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

Stats 1931, p. 1731.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Meetings.

Sec. 2. The said board shall meet annually, and at such other times as it may determine, and shall elect from its members, each for a term of one year, a president, a vice president and a secretary. The salary of the secretary shall be fixed by said board with the approval of the Department of Finance. Each member other than the secretary shall receive as compensation for his services the sum of ten dollars for each day's actual attendance upon a board or committee meeting, and each member shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties hereunder.

Compensation.

Stats. 1931, p. 1736

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Definitions: Funeral director.

Sec. 3. The term "funeral director," as herein used, is a person, partnership, corporation, association, or other organization engaged in or conducting, or holding himself or itself out as engaged in: (a) preparing, for the burial or disposal and directing and supervising for burial or disposal of dead human bodies, (b) maintaining a funeral establishment for the preparation for the disposition or for the care of dead human bodies, and (c) who shall, in connection with his or its name or funeral establishment, use the words "funeral director," or "undertaker," or "mortician," or any other title implying that he or it is engaged as a "funeral director," as herein defined. A "funeral establishment" as the term is used herein, shall be understood to mean a place of business conducted at a specific street address or location devoted exclusively to the care and preparation for burial or transportation of human dead bodies and consisting of (a) a chapel wherein funeral services may be conducted, (b) a preparation room equipped with tile or cement floor, necessary drainage and ventilation, and containing necessary instruments and supplies for the preparation and embalming of human dead bodies for burial or transportation, and (c) a display room containing a stock of funeral caskets and shipping cases. The said board may adopt such rules as may be reasonable and proper to define what shall be deemed to be necessary drain-

Funeral establishment.

age and ventilation, and what instruments, supplies and merchandise shall be deemed to be necessary and suitable in such funeral establishment.

Embalmer. The term "embalmer," as herein used, is a person engaged, or holding himself out as engaged, in the practice of disinfecting or preserving dead human bodies, or preparing for the transportation by railroad, express company, or common carrier of human bodies dead of contagious or infectious disease.

Apprentice. The term "apprentice" as herein used is a person engaged in the study of the art of embalming under the instruction and supervision of a regularly licensed embalmer of and practicing in the State of California.

The regular course of apprenticeship shall be two years, provided that the apprentice shall be entitled to two weeks' vacation each year, without leave of absence from the board.

Apprentice requirements. The person desiring to engage as an apprentice shall make application for registration as an embalmer's apprentice, to said board upon a form provided by the board, which application shall state that the applicant is over eighteen years of age, holds a high school certificate, or possesses the equivalent of a high school education, and is of good moral character. On and after the first day of January, 1935, an applicant for registration as apprentice must hold a junior college diploma or must have completed a full two years' college course. Said application must be verified by the oath of applicant and be accompanied by a fee of one dollar. The secretary of the board shall whenever it appears to him that no reason exists for the denial of such application and that such application is regular upon its face, have the power to issue to the applicant, a certificate of apprenticeship, without submitting said application to the board. If, however, any doubt exists as to the qualifications of the applicant, said application shall be submitted to the board and may be accepted or rejected by a majority vote of the board.

Fee, certificate

Renewal and delinquency fees. A certificate of apprenticeship issued as herein provided shall be signed by the apprentice and shall be renewable annually upon the payment by the holder on the first day of January of each year of an annual renewal fee of one dollar. Failure to pay said renewal fee during the month of January of any year shall cause said certificate to become delinquent, in which case it shall be renewed only upon the payment of a penalty of five dollars, in addition to said renewal fee. The board shall mail on or before the first day of January of each year to each registered apprentice at his last known address a notice that his renewal fee is due and payable and that, if not paid by the first of February, the penalty for renewal will be five dollars, in addition to said renewal fee.

Report on work. All apprentices registered as provided herein shall be under the supervision and control of said board and shall be required to report to said board semiannually on January 15 and July

15 upon forms provided by the board, showing the work which such apprentices have performed during the semiannual period preceding the first of the month on which such report is made, including the number of hours served and the number of bodies the apprentice has assisted in embalming or otherwise preparing for disposition during said period. The information contained in said report shall be certified to as correct by the funeral director in whose establishment said apprentice has been employed during said period and by the embalmer under whom he has served during said period.

Leave of absence for apprentice

Said board shall have power to grant leaves of absence and to grant extensions thereof to apprentices registered under the provisions of this act, provided that no credit shall be given to an apprentice upon his apprenticeship for the period during which he is absent from duty on leave, and provided further that no more than an aggregate of twelve months' leave of absence shall be granted to any apprentice during the term of his apprenticeship. Application for leave of absence and for extension thereof shall be made by the apprentice upon a form provided by and addressed to said board. Upon the termination of a leave of absence or any extension thereof, the apprentice shall report to the board the fact that he has resumed his duties as an apprentice and shall submit to the board affidavits subscribed by the funeral director in whose establishment he has resumed his duties and by the embalmer under whom he is apprenticed, confirming this fact. Failure to so report within ten days after the expiration date of any leave of absence or extension thereof shall automatically cancel the registration of such apprentice.

Power to suspend or revoke certificate of apprenticeship.

The board shall have power to suspend or revoke a certificate of apprenticeship, after notice and upon complaint and hearing, where the said apprentice is guilty of any of the following acts or omissions:

1. Failure to devote not less than an average of eight hours per day, six days per week, to the duties of his apprenticeship;

2. Failure to make any semiannual report to the board as required hereunder;

3. Absence from duty except on vacation for an aggregate of more than ten days in any six months or twenty days in any year, without leave of absence granted by the board.

4. Gross immorality;

5. Being on duty as an apprentice while under the influence of liquor;

6. Disobedience of proper orders or instructions of his superior;

7. Violation of any provision of this act or any rule or regulation of the board is made hereunder;

8. Soliciting business for a funeral director or for an embalmer;

9. Failure to complete his two year course of apprenticeship within three years after registration;

10. Fraud or misrepresentation in obtaining a certificate of registration as an apprentice;

Reregistration of apprentice.

An apprentice who has allowed his certificate of apprenticeship to lapse or who has had his certificate of apprenticeship suspended or revoked may within one year after such suspension or revocation make application for reregistration, but not more than two such reregistrations shall be allowed by the board. The board may, when the circumstances warrant, allow an apprentice credit under a reregistration for time actually served under a previous registration, provided that if the previous registration has been suspended or revoked upon any of the grounds set forth in this section not more than seventy-five per cent of the time previously served shall be credited on the reregistration.

Stats. 1931, p 1736

SEC. 5. Section 3a of said act is hereby amended to read as follows:

One funeral director to establishment

Sec. 3a. Not more than one person, partnership, corporation, association, or other organization engaged in business as a funeral director shall transact business in one specific funeral establishment.

Stats 1931, p 1736.

SEC. 6. Section 5 of said act is hereby amended to read as follows:

Embalmer's applications qualifications.

Sec. 5. In order to qualify for a license as an embalmer, the applicant must be over twenty-one years of age, of good character, must hold a certificate from a high school, or its equivalent, must have first completed a two-year course of apprenticeship under an embalmer licensed and engaged in practice as an embalmer in this State, must have assisted at the embalming of not less than fifty dead human bodies while so apprenticed, and must have completed a full course of instruction in an embalming school of the class A type, as rated by the "Conference of Embalmers Examining Boards of the United States, Inc."; provided that a funeral director who secured a license prior to January 1, 1930, and who ever since said date has been continuously engaged as a funeral director, may be given a special examination by the board to determine his qualifications as an embalmer, and upon passing such examination may receive an embalmer's license without further compliance with the provisions of this section. On and after the first day of January, 1937, an applicant for examination for an embalmer's license must hold a junior college diploma or must have completed a full two years' college course.

Examination

The board shall require the applicant to pass an examination, which shall include the subjects of: theory and practice of embalming; anatomy, including histology, embryology and dissection; pathology, bacteriology; hygiene, including sanitation and public health; chemistry, including toxicology; and restorative art, including plastic surgery and demisurgery.

Application, fee.

The application must be in writing, and verified, on a form provided by and addressed to said board, and must be accompanied by a fee of twenty-five dollars and by affidavits of

at least two reputable residents of the county in which the applicant resides or proposes to engage in the practice of an embalmer to the effect that the applicant is of good character.

Examination requirements of other States.

Said board shall have authority, from time to time, to examine the requirements for the issuance of licenses to embalmers in other states of the United States, and to cause a record to be kept of those states in which standards for embalmers, not lower than those provided in this act, are maintained.

Stats. 1929, p. 258.

SEC. 7. Section 6 of said act is hereby amended to read as follows:

Examinations.

Sec. 6. Said board shall hold at least two meetings annually for the purpose of examining applicants for embalmers' licenses, one in Los Angeles, and one in San Francisco, and at such other times and places as the board may determine.

Notice of the time and place of each such meetings shall be given twice a week during each of two seven-day periods next preceding each meeting in one daily newspaper of general circulation published in each of said cities.

Stats 1931, p. 1736

SEC. 8. Section 7 of said act is hereby amended to read as follows:

Location of business of funeral director.

Sec. 7. The business of a funeral director must be conducted and engaged in at a fixed place or establishment; and no person, partnership, corporation, association or other organization, shall open or maintain a place or establishment at which to engage in or conduct, or hold himself or itself out as engaging in or conducting, the business of a funeral director, unless first licensed so to do by said board.

License, application.

An application for such license shall be in writing, and verified, on a form provided by and addressed to said board and filed at its Sacramento, San Francisco or Los Angeles office. The applicant, or in case the applicant is an association, corporation or partnership, the president or other officer appearing therefor, must be at least twenty-one years of age, a regularly licensed embalmer of the State of California, and of good character. The applicant, when an individual, and the president or such other officer of an association, corporation, partnership or other organization, or the individual who is to manage, direct or control the proposed business or profession shall, before the application is granted, successfully pass an examination upon the following subjects: the signs of death; the manner by which death may be determined; the laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies dying from infectious or contagious diseases; local health and sanitary ordinances and regulations relating to funeral directing and embalming.

Contents of application.

The application must specify the address at which the applicant proposes to engage in or conduct a place of business as a funeral director, and must be accompanied by the affidavits of at least two reputable residents of the county in which the applicant resides, or proposes to engage in or con-

duct a funeral establishment, to the effect that the applicant, or the president or other officer, if the applicant is an association, corporation or partnership, or the individual who is to manage, direct or control such association, corporation or partnership, is of good character. The applicant shall also furnish the board satisfactory proof that the establishment in which he intends to conduct business as a funeral director is or will be constructed, equipped and maintained in all respects as a funeral establishment as defined in section 3 hereof.

Fee.

The application must also be accompanied by a fee of twenty-five dollars.

License for each establishment.

If the applicant for such license proposes to engage in or conduct more than one funeral establishment the applicant must make a separate application and procure a separate license for each separate location.

Application and fee for change of business location.

Any funeral director desiring to change his place of business must make application therefor on forms furnished by the board at least thirty days prior to time that said change in location is to take effect. The application for such change of location must be accompanied by a fee of five dollars. Such application shall be granted by the secretary of the board upon the filing with the board by a board member or an inspector of the board of a favorable report as to the physical status of the proposed new location and that it conforms to the provisions of section 3 of this act.

Business left by deceased funeral director.

In case of the death of a licensed funeral director who leaves an established business, as in this act defined, as part or all of the assets of his estate, the board may issue to the legal representative of such deceased funeral director, provided such legal representative is of good character and is either himself a licensed embalmer or has and will during the administration of said estate continue to have in his employment a regularly licensed embalmer of this State, a special temporary license as a funeral director for the duration of the administration of such estate, but in no case to exceed two years; provided, that the fees for issuance and renewal of such special temporary license and the time for payment thereof shall be the same as those required for regular licenses issued by said board.

Stats. 1931, p 1736.

SEC. 9. Section 8 of said act is hereby amended to read as follows:

Investigation of applicants.

Sec. 8. Upon receipt of an application for a license hereunder said board shall cause an investigation to be made as to the character of the applicant, including its officers or members, if the application is by or in behalf of an association, corporation or partnership, and may require such showing as will reasonably prove the good character of the applicant; may subpena witnesses, administer oaths and take testimony with respect to the character of the applicant and, upon proper notice and after proper hearing, shall grant a license if it finds that the applicant is of good character, and that the proposed funeral establishment is or will be constructed and

equipped as required by section 3 of this act. The board shall have power to examine into and pass upon the qualifications of the applicant as to character, ability and experience before passing upon the physical status of the proposed funeral establishment, and, in case the applicant's character, ability and experience have been favorably passed upon, shall instruct the secretary of the board to issue the funeral director's license upon the filing with the board of a favorable report by a board member or an inspector of the board as to the physical status of said proposed funeral establishment.

Every application must be granted or refused within ninety days from the date of the filing of such application or within thirty days after the close of the hearing upon the application, in case a hearing is held.

Stats 1929, p 258

SEC. 10. Section 13 of said act is hereby amended to read as follows:

Form and registration of licenses

Sec. 13. Every license issued hereunder shall specify the name of the licensee, shall be signed by the licensee, shall be displayed conspicuously in the place of business or employment of the licensee, and the licensee shall, upon being licensed, register by name and number of State license with the board of health of the city or county in which the licensee proposes to conduct a funeral establishment, or to practice as an embalmer, the fact that a license has been issued. Whenever a licensee changes his residence or place of business, from the jurisdiction of any particular board of health to another, such licensee shall, within ten days after such change register as herein provided with the board of health to whose jurisdiction he has moved. No city or county authority shall issue any permit or license for removal or interment of a dead human body to any funeral director or embalmer unless such funeral director or embalmer has registered as in this section provided. Whenever a licensee has allowed his license to lapse or has had his license suspended or revoked the secretary of the board shall promptly notify such board of health of such lapse or suspension or revocation, and no city or county authority shall issue any permit or license to any funeral director or embalmer notice of the lapse or suspension or revocation of whose license has been so given to such board of health, until such board shall be notified of the reinstatement of such funeral director or embalmer.

No funeral establishment shall be conducted or held forth as being conducted or advertised as being conducted under any name except the name appearing as licensee in the license issued by the board to such establishment.

Stats 1931, p 1736

SEC. 11. Section 14 of said act is hereby amended to read as follows:

Embalmer's license not assignable

Sec. 14. No embalmer's license shall be assignable, and only the licensee may engage in the practice of embalming under the license.

Whenever the name or license number of any licensed embalmer is subscribed to any certificate the purport of which

shall be to state that said licensed embalmer performed any act mentioned in such certificate, such name must be actually signed by such licensed embalmer.

A funeral director's license may be assigned, after a showing as to the good character of the proposed assignee and said assignee shall have the right to renew such license. A fee of five dollars must accompany each application for assignment. Funeral director's license assignable

SEC. 12. Section 15 of said act is hereby amended to read as follows: Stats 1931, p 1736

Sec. 15. The said board shall have power to adopt and enforce reasonable rules and regulations relating to the practice of embalming, to the business of a funeral director, to the sanitary condition of places where such business or practice is conducted, with particular regard to plumbing, sewage, ventilation and equipment, and generally to carry out the various provisions of this act in the protection of the peace, health, safety, welfare and morals of the public. Rules and regulations

The said board shall have the power to inspect the premises in which the business of funeral director is conducted or where embalming is practiced, and for that purpose may employ inspectors, and prosecuting attorneys to aid in the enforcement of this act and rules adopted pursuant thereto, whose compensation and expenses shall be payable only out of the fees collected hereunder. Inspection.

The board shall also have the power to suspend or revoke licenses after proper hearing and notice to the licensee, upon such licensee being found guilty of any of the following acts or omissions: Suspension or revocation of licenses

1. Conviction of a crime involving moral turpitude;

2. Unprofessional conduct which is hereby defined to include: "Unprofessional conduct" defined

(a) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

(b) False or misleading advertising as a funeral director or embalmer;

(c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending; provided, this shall not be deemed to prohibit general advertising;

(d) Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors," or other such persons to obtain funeral directing or embalming business;

(e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(f) The buying of business by the licensee, his agents, assistants, or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees for the purpose of securing business;

(g) Gross immorality;

(h) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

(i) Using profane, indecent or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;

(j) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;

(k) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of, a dead human body;

(l) Violation of any of the provisions of this act;

(m) Violation of any State law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;

(n) Fraud or misrepresentation in obtaining a license;

(o) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof.

Stats 1929, p 258.

SEC. 13. Section 21 of said act is hereby amended to read as follows:

Penalties.

Sec. 21. Any person, partnership, corporation, association, or his or its agents or representatives who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment in a county jail not exceeding six months, or by a fine not exceeding five hundred dollars or by both.

Stats 1929, p 258.

SEC. 14. Section 22 of said act is hereby amended to read as follows:

Compensation for obtaining business prohibited

Sec. 22. Every funeral director or embalmer, or the agents or representatives thereof, who pays, offers to pay, or causes to be paid, directly or indirectly, any sum of money or other valuable consideration for the securing of business, and every person who pays or causes to be paid or offers to pay to any funeral director or embalmer, or to the agent, assistant or employee of either, any commission or bonus or rebate or other thing of value in consideration of such funeral director or embalmer recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery, and every person who solicits or accepts any sum of money or other valuable consideration, directly or indirectly, from a funeral director or embalmer, his agent or representative, in order that the latter might obtain business, shall and each thereof shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than six months, or by a fine not exceeding five hundred dollars, or by both.

Stats 1929, p 258

SEC. 15. Section 23 of said act is hereby amended to read as follows:

Sec. 23. The said board shall, on or before the tenth day of each month pay into the State treasury and report to the State Controller all the fees received by the board, and the same shall be received by the State Treasurer and placed by him in a fund to be known as the State funeral directors and embalmers fund, which is hereby created, and made available for expenditures necessary to a proper administration of this act. Disposition of fees.

SEC. 16. Section 24 of said act is hereby amended to read as follows: Stats 1929, p 258.

Sec. 24. The fines or forfeitures of bail in any case wherein any person is charged with a violation of any provisions of this act shall be paid by the officers of the court collecting the same, seventy-five per cent thereof to the State Treasurer to be deposited to the credit of the State funeral directors and embalmers fund, and twenty-five per cent to the county wherein the case is pending, to the credit of the county general fund. Disposition of fines and forfeitures

SEC. 17. Section 27 of said act is hereby amended to read as follows: Stats 1929, p 258.

Sec. 27. On the date this act takes effect, any balance remaining in the embalmers fund created under the provisions of the act repealed by the provisions of section 25 of this act, shall be transferred to the State funeral directors and embalmers fund, and the said embalmers fund shall be and is hereby abolished and any appropriation heretofore or hereafter made payable from the said embalmers fund shall be payable from the said funeral directors and embalmers fund for the support of the State Board of Funeral Directors and Embalmers. Transfer of funds.

SEC. 18. Section 28 of said act is hereby amended to read as follows: Stats 1929, p. 258.

Sec. 28. If a State Department of Professional and Vocational Standards is created by a statute adopted by the Legislature of California at the forty-eighth session thereof, said department shall succeed to and become vested with all the duties, powers, purposes, responsibilities, and jurisdictions of the State Board of Funeral Directors and Embalmers hereinbefore proposed and described and of the several officers, deputies, and employees of said board, which duties, powers, purposes, responsibilities and jurisdiction shall be administered by said department through the director thereof; provided, however, that nothing herein contained shall be construed as abolishing said Board of Funeral Directors and Embalmers which said board shall be established and continued as hereinbefore provided for and shall retain the functions of setting standards, holding meetings, issuing certificates, passing upon the qualifications of applicants, conducting investigations, issuing citations, holding hearings for the revocation of certificates and imposing penalties as hereinbefore proposed and described, and the decisions of said board with respect thereto shall not be subject to review by the Transfer of powers and duties in contingency.

Director of the Department of Professional and Vocational Standards.

Employees

Except as to said powers, duties, and functions so expressly reserved to said board, the Director of the Department of Professional and Vocational Standards shall have full authority to employ and appoint all employees necessary to properly administer the work of the board and the work of the department in accordance with civil service regulations, and upon recommendation of said board, with the approval of the Director of the Department of Finance, the Director of the Department of Professional and Vocational Standards shall employ investigators and attorneys to assist said board in prosecuting violations of this act.

Money collected by Department of Professional and Vocational Standards

All money collected by the Department of Professional and Vocational Standards for and on behalf of the activities of the Board of Funeral Directors and Embalmers shall be remitted to the State Treasurer in accordance with law and credited to the "State funeral directors and embalmers fund," herein created; however, that with the approval of the Director of the Department of Finance a charge not exceeding the amount of the available balance in the "State funeral directors and embalmers fund" may at any time be levied by the Director of the Department of Professional and Vocational Standards in advance against said fund to cover the aforesaid board's pro rata share of the estimated administration expenses of the Department of Professional and Vocational Standards; provided, further, that none of the moneys in said fund shall be used to pay the general expenses of any other board in the department. Upon proper presentation of claims by said department to the State Controller, the latter shall draw his warrant or warrants against said fund to cover such estimated administration expenses.

CHAPTER 245.

An act granting to the city of San Mateo the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom, and grant franchises and leases thereon, and regulating the management, use and control thereof, and authorizing suits against said city and the State to quiet title to any such lands, and regulating the procedure therein and conditions under which said suits may be brought.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

Grant of tidelands to city of San Mateo

SECTION 1. There is hereby granted to the city of San Mateo, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State

of California, held by said State by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit: That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city, on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; provided, however, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of San Mateo, shall have the right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such

Conditions.

Lease to adjacent owners for wharfing purposes

renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft or railroad owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose. This grant is without prejudice to the rights of any person, firm or corporation who may claim title to any such land or lands by virtue of any sale thereof under the provisions of the following act, to wit: An act entitled "An act to provide for the management and sale of lands belonging to the State," approved March 28, 1868, or under the provisions of the act entitled "An act to provide for the sale of certain lands belonging to the State," approved April 27, 1863, where full payment has been made therefor and no patent has been made or delivered by or on behalf of the State of California, or where the patent from the State of California therefor has been lost or destroyed, and was never recorded in the office of the county recorder of San Mateo County, or where relief has been granted to a purchaser or purchasers under the provisions of an act entitled "An act for the relief of purchasers of State lands," approved March 27, 1872; and any such person, firm or corporation is hereby authorized to bring suit against the said city of San Mateo and the State of California in any court of competent jurisdiction in said State, to quiet title to said land, or any portion thereof, and to prosecute the same to final judgment. In any case where such full payment has been made, or in any case where relief has been granted under the provisions of said act approved March 27, 1872, the title of the plaintiff may be quieted against the said city of San Mateo and the State of California in and by such judgment, whether or not any such patent has been made or delivered; provided, however, that it shall first appear that all taxes levied against such property during the thirty years next preceding the commencement of the action, have been fully paid.

Discrimination in rates prohibited.

Right to fish reserved.

Prior grantees of State protected

Stats 1867-8, p 507

Stats 1863, p 591.

Stats 1871-2, p 587

SEC. 2. All the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the State in any such suit, no costs shall be allowed against the State. Procedure applicable.

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect. Limitation

SEC. 4. Service of summons on the State in such suits shall be made on the Surveyor General and the Attorney General. Summons

SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the land granted by this act and there is also reserved to the State of California or persons authorized by the State, the right to prospect for, mine and remove such deposits from said land. Reservations

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CHAPTER 246.

An act adding section 470a to the Political Code, authorizing and empowering the Attorney General to prosecute or defend, when in his opinion the public interest so requires, any action involving title, possession or boundaries of any lands belonging to the State of California or in which it has any interest.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 470a, and to read as follows: New section.

470a. Whenever any action is brought against the State or any officer or department thereof involving the title, or right to possession or any question of boundary, of any lands belonging to the State or in which it has any interest, the Attorney General may, when in his judgment the public interest so requires, either upon his own motion or upon the request of any officer or State department, appear as attorney in said action in defense of the State or of said officer or State department; and likewise the Attorney General may, upon his own motion or upon the request of any State department or officer, institute any such action in the name of the people of the State of California, or on behalf of any department of said State, whenever in his judgment the public interest so requires. Attorney General may appear in suits involving State land.

CHAPTER 247.

Stats 1917, p 46, amended

An act to amend section 17 of an act entitled the "Joint Highway District Act," relating to construction work.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

Stats 1931, p 2072

SECTION 1. Section 17 of the act cited in the title hereof is hereby amended to read as follows:

Construction work by contract

Sec. 17. All construction work under the provisions of this act shall be done by contract let and awarded to the lowest regular responsible bidder upon the same after advertisement for bids therefor shall have first been made by publication twice in a newspaper of general circulation published and circulated within the district to be designated by the board of directors or the secretary thereof. The first publication of the notice inviting bids shall be not less than ten (10) days prior to the time fixed for receiving such bids. The notice inviting bids shall be upon such terms and conditions as the board of directors of the district may determine and shall require that each bid be accompanied by a check payable to the joint highway district in an amount not less than ten per cent (10%) of the aggregate amount of the bid accompanying the same and certified to by some responsible bank within the State of California, or by a cashier's check in said amount so payable issued by a responsible bank in the State of California. All bids shall be delivered to the secretary of the board of directors of the district not later than the hour fixed for receiving the same and shall thereafter be publicly opened by the said secretary in the presence of the board of directors assembled in public session. No bid shall be considered unless accompanied by a certified check satisfactory to the board of directors. The board of directors may reject any and all bids should it deem this necessary for the good of the district and may also reject the bid of any bidder who has been delinquent or unfaithful in any former contract with the district, any county composing said district, or the State of California, or any bidder who is unable to satisfy the board of directors of the ability, financially or otherwise, of said bidder, to perform the contract for the proposed construction work. All bids other than the lowest regular acceptable bid of a responsible bidder shall be rejected by the board of directors. When all bids have been rejected because it appears that the bids are too high and that the work can be done more cheaply by day labor, the board of directors may, in lieu of readvertising for bids, order the work done under the supervision of the district engineer.

Call for bids.

Rejection of bids.

Construction work by day labor.

CHAPTER 248.

An act to add a new section to the Civil Code to be numbered 3342, relating to liability of public officers, agents, and employees, under unconstitutional statutes.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be numbered 3342, and to read as follows: New section

3342. A State, county, or municipal officer, agent, or employee, acting in good faith and without malice under the apparent authority of any law of this State, whether enacted by the Legislature or by the people of the State through initiative action, which law subsequently is judicially declared to be unconstitutional as in conflict with the Constitution of this State or of the United States, shall not be held civilly liable in any action in which he would not have been liable if such law had not been declared unconstitutional, nor shall he be liable to any greater extent than he would have been if such law had not been declared unconstitutional. See Stats 1933, Ch 1053 Liability of public officers under unconstitutional statutes.

CHAPTER 249.

An act to add a new section to the Political Code to be known as section 373k, authorizing the Director of Natural Resources to grant easements for public highways over State park lands on terms and conditions to be prescribed by the State Park Commission.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code, to be known as section 373k, to read as follows: New section.

373k. The Director of Natural Resources is hereby authorized, upon application therefor by proper authorities and on such terms and conditions as the State Park Commission may prescribe, to grant easements for public highways over and across State park lands under the jurisdiction of the Department of Natural Resources and the State Park Commission. Grant of highway easements over State park land

CHAPTER 250.

An act to amend section 374b of the Penal Code, relating to the deposit of offensive matter on public highways.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1660.

SECTION 1. Section 374b of the Penal Code is hereby amended to read as follows:

Offensive matter on public highways

374b. It shall be unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any noisome, nauseous or offensive matter in or upon any public highway, including any portion of the right of way thereof. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

Penalty

CHAPTER 251.

An act to repeal section 954 of the Fish and Game Code, relating to nets.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 252.

An act to amend section 2322x9 of the Political Code, relating to the office of agricultural commissioner in counties of the ninth class.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

Stats 1931, p 142.

SECTION 1. Section 2322x9 of the Political Code is amended to read as follows:

Orange County Agricultural commissioner.

2322x9. In counties of the ninth class, the commissioner shall receive a salary of three thousand three hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Three deputy agricultural commissioners at a salary of two thousand four hundred dollars each per annum.

(b) One deputy agricultural commissioner at a salary of two thousand forty dollars per annum.

(c) The commissioner is also authorized and empowered to appoint not to exceed eleven inspectors at a monthly salary of one hundred forty-eight and 75/100 dollars each during the time actually employed; three inspectors at a monthly salary of one hundred twenty-seven and 50/100 dollars each during the time actually employed; two inspectors at a monthly salary of one hundred seventeen dollars each during the time actually employed; and five inspectors at a compensation of four dollars and 50/100 per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed thirty thousand three hundred dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred twenty-seven and 50/100 dollars during the time actually employed, one clerk at a monthly salary of one hundred twelve and 50/100 dollars during the time actually employed, one clerk at a monthly salary of ninety-five dollars during the time actually employed.

CHAPTER 253.

An act to amend sections 1, 5, 10, 11, 13 and 15 of, and to add new sections to be numbered 1a to 1d, inclusive, and 10a to 10g, inclusive, to "An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929.

Stats 1929, p 380, amended

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1931, p 1496

Section 1. It shall be unlawful for any person, firm or corporation to sell, furnish, administer, or give away or offer to sell, furnish, administer, or give away or to have in possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, flowering tops and leaves of hemp or loco weed (cannabis sativa), Indian hemp, extracts, tinctures, or other preparations of hemp or loco weed (cannabis sativa) or Indian hemp, or chloralhydrate, or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds except upon the written order or prescription of a physician and surgeon, dentist or veterinary surgeon, licensed to practice in this State, which shall be wholly written, signed and dated by the per-

Narcotic drugs Sale, possession or disposition.

Prescriptions.

son writing said order or prescription as of the date on which it is written, and shall contain the name and address of the person for whom prescribed. If prescribed by a veterinary surgeon it shall state the kind of animal for which ordered and the name of the owner, or person having custody, of said animal. No physician and surgeon, dentist or veterinary surgeon shall antedate or postdate any prescription for any of the drugs enumerated in this act, nor issue any prescription which is false or fictitious in any manner. No person shall obtain or have in his possession any such antedated or postdated prescription nor any prescription not bearing the correct name and address of the person for whom such prescription was written nor any prescription which is false or fictitious in any manner or which has been altered by any person other than the person writing such prescription nor any of the drugs mentioned herein obtained by any such antedated, postdated, false, fictitious or altered prescription, or obtained by any prescription not bearing the correct name and address of the person for whom said prescription was written. No person, other than a physician and surgeon, dentist or veterinary surgeon, licensed to practice in this State, shall write any prescription for any of the drugs mentioned in this section and no such physician and surgeon, dentist or veterinary surgeon shall write or issue any such prescription which does not conform to all of the regulations in this act contained. Such order or prescription shall be retained on file by the person, firm or corporation who compounds or dispenses the articles ordered or prescribed and shall be preserved for at least three years from the date of filing thereof; and such prescription shall not be again compounded or dispensed. No copy or duplicate of such written order or prescription shall be made or delivered to any person other than an inspector of the Board of Pharmacy or the chief or inspector of the State Division of Narcotic Enforcement but the original shall be at all times open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the Division of Narcotic Enforcement and of the State Board of Pharmacy.

Same—Unlawful to antedate or postdate

Record of prescriptions

Copy or duplicate

Exemptions

The above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section 1 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and acts amendatory thereof; nor to sales to physicians and surgeons, dentists or veterinary surgeons, nor by such persons to each other, nor to the sale at retail in pharmacies by pharmacists to physicians and surgeons, dentists or veterinary surgeons licensed to practice in this State. All such wholesale jobbers, wholesalers and manufacturers, in this section mentioned, shall keep in a manner readily accessible, the written orders or blank forms

Stats 1905, p 535

Wholesaler's record

required to be preserved under the provisions of section 2 of the act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations, which shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or the chief or any inspector of the Division of Narcotic Enforcement, and they shall be preserved for at least three years after the date of the last entry therein. Inspection

SEC. 1½. Sections 1a, 1b, 1c and 1d are hereby added to said act to read as follows: New sections

Sec. 1a. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this State, of any of the articles or drugs mentioned in section 1 of this act shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provisions of this act. A true and correct copy of all orders, contracts or agreements, taken for narcotic drugs specified in section 1 of this act shall be forwarded by registered mail to the Division of Narcotic Enforcement within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this State, as provided for in said section. Order to traveling agent. Copy of order to board.

Sec. 1b. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine or any other person to administer to himself as an habitual user or administer to or furnish to or prescribe for the use of any other habitual user of the same, or of anyone representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloralhydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall be unlawful for any practitioner of medicine, osteopathy or dentistry to prescribe, administer to or furnish any of the foregoing substances for himself or any person not in the regular practice of his profession under his treatment for a pathology or condition other than narcotic addiction, except as hereinafter provided, or for any veterinary surgeon to prescribe, administer to or furnish any of the foregoing substances for the use of himself or any other human beings. Unlawful to furnish narcotics to habitual user

Sec. 1c. The provisions of this act shall not be construed to prevent any physician and surgeon licensed as such in the State of California, from administering, furnishing or prescribing in good faith to any habitual user of narcotics who is under the professional care of such physician and surgeon for a disease, ailment, or injury, other than narcotic addiction, Prescription of narcotics in good faith

or for the infirmities attendant upon old age, such substances as such physician may reasonably deem necessary for the treatment of such disease, ailment, injury, or infirmities, when such substances are furnished or prescribed in good faith in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction of an habitual user of narcotics.

Report of habitual users.

Every such licensed physician and surgeon shall report in writing, over his signature, by registered mail, to the office of the Division of Narcotic Enforcement within five days after the first treatment every habitual user of narcotics under the professional care of such physician and surgeon stating the date, name and address of the patient, and the name and quantity of the narcotics prescribed in such treatment, and the physician and surgeon shall upon request in writing from the Division of Narcotic Enforcement furnish any additional reports upon the treatment of such habitual user as said narcotic division may in writing request.

Exempt formulae.

The above provisions shall not apply to preparations of the United States Pharmacopoeia and national formulary or other recognized or established formula or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying the addiction of an habitual user of narcotics, containing not more than two grains of opium, or one-fourth grain of morphine, or one grain of codeine, or one-sixteenth grain of heroin, or ten grains of chloralhydrate, or two grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois, except tincture opii camphorata (commonly known as paregoric) which may be sold only upon the prescription of a physician and surgeon licensed to practice in this State and said prescription shall not be again refilled or dispensed. No physician and surgeon, osteopath, dentist or veterinary surgeon, or other person shall prescribe, administer or furnish any of the substances or drugs mentioned in section 1 of this act except under the conditions and in the manner in this act prescribed.

Record of prescriptions.

Sec. 1d. Every person authorized by law to issue a prescription or administer or dispense narcotic drugs as mentioned in this act shall preserve for a period of not less than two years a record of the name and address of the person to whom, the date when, the character and quantity of the drug prescribed, or administered or dispensed, and the purpose for which each prescription was issued, or narcotic drug administered or prescribed or dispensed. Such record shall be open at all times to inspection by the inspectors of the Division of Narcotic Enforcement. In any prosecution under this act proof that the defendant had in his possession at any time a greater amount of drugs than accounted for by the record required in this act shall constitute prima facie evidence of guilt.

SEC. 2. Section 5 of said act is hereby amended to read as follows: Stats 1931, p 1496.

Sec. 5. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed to conduct all actions and prosecutions for the same; provided, however, that subject to the approval of the Attorney General, the Chief of the Division of Narcotic Enforcement of the State of California shall have the power to employ special counsel for such purpose, who shall have authority to take complete charge of the conduct of such actions or prosecutions; provided further, that the Chief of the Division of Narcotic Enforcement shall have the power to fix the compensation to be paid for such service and may incur such other expense in connection with the conduct of such actions or prosecutions as he may deem necessary; provided, however, that no attorney employed as special counsel shall receive as compensation therefor any sum in excess of three thousand five hundred dollars in any one year. Prosecution of violators. Special counsel. Compensation

SEC. 3. Section 10 of said act is hereby amended to read as follows: Stats. 1929, p 380.

Sec. 10. Any person violating any of the provisions of this act, except those for which a penalty is otherwise in this act specifically provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than five hundred dollars, or by imprisonment for not less than thirty days, and not more than one hundred eighty days, or by both such fine and imprisonment. Penalties.

SEC. 4. A new section is hereby added to said act, to be numbered 10a and to read as follows: New section

Sec. 10a. All moneys, forfeited bail or fines received under the operation of this act shall be sent without delay by the judge or magistrate receiving the same, seventy-five per cent to the State Treasurer to be deposited in the State treasury, and twenty-five per cent to the city treasurer of the city, if incorporated, otherwise to the county treasurer of the county in which the prosecution is conducted. Disposition of fines and forfeitures

SEC. 5. A new section is hereby added to said act, to be numbered 10b and to read as follows: New section.

Sec. 10b. It shall be the duty of all judges and magistrates collecting fines or forfeitures under this act to keep a record of said fines or forfeitures, and, upon the imposition of any such fine or forfeiture, to immediately transmit a copy of the record thereof to the county clerk of the particular county. It shall be the duty of the county clerk to keep a record of the fines and forfeitures imposed under this act in his county. Judges to keep record.

SEC. 6. A new section is hereby added to said act, to be numbered 10c and to read as follows: New section

Sec. 10c. Whenever an imprisonment has been imposed for a violation of this act, and before the termination of the sentence thereof, the defendant is released by the vacation of the Lieu fines and forfeitures

sentence of imprisonment and the imposition of a fine or forfeiture in lieu thereof, said lieu fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

New section

SEC. 7. A new section is hereby added to said act, to be numbered 10d and to read as follows:

Annual report by county clerk

Sec. 10d. It shall be the duty of the county clerk of each county to transmit to the State Treasurer an annual report of the fines and forfeitures collected during the calendar year within his county. This report must be rendered before the fifteenth day of January of the following year.

New section.

SEC. 8. A new section is hereby added to said act, to be numbered 10e and to read as follows:

Duty of State Treasurer

Sec. 10e. It shall be the duty of the State Treasurer to check the report of each county clerk with the transmittals of fines and forfeitures from the judges and magistrates, and whenever it is apparent that fines or forfeitures have not been transmitted, it shall be the duty of the State Treasurer to bring suit to enforce the collection or transmittal thereof, or both.

New section

SEC. 9. A new section is hereby added to said act, to be numbered 10f and to read as follows:

Official bond liable

Sec. 10f. The official bond of any judge or magistrate shall be liable for his failure to transmit the fines or forfeitures imposed by him under the provisions of this act.

New section

SEC. 10. A new section is hereby added to said act, to be numbered 10g and to read as follows:

Records open to inspection

Sec. 10g. The records kept by any judge, magistrate or county clerk under the provisions of sections 10b, 10c and 10d of this act, shall be open to public inspection, and may be checked by the State Treasurer, the Attorney General, the district attorney of the particular county, or the State Division of Narcotic Enforcement.

Stats 1929, p 380

SEC. 11. Section 11 of said act is hereby amended to read as follows:

Seizure and destruction of drugs and appliances

Sec. 11. All drugs and substances specified in section 1 and also all pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, flowering tops and leaves, or extracts, tinctures, or other preparations, of hemp, or loco weed, their preparations or compounds containing more than two grains of Indian hemp or loco weed to each fluid or avoirdupois ounce (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in chapter three of title twelve of part two of the Penal Code. All such drugs, pipes, used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, and all such hemp or preparation of hemp or loco weed seized under the provisions of this act

shall be ordered destroyed by the judge of the court in which final conviction was had; said order of destruction shall contain the name of the party charged with the duty of destruction as herein required; provided, however, that the judge shall turn all such evidence over to the Division of Narcotic Enforcement of the State of California for such destruction; and provided further, that any drugs specified in section 1 hereof, opium pipes and the usual attachments thereto, or smoking opium, seized under the provisions of this act, now in the possession of any city or county official or officials, or the State Board of Pharmacy, or said narcotic division, or which may hereafter come into their or its possession, in which no trial was had, shall be delivered to the Division of Narcotic Enforcement for destruction; provided, however, that none of the drugs specified in section 1, opium pipes and the usual attachments thereto, or smoking opium coming into the possession of said division as above described, shall be destroyed within a period of six months from the date of such seizure. The Division of Narcotic Enforcement may dispose of all narcotics now on hand or hereafter coming into its possession (other than heroin or smoking opium), by gift to the medical superintendents of California State prisons or State hospitals for medical purposes.

Disposition of seized narcotics.

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

Stats 1929, p 380

Sec. 13. It is hereby made unlawful for any person to sell, vend, give away, or furnish, either directly or indirectly, to any person other than a duly licensed physician, licensed to practice and prescribe medicines in this State, or to a dentist or a veterinarian, or a pharmacist licensed to practice in this State, or person holding an unrevoked license to practice osteopathy, an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, without a written, signed order from a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this State, said order to contain the name and address of the party for whom ordered; or for any person other than a physician, dentist, registered nurse, veterinarian or pharmacist, licensed to practice in this State, to have in his possession such an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, or an instrument or contrivance used for the same purpose as a hypodermic syringe or hypodermic needle, unless said instrument or contrivance was purchased by said person through and with a written order signed by a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this State or person holding an unrevoked license to practice osteopathy, as above provided.

Unlawful to sell hypodermic syringe or needle

Unlawful to possess

No order, certificate or prescription shall be for more than one hypodermic syringe or for more than three hypodermic needles and no copy or duplicate of such order shall be made

Prescriptions

for or delivered to any person and said order or prescription shall be accepted and filled only once; provided, however, that the above restrictions shall not prevent any duly registered nurse of this State or student nurse in any hospital or training school for nurses from obtaining or possessing any hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a licensed physician or licensed dentist;

Permit to sell.

Provided, further, that the Board of Pharmacy may upon application and at its discretion issue a permit, revocable at the discretion of the said board, to any duly registered pharmacist, for a limited period, permitting and authorizing such pharmacist to sell and dispense hypodermic syringes and needles for specific purposes, to persons not addicted to the use of the drugs enumerated in section 1 of this act, and sales made under the authority of and in conformity with the terms of such permit shall not be construed to be in violation of the provisions of this section.

Stats 1929, p 380

SEC. 13. Section 15 of said act is hereby amended to read as follows:

Seizure of vehicles

Sec. 15. Any automobile or other vehicle used to convey, carry or transport any of the drugs mentioned in section 1 of this act, which drugs are not lawfully possessed and transported, shall be forfeited to the State of California as in this section provided:

(a) Any peace officer of this State, upon making, or attempting to make, an arrest for the unlawful transportation of any of the drugs mentioned in section 1 of this act shall seize the automobile or other vehicle used in their transportation, and hold the same as evidence until a forfeiture has been declared or a release ordered as in this section provided;

Notice.

(b) Notice of the seizure and of the intended forfeiture proceeding shall be filed with the county clerk and shall be served on all persons, firms or corporations having any right, title or interest in the automobile or other vehicle seized, hereinafter referred to as the "owners," in the following manner: Upon each owner whose right, title or interest is of record in the Department of Motor Vehicles and upon each owner whose name and address is known, by mailing a copy of such notice by registered mail to the last known address of such owner, and upon all other owners by one publication in a newspaper of general circulation in the county where such seizure was made.

"Owner" defined

Answer.

Within twenty days after the date of mailing the notice by registered mail, or within twenty days after the date of publication, the owner or owners of the automobile or other vehicle so seized may make a verified answer to the fact of the use of the automobile or other vehicle in the unlawful transportation of the drugs mentioned in section 1 of this act; provided, however, that the claimant of any right, title or interest in said vehicle so seized may make a verified answer to establish his claim as provided in subdivision (e) of this section. No

extensions of time shall be granted for the purpose of making the verified answer above required.

(c) If at the end of twenty days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of unlawful use and shall, upon motion, order the automobile or other vehicle forfeited to the State of California. Hearing.

(d) If a verified answer has been filed, then the forfeiture proceeding may be set for hearing on a day not less than twenty days therefrom, and notice of this proceeding shall be given in the same manner as notice of the seizure was given as hereinbefore provided.

(e) At the time set for the hearing, any of the owners who have verified answers on file may show by competent evidence that the automobile or other vehicle was not in fact used in the unlawful transportation of drugs in violation of this act; provided, however, that the claimant of any right, title or interest in said vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that such right, title or interest was created after a reasonable investigation of the responsibility, character and reputation of the offender and without any knowledge that the vehicle was being, or was to be, used for the illegal transportation of such drugs.

(f) In the event of such proof, the court shall order said vehicle released to such bona fide or innocent owner, lienholder, mortgagee or vendor if the amount due to such person shall be equal to, or in excess of, the value of the automobile, it being the intention of this section to forfeit only the right, title or interest of the offender; provided, that if the amount due to such person shall be less than the value of said vehicle, then said vehicle shall be sold in the manner provided for sales of property under execution and the remainder of the proceeds of such sale, after payment of the balance due on the purchase price, mortgage, or lien, shall be deposited in the State treasury. Release of vehicle.

Should the fact be determined that the automobile or other vehicle was not used in the unlawful transportation of the drugs mentioned in section 1 of this act, the court shall order the automobile or other vehicle released to the owner or owners thereof.

(g) Where an automobile or other vehicle has been ordered forfeited it shall be turned over to the Department of Finance of the State of California. The Department of Finance shall deliver to the State Division of Narcotic Enforcement such automobiles or other vehicles as may be needed by the said narcotic division to enforce the provisions of this act. Forfeited vehicles.

(h) Nothing contained herein shall apply to common carriers or to an employee acting within the scope of his employment under this act. Exemptions

CHAPTER 254.

An act to amend section 1255a of the Code of Civil Procedure, relating to the abandonment of condemnation proceedings.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

Stats 1911, p 377.

SECTION 1. Section 1255a of the Code of Civil Procedure is hereby amended to read as follows:

Abandonment of condemnation proceedings

1255a. Plaintiff may abandon the proceedings at any time after filing the complaint and before the expiration of thirty days after final judgment, by serving on defendants and filing in court a written notice of such abandonment; and failure to comply with section 1251 of this code shall constitute an implied abandonment of the proceeding. Upon such abandonment, express or implied, on motion of any party, a judgment shall be entered dismissing the proceeding and awarding the defendants their costs and disbursements, which shall include all necessary expenses incurred in preparing for trial and reasonable attorney fees. These costs and disbursements, including expenses and attorney fees, may be claimed in and by a cost bill, to be prepared, served, filed and taxed as in civil actions; provided, however, that upon judgment of dismissal on motion of plaintiff, defendants, and each of them, may file a cost bill within thirty (30) days after notice of entry of such judgment; that said costs and disbursements shall not include expenses incurred in preparing for trial where the said action is dismissed forty days prior to the time set for the trial of the said action.

CHAPTER 255.

Stats. 1893, p 33, amended

An act to add section 4½ to an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893, as amended, relating to the issuance of bonds.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. Section 4½ is hereby added to the act cited in the title hereof to read as follows:

Signature of former officer on bonds valid

Sec. 4½. In case any officer whose signature or countersignature appears on any bond or coupon shall cease to be such officer before delivery of such bonds to the purchaser thereof, such signature or countersignature appearing either on the

bonds or on the coupons, or both, shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of such bonds.

CHAPTER 256.

An act to add section 25½ to an act entitled the "Street Improvement Act of 1913," relating to the issuance of bonds.

Stats. 1913, p. 954, amended.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 25½ is hereby added to the act cited in the title hereof to read as follows:

New section

Sec. 25½. In case any officer whose signature or countersignature appears on any bond or coupon shall cease to be such officer before delivery of such bonds to the purchaser thereof, such signature or countersignature appearing either on the bonds or on the coupons, or both, shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of such bonds.

Signature of former officer on bonds valid

CHAPTER 257.

An act to add section 4a to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to the issuance of bonds.

Stats. 1911, p. 1192, amended.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4a is hereby added to the act cited in the title hereof to read as follows:

New section.

Sec. 4a. In case any officer whose signature or countersignature appears on any bond or coupon shall cease to be such officer before delivery of such bonds to the purchaser thereof, such signature or countersignature appearing either on the bonds or on the coupons, or both, shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of such bonds.

Signature of former officer on bonds valid

CHAPTER 258.

Stats. 1927, p. 1174, amended

An act to add section 5½ to an act entitled the "Grade Separation Act of 1927," relating to the issuance of bonds.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. Section 5½ is hereby added to the act cited in the title hereof to read as follows:

Signature of former officer on bonds valid

Sec. 5½. In case any officer whose signature or countersignature appears on any bond or coupon shall cease to be such officer before delivery of such bonds to the purchaser thereof, such signature or countersignature appearing either on the bonds or on the coupons, or both, shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of such bonds.

CHAPTER 259.

Stats. 1911, p 730, amended.

An act to add section 63a to an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of article one of the Constitution within municipalities or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to the issuance of bonds.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. Section 63a is hereby added to the act cited in the title hereof to read as follows:

Signature of former officer on bonds valid

Sec. 63a. In case any officer whose signature or countersignature appears on any bond or coupon shall cease to be such officer before delivery of such bonds to the purchaser thereof, such signature or countersignature appearing either on the bonds or on the coupons, or both, shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of such bonds.

CHAPTER 260.

An act to add a new section to the "Fair Trade Act" to be numbered 1½, relating to unfair competition. Stats. 1931, p. 583, amended.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the "Fair Trade Act" to be numbered 1½ and to read as follows: New section

Sec. 1½. Wilfully and knowingly advertising, offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provision of section 1 of this act, whether the person so advertising, offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby. Sales below contract price.

CHAPTER 261.

An act to add section 1c to an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended, relating to unfair trade practice. Stats. 1913, p. 508, amended.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1c is hereby added to the act cited in the title hereof, to read as follows: New section.

Sec. 1c. The secret payment or allowance of rebates, refunds, commissions, or unearned discounts, whether in the form of money or otherwise, or secretly extending to certain purchasers special services or privileges not extended to all purchasers purchasing upon like terms and conditions, to the injury of a competitor and where such payment or allowance tends to destroy competition, is an unfair trade practice and any person, persons, firm, partnership, corporation, or association resorting to such trade practice shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment not exceeding six months, or by both said punishments, in the discretion of the court. Unlawful to allow secret rebates, etc. Penalties.

CHAPTER 262.

An act to add a new section to the Political Code, to be numbered 363dd, authorizing the Director of Public Works to enter into agreements for the construction, maintenance, and use of State highway bridges jointly by the public and private owners.

[Approved by the Governor May 8, 1933 In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 363dd, to read as follows:

Agreements for joint construction, maintenance and use of State highway bridges

363dd. Whenever it is necessary for State highway purposes that a bridge be constructed across any river, stream, or inlet of the sea, or that an existing bridge thereover, privately owned, but used for highway purposes by the public and such owner, be reconstructed or replaced, or whenever such an existing bridge is so located that its purchase or acquisition, or the purchase or acquisition of a right of way for a State highway over and across the location of any such bridge would require an excessive expenditure of State highway funds, the Director of Public Works may, after determining the facts relative thereto and if in his opinion public convenience and necessity so require, enter into an agreement with any private individual, firm or corporation for the construction of a new bridge, and the use of any such bridge thereafter jointly by such private individual, firm or corporation and the public, or may enter into an agreement with the owner of any existing bridge for the reconstruction thereof, or for the construction of a new bridge, and the use of any such bridge thereafter jointly by such owner and the public. Such agreement may provide:

Provisions

(a) for apportioning the expense of any such construction, reconstruction, or maintenance between such owner and the State of California; or

(b) for the surrender to the State of the rights and property of the owner and the construction, reconstruction and/or maintenance of any such bridge partly or wholly at the expense of the State; and

(c) for the terms and conditions upon which the owner may use such bridge jointly with the public after the construction or reconstruction thereof; and

(d) for such other pertinent matters as shall give effect to this section.

Bridge a part of State highway system

Any such bridge constructed as herein provided shall be a part of the State highway system and title thereto shall vest in the State of California. Any funds available for the construction, reconstruction and maintenance of bridges on the State highway system shall be available for the construction, reconstruction and maintenance of any bridge constructed or acquired as herein provided.

Nothing in this section contained shall be construed as prohibiting any county, city, or city and county, from contributing to the State of California in the manner provided by law funds or rights of way for the construction or reconstruction of any such bridge as is herein provided for, or as prohibiting the relinquishment by the Department of Public Works to any county, city, or city and county, of any such bridge constructed as herein provided for, such bridge thereafter to be under the jurisdiction of any such county, city, or city and county. Effect.

CHAPTER 263.

An act to prohibit until January 1, 1934, sales under certain mortgages and deeds of trust for default in the payment of the principal sum of obligations secured thereby, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency hereof.

[Approved by the Governor May 9, 1933. In effect immediately.]

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

SECTION 1. Until January 1, 1934, no sale shall be made under any power of sale contained in any mortgage or deed of trust heretofore executed upon real property improved with a single family dwelling, nor shall any sale be made under any final decree of foreclosure rendered in any action to foreclose a mortgage heretofore executed upon real property improved with a single family dwelling, in any case in which the only default in the performance of the obligation for which said mortgage or deed of trust was given as security consists solely of the failure to pay when due the principal sum of such obligation. Moratorium on forced sales of dwelling houses

Nothing contained in this act shall prevent the acceleration, by reason of the nonpayment of taxes, interest or insurance, of the entire obligation secured by any such mortgage or deed of trust, nor prevent the sale thereunder by reason of such default. Acceleration of principal

SEC. 2. In all cases in which the time within which an action upon any obligation founded upon a written instrument secured by a mortgage or deed of trust upon real property may be commenced would expire by virtue of section 337 of the Code of Civil Procedure during the period extending between the date upon which this act takes effect and the first day of January, 1934, such time is hereby extended so as not to expire until March 1, 1934. Limitation of actions extended

Sale in violation is voidable.

SEC. 3. Any sale of real property under a deed of trust or mortgage with power of sale made in violation of this act shall be voidable, except as against a bona fide purchaser or encumbrancer for value, at the instance of the record owner of such real property at the time of such sale; provided that any action to avoid such sale or any deed executed pursuant thereto must be brought within one year of the date of such sale.

Urgency.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: A severe economic depression exists throughout the State, rendering many of its citizens unable to pay the principal sum of their debts or to otherwise refinance their loans. As a result thereof, through foreclosure actions, they are being deprived of their property.

CHAPTER 264.

An act making an appropriation for the Department of Finance to purchase certain real property situated in the City and County of San Francisco to accommodate offices of certain State agencies, authorizing the renting, leasing, and selling of said property, providing for the disposition of moneys received from the rent or lease or sale of said property, providing for insuring of said property, declaring the urgency of this act, and providing that the same shall take effect immediately.

[Approved by the Governor May 9, 1933. In effect immediately.]

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

Appropriation Purchase of H. S Burke Building, San Francisco

SECTION 1. The sum of three hundred twenty thousand dollars ($320,000), or so much thereof as may be necessary, is hereby appropriated for the Department of Finance, to be paid as hereinafter prescribed, to purchase certain real property in the City and County of San Francisco to provide accommodations for offices of the Board of Barber Examiners, Board of Registration of Civil Engineers, Registrar of Contractors, Board of Cosmetology, Board of Dental Examiners, Board of Embalmers and Funeral Directors, Board of Medical Examiners, Board of Pharmacy, and such other offices as the Department of Finance may determine, which real property is described as follows, to wit:

Description

Beginning at a point on the northerly line of McAllister Street, distant thereon 137 feet and 6 inches westerly from the westerly line of Polk Street; running thence westerly along said line of McAllister Street 68 feet and 9 inches; thence at

a right angle northerly 120 feet to the southerly line of Redwood Street; thence at a right angle easterly along said line of Redwood Street 68 feet and 9 inches; thence at a right angle southerly 120 feet to the point of beginning, being a portion of Western Addition Block No. 65.

Sources of appropriation

SEC. 2. Said sum of three hundred twenty thousand dollars ($320,000) shall be paid as follows: thirty-five thousand dollars ($35,000) out of any money in the barber examiners fund, twenty thousand dollars ($20,000) out of any money in the civil engineers fund, ninety-five thousand dollars ($95,000) out of any money in the contractors license fund, eighty thousand dollars ($80,000) out of any money in the cosmetology contingent fund, sixteen thousand dollars ($16,000) out of any money in the dentistry fund, eighteen thousand dollars ($18,000) out of any money in the embalmers and funeral directors' fund, twenty-eight thousand dollars ($28,000) out of any money in the medical examiners contingent fund, and twenty-eight thousand dollars ($28,000) out of any money in the pharmacy board contingent fund.

Disposition of rents.

SEC. 3. Any moneys derived from the rent or lease of space in said property shall be credited to the funds from which the appropriation in this act has been made in the same pro rata as the appropriations from the various funds bear to the total appropriation.

Same

SEC. 4. When the entire amount of the appropriation made herein, plus five per cent (5%) interest per annum, has been returned to the several funds from which said appropriation was paid, any moneys received for rent or lease of said property thereafter by the Department of Finance shall be paid into the State treasury to the credit of the general fund.

Insurance.

SEC. 5. The Department of Finance is hereby authorized with the approval of the Board of Control to insure said property against loss by fire or destruction and the several State agencies having office accommodations in said building are hereby authorized to pay the premium for such insurance on a pro rata basis out of any moneys appropriated for the support of said agencies.

Title insurance.

SEC. 6. Out of the appropriation made herein the Department of Finance is authorized to pay for title insurance on said property.

Lease to State Compensation Insurance Fund authorized

SEC. 7. The Director of Finance is hereby authorized and empowered to lease to the State Compensation Insurance Fund or to other State agencies, for not to exceed the term of twenty-five years from the effective date of this act, space within said property upon such terms and upon such conditions as the said director may deem to be for the best interests of the State, and the State Compensation Insurance Fund, or other State agency, is hereby authorized to enter into a lease for space within said property. Any lease entered into between the Department of Finance and the State Compensation Insurance Fund shall contain an option to provide that said State Compensation Insurance Fund may purchase said property at any

time during the term of such lease at the cost price of said property to the State, less net rental paid to the State Department of Finance by all State agencies occupying space within said property from the date of the purchase of the property by the State to the date of the sale of the property to the State Compensation Insurance Fund. Net rental, as referred to herein, is hereby defined as the total rental paid, less the total cost to the Department of Finance for all services furnished to the lessees within said property, plus five per cent (5%) interest per annum on the total appropriation made available by this act from the date of the purchase of said property by the Department of Finance to the date of the sale of said property to the State Compensation Insurance Fund.

"Net rental" defined

Option

SEC. 8. Upon the exercise of any such option contained in any such lease to the State Compensation Insurance Fund, the Director of Finance is hereby authorized and empowered to execute a deed to said real property in the name and on behalf of the State of California.

Powers of Director of Finance

SEC. 9. The Director of Finance is hereby granted full and complete authority to make effective any and all powers herein delegated to the Director of Finance to carry out the intent of this act.

Urgency.

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows: Owing to the present financial depression, the diminution of taxes and the consequent lack of money and funds wherewith to defray the expense of State governmental functions and duties it is imperative for the immediate preservation of the peace, health and safety that the State conserve its moneys and funds, and in particular that its costs and expenses for maintaining, housing and furnishing office space for its boards, commissions, officers, funds, agents and employees be reduced to the most economical figure to the end that it may be able to maintain and discharge its governmental functions and duties. That by purchasing said building at the present time at the price and by means of the appropriation hereinbefore mentioned and using said building for offices for State agencies the State will be enabled to obtain office space and accommodations at a figure compatible and commensurable with the exigencies of the present financial crisis and the financial ability of the State to pay therefor. Unless said real estate and building is now purchased and used for offices as aforesaid, the State will be unable to discharge its duties properly, or at all, to house, care for and protect the property of the State and as a result its said governmental functions and duties will be impaired.

Current expenses.

SEC. 11. Inasmuch as the appropriation provided for in this act is also an appropriation for the usual current expenses

of the State, to wit, provision for offices for State agencies, it is hereby also declared an urgency measure on that ground and shall likewise on that ground and under the provisions of section 1 of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 265.

An act to amend sections 4.960 and 4.975 of the School Code, relating to school district bonds and the application of proceeds therefrom.

[Approved by the Governor May 9, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4.960 of the School Code is hereby amended to read as follows: Stats 1931, p 718.

4.960. Except as otherwise provided by law, the governing board of any school district may, when in its judgment it is advisable, and must, upon a petition of the majority of the qualified electors residing in the school district, call an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for the following purposes: School district bonds. Purposes.

1. The purchasing of school lots;

2. The building or purchasing of school buildings;

3. The making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation or repairs;

4. The repairing, restoring or rebuilding of any school building damaged, injured or destroyed by fire or other public calamity;

5. The supplying of school buildings with furniture or necessary apparatus of a permanent nature;

6. The permanent improvement of the school grounds;

7. The refunding of any outstanding valid indebtedness of the district, evidenced by bonds.

Any one or more of the purposes enumerated herein, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds, may, by order of the governing board entered in its minutes, be united and voted upon as one single proposition. Single proposition.

SEC. 2. Section 4.975 of the School Code is hereby amended to read as follows: Stats 1931, p 718

4.975. The bonds must be sold at the times and in the amounts prescribed by the board of supervisors, but for not less than par. The proceeds of the sale of the bonds, exclusive of any premium received therefrom, must be deposited in the county treasury to the credit of the building fund of the school district. The proceeds so deposited shall be drawn out as other Sale Time of. Proceeds.

school moneys are drawn out. The bond proceeds so withdrawn shall not be applied to any other purposes than those for which the bonds were issued. Any premium or accrued interest received from the sale of the bonds shall be deposited in the interest and sinking fund of the district.

CHAPTER 266.

Stats 1897, p 254, amended

An act to add section 113 to the California Irrigation District Act, relating to actions and proceedings against an irrigation district or the board of directors thereof, brought by the holders of bonds of the district.

[Approved by the Governor May 9, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section numbered 113 is hereby added to the California Irrigation District Act, to read as follows:

Actions by bondholders against district.

Sec. 113. Before an action or proceeding by the holders of bonds of an irrigation district to compel, enforce, prohibit or restrain the doing of an act by the district or the board of directors thereof may be instituted or maintained, the holders of ten per cent or more of the duly issued outstanding and unpaid bonds of the district must join in the action or proceeding as plaintiffs, petitioners or applicants for the relief sought.

CHAPTER 267.

An act to amend section 623 of the Political Code, relating to bonds required of insurance companies to insure payment of taxes.

[Approved by the Governor May 9, 1933. In effect August 21, 1933.]

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

Stats 1925, p. 681.

SECTION 1. Section 623 of the Political Code is hereby amended to read as follows:

Bond to guarantee payment of taxes, etc., and compliance with laws

623. The commissioner must require every company proposing to transact insurance business in this State, before commencing such business, and every company which has been transacting insurance business in this State for less than two years, to file in his office a bond in favor of the people of the State of California, to be approved by the commissioner, in the penal sum of twenty thousand dollars, and must require every company which has transacted insurance business in this State for at least two years to file in his office a bond in the penal sum of twenty thousand dollars, unless the total

amount of State taxes assessed and levied during the preceding calendar year was less than ten thousand dollars, then in a penal sum (not less than two thousand dollars) equal to at least twice the amount of such taxes. Such bond must be conditioned as follows: (1) That the company and its agents will pay all State taxes, in the manner and at the time prescribed by law; (2) that the company will conform to all the provisions of the revenue and other laws made to govern them; (3) and that the company will promptly pay all fees, assessments, taxes, penalties, and fines that may be laid upon or against such company. Such bond may be sued on in the manner and shall be subject to the same rules governing official bonds, except that such bonds, if in a penal sum of at least twenty thousand dollars, may be made applicable alike the first and all subsequent license periods for which renewals of certificates of authority are issued. Any insurance company may deposit with the Insurance Commissioner, in lieu of such bond, securities of the kind and character set forth in section 421 of the Civil Code in a sum not less than the required amount of the penal sum of said bond, which shall be held in trust by the Insurance Commissioner for the fulfillment of the terms and conditions above set forth. Such securities may be withdrawn at any time and new securities of equal value deposited in lieu thereof, and may be withdrawn whenever a bond is filed as provided in this section. Nothing in this act shall be construed to apply to, refer to or affect county mutual fire insurance companies or reciprocal or interinsurance exchanges.

Suit on bond

Deposit in lieu of bond.

Exceptions.

CHAPTER 268.

An act authorizing the purchase of outstanding bonds issued pursuant to the provisions of the act, entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works, and public utilities; for the issuance, sale, and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements" approved April 20, 1915, as amended, from sinking funds, the cancellation thereof, and providing the procedure therefor.

Stats. 1915, p. 99.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Whenever the legislative body of any municipality in which a municipal improvement district has been formed pursuant to the provisions of the act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements,

Creation of sinking fund from proceeds of bonds.

works, and public utilities; for the issuance, sale, and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, as amended, shall by resolution declare that it is no longer necessary to expend the money raised by the sale of bonds of such municipal improvement district for the purpose for which said bonds were voted, by reason of the fact that such purpose has been accomplished by other means, or by reason of the fact that the acquisition or construction of the public improvements, works, or public utilities for which said bonds were voted is no longer required by the public interest, convenience, and necessity, or if a surplus remains in said bond fund after the completion of such municipal improvement for which said bonds were voted, the legislative body of said municipality shall by resolution order that said money be placed into a sinking fund for the purpose of paying the principal and interest of said bonds.

Procedure for purchase of outstanding bonds.

In the event that after the legislative body shall have found that it is no longer necessary to expend the money raised by the sale of bonds for any municipal improvement district for the purpose for which said bonds were voted as therein provided; or if upon the completion of such municipal improvement a surplus exists in the sinking fund created for the purpose of paying the principal and interest on said bonds, then and in that event the legislative body may authorize and direct the city treasurer to advertise for the purchase of any outstanding bonds at par. Said treasurer shall thereupon cause to be published once in a newspaper of general circulation in the municipality a notice that upon a day and hour certain the said treasurer will purchase at par and to the extent of the surplus remaining any outstanding bonds of the district. In purchasing said bonds the treasurer shall purchase any bonds offered in the inverse order of their maturity. Any bonds so purchased shall be canceled and the interest and sinking fund credited therewith.

CHAPTER 269.

Stats 1923, p 431, amended

An act to add section 4a to an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, Statutes of 1923, page 431, providing for the disposition of funds collected from districts illegally formed.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. There is hereby added a new section to be known as section 4a, to an act entitled "An act to provide

for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, Statutes of 1923, page 431, to read as follows:

Refund of taxes paid for district not legally created

Sec. 4a. If any taxes are collected pursuant to the provisions of this act, and subsequent to said collection it shall be determined by a court of competent jurisdiction that such fire protection district was not legally formed and/or created by reason of a failure to comply with any of the provisions of this act, then and in that event any person who has paid taxes theretofore levied pursuant to the provisions of this act shall be entitled to a return of any moneys so paid upon the filing of a verified claim or demand therefor with the board of supervisors of the county in which such fire protection district lies, within six months after such time as it be finally determined that the formation of such fire protection district was ineffectual or invalid, or within six months from the date when this action goes into effect, if any such moneys are on hand in the county treasury of any county of this State at the time of the adoption of this section. At the expiration of the time within which claims for refunds as herein provided may be made, any and all moneys then on hand shall be divided between the county in which such fire protection district is located, and any incorporated cities which may have been within their corporate limits any of the territory embraced within the boundaries of the fire protection district declared invalid, in such proportion as the area of said assessment district lying within said incorporated city and county bears to the entire area of such fire protection district. Any such funds so divided shall be used by the city or county, as the case may be, to which apportioned, for fire protection purposes only.

Disposition of balance.

CHAPTER 270.

An act to amend section 921 of the Political Code, relating to purchases and sales by county, State, township and city officers.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 921 of the Political Code is amended to read as follows:

Pol. C. 1872.

Purchases and sales by public officers

921. State, county, township and city officers must not be purchasers at any sale nor vendors at any purchase made by them in their official capacity; provided, that any money paid by an officer for United States postage for use in conducting the official business of his office may be refunded to him by claim allowed in accordance with law.

CHAPTER 271.

Stats. 1913, p. 656, amended

An act to amend section 3 of an act entitled "An act to require owners of forest lands to provide a fire patrol therefor," approved June 6, 1923, relating to forest land fire patrols.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

Stats 1923, p. 656.

SECTION 1. Section 3 of the act cited in the title hereof, is hereby amended to read as follows:

When State Forester to provide patrol at expense of landowners

Sec. 3. In the event that any owner or owners shall fail or neglect to provide such fire patrol except in cases where in the judgment of the State Board of Forestry such patrol is unnecessary then the State Forester shall under the direction of the State Board of Forestry provide the same at a cost not to exceed two cents per acre per annum; provided that when in times and localities of unusual hazard, adequate protection of forest areas demands expenditures in excess of two cents per acre, the State Forester with the approval of the State Board of Forestry, may, after thorough investigation of the need thereof, authorize and approve expense sufficient properly to safeguard the timber resources, but amounts so approved shall not exceed the actual cost of the work performed. Any amounts so paid or contracted to be paid by the State Forester in providing adequate patrol for the said land shall be due and payable immediately to the State Forester who shall deposit such amounts in the State treasury to the credit of the "State Board of Forestry fire prevention fund" hereinafter created. Any amount remaining unpaid for a period of thirty days shall become a lien upon the property protected in pursuance of this act. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property is situated within thirty days after said lien has accrued and a copy of said notice of lien shall be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond or other encumbrances to said property at the last known place of residence of said encumbrancer and if the place of residence of said encumbrancer be unknown to the State Forester, then such fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and shall be paramount to all mortgages, trust deeds, liens, contracts, options, bonds or other encumbrances upon the land, excepting only the lien of taxes. If such sum secured by such lien be not paid within eighty days from the filing of such notice of lien then there shall be added to the same and secured by such lien a penalty of fifteen per cent on the amount of such lien. An action to foreclose such lien shall be commenced within eighty days after the filing and recording of said notice

Unpaid expense a lien.

Penalty.

Foreclosure of lien

of lien, which action shall be brought in the proper court by the district attorney of the county in the name, and for the benefit of the State Board of Forestry, and when the property is sold, enough of the proceeds shall be paid into the treasury of the State of California and therein deposited in a fund to be known as the "State Board of Forestry fire prevention fund" which fund is hereby created, to satisfy the lien and costs. The overplus, if there be any, shall be paid to the owner of the property if he be known, and if not, into the court for his use when ascertained.

Annual statements and hearings.

By the second Monday of October in each year the State Forester shall have prepared a list of all sums due to the State, and upon request of any forest landowner shall then render a statement of any sums from him so due, and upon further request such owner shall be granted a hearing before the State Board of Forestry concerning any activity of the said board or the State Forester affecting his property or costs charged thereto for protection. On the hearing, any interested person may appear and be heard. The board may take testimony or authorize it to be taken by any judicial officer of the county; and it may adjourn the hearing from time to time. The decision of the board upon any such matters shall be final and conclusive.

Use of forestry fire prevention fund.

All moneys in the said "State Board of Forestry fire prevention fund" are hereby appropriated to the use of the State Forester for the purpose of carrying out the provisions of this act and shall be paid out of said fund upon warrant of the State Controller based upon claims to be filed by the State Forester approved by the State Board of Control.

CHAPTER 272.

An act relating to retirement systems covering county or township officers or employees or a portion of such employees.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

Contributions repaid on separation from service.

SECTION 1. In any case where a member of a retirement system, established by the county for county or township officers or employees or for any portion of them, separates from the service of the county before retirement, and such separation is for any cause other than for permanent disability, there shall be paid to him, or in case of death to his legal representative, all the money paid in by him as his contribution toward retirement under the system, together with accumulated interest thereon.

Transfer to another retirement system.

SEC. 2. Whenever a member of such a retirement system becomes a member of another such retirement system, the contributions of the member to the first system, together with regular interest thereon, shall be transferred by the county to the second system as a part of the member's contribution to such second system. The county shall thereupon also transfer, from the funds of the first system to the funds of the second system, that portion of the county's contribution to the first system which was made by the county for the member. Such county's portion so transferred shall constitute part of the county's contribution to the second system.

Cessation of membership.

SEC. 3. Whenever a member of such a system becomes a member of another such system, his membership in the first system shall cease.

CHAPTER 273.

Stats 1897, p 254, amended.

An act to add section 73a to the California Irrigation District Act, relating to the procedure by which property owners may be relieved from obligations of the district.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the California Irrigation District Act, to be numbered 73a and to read as follows:

Action to release land from district indebtedness

73a. The owners or holders in fee of lands which constitute a portion of any irrigation district may jointly or severally file a verified complaint in the superior court in the county in which said land or any portion thereof is situated, for the purpose of releasing said lands from their proportionate share of the bonded indebtedness of said district. Said complaint shall include as defendants in said action the following parties:

Necessary defendants.

(1) The irrigation district in which said lands are situated;

(2) The names of the members of the board of directors of said district;

(3) All owners and holders of bonds of said irrigation district who shall have registered their names and post-office addresses with the secretary of the irrigation district in which said land is situated, as in this act hereinafter provided;

(4) All persons known or unknown who own or claim to own or claim to have any interest in or to the outstanding bonds of said irrigation district.

Allegations of complaint.

Said complaint shall also contain the following statements and allegations:

(1) A description of the real property owned by the plaintiffs situated within the irrigation district;

(2) That the lands described and owned by the plaintiffs are within the exterior boundaries of the irrigation district;

(3) The total amount of the unpaid bonded indebtedness of the irrigation district, including interest on such bonds;

(4) The total assessed valuation of the lands within such district, together with a description of the method of assessment employed by the district;

(5) When the outstanding bonds mature;

(6) The value of the lands described in the petition compared with the value of all other lands within such district;

(7) That the plaintiff or plaintiffs desire to pay their proportion of the total bonded indebtedness of such irrigation district, together with their proportion of the interest thereon and thereafter be relieved from any future assessment or any other charge for or on account of the outstanding bonded indebtedness of said district existing at the time of the filing of the complaint in said action;

(8) Said complaint shall contain a request for the appointment by the court of a referee to make an investigation of the ratio of values of the lands owned by the plaintiff or plaintiffs to the total value of all other lands in such irrigation district, and the just proportion of the bonded indebtedness of such district which the lands described in the complaint shall bear.

Summons.

After the filing of the complaint in such action, the clerk of the court shall upon request of the plaintiffs or any of them at any time within one year thereafter issue a summons. Such summons shall be served personally upon each of the board of directors and the secretary of such irrigation district and a copy thereof, to which shall be attached a copy of the complaint, shall be mailed by registered mail to any person or persons who have filed their names and addresses with the secretary of such irrigation district as the owner or owners of bonds thereof, and also to any person who is the known owner or holder of any bonds of said district.

Registration of bondholders.

All owners or holders of bonds issued by any irrigation district in the State of California shall file with the secretary of the district issuing such bonds his name and address within thirty days after he has become the owner or holder of such bonds and shall specify the number and amount of the bonds owned or held. In the event of the owner or holder's failure to so register his name, address and the security held he thereby waives personal service of summons as in this act provided.

Publication.

Service of summons upon all unknown owners or holders of bonds and interest coupons shall be made by publication in a newspaper of general circulation printed and published in the county in which the property is located, and in a newspaper of general circulation in the City and County of San Francisco, State of California, and also in the city and county of Los Angeles, State of California, to be designated by the judge of the superior court having jurisdiction of the case, for the period of two (2) consecutive months, as in other cases of service by publication.

Appearance

After such service of summons has been made as hereinbefore provided, all such unknown persons so served shall have the right to appear and defend such action at any time within thirty (30) days after the completion of the publication of summons. All other defendants shall have the right to appear and defend such action within the respective times provided by law for defendants to appear after service in other actions at law.

Procedure.

After such service has been completed, the prosecution of such action shall be maintained in the same manner and form as provided for the prosecution of other actions of a similar nature.

Effect of judgment.

The claims of any unknown defendants shall be concluded by the judgment in such action as effectually as if the action were brought against such person by his or her name and to the same extent as in case of personal service.

Hearing, referees.

When all of such defendants so served have appeared and answered or defaulted, the said action shall be at issue and tried and determined as in other cases, provided, however, that the court may appoint a referee to ascertain and determine and report to the court the amount of outstanding bonds or bonded indebtedness of such irrigation district existing at the time of the filing of the complaint in said action, and also to ascertain the proportionate share of the entire bonded indebtedness of such irrigation district that should equitably be borne by the property described in the complaint.

Trial and judgment.

After the referees herein provided for have made their reports, the court may at the instance of any party who has appeared in said action set the cause for trial and proceed as in other civil cases. Upon the conclusion of the trial, the court shall make its findings and enter its judgment decreeing that the plaintiff shall pay the costs of the referee and all other court costs and the amount found due from plaintiffs on account of their proportionate share of the bonded indebtedness of such irrigation district to the treasurer of such irrigation district proportionately as may be decreed by the court, within thirty (30) days after entry of judgment. The amount so paid shall be placed in the bond fund and used only for the purpose of paying or redeeming mature bonds and interest coupons.

Bonds and coupons in lieu of cash.

Said decree shall also provide that the plaintiffs may, in lieu of cash, deposit bonds of the irrigation district which may have been issued prior to the filing of the complaint and/or matured interest coupons thereon, which bonds and coupons shall be accepted by the treasurer of said district at their face value and canceled.

No further levy.

After such judgment has been entered and payments made by the plaintiffs as provided in said decree, no further levy shall be made by the irrigation district upon assessments of the lands of the plaintiffs as described in the judgment in said action for or on account of the payment or redemption of

any bonds and/or coupons issued prior to the filing of the complaint in said action.

CHAPTER 274.

An act to amend section 8 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to workmen's compensation. Stats. 1917, p 831, amended

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 8 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1931, p 2068. See Stats 1933, Ch 1022

Sec. 8. (a) The term "employee" as used in sections 6 to 31, inclusive, of this act shall be construed to mean: Every person in the service of an employer as defined by section 7 hereof under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also including minors, whether lawfully or unlawfully employed, and all elected and appointed paid public officers, and all officers and members of boards of directors of quasi public or private corporations while rendering actual service for such corporations for pay, but excluding any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer, and also excluding any employee engaged in household domestic service, farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising and also excluding any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine or periodical where the title to such newspaper, magazine or periodical has passed to the person so engaged, and any person holding an appointment as deputy clerk, deputy sheriff or deputy constable appointed for the convenience of such appointee, who receives no compensation from the county or municipal corporation or from the citizens thereof for services as such deputy; provided, that such last exclusion shall not deprive any person so deputized from recourse against any private person employing him for injury occurring in the course of and arising out of such employment. Nothing herein contained shall be deemed to alter, amend or repeal the provisions of chapter 834, Statutes of 1927. Definition of terms. "Employee." Stats 1927, p 1681

(b) Any person rendering service for another, other than as an independent contractor, or as expressly excluded herein, is presumed to be an employee within the meaning of this act. The term "independent contractor" shall be taken to mean, for the purposes of this act: Any person who renders service, other than manual labor, for a specified recompense "Independent contractor"

for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished. A working member of a partnership receiving wages irrespective of profits from such partnership shall be deemed an employee within the meaning of this section.

"Casual" (c) The term "casual" as used in this section shall be taken to refer only to employments where the work contemplated is to be completed in not exceeding ten working days, without regard to the number of men employed, and where the total labor cost of such work is less than one hundred dollars. The phrase "course of the trade, business, profession or occupation of his employer" shall be taken to include all services tending toward the preservation, maintenance or operation of the business, business premises or business property of the employer. The words "trade, business, profession or occupation of his employer" shall be taken to include any undertaking actually engaged in by him with some degree of regularity, the trade name, articles of incorporation or principal business of the employer to the contrary notwithstanding.

"Course of trade, etc"

Watchmen. (d) Watchmen for nonindustrial establishments, paid by subscription by several persons, shall not be held to be employees within the meaning of this act. In other cases where watchmen, paid by subscription by several persons, have at the time of the injury sustained by them taken out and maintained in full force and effect insurance upon themselves as self-employing persons conferring benefits equal to those conferred by this act, the employer shall not be liable under this act.

Employees of State. (e) It shall not be a defense to the State, or any political subdivision or institution thereof, or public or quasi public corporation, that a person injured while rendering service for it was not lawfully employed by reason of the violation of any civil service or other law, rule, or regulation respecting the hiring of employees.

Workmen under partnership agreement (f) Workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of the labor on a particular piece of work, shall be deemed employees of the person having such work executed, and, in the event the average weekly earnings are not otherwise ascertainable, shall be deemed to be employed at an average weekly wage of twelve dollars; provided, however, that if such workmen shall have taken out and maintained in full force and effect insurance, in an insurance carrier as defined in this act, insuring to themselves and all persons employed by them benefits identical with those conferred by this act, the person for whom such work is to be done shall not be liable as an employer under this act.

Volunteer firemen. (g) Each male member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the government of the city, town, or district, in which such volun-

teer fire department is located, shall be held and deemed to be an employee of such city, city and county, town or district for the purposes of this act, and shall be entitled to receive compensation from such city, town or district in accordance with the provisions thereof.

If he suffer injury or death while in the performance of his duty as fireman, then, irrespective of his remuneration from this and/or other employment, his average weekly earnings shall be taken for the purpose of computing such compensation as the sum of $38.46, and three times his average annual earnings referred to in section 9 (c) hereof shall be taken as the sum of $5,999.76; provided, however, that the death benefit referred to in said section 9 (c), when added to the disability indemnity which at the time of his death has accrued and become payable, shall not exceed the sum of $5,000, except as in said section otherwise provided. Same—Injury or death.

CHAPTER 275.

An act to add a new section to the Agricultural Code, to be numbered 830.5, relating to the transportation of fruits, nuts and vegetables.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 276.

An act to amend section 2349 of the Political Code, relating to navigable streams and public waterways.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2349 of the Political Code is hereby amended to read as follows: Stats. 1927, p 141.

2349. The following streams and waters are hereby declared navigable and to be public ways: Streams declared navigable and public ways.

So much of a slough as lies between Simonds Canal in the town of Alviso and the bay of San Francisco;

All of the Coyote River between the bay of San Francisco and the place where the same is now crossed by the tracks of the Southern Pacific Railroad Company;

All of the slough known as the Alviso Slough, sometimes called Steamboat Slough, lying between the bay of San Francisco and the place where the same is now crossed by the tracks of the Southern Pacific Railroad Company;

Streams declared navigable and public ways.

All of the slough known as the Guadalupe Slough, and being the outlet or mouth of the Guadalupe River, lying between San Francisco Bay and its junction with Alviso Slough;

All of Devil's Slough lying within the corporate limits of the city of San Jose, or of the town of Sunnyvale in Santa Clara County, and extending thence to San Francisco Bay;

Petaluma River, from its mouth to the southerly line of Washington Street, in the city of Petaluma;

The Sonoma River, between its mouth and a point opposite Fowler's hotel in the town of San Luis;

The Napa River, between its mouth and a point sixty feet below the westerly line of Lawrence Street in the city of Napa;

The Suisun River, between its mouth and the town of Suisun embarcadero;

The Sacramento River, between its mouth and a point one hundred feet below Reid's Ferry, in Shasta County;

The Feather River, between its mouth and a point fifty feet below the bridge crossing Feather River first above the mouth of the Yuba River;

The Yuba River, between its mouth and a point at the mouth of the slough at the foot of F Street, in the city of Marysville;

The San Joaquin River, between its mouth and Sycamore Point;

The Stockton Slough, between its mouth and the west line of El Dorado Street in Stockton;

The Mokelumne River, between its mouth and the first falls;

The Tuolumne River, between its mouth and Dickinson's Ferry;

Deer Creek, between the house of Peter Lassen and its mouth;

Big River, three miles from its mouth; Noyo River, three miles from its mouth;

Albion River, three miles from its mouth;

San Antonio Creek, in the county of Alameda, from its mouth to the old embarcadero of San Antonio;

The Arroyo del Medo, in the county of Santa Clara, from its mouth to the upper line of the town of New Haven;

Mission Creek, in the county of San Francisco;

That portion of Channel Street, in the city of San Francisco, lying easterly of the northeasterly line of Seventh Street, the width thereof to be one hundred forty feet;

That certain creek running through the tideland survey numbered 68, and swamp and overflowed land survey numbered 145, from its mouth to the head of the tidewater therein;

Johnson's Creek from its mouth at San Francisco Bay to Simpson's Landing;

The north branch of Alameda Creek, from its mouth to Eden Landing;

San Rafael and Corte Madera creeks, in Marin County, from their mouths as far as tidewater flows therein;

The Neuces Creek, from its mouth at Suisun Bay to a point one-half mile above the warehouse of George P. Loucks;

Streams declared navigable and public ways—continued.

Diablo Creek, from its junction with the Neuces, to a point opposite the warehouse of Frank Such, in Contra Costa County;

The Arroyo de San Antonio, or Keys Creek in Marin County, from its mouth at Tomales Bay to the warehouses on the point at Keys embarcadero;

All the streams and sloughs emptying into Eel River;

And all the streams and sloughs south of Eureka, in Humboldt County, which are now or at any time have been used for the purpose of floating logs or timber;

And all the sloughs south of Humboldt Point, in said county, that at high water mark have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight;

Novato Creek, or estuary, in Marin County from its mouth to Sweetzer's Landing;

Salinas River and Elkhorn Slough, or Estero Viejo, in Monterey County, from its mouth as far up as tidewater flows;

First Napa Creek, Second Napa Creek, and Third Napa Creek, in Sonoma County, between Napa and Sonoma rivers;

Moro Cojo Slough, in Monterey County, from Salinas River to tidewater;

Galinas, or Guyanas Slough or creek, in Marin County, from its mouth to the line of the Sonoma and Marin Railroad;

Clear Lake, in Lake County; provided, that nothing herein contained shall be deemed to interfere with rights of owners and claimants of swamp or overflowed land around the margin of said Clear Lake to reclaim the same;

Newport Bay, in the county of Orange, and all arms thereof, the sloughs connecting therewith in which the tide ebbs and flows, including the former bed of the Santa Ana River from a point where said Santa Ana River formerly emptied into the said bay up to a line extending across the former bed of the Santa Ana River which line is the northeasterly extension of the northwesterly bank of "The Rialto" as "The Rialto" is shown upon a map of Canal Section, Newport Beach, and is recorded in book four, page ninety-eight of miscellaneous maps, records of Orange County, California;

The Klamath River from its mouth in Del Norte County to its confluence with the Shasta River in the county of Siskiyou; provided, that nothing herein shall abrogate or infringe existing mining rights or the rights of locating or operating mining claims thereon, otherwise than by being made subject to the public rights of way herein declared.

CHAPTER 277.

Stats. 1909, p 969, amended.

An act to amend section 1 of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, defining personal property brokers.

[Approved by the Governor May 10, 1933. In effect August 21, 1933.]

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

Stats 1909, p 969 See Stats. 1933, Ch 577.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Personal property broker defined

Section 1. That every person or corporation engaged in the business of loaning or advancing money or other thing and taking in whole or in part as security for such loan or advance any chattel mortgage, bill of sale or other obligation or contract involving the forfeiture of rights in or to personal property, the use or possession of which is retained by other than the mortgagee or lender, or engaged in the business of loaning or advancing money or other thing, and taking either in whole or in part as security therefor any lien on, assignment of or power of attorney relative to wages, salary, earnings, income or commissions, shall be held, and, for the uses and purposes of this act, is hereby declared and defined to be a personal property broker. Nothing contained in this act shall apply to any of the following:

Exemptions.

1. Any nonprofit cooperative association organized under Title XXIII of Part IV of Division I of the Civil Code as said title existed at any time prior to the effective date of this amendment or under Chapter 4 of Division VI of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein;

2. Any corporation, association, syndicate, joint stock company or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business; or

3. Any corporation securing money or credit from any Federal Intermediate Credit Bank organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended, in loaning or advancing money or credit so secured.

CHAPTER 278.

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of

article four of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor May 11, 1933. In effect immediately.]

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

Budget appropriations

SECTION 1. The following sums of money, or so much thereof as may be necessary are hereby appropriated for the use and support of the State of California for the eighty-fifth and eighty-sixth fiscal years and, unless otherwise herein provided, shall be paid out of the general fund in the State treasury.

Special funds

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for all such purposes, and not from the general fund, to the extent only of the amount herein appropriated unless otherwise stated herein.

Recurrent appropriations

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

Items included in appropriations.

Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Public works balances

Whenever an appropriation is made herein for the construction, improvement or repair of any building, structure, or works of any character, or whenever any sums have been made available for such purposes from the emergency fund herein appropriated, any unexpended balance thereof shall not, unless otherwise provided herein, revert to the general fund or special fund at the end of the fiscal year or years for which such appropriation was made but shall continue to be available for the purposes for which the same was appropriated until one year after the close of the biennial period for which such appropriation is made.

LEGISLATIVE.

Legislative

Item 1	—For mileage of Lieutenant Governor, Senators, and statutory officers of the Senate, two thousand five hundred dollars	$2,500 00
Item 2	—For pay of the officers, clerks, and all other employees of the Senate for the fifty-first session, thirty thousand dollars	$30,000.00

	Item 3—For contingent expenses of Senate for fifty-first session and interim committees thereof, twenty thousand dollars	$20,000.00
	Item 4—For pay of officers, clerks, and all other employees of Assembly for fifty-first session, thirty thousand dollars	$30,000.00
	Item 5—For mileage of Assemblymen and statutory officers of the Assembly, four thousand three hundred dollars	$4,300.00
	Item 5½—For salaries of Senators and Assemblymen, two hundred eighty-eight thousand dollars	$288,000.00
	Item 6—For contingent expenses of the Assembly for fifty-first session, twenty thousand dollars	$20,000 00
	Item 7—For legislative printing, binding, etc., for fifty-first session, fifty thousand dollars	$50,000.00
	Item 8—For legislative mailing three thousand dollars	$3,000.00
Legislative Counsel Bureau.	Item 9—For support of the Legislative Counsel Bureau, forty-seven thousand three hundred thirty-three and 24/100 dollars	$47,333.24
Judicial.	Item 10—For support of Supreme Court, three hundred sixty-seven thousand six hundred twelve and 64/100 dollars	$367,612.64
	Item 11—For support of the First District Court of Appeal, one hundred eighty-six thousand three hundred ninety-nine and 28/100 dollars	$186,399.28
	Item 12—For support of the Second District Court of Appeal, one hundred eighty-seven thousand five hundred seventy-four and 70/100 dollars	$187.574.70
	Item 13—For support of the Third District Court of Appeal, one hundred one thousand six hundred fifty-seven and 32/100 dollars	$101,657.32
	Item 14—For support of the Fourth District Court of Appeal, one hundred forty-nine thousand eight hundred six and 42/100 dollars	$149,806.42
	Item 15—For State's share of salaries of judges of superior courts, one million two hundred eighty-eight thousand dollars	$1,288,000.00
Judicial Council.	Item 16—For support of Judicial Council and for extra compensation and travel-	

ing expenses of judges assigned by the Judicial Council twenty thousand four hundred fifty-six dollars_ $20,456.00

EXECUTIVE.

Item 17—For support of the Governor and of the Governor's office (exempt from provisions of sections 433, 669, and 677a of the Political Code) ninety-five thousand dollars_____ $95,000.00 Executive.

Item 18—For special contingent expenses (secret service), Governor's office (exempt from provisions of sections 433, 669, 677a of the Political Code), five thousand dollars_____ $5,000.00

Item 19—For support of the Governor's residence (exempt from provisions of sections 433, 669, and 677a of the Political Code), ten thousand dollars _____ $10,000.00

Item 20—For salary and support of Lieutenant Governor, eight thousand eight hundred fifty dollars_____ $8,850.00 Lieutenant Governor.

ADMINISTRATIVE.

Item 21—For support of Attorney General, two hundred seventy-two thousand nine hundred twenty-six dollars__ $272,926.00 Attorney General.

Item 21½—For additional support of Attorney General, one hundred fifteen thousand dollars, to become available on the effective date of any act which may be passed by the Legislature during the fiftieth session thereof centralizing in the Attorney General's office attorneys and legal advisers for State departments, divisions, commissions, bureaus, boards, offices, and institutions_____ $115,000.00

Item 22—For support of State Controller, four hundred twenty-six thousand six hundred thirty dollars_____ $426,630.00 Controller.

Item 22½—For support of State Controller, eighteen thousand seven hundred dollars; provided, however, that this amount shall not become available unless there is transferred to the State Controller the duties of computing units of average daily attendance and apportionment of elementary, high school, and junior college funds _____ $18,700.00

Item 23—For support of motor vehicle fuel tax refund division, State Controller, seventy-six thousand six hundred twenty dollars payable from motor vehicle fuel fund $76,620.00

Board of Equalization

Item 24—For support of State Board of Equalization, one hundred seventeen thousand nine hundred twenty dollars $117,920.00

Item 25—For support of fuel tax division and transportation tax division, State Board of Equalization, two hundred twenty thousand five hundred ninety-five and 92/100 dollars, payable from motor vehicle fuel fund.. $220,595.92

Item 26—For special investigations, State Board of Equalization ..... Nothing

Tax Research Bureau

Item 27—For support of Tax Research Bureau ..... Nothing

Franchise Tax Commissioner

Item 28—For support of the Franchise Tax Commissioner, one hundred thirty-three thousand three hundred sixty-two and 88/100 dollars $133,362.88

Secretary of State.

Item 29—For support of Secretary of State, one hundred forty-five thousand seven hundred seventy dollars $145,770.00

Item 30—For support of collection agency license division, Secretary of State, fifteen thousand eight hundred dollars, payable from collection agency license fund $15,800.00

Item 31—For printing constitutional amendments, Secretary of State's office, forty-five thousand dollars $45,000.00

Item 32—For purchasing Supreme and Appellate Court reports, Secretary of State ..... Nothing

Employees' Retirement System

Item 33—For support of board of administration of the State Employees' Retirement System forty thousand eight hundred dollars, but if existing statutes are amended to authorize the payment of such sum from any other source, the amount herein appropriated shall revert to the general fund of the State $40,800.00

Treasurer.

Item 34—For support of State Treasurer, eighty-eight thousand eight hundred sixteen dollars $88,816.00

PUBLIC UTILITY REGULATION.

Item 35—For support of the Railroad Commission, seven hundred sixty-six thousand two hundred twenty-four dollars ---------- $766,224.00 Railroad Commission.

AGRICULTURE.

Item 36—For support of State Department of Agriculture and State Board of Agriculture, one million nine hundred two thousand one hundred sixty-seven and 2/100 dollars; provided that no money hereby appropriated shall be used for support of fairs and exhibits, ripe olive standardization service, gasoline, distillate and oil inspection service; and provided further that no salary in excess of six thousand dollars ($6,000) per year be paid to the Chief of the Division of Markets ---------- $1,902,167.02 Department and Board of Agriculture

Item 37—For support of the State Department of Agriculture, one million one hundred eighty-one thousand two hundred ninety-two and 38/100 dollars, payable from the Department of Agriculture fund---------- $1,181,292.38

FINANCE.

Item 38—For support of Department of Finance, nine hundred nine thousand eight hundred six and 35/100 dollars; provided that no money hereby appropriated shall be used for salary and expenses of Chief of the Division of Service and Supply, or Bureau of Commerce, or Bureau of Publications and Documents---------- $909,806.35 Department of Finance.

Item 39—For premiums for automobile liability insurance, Department of Finance, twenty-four thousand dollars ---------- $24,000.00

Item 40—For encouragement of county agricultural fairs, to be expended by the Department of Finance---------- Nothing

Item 41—For support of second district agricultural association fair (San Joaquin County), five thousand dollars $5,000.00 San Joaquin County Fair

State Capitol and office buildings.

Item 42—For repairs, improvements and equipment of State Capitol and State office buildings, thirty thousand dollars $30,000.00

State Agricultural Society.

Item 43—For support of State Agricultural Society, Division of Exhibits of Department of Finance, twenty-five thousand dollars $25,000.00

Item 43½—For permanent revolving fund, State Agricultural Society, Division of Exhibits of Department of Finance, one hundred thousand dollars, to be used for support of said agency; provided, however, that in the event that a similar amount is received by said agency from revenues derived from legalized horse racing, said sum shall be forthwith returned for credit to the general fund; provided further that in any event said sum shall be returned to the general fund not later than November 1, 1935 ..... $100,000.00

Los Angeles Agricultural Association.

Item 44—For support of sixth district agricultural association, Division of Exhibits, Department of Finance, fifteen thousand dollars $15,000.00

Item 45—For support of sixth district agricultural association fair (Los Angeles County) Department of Finance, fifteen thousand dollars $15,000.00

Imperial County Fair

Item 45½—For support of forty-fifth district agricultural association fair (Imperial County) two thousand five hundred dollars $2,500.00

INDUSTRIAL RELATIONS.

Department of Industrial Relations.

Item 46—For support of Department of Industrial Relations, one million three hundred sixty-three thousand three hundred twenty-eight and 61/100 dollars $1,363,328.61

Item 47—For support of Division of Industrial Fire Safety, Department of Industrial Relations, one hundred thousand dollars payable from State Fire Marshal's fund $100,000.00

INSTITUTIONS.

Department of Institutions.

Item 48—For support of Department of Institions eighty-eight thousand fifty-two and 80/100 dollars $88,052.80

Item 49—For deportation and transfer of insane, correctional school and other State hospital inmates, including salary of deportation agent, ninety-two thousand two hundred dollars **$92,200.00**

Item 50—For support of outpatient clinics, Department of Institutions, five thousand dollars **$5,000.00**

Item 51—For transportation of prisoners, insane, correctional school and other State hospital inmates, three hundred seventy thousand dollars $370,000.00

Agnews State Hospital.

Item 52—For support of Agnews State Hospital, one million three hundred forty-eight thousand three hundred twenty-two and 33/100 dollars $1,348,322.33

Item 53—For major construction, improvements, and equipment at Agnews State Hospital, including ward buildings for patients **Nothing**

Item 54—For minor construction, improvements and equipment at Agnews State Hospital, twenty-two thousand five hundred dollars **$22,500.00**

Mendocino State Hospital.

Item 55—For support of Mendocino State Hospital, one million ten thousand four hundred seventeen and 7/100 dollars $1,010,417.07

Item 56—For minor construction, improvements, and equipment at Mendocino State Hospital, twenty-five thousand dollars **$25,000.00**

Napa State Hospital.

Item 57—For support of Napa State Hospital, one million three hundred fifteen thousand two hundred twenty-seven and 5/100 dollars $1,315,227.05

Item 58—For minor construction, improvements, and equipment at Napa State Hospital, forty-five thousand dollars **$45,000.00**

Norwalk State Hospital.

Item 59—For support of Norwalk State Hospital, nine hundred eighty-five thousand one hundred forty and 17/100 dollars $985,140.17

Item 59½—For major construction, improvements, and equipment, Norwalk State Hospital Nothing

Item 60—For minor construction, improvements, and equipment at Norwalk State Hospital, twenty thousand dollars **$20,000.00**

Patton State Hospital

Item 61—For support of Patton State Hospital, one million four hundred eight thousand seven hundred fifteen and 43/100 dollars $1,408,715.43

Item 61½—For major construction, improvements and equipment, Patton State Hospital ..... Nothing

Item 62—For minor construction, improvements, and equipment at Patton State Hospital, ten thousand dollars $10,000.00

Stockton State Hospital

Item 63—For support of Stockton State Hospital, one million five hundred eleven thousand six hundred twenty-one and 92/100 dollars $1,511,621.92

Item 64—For minor construction, improvements, and equipment at Stockton State Hospital, thirty-three thousand dollars $33,000.00

Southern California Hospital.

Item 65—For support of new State hospital in southern California near Camarillo, one hundred fifty-one thousand eight hundred dollars $151,800.00

Item 66—For major and minor construction, improvements and equipment at new State hospital in southern California near Camarillo, two hundred forty thousand dollars $240,000.00

Pacific Colony and State Narcotic Hospital.

Item 67—For support of Pacific Colony and State Narcotic Hospital, five hundred ninety-three thousand nine hundred seventy-six dollars $593,976.00

Item 68—For minor construction, improvements and equipment at Pacific Colony and State Narcotic Hospital, twenty thousand dollars $20,000.00

Sonoma State Home.

Item 69—For support of Sonoma State Home, one million one hundred eighty thousand five hundred twenty-five and 79/100 dollars $1,180,525.79

Item 70—For minor construction, improvements, and equipment at Sonoma State Home, twenty thousand dollars $20,000.00

Item 71— .....

Item 72— .....

Preston School of Industry.

Item 73—For support of Preston School of Industry, seven hundred seventy-two thousand two hundred sixty-eight and 75/100 dollars $772,268.75

Item 74—For minor construction, improvements, and equipment at Preston School of Industry, ten thousand dollars ---------- $10,000.00

Item 75—For support of Ventura School for Girls, two hundred twenty-five thousand seven hundred seventy-nine and 92/100 dollars---------- $225,779.92 Ventura School for Girls.

Item 76—For minor construction, improvements and equipment at Ventura School for Girls, five thousand dollars ---------- $5,000.00

Item 77—For support of Whittier State School, three hundred eighty-four thousand seven hundred seventy-three and 42/100 dollars--------- $384,773.42 Whittier State School

Item 78—For minor construction, improvements and equipment at Whittier State School, five thousand dollars-- $5,000.00

Item 79—For support of California Bureau of Juvenile Research at Whittier State School, fifteen thousand dollars, of which not more than two thousand five hundred dollars ($2,500) per annum shall be paid as salary to the chief of the bureau---------- $15,000.00 California Bureau of Juvenile Research

Item 80—For support of Industrial Home for the Adult Blind, one hundred eight thousand seven hundred eighteen and 96/100 dollars---------- $108,718.96 Industrial Home for Adult Blind.

Item 80½—For salaries and expenses of field officers and teachers to teach handicrafts to the adult blind, Industrial Home for the Adult Blind, thirty thousand four hundred twenty-six dollars ---------- $30,426.00

Item 81—For minor construction, improvements and equipment at Industrial Home for the Adult Blind, three thousand dollars---------- $3,000.00

Item 82—For support of Industrial Workshops for the Blind, Department of Institutions, forty-three thousand nine hundred forty-five and 33/100 dollars ---------- $43,945.33 Industrial Workshops for the Blind.

INVESTMENT.

Item 83—For support of Division of Banking, Department of Investment, two hundred eighty thousand two hundred forty dollars, payable from the banking fund---------- $280,240.00 Division of Banking

Division of Building and Loan

Item 84—For support of Division of Building and Loan, Department of Investment, two hundred sixteen thousand two hundred five and 78/100 dollars payable from the building and loan inspection fund---------- $216,205.78

Division of Corporations.

Item 85—For support of Division of Corporations, Department of Investment, six hundred ninety-eight thousand six hundred seventy-four and 16/100 dollars payable from the corporation commission fund------ $698,674.16

Division of Insurance.

Item 86—For support of Division of Insurance, Department of Investment, one hundred sixty-five thousand nine hundred dollars payable from the insurance fund---------- $165,900.00

Division of Real Estate.

Item 87—For support of Division of Real Estate, Department of Investment, two hundred forty-six thousand five hundred sixty-four and 99/100 dollars payable from the real estate fund ---------- $246,564.99

California Districts Securities Commission

Item 88—For support of California Districts Securities Commission twenty-seven thousand eight hundred fifty dollars $27,850.00

MILITARY AND VETERANS' AFFAIRS.

Department of Military and Veterans' Affairs.

Item 89—For support of the Department of Military and Veterans' Affairs, eleven thousand five hundred dollars, payable from Veterans' Farm and Home building fund---------- $11,500.00

Adjutant General and National Guard.

Item 90—For support of Adjutant General and the California National Guard, one hundred fifty-nine thousand six hundred fourteen and 33/100 dollars-- $159,614.33

Item 91—For minor construction, improvements, and equipment of armories, arsenals, stables, rifle ranges, and camp sites, Adjutant General and the California National Guard, twenty-five thousand dollars------ $25,000 00

Item 92—For allowances to organizations and rental of armories, California National Guard, four hundred sixty thousand dollars---------- $460,000.00

High school cadets

Item 93—For maintenance of high school cadets, fifteen thousand four hundred ninety-five dollars---------- $15,495.00

Item 93½—For support (including all salaries and administrative expenses), Veterans' Welfare Board, three hundred four thousand four hundred seventy-six and 32/100 dollars, payable from veterans' farm and home building fund ..... $304,476.32 — Veterans' Welfare Board

Item 94—For support of Veterans' Home of California, four hundred eight thousand forty-nine and 50/100 dollars ..... $408,049.50 — Veterans' Home.

Item 95—For minor construction, improvements, and equipment at Veterans' Home of California, six thousand fifty dollars, payable from the Athletic Commission fund $6,050.00

Item 96—For support of Woman's Relief Corps Home, forty thousand nine hundred nine and 45/100 dollars ..... $40,909.45 — Woman's Relief Corps Home

Item 97—For minor construction, Woman's Relief Corps Home, two thousand five hundred dollars $2,500.00

Item 98—For support of State Athletic Commission, sixty-seven thousand two hundred forty-two dollars payable from Athletic Commission fund ..... $67,242.00 — State Athletic Commission.

NATURAL RESOURCES.

Item 99—For support of Department of Natural Resources, exclusive of Division of Fish and Game and Division of Oil and Gas, five hundred seventy-four thousand two hundred thirty-three and 25/100 dollars ..... $574,233.25 — Department of Natural Resources.

Item 100—For support of Division of Fish and Game, Department of Natural Resources, one million nine hundred forty-four thousand four hundred and 97/100 dollars "payable from fish and game preservation fund" ..... $1,944,400.97 — Division of Fish and Game.

Item 101—For license commissions, Division of Fish and Game, Department of Natural Resources, one hundred thousand dollars, payable from fish and game preservation fund $100,000.00

Item 102—For purchase of game refuges and farms, Division of Fish and Game, Department of Natural Resources, ninety thousand dollars, payable from fish and game preservation fund $90,000.00

State Fair — Item 103—For State Fair and other exhibits, Department of Natural Resources, ten thousand dollars, payable from fish and game preservation fund--- $10,000 00

Division of Fish and Game — Item 104—For construction, improvements, and equipment, Division of Fish and Game, Department of Natural Resources, fifty-six thousand one hundred ten dollars, payable from fish and game preservation fund--- $56,110.00

Division of Parks — Item 105—For construction, improvements, and equipment, Division of Parks, Department of Natural Resources, forty thousand dollars---------- $40,000.00

Item 105½—For construction, improvements, equipment, and maintenance of the State Park System, Department of Natural Resources, one hundred thirty-eight thousand dollars, payable out of the State park maintenance fund---------- $138,000.00

Fire trails. — Item 106—For fire trails, breaks, and cooperative work with counties and other agencies, Department of Natural Resources, eighty-two thousand five hundred dollars ---------- $82,500.00

Fire suppression — Item 107—For fire suppression, Division of Forestry, Department of Natural Resources, one hundred fifty thousand dollars---------- $150,000.00

Forest cover investigation — Item 108—For investigating the effect of forest cover in the conservation of water and the prevention of erosion on watershed areas, Department of Natural Resources, Division of Forestry, to become available only in the event and at the times equal sums are available from the United States Forest Service or other interested agencies for the same purpose ---------- Nothing

Park sites. — Item 109—For expenses in connection with survey and acquisition of park sites, Department of Natural Resources ten thousand dollars---------- $10,000.00

Division of Mines and Mining — Item 110—For geological survey, and publishing of geological map, Division of Mines and Mining, Department of Natural Resources---------- Nothing

Division of Oil and Gas. — Item 111—For support of Division of Oil and Gas, Department of Natural Resources, three hundred forty-

three thousand four hundred forty-nine and 25/100 dollars, payable from petroleum and gas fund------ $343,449.25

Item 112—For additional support, Division of Forestry, Department of Natural Resources, twenty-five thousand dollars, payable from State Board of Forestry fire prevention fund----- $25,000.00 Division of Forestry.

Item 113—For expenses in connection with regulation of ore buying, Department of Natural Resources, Division of Mines, nine hundred sixty dollars payable from ore buyers license fund ---------- $960.00 Division of Mines.

PENOLOGY.

Item 114—For support of Department of Penology ---------- Nothing Department of Penology.

Item 115—For support of California Crime Commission, Department of Penology ---------- Nothing Crime Commission.

Item 116—For support of Advisory Pardon Board, five thousand dollars------ $5,000.00 Pardon Board.

Item 117—For transportation and expense on account of arrest of criminals without the State, fifty-five thousand dollars ---------- $55,000.00 Interstate Transportation of criminals

Item 118—For rewards offered by the Governor Nothing Rewards

Item 119—For support of Bureau of Criminal Identification and Investigation, two hundred fifty-eight thousand three hundred thirty-six dollars--- $258,336.00 Bureau of Criminal Identification.

Item 120—For support of the State Prison at Folsom, one million one hundred fourteen thousand eight hundred forty-seven and 33/100 dollars--- $1,114,847.33 Folsom Prison

Item 121—For major construction, improvements, and equipment at the State Prison at Folsom, two hundred twenty-five thousand dollars------ $225,000.00

Item 122—For minor construction, improvements and equipment, State Prison at Folsom, fifty-seven thousand four hundred dollars ---------- $57,400.00

Item 123—For support of State Prison at San Quentin, two million one hundred forty-six thousand four hundred sixty-four and 93/100 dollars----- $2,146,464.93 San Quentin Prison

Item 124—For minor construction, improvements and equipment, State Prison at San Quentin, forty thousand dollars ---------- $40,000.00

Board of Prison Directors.

Item 125—For support of parole department, Board of Prison Directors, eighty-six thousand one hundred twenty-nine and 89/100 dollars---------- $86,129.89

Item 126—For support of Detective License Bureau, Board of Prison Directors, sixteen thousand dollars, payable from private detective agencies contingent fund---------- $16,000.00

Board of Prison Terms and Paroles.

Item 127—For support of Board of Prison Terms and Paroles, thirty-four thousand dollars ---------- $34,000.00

California Institution for Women.

Item 128—For support of California Institution for Women, one hundred thousand dollars ---------- $100,000.00

Item 129—For minor construction, improvements and equipment, California Institution for Women---------- Nothing

Division of Narcotic Enforcement.

Item 130—For support, Division of Narcotic Enforcement, Department of Penology, thirty thousand dollars------- $30,000.00

PROFESSIONAL AND VOCATIONAL STANDARDS.

Accountancy.

Item 131—For support of State Board of Accountancy, fourteen thousand six hundred eighty-six and 25/100 dollars, payable from Board of Accountancy fund---------- $14,686.25

Architecture.

Item 132—For support of the State Board of Architecture, northern district, eleven thousand one hundred twenty-one and 82/100 dollars, payable from Board of Architecture, northern district, fund---------- $11,121.82

Item 133—For support of State Board of Architecture, southern district, eleven thousand five hundred eighty-five dollars, payable from Board of Architecture, southern district, fund---------- $11,585.00

Barber Examiners.

Item 134—For support of State Board of Barber Examiners, eighty-two thousand sixty-seven and 57/100 dollars, payable from State Board of Barber Examiners' fund------- $82,067.57

Civil Engineers.

Item 135—For support of Board of Registration for Civil Engineers, thirty-nine thousand four hundred twelve and 93/100 dollars, payable from civil engineers' fund---------- $39,412.93

Item 136—For support of Registrar of Contractors, two hundred seventy thousand one hundred fifty-two and 81/100 dollars, payable from contractors' license fund---------- $270,152.81 Contractors.

Item 137—For support of State Board of Cosmetology, one hundred twelve thousand four hundred eighty-seven and 22/100 dollars, payable from Board of Cosmetology contingent fund--- $112,487.22 Cosmetology

Item 138—For support of Board of Dental Examiners, fifty-seven thousand seven hundred sixty-one and 97/100 dollars, payable from dentistry fund $57,761.97 Dental Examiners.

Item 139—For support of Board of Embalmers and Funeral Directors, thirty-two thousand four hundred thirty-one and 88/100 dollars payable from embalmers and funeral directors fund---------- $32,431.88 Embalmers and Funeral Directors.

Item 140—For support of State Board of Medical Examiners, ninety-nine thousand four hundred sixty-three and 82/100 dollars, payable from medical examiners' contingent fund--- $99,463.82 Medical Examiners.

Item 141—For support of State Board of Optometry, nine thousand six hundred sixty-seven and 67/100 dollars, payable from board of optometry fund $9,667.67 Optometry.

Item 142—For support of State Board of Pharmacy, ninety-three thousand sixty-seven and 21/100 dollars, payable from Pharmacy Board contingent fund---------- $93,067.21 Pharmacy.

Item 143—For support of Board of Examiners in Veterinary Medicine, four thousand three hundred three and 14/100 dollars, payable from veterinary medicine examiners' contingent fund---------- $4,303.14 Veterinary Examiners.

Item 144—For support of Board of Chiropractic Examiners, eighteen thousand seventy-five dollars, payable from chiropractic examiners' fund----- $18,075.00 Chiropractic Examiners

Item 145—For support of State Board of Osteopathic Examiners, eleven thousand three hundred sixty-one and 59/100 dollars, payable from osteopathic examiners' contingent fund ---------- $11,361.59 Osteopathic Examiners

PUBLIC HEALTH.

Department of Public Health. Item 146—For support of Department of Public Health, exclusive of Bureau of Cannery Inspection and Bureau of Registration of Nurses, four hundred and one thousand six hundred twelve dollars $401,612.00

Cannery Inspection. Item 147—For support of Bureau of Cannery Inspection, Department of Public Health, one hundred thirty-three thousand nine hundred twenty dollars, payable from cannery inspection fund $133,920.00

Registration of Nurses. Item 148—For support of Bureau of Registration of Nurses, Department of Public Health, thirty-eight thousand seven hundred sixty dollars, payable from nurses' examination and registration fund $38,760.00

Bureau of Tuberculosis. Item 149—For subsidies, Bureau of Tuberculosis, Department of Public Health, nine hundred seventy-five thousand dollars $975,000.00

PUBLIC WORKS.

Department of Public Works. Item 150—For pro rata support of Department of Public Works, exclusive of Division of Architecture, Division of Water Resources, Division of Highways, and Division of Contracts and Rights of Way, sixteen thousand eight hundred twelve and 50/100 dollars $16,812.50

Division of Architecture. Item 151—For support of the Division of Architecture, Department of Public Works, one hundred fifty thousand dollars $150,000.00

Division of Water Resources Item 152—For support of Division of Water Resources, Department of Public Works, two hundred ninety-one thousand two hundred twenty-six and 22/100 dollars $291,226.22

Study of water resources Item 153—For stream gauging in cooperation with the Hydraulic Branch of the United States Geological Survey; topographic surveying and mapping in cooperation with the Topographic Branch of the United States Geological Survey; irrigation investigations in cooperation with the Agricultural Engineering Division,

United States Department of Agriculture; special irrigation and flood control studies, economic studies relating to irrigation districts, investigation of irrigation district bond issues, and assistance to California Districts Securities Commission; flood gaugings and measurements, flood control investigations in connection with Sacramento Flood Control Project, investigation of flood channels and for emergency bank protection and rectification of river channels other than the Sacramento River and its tributaries, in cooperation with other agencies; exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development and utilization of the water resources in southern California; investigation of water resources, in cooperation with Ventura County and Monterey County; and special economic and financial studies and analyses, investigations and surveys, and compilation of pertinent data relating to the State water plan, Division of Water Resources, Department of Public Works, one hundred fifty-nine thousand five hundred dollars..... $159,500.00

Item 154—For maintenance, operation, and emergency protection of the Sacramento Flood Control Project, including the purposes contained in section 2, Chapter 774, Statutes of 1927, Department of Public Works, eighty-five thousand dollars..... $85,000.00 Sacramento Flood Control

Item 155—For channel rectification and bank protection on the Sacramento River and its tributaries, State Department of Public Works in cooperation with the United States government, one hundred thousand dollars, said sum to become available to the United States government or its appropriate agency, in an amount not more than equal to the sum or sums appropriated and made available for said work by the United States government, and the State Sacramento River channel rectification

Controller is hereby authorized and directed, upon request and approval by the Department of Public Works and the State Board of Control, to draw his warrants on the State treasury from time to time in amounts limited as aforesaid and in favor of the United States government or its appropriate agency having funds available, as aforesaid, and the State Treasurer is authorized and directed to pay such warrants ---------- $100,000.00

San Diego Flood Control.

Item 156—For flood control investigation of the San Diego River and other streams in San Diego County in cooperation with San Diego County and other agencies, to be expended under the authority and direction of the State Department of Public Works, twelve thousand dollars, provided that one-half of the money hereby appropriated shall not become available for expenditure unless the sum of six thousand dollars ($6,000.00) (from other than State revenues) shall have been paid and deposited in trust with the State Treasurer on or before July 5, 1933, and the balance thereof until a like sum of six thousand dollars ($6,000.00) shall have been paid and deposited in trust with the State Treasurer on or before January 1, 1934, to match the sum herein appropriated for expenditure for the same purpose as that for which this appropriation is made. No money hereby appropriated shall become available for expenditure until at least the sum of six thousand dollars ($6,000.00) shall have been paid in trust with the State Treasurer by San Diego County---------- $12,000.00

Reclamation board

Item 157—For new construction, land, rights of way, easements, and general administrative operations and overhead, reclamation board pursuant to the provisions of Chapter 176 of California Statutes of 1925, approving the modified report of the California Debris Commission,

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dated January 5, 1925, which said report was adopted by the United States in section 13 of that certain act of Congress entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928, and for any other purpose to further carry out the legislation contained in said Chapter 176 of California Statutes of 1925, one million dollars $1,000,000.00

Item 158—For support of Board of State Harbor Commissioners, San Francisco, two million seven hundred forty-two thousand five hundred ninety-five and 11/100 dollars, payable from San Francisco harbor improvement fund ..... $2,742,595 11 Harbor Commissioners.

Item 159—For maintenance of fire boats, Board of State Harbor Commissioners, San Francisco, one hundred eighty-five thousand dollars, payable from San Francisco harbor improvement fund ..... $185,000.00 Fire boats.

Item 160—For construction and improvements of wharves, piers, sheds, bridges, tracks, and other construction, improvements and equipment as needed, Board of State Harbor Commissioners, San Francisco, one hundred fifty thousand dollars, payable from San Francisco harbor improvement fund ..... $150,000.00 San Francisco harbor.

SOCIAL WELFARE.

Item 161—For support of Department of Social Welfare, one hundred forty-four thousand one hundred sixty-two and 71/100 dollars ..... $144,162.71 Department of Social Welfare.

Item 162—For transportation of dependent children to homes outside of the State, five hundred dollars ..... $500.00 Transportation of dependent children

EDUCATION.

Item 163—For support of Department of Education, Superintendent of Public Instruction, and California State Historical Association, six hundred twenty-three thousand three hundred fifteen and 57/100 dollars; Department of Education.

provided, however, that if any law enacted during the fiftieth session of the Legislature abolishes any of the following divisions or activities of the State Department of Education, the amount hereinafter set forth following the name of such division or activity shall revert to the general fund upon the date when such law becomes effective: Division of Research and Statistics, forty-nine thousand nine hundred twenty-eight dollars and fifty-one cents; Division of Schoolhouse Planning, thirty-three thousand four hundred thirty-three dollars and ninety-seven cents; Division of Adult Education, twenty-eight thousand six hundred ninety-six dollars and seventy-two cents; Division of Physical Education, nine thousand nine hundred fifty-two dollars and fifty-one cents; and California Historical Association, seven thousand nine hundred thirty-eight dollars and eighty-six cents $623,315.57

School laws. Item 164—For printing school laws, Department of Education ..... Nothing

Handicapped individuals. Item 165—For classes for children with defective speech, and for education of handicapped individuals, Department of Education, twenty-four thousand four hundred thirty-six and 04/100 dollars $24,436.04

Textbooks. Item 166—For publishing, purchasing, and shipping free textbooks, Department of Education, six hundred eighty-one thousand one hundred eighty dollars $681,180.00

Chico State Teachers College. Item 167—For support of Chico State Teachers College, three hundred four thousand eight hundred ninety-two and 56/100 dollars, and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said teachers college $304,892.56

Item 168—For minor construction, improvements, and equipment, Chico State Teachers College ..... Nothing

Item 169—For support of Fresno State Teachers College, five hundred fifteen thousand one hundred ninety-three and 32/100 dollars, and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said teachers college $515,193.32

Fresno State Teachers College.

Item 170—For minor construction, improvements, and equipment, Fresno State State Teachers College..... Nothing

Item 171—For support of Humboldt State Teachers College, one hundred ninety-seven thousand four hundred fifty-two and 79/100 dollars, and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said teachers college $197,452.79

Humboldt State Teachers College.

Item 172—For minor construction, improvements, and equipment, Humboldt State Teachers College..... Nothing

Item 173—For support of San Diego State Teachers College, four hundred thirty-seven thousand one hundred seventeen and 96/100 dollars, and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said teachers college..... $437,117.96

San Diego State Teachers College.

Item 174—For minor construction, improvements, and equipment, San Diego State Teachers College ..... Nothing

Item 175—For support of San Francisco State Teachers College, four hundred fifty-four thousand three hundred fifty-one and 51/100 dollars, and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said teachers college..... $454,351.51

San Francisco State Teachers College

Item 176—For minor construction, improvements, and equipment, San Francisco State Teachers College ..... Nothing

Item 177—For support of San Jose State Teachers College, six hundred twenty-two thousand three hundred fifty-four and 68/100 dollars, and in addition thereto the amount of such fees as

San Jose State Teachers College.

Item 178—For major construction, improvements, and equipment at San Jose State Teachers College, including completion and equipment of new science building, seventy-five thousand dollars ---------- $75,000.00

Item 179—For minor construction, improvements, and equipment, San Jose State Teachers College, two thousand dollars ---------- $2,000.00

Santa Barbara State Teachers College

Item 180—For support of Santa Barbara State Teachers College, two hundred eighty-two thousand one hundred fifty-eight and 33/100 dollars, and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said teachers college ---------- $282,158.33

California Polytechnic School.

Item 181—For support of California Polytechnic School, one hundred fifty thousand dollars ---------- $150,000.00

Item 182—For minor construction, improvements, and equipment, California Polytechnic School, nine thousand five hundred dollars ---------- $9,500.00

Schools for Deaf and Blind

Item 183—For support of California School for Blind at Berkeley, one hundred fifty thousand five hundred sixteen and 21/100 dollars ---------- $150,516.21

Item 184—For minor construction, improvements, and equipment, California School for Blind at Berkeley, five thousand dollars ---------- $5,000.00

Item 185—For readers for blind college students, California School for Blind at Berkeley, seven thousand two hundred dollars ---------- $7,200.00

Item 186—For support of California School for Deaf at Berkeley, three hundred twenty-eight thousand seven hundred fifty-five and 4/100 dollars---- $328,755.04

Item 187—For minor construction, improvements, and equipment, California School for Deaf, six thousand six hundred dollars ---------- $6,600.00

Item 188—For expenses of deaf graduates attending Gallaudet College, California School for Deaf at Berkeley, eight thousand one hundred dollars $8,100.00

Item 190—For support of University of California, eleven million one hundred seventy-nine thousand eight hundred eighty-three dollars, provided, that not more than one-twentieth of such amount shall be expended during any one month and not more than one-half of such amount shall be expended during the eighty-fifth fiscal year ---------- $11,179,883.00 University of California.

Item 190A—For support of agricultural extension work, University of California, six hundred ninety-eight thousand dollars ---------- $698,000.00 Agricultural extension.

Item 190C—For support of the graduate school at the University of California at Los Angeles, seventy-five thousand dollars ---------- $75,000.00 Graduate school.

Item 191—For cooperation in forestry research with California Forestry Experimental Station and other Federal agencies, University of California, twenty-one thousand two hundred fifty dollars ---------- $21,250.00 Forestry research

Item 192—For support of Hastings College of Law, fourteen thousand dollars $14,000.00 Hastings College of Law.

Item 193—For rent, Hastings College of Law, fourteen thousand four hundred dollars ---------- $14,400.00

Item 194—For apportionment to junior college districts in accordance with the provisions of Chapter 784, Statutes of 1931, one million, two hundred ninety-seven thousand fifty-eight dollars ---------- $1,297,058.00 Junior college apportionment.

MOTOR VEHICLES.

Item 195—For support of Department of Motor Vehicles, six million three hundred eighty-eight thousand five hundred thirty-six dollars, payable from motor vehicle fund ---------- $6,388,536.00 Department of Motor Vehicles.

MISCELLANEOUS.

Item 196—For official advertising, three thousand dollars ---------- $3,000.00 Official advertising

Item 197—For premiums on official bonds, five thousand dollars ---------- $5,000.00 Official bonds.

Item 198—For compensation benefits, State officers and employees, whose salaries are paid from the general Compensation benefits.

fund of the State, or for premiums on insurance therefor, one hundred fifty thousand dollars---------- $150,000.00

County treasurers

Item 199—For traveling expenses of county treasurers ---------- Nothing

Governors' conference

Item 200—For expenses of conferences of Governors in California to be expended by the Governor (exempt from the provisions of sections 433, 669, and 677a of the Political Code) nine thousand dollars---------- $9,000.00

EMERGENCIES.

Emergency fund

Item 201—For emergency fund, five hundred thousand dollars ---------- $500,000.00

(exempt from section 4 of this act) to be expended only on written authorization of the State Department of Finance for emergencies. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.

Special emergency fund

Item 202—For special emergency fund, two hundred fifty thousand dollars----- $250,000.00

(exempt from section 4 of this act) to be expended only on written authorization of the State Department of Finance for augmentation of the appropriations for support of the State prisons, State hospitals, and other State institutions, when and if commodity prices increase during the eighty-fifth and eighty-sixth fiscal years.

Department of Public Works.

SEC. 1a. It is further provided that the Division of Highways and the Division of Contracts and Rights of Way, Department of Public Works, may expend for administration during the eighty-fifth and eighty-sixth fiscal years a total sum not to exceed one million eight hundred twenty-four thousand one hundred one and 84/100 dollars ($1,824,101.84), the same to be expended from the State highway maintenance fund as appropriated therefor by other provisions of law.

Publications.

SEC. 2. When any State publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section 2295a of the

Legislative expenses

Political Code of the State of California. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of sections 669 or 667a of the Political Code; provided, that the State Controller shall not be required to draw such warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him. The sums

National Guard

herein appropriated for the expenses of the National Guard shall be audited by the Adjutant General, as required by sections 2083 and 2085 of the Political Code.

SEC. 3. The State Controller is hereby expressly prohibited from allowing any demands payable out of any appropriation herein contained, unless the same are presented in accordance with the provisions of section 669 of the Political Code; provided, that in instances where the duties of any State officers or board make necessary the use of moneys for purposes of a confidential nature, the State Controller may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the fact surrounding the expenditure, which statement must be filed in the office of the State Controller; provided further, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services provided, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatever, unless authorized thereto by law; and provided, that any officer, board, commission, or department for whom any appropriation is made herein, may, without at the time furnishing vouchers and itemized statements, draw from such appropriations a sum not to exceed one per cent of the total amount appropriated for any such officer, board, commission or department; and provided further, that any officer, board, commission or department for whom any appropriation is made herein, may with the permission and the approval of the Department of Finance, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of one per cent, but not to exceed five per cent of the total amount appropriated for any such officer, board, commission or department.

Payments from appropriations.

Vouchers.

Any sums drawn under the provisions of this section without at the time furnishing vouchers and itemized statements, shall be considered to have been withdrawn from the amount appropriated for the eighty-sixth fiscal year and need not be returned at the close of the eighty-fifth fiscal year, and shall be used as a revolving fund where payment of compensation earned or cash advances are necessary, and at the close of each biennium, or at any other time, upon the demand of the Department of Finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

SEC. 4. The appropriations under this act shall, unless otherwise provided, be subject to the provisions of section 677a, of the Political Code, and not more than one-half of the amount appropriated under this act for each office, board, commission, department, or institution for support shall be expended during the eighty-fifth fiscal year, unless the same has been expressly authorized by this act.

Eighty-fifth fiscal year.

Payments in excess of appropriations

SEC. 5. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the State Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any State appropriation; provided, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the State Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Fire insurance

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the property of San Francisco harbor and the University of California.

Transfer of appropriations.

SEC. 7. Whenever the duties, powers, purposes, responsibilities, and jurisdictions of any office, board, commission or other State agency are transferred by law to a department of the State, the appropriations herein made from the general fund for the support of such office, board, commission or other State agency shall, by the State Controller, be transferred to, and the same shall become a part of, the appropriations herein made from the general fund for the support of the department to which the duties, powers, purposes, responsibilities, and jurisdictions of such office, board, commission or other State agency have been transferred.

Reversion of appropriations.

SEC. 8. Whenever the duties, powers, purposes, responsibilities and jurisdiction of any office, board, commission or other State agency are abolished by law the appropriation herein made for the support of such office, board, commission, or other State agency shall upon the effective date of the act abolishing such office, board, commission or other State agency revert to and become a part of the unexpended balance of the fund from which such appropriation was made.

Current expenses.

SEC. 9. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of section 1, of article four of the Constitution of the State of California, take effect immediately.

Constitutionality

SEC. 10. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remain-

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

CHAPTER 279.

An act to call a special election to be held on Tuesday, the twenty-seventh day of June, 1933, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fiftieth regular session and for the purpose of electing delegates to a convention to consider and pass upon a proposed amendment to the Constitution of the United States and to provide that this act shall take effect immediately.

[Approved by the Governor May 11, 1933. In effect immediately.]

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

Special election.

SECTION 1. A special election is hereby called to be held throughout the State of California on Tuesday, the twenty-seventh day of June, 1933. At said special election there shall be submitted to the qualified electors of the State the following:

Constitutional amendments submitted to electors.

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by adding a new section to be numbered 34a to Article IV, by amending section 12 of Article XI, by adding a new section to be numbered 20 to Article XI, by amending sections 14, 15 and 16 by adding three new sections to be numbered 14½, 15½ and 16½, and by repealing sections 12½ and 18 of Article XIII, relating to taxation;

Senate Constitutional Amendment No 16—A resolution to propose to the people of the State of California an amendment to the Constitution of said State repealing sections 4 and 9 of Article XI thereof, and amending section 5 of said article, relating to county government;

Assembly Constitutional Amendment No. 101—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section, to be numbered 8a, relating to taxation;

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XVI thereof a new section to be numbered 9, authorizing the Legislature to provide for assistance by the State in

the refinancing of irrigation and reclamation districts, and approving and ratifying the District Finance Act of 1933;

Assembly Constitutional Amendment No. 108—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of said State by adding to said article a new section, to be numbered section 1a, relating to the time of taking effect of acts passed at the fiftieth regular session of the Legislature;

Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 9, relating to loans to counties and municipalities for unemployment relief;

Assembly Constitutional Amendment No. 119—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article IV thereof a new section to be numbered 25a, relating to the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof;

Assembly Constitutional Amendment No. 47—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 1a of Article XIII thereof, relating to exemption of private nonprofit educational institutions from taxation; also, any other constitutional amendment or proposition that the Legislature shall lawfully sumbit at such election.

Each of the foregoing are amendments to the Constitution of the State of California proposed to the electors of the State of California by the Legislature thereof at its fiftieth regular session in accordance with the provisions of section 1 of Article XVIII of said Constitution.

Consolidation of elections.

Stats 1933, Ch. 149

SEC. 2. Said special election and the special election called by an act adopted by the Legislature of the State of California at its fiftieth regular session and entitled "An act to provide for a convention in the State of California to pass on the amendment to the Constitution of the United States for the repeal of the Eighteenth Amendment thereof and for the prohibition of the transportation and importation of intoxicating liquor into the States and Territories in violation of the laws thereof, proposed by the Congress for ratification by conventions in the several States, and to call a special election for the purpose of filling the offices of delegates to such convention in this State, and to provide that this act shall take effect immediately," approved April 21, 1933, are hereby consolidated; and such special elections so hereby consolidated shall be conducted as one election and as provided in section 3 of this act.

Conduct of election

SEC. 3. The special election provided for in this act shall be proclaimed, held, conducted, and the ballots shall be prepared, marked, voted, counted, canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections in so far as

provisions thereof are applicable to the election provided for by this act; provided, however, that the governing boards or bodies charged with the conduct of elections in the counties or cities and counties may consolidate the precincts of the counties and cities and counties for the purposes of this election and shall also appoint as officers of this election one inspector, one judge, and one clerk, who shall receive as compensation for their services a sum not to exceed three dollars each, which sum shall be paid out of the treasuries of the counties or cities and counties by which such persons are employed.

Arguments.

SEC. 4. The presiding officer of the house in which each proposed constitutional amendment originates shall immediately appoint the author or one of the authors of such proposed amendment to the Constitution of this State and one member of the same house who voted in favor thereof to draft an argument giving the reasons for the adoption thereof, and he shall also appoint a member of the same house who voted against such proposed constitutional amendment to draft an argument against the adoption thereof. If no member of the same house voted against such proposed amendment, he shall appoint a qualified person to draft such argument. Each argument shall consist of not more than five hundred words in length and shall be submitted by the author or authors to the Secretary of State within five days after this act takes effect.

Ballot titles

SEC. 5. It shall be the duty of the Attorney General to prepare and deliver to the Secretary of State ballot titles prescribed by section 1197 of the Political Code within five days after this act takes effect. Written objections to the titles prepared by the Attorney General shall be filed with the Secretary of State within five days from such delivery and the Secretary of State shall forthwith file a copy of the constitutional amendment, together with the title thereof so prepared by the Attorney General and the said objections thereto, with the Board of Title Commissioners as provided by section 1197 of the Political Code. Said Title Commissioners shall determine the validity of such objections within three days after the objections are filed. The determination by said board shall be final and conclusive.

Calling election

SEC. 6. Inasmuch as this act provides for the calling of an election, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 280.

Stats 1913, p 1097, amended

An act to amend sections 4, 5, 6, 7, 9, 11, and to add a new section numbered 17 to chapter 598, Statutes 1913, entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the viola-

tion of this act," approved June 16, 1913, relating to the Board of Optometry and to the regulation of the practice of optometry and relating to the constitutionality of said act.

[Approved by the Governor May 11, 1933. In effect August 21, 1933.]

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

Stats. 1923, p. 380

SECTION 1. Section 4 of chapter 598, Statutes of 1913, entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, is amended to read as follows:

Powers and duties.

Sec. 4. The powers and duties of the said State Board of Examiners in Optometry shall be as follows:

Organize board

1. To organize and elect from their members a president and secretary of said board who shall hold office for one year or until the election and qualification of a successor; to adopt and use a common seal, and establish a permanent office or offices. The secretary of the said board before entering into the discharge of his duties shall execute a good and sufficient bond to the State of California in the sum of one thousand dollars conditioned for the faithful performance of his duties as such secretary. He shall receive all fees and moneys paid to the board; keep all the records of the board and discharge such other duties as the board shall from time to time prescribe.

Make disbursements.

2. To make all necessary disbursements to carry out the provisions of this act, but only upon the signature of the president and secretary of the said board, including payment for the bond of the secretary of said board; payment for stationery supplies; necessary optical instruments to be used in the conduct of examinations which shall be the property of the State; and printing and circulating to all optometrists in the State, once a year, a yearbook containing the names and addresses of all optometrists in this State; a per diem of ten dollars for each member of the said board for each day actually spent in the performance of his duties as such, and necessary expenses; per diems shall not exceed one for any calendar day, and shall not exceed two in any one calendar month, except that in months when examinations are being held per diems may be allowed for not to exceed six days in any such month. Additional compensation may be allowed the secretary not to exceed one hundred dollars per month.

Yearbook.

Compensation.

Prosecute violators

3. To employ agents, attorneys, and inspectors to secure evidence of, report on, and prosecute to conviction all violations of this act and to employ other necessary assistance in the carrying out of the provisions of this act.

Meetings

4. To hold regular meetings at least twice a year at which an examination of applicants for certificates of registration shall be held at such places as the board shall from time to

time designate and special meetings upon request of a majority of the members of said board or upon the call of the president.

Record of proceedings.

5. To keep an accurate record of all the proceedings of the board and of all its meetings, of all receipts and disbursements with vouchers for all disbursements, and of all prosecutions for violations of this act, and of all examinations held for applicants for certificates of registration with the names and addresses of all persons taking examinations and their success or failure to pass such examinations. To keep an accurate inventory of all property of the board and of the State in the possession of the board and to obtain a receipt therefor from its successor. All the records of the board shall be public and shall be kept in the office of the board.

Visit and accredit schools.

6. To visit and examine universities and schools in the State of California wherein the science of optometry is taught, and to accredit such universities and schools, wherein the science of optometry is taught, whether within or without the State of California, as shall have been found to give a sufficient course of study for the preparation of optometrists; provided, however, that said board may accredit only the following universities or schools in which the science of optometry is taught:

Requirements

(a) Such universities as give a standard course of optometry leading to the bachelor degree, and which are members of the American Association of Universities or the American Association of State Universities.

(b) Such schools as give a course of instruction covering and including the following minimum requirements, to wit: General anatomy, 150 hours; general physiology, 100 hours; general mathematics, 150 hours; general physics, 150 hours; general optics, 100 hours; ocular anatomy, 100 hours; ocular pathology, 100 hours; theoretical optometry, 250 hours; theoretical optics, 300 hours; practical optics, 100 hours; practical optometry, 200 hours; hygiene, 50 hours; psychology, 50 hours; optical laboratory work, 100 hours; clinical work, 100 hours; total: 2000 hours.

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory or clinic, and at least eighty per cent of actual attendance shall be required and said course of study herein outlined, shall be so arranged as to require two years of actual attendance at said school for its completion.

Register of optometrists.

7. To keep a register of optometrists which shall contain the names and addresses of all persons to whom certificates of registration have been issued in the State of California, together with the date of the issuance of such certificates and the place or places of business in which each optometrist is engaged, and all renewals, revocations and suspensions thereof.

Grant, etc., certificates

8. To grant or refuse to grant certificates of registration as herein provided and to revoke the certificate of registration of any optometrist for any of the causes specified in section 11 hereof.

Administer oaths.

9. To administer oaths and take testimony upon granting and revoking or suspending any certificate of registration.

Make rules

10. To make and promulgate rules and regulations governing the procedure of the board, the admission of applicants for examination for certificates of registration as optometrists, and the practice of optometry; all such rules and regulations to be in accordance with and not inconsistent with the provisions of this act.

Report to Governor.

11. To report to the Governor annually on the first Monday in January in each year giving an accurate account of the work of the board during the preceding year with a statement of all moneys received and paid out pursuant to this act.

Publish requirements

12. To publish and distribute a syllabus of the educational requirements and the examination requirements for the obtainment of a certificate to practice optometry within the State of California.

Stats 1923, p 380

SEC. 2. Section 5 of chapter 598, Statutes of 1913, is hereby amended to read as follows:

Application for registration

Sec. 5. Any person over the age of twenty-one years, desiring to engage in the practice of optometry in the State of California, may file an application, duly verified by his oath, for an examination before said board. Such application must be filed with the secretary of said board, at least two weeks prior to the day of any meeting at which an examination is to be held and shall set forth the following:

(a) The name, age and address of the applicant.

(b) The name of the optometry school attended, if any, and for what period of time such school was attended by the applicant.

(c) A statement of the previous examinations, if any, taken before the board and dates of such examinations. Provided,

Eligibility

however, that on and after the thirty-first day of December, 1923, no person shall be eligible to take such examination, unless he shall be a graduate from a school where the science of optometry is taught, duly accredited by the State Board of Optometry of California, and after said date, said application to be filed, as hereinabove required shall state, in lieu of the requirements of subdivision (b) above, the name of the optometry school from which the applicant has been graduated, and each applicant must furnish satisfactory evidence of having thus been graduated from such school; provided further, that on and after December 31, 1923, such applicant for examination shall also furnish his diploma or certificate of graduation with recommendations from a high school accredited to the University of California, or any other university of equal standing or, in lieu thereof, a certificate signed by a State Superintendent of Public Instruction or similar officer, to the effect that such applicant has had scholastic preparation equivalent in all respects to that demanded for graduation with recommendations from a high school giving a four-year course of instruction in the State from which such

from an accredited high school or such certificate of such public officer, such applicant, after said last-mentioned date, may and with like effect furnish to said Board of Optometry a certificate from the Board of Optometry or similar official body of some other State in the United States, showing that such applicant has been a duly licensed practitioner of optometry in such other State, for a period of at least five years; during the last seven years immediately preceding the date of such application; and on and after December 31, 1923, no person shall be eligible to take such examination, unless he shall furnish either said diploma or certificate of graduation or said certificate signed by said public officer or said certificate from said Board of Optometry or other official body from some other State in the United States.

All applications shall be accompanied with a fee of twenty dollars. Fee

SEC. 3. Section 6 of chapter 598, Statutes of 1913, is hereby amended to read as follows: Stats 1923, p 380

Sec. 6. Examinations shall be held and given by the board at least twice a year, at such times and places as the board may, from time to time, fix and designate, at least one month prior to the date of such examination; provided, however, that one of such examinations shall be held in the city of Berkeley, commencing with the third Monday in February of each year, and the other in the city of Los Angeles, commencing with the third Monday in June of each year. All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice the profession of optometry and shall be conducted in the English language. At every such examination the board shall examine the applicants in the subjects covered and set forth in section 4, subdivision six hereof, the same being the subjects required to be taught by schools of optometry which seek to be accredited by said board. Said board shall not examine upon any other subject matter. Examinations

No applicant shall be passed by said board who fails to obtain an average of seventy-five per cent in every subject upon which he is examined. In case any applicant shall fail to pass said examination, then such applicant shall be examined at the next or any succeeding examination only in the subjects in which he failed to obtain an average of eighty-five per cent. Reexaminations.

All applicants, without discrimination, who shall satisfactorily pass the examination, shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to him, under the seal and signature of the members of said board, upon the payment of a fee of five dollars. Such certificate shall continue in force until the first day of August in the year next succeeding. Registration of successful applicants

SEC. 4. Section 7 of chapter 598, Statutes of 1913, is hereby amended to read as follows: Stats 1931, p 1743

Sec. 7. Before engaging in the practice of optometry, it shall be the duty of each registered optometrist to notify the Notice of place of business.

board in writing of the place or places where he is to engage, or intends to engage, in the practice of optometry and of any changes in his place of business, and any notice required to be given by the board to any registered optometrist may be given by mailing to such address, through the United States mail, postage thereon prepaid.

Annual registration fee

Each registered optometrist shall annually, between the first day of January and the first day of February of each year, pay to the Director of the Department of Professional and Vocational Standards, Sacramento, California, a fee of ten dollars, for a renewal of his registration certificate, and shall keep such certificate conspicuously posted in his office or place of business at all times. Failure, neglect or refusal of any person who is a regularly licensed optometrist to pay in advance on or before February first of each year, said license fee of ten dollars, during the time his license remains in force, shall ipso facto work a forfeiture of his license and it shall not be restored except upon a written application therefor and the payment to said board of the sum of twenty-five dollars, in addition to all delinquent annual license fees, except that such persons shall not be required to submit to any examination if he makes application for restoration of his license and pays all delinquent license fees and penalties within three years after such forfeiture; and provided that unless he makes such application and pays all delinquent fees and penalties within said period of three years he shall not have his license restored unless he passes the regular examination, provided by section 6 of this act.

Payment to University of California.

From each annual renewal license fee of ten dollars there shall be paid to the University of California by the Director of the Department of Professional and Vocational Standards, Sacramento, California, on or before the tenth day of March of each year, the sum of eight dollars, said sum to be used at and by said University of California solely for the advancement of optometrical research, and the maintenance and support of the department at said University of California, in which the science of optometry shall be taught. The balance of each said annual renewal fee amounting to two dollars as required hereby, shall be paid into the State treasury. Any registered optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall deliver to each client or person there fitted or supplied with glasses a receipt which shall contain his signature and show his permanent registered place of business and the number of his certificate, together with a specification of the lenses furnished and the amount charged therefor.

Stats 1923, p. 380

SEC. 5. Section 9 of chapter 598, Statutes of 1913, is hereby amended to read as follows:

Penalty.

Sec. 9. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not less than ten days, nor more than one year, or by a

fine of not less than one hundred dollars, nor more than one thousand five hundred dollars, or by both such fine and imprisonment. All fines and forfeitures collected or received for violations of or in prosecutions under this act shall be paid, one-half thereof to the State Treasurer without demand, to be deposited to the credit of the State Board of Optometry, and one-half thereof to the school fund of the city or city and county where the prosecution is had. In any prosecution for a violation of section 1 hereof, the use of test cards, test lenses, or of trial frames, shall be prima facie evidence of the practice of optometry. Trial frames and test lenses within the meaning of this act shall be any frame or lens used in testing the eye, which is not sold and is not for sale to clients.

Disposition of fines.

SEC. 6. Section 11 of chapter 598, Statutes of 1913, is hereby amended to read as follows:

Stats 1923, p 380.

Sec. 11. The certificate of registration of any person registered as provided for in this act, may be revoked or suspended for a fixed period by the said Board of Optometry for any of the following causes:

Grounds for revocation or suspension of certificates.

1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

2. When his certificate of registration has been secured by fraud or deceit practiced upon the board.

3. For unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean employing what are known as "cappers" or "steerers" to obtain business; the obtaining of any fee by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optician or optometrist to perform any work covered by the provisions of this act; directly or indirectly accepting employment to practice optometry from any person not having a valid, unrevoked certificate of registration as an optometrist, or from any company or association, the managing officer or officers of which do not have a valid, unrevoked certificate of registration as optometrists; provided, however, that the term "accepting employment to practice optometry" as used in this clause of this act shall not be construed so as to prevent a licensed optometrist from practicing optometry upon an individual client; the advertising of optical business or treatment or advice in which untruthful, improbable or impossible statements are made; habitual intemperance or gross immorality; or permitting another to use his certificate of registration for any purpose.

Unprofessional conduct.

4. Who shall send a solicitor from house to house or who shall solicit from house to house.

5. When the holder is suffering from a contagious or infectious disease.

6. For any violation of the provisions of this act.

7. When the holder uses the title of "Doctor" or "Dr." as a prefix to his name; or, without holding a diploma from an accredited school of optometry, the letters "Opt. D." or "O. D." as a suffix to his name; or holds himself out as having a special knowledge of optometry, as defined in this act.

New section

SEC. 7. A new section is hereby added to chapter 598, Statutes of 1913, to be numbered section 17, to read as follows:

Constitutionality

Sec. 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 281.

An act relating to the care and treatment of feeble-minded children in the Pacific Colony and making available for use therefor the buildings and grounds at the State Narcotic Hospital.

[Approved by the Governor May 11, 1933. In effect August 21, 1933.]

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

Transfer of facilities of State Narcotic Hospital

SECTION 1. In case the use of the State Narcotic Hospital for the purposes for which said hospital was originally established is discontinued, the buildings and grounds thereof shall be and are hereby placed under the jurisdiction and control of the State Department of Institutions to be added to the equipment of the Pacific Colony and to be used for the care and treatment of feeble-minded children, wards of the State, of the age of ten years or under.

Limitation on commitments

SEC. 2. No person shall be committed to the Pacific Colony unless with the addition of the person committed at least fifteen per cent of the inmates of said Pacific Colony are composed of children of the age of twelve years or under.

CHAPTER 282.

An act to amend sections 595 and 1054 of the Code of Civil Procedure, relating to postponement of trials and extensions of time in superior and inferior courts, declaring the urgency thereof and providing the same shall take effect immediately.

[Approved by the Governor May 11, 1933. In effect immediately]

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

Stats. 1931, p. 2282

SECTION 1. Section 595 of the Code of Civil Procedure is hereby amended to read as follows:

595. A motion to postpone a trial on the ground of the absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained; and that due diligence has been used to procure it. See Stats 1933, Ch 744. Motion to postpone a trial.

The trial of any action, whether in a superior or inferior court, and irrespective of the date of the filing thereof or when it became at issue, shall be postponed when it appears to the court in which such action is pending that either a party thereto, or any attorney of record therein, or a principal witness is a member of the Legislature of this State and that the Legislature is in session, or is recessed; and such action shall not, without the consent of the attorney of record in such action, be brought on for trial before the expiration of thirty (30) days next following final adjournment of the Legislature. Members of Legislature

The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed. Affidavit.

In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, under ground or upon the surface of the mining claims involved in said action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work. Mining claims.

In all cases, the court must postpone a trial for a period not to exceed twenty days when the attorneys of record of the parties who have appeared in the action stipulate in writing to such postponement.

SEC. 2. Section 1054 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1931, p 2282

1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justifications of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal, the time allowed by this code, unless otherwise expressly provided, may be extended, upon good cause shown, by the judge of the superior court in and for the county in which the action is pending, or by the judge who presided at the trial of said action; but such extension shall not exceed thirty days, without the consent of the adverse party; except that when it appears to the judge of any superior or inferior court to whom said application is made, that the attorney of record for the party applying for said extension is a member of the Legislature of this State and See Stats 1933, Ch 744. Extension of time for acts to be done. When attorney is member of Legislature

that the Legislature is in session, or is recessed, in which case it shall be the duty of such judge to extend said time until said Legislature finally adjourns, and thirty days thereafter.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into effect immediately. A statement of the facts constituting the necessity is as follows:

The Legislature has declared a recess to permit certain proposed amendments to the Constitution of this State to be submitted to the people, and to allow the members of the Legislature the necessary time to draft and perfect legislation to effectuate the purposes of those constitutional amendments which are adopted by vote of the people. The members of the Legislature must make an extensive and careful study of these matters, for hastily drawn measures will retard the economic recovery of the State. If each member of the Legislature is permitted to devote his time and attention to a consideration of these matters, the time necessary to enact appropriate legislation, after the recess, will be materially lessened.

CHAPTER 283.

An act to amend section 609 of the Probate Code, relating to the compensation of appraisers.

[Approved by the Governor May 11, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 587.

SECTION 1. Section 609 of the Probate Code is hereby amended to read as follows:

Compensation of appraisers.

609. Each appraiser shall receive from each estate appraised by him as compensation for his services commissions upon the total amount of the inventory and appraisement and supplemental inventory and appraisement as follows: For the first $5,000 or fraction thereof, a fee of five dollars; for the next $495,000 a fee one-tenth of one per cent thereof; for all over $500,000 a fee of one-twentieth of one per cent thereof. In addition to the fee herein provided each appraiser is entitled to receive his actual and necessary expenses, to be allowed by the court; and he must file, with the inventory, a verified account of his disbursements.

CHAPTER 284.

An act to amend section 41 of the Agricultural Code, relating to the State Board of Agriculture.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 285.

An act to amend sections 795, 796 and 797 of the Agricultural Code, relating to the standardization of citrus fruits.

[Approved by the Governor May 12, 1933 In effect August 21, 1933.]

NOTE—See Stats. 1933, Ch. 25.

CHAPTER 286.

An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 583 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1931, p. 373.

583. The court may in its discretion dismiss any action for want of prosecution on motion of the defendant and after due notice to the plaintiff, whenever plaintiff has failed for two years after action is filed to bring such action to trial. Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon its own motion, unless such action is brought to trial within five years after the plaintiff has filed his action, except where the parties have stipulated in writing that the time may be extended. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have stipulated in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial, (or when an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court. Dismissal of actions.

CHAPTER 287.

Stats 1913, p 1086, amended.

An act to amend section 16x29 of the Weights and Measures Act, relating to sealers of weights and measures in counties of the twenty-ninth class.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats 1931, p 866.

SECTION 1. Section 16x29 of the Weights and Measures Act is hereby amended to read as follows:

Siskiyou County Sealer.

Sec. 16x29. The sealer of weights and measures in counties of the twenty-ninth class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive five dollars per day for each day actually employed.

CHAPTER 288.

An act to amend section 2322x29 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-ninth class.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats 1931, p 908.

SECTION 1. Section 2322x29 of the Political Code is hereby amended to read as follows:

Siskiyou County Agricultural commissioner.

2322x29. In counties of the twenty-ninth class, the commissioner shall receive a salary of twenty-five dollars per month; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a compensation of five dollars per diem during the time actually employed, but the aggregate amount which may be expended in any one year for such deputy shall not exceed five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a compensation of four dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any one year for all such inspectors shall not exceed one thousand two hundred dollars.

CHAPTER 289.

An act to amend section 19x29 of the Juvenile Court Law, relating to probation officers in counties of the twenty-ninth class. Stats. 1915, p. 1225, amended.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x29 of the Juvenile Court Law is hereby amended to read as follows: Stats. 1931, p. 866.

Sec. 19x29. In counties of the twenty-ninth class there shall be one probation officer whose salary shall be twenty-five dollars per month. Siskiyou County: Probation officer.

CHAPTER 290.

An act to amend section 1145 of the Agricultural Code, relating to imported egg products.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 291.

An act to amend section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4252 of the Political Code is hereby amended to read as follows: Stats 1931, p. 1078.

4252. In counties of the twenty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Marin County: Salaries.

1. The county clerk three thousand two hundred dollars per annum, and he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; provided, that in counties of this class there shall be and is hereby allowed to the county clerk, two deputies, who shall be appointed by said county clerk, and who shall be paid a salary of one hundred seventy-five dollars per month each, and one additional deputy, and, who shall be appointed by said Clerk.

county clerk, who shall be paid a salary of one hundred fifty dollars per month, said salaries of said deputies to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; provided further, that there is hereby allowed to the county clerk such additional deputies to be appointed by said county clerk, as may be necessary to carry on the work of his office at a salary of four dollars per day each, and the aggregate compensation to be paid all of said deputies shall not exceed four hundred dollars in any one year; said deputies to be paid at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff. 2. The sheriff, three thousand six hundred dollars per annum, and also all fees for service in actions arising out of his county; provided, that in counties of this class there shall be and is hereby allowed to the sheriff one undersheriff, who shall be appointed by said sheriff, who shall be paid a salary of two hundred dollars per month, and one deputy who shall be appointed by said sheriff, who shall be paid a salary of one hundred seventy-five dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid. The sheriff may appoint such additional help as may be necessary to perform the duties of his office, but the aggregate compensation of such additional help shall not exceed seven hundred dollars in any one year; the rate of pay for such additional help shall be as follows: deputies, five dollars per day; stenographer, four dollars per day; investigators, five dollars per day.

Recorder. 3. The recorder, three thousand two hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy, who shall be appointed by said recorder, who shall be paid a salary of one hundred seventy-five dollars per month, and one deputy, who shall be appointed by the recorder, who shall be paid a salary of one hundred twenty-five dollars per month, and two copyists who shall be appointed by said recorder, who shall be paid a salary of one hundred fifteen dollars per month, each, said salaries of said deputies and of said copyists to be paid by said county, monthly, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid. He may also appoint such additional copyists as may be required for the recording of all papers, notices or documents, in his office, who shall receive for their services the sum not to exceed seven cents per folio for typewritten recording of each paper or document so recorded paid out of the fees collected by him, further that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

Auditor. 4. The auditor, three thousand six hundred dollars per annum; provided, that in counties of this class there shall

be and is hereby allowed to the auditor, clerks and employees, who shall be appointed by said auditor, who shall be paid salaries as follows: Two deputy auditors at a salary of one hundred seventy-five dollars per month, each, and a sum not to exceed four hundred dollars in any one year for such additional clerk hire as may be necessary, the rate of pay for such additional clerk hire shall be five dollars per day, and one additional deputy which office is hereby created, at a salary of one hundred fifty dollars per month; provided further, that the said salaries of the clerks and employees herein provided for shall be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

Treasurer.

5. The treasurer, three thousand two hundred dollars per annum; and such fees as are now or may hereafter be allowed by law; provided, that in counties of this class there shall be and is hereby allowed to the treasurer, one deputy, who shall be appointed by said treasurer and who shall be paid a salary of one hundred twenty-five dollars per month, said salary of said deputy to be paid by said county, monthly, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax collector.

6. The tax collector, three thousand two hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of one hundred seventy-five dollars per month, and one deputy who shall be appointed by said tax collector, who shall be paid a salary of one hundred fifty dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; provided further, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist who shall be appointed by said tax collector, and who shall be paid a salary of one hundred fifteen dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; provided further, that in counties of this class, the said tax collector be allowed a sum not to exceed seven hundred fifty dollars per annum for such additional clerks and copyists as may be necessary, the rate of pay for such additional copyists shall be four dollars per day and for such additional clerk hire shall be three dollars and fifty cents per day, the same to be paid in the same manner and out of the same fund as the salary of the tax collector is paid; provided further, that said tax collector shall be entitled to receive and retain for his own use ten per centum only of all licenses collected by him.

Assessor.

7. The assessor, three thousand two hundred dollars per annum, and also such fees and commissions as are allowed by law; provided, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be

appointed by said assessor who shall be paid a salary of one hundred seventy-five dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; and provided further, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy who shall be appointed by said assessor, who shall be paid a salary of one hundred fifty dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid; provided further, that in counties of this class there shall be and is hereby allowed to the assessor, two copyists, who shall be appointed by said assessor. Said copyists shall be paid a salary of one hundred dollars each per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; provided further, that said assessor shall be entitled to receive and retain for his own use three per centum only in personal property tax collected by him as authorized by section 3820 of the Political Code of the State of California; provided further, that there is hereby allowed to the assessor such additional deputy assessors at a salary of five dollars per day each and such additional clerks at a salary of four dollars per day each and such additional copyists at a salary of three dollars per day each as the assessor may appoint; provided however that the total compensation of said additional deputy assessors, clerks and copyists shall not exceed the sum of four thousand dollars per annum. The salaries of the deputies, clerks and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the assessor is paid.

District attorney

8. The district attorney, three thousand two hundred dollars per annum; provided, that in counties of this class, the district attorney may appoint a deputy, which office of deputy district attorney is hereby created; said deputy to receive a salary of one thousand eight hundred dollars per annum; provided further, that said district attorney may appoint a stenographer at a salary of one hundred fifteen dollars per month. Said deputy and said stenographer shall be paid at the same time and out of the same fund as other county officers are paid.

Consolidation.

In the event that the offices of district attorney and public administrator are consolidated, the holder of said consolidated office shall receive a salary of three thousand two hundred dollars per annum and he shall also retain for his own use all fees received by him while he is performing the duties of public administrator.

Superintendent of schools.

9. The superintendent of schools, three thousand two hundred dollars per annum and actual traveling expenses, while attending to his duties as such superintendent of schools; provided, that such traveling expenses shall not in any one year exceed the sum of seven hundred fifty dollars; provided,

that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy, who shall be appointed by said superintendent of schools and who shall be paid a salary of one hundred seventy-five dollars per month at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid; provided, further, that said superintendent of schools may appoint a stenographer who shall receive a salary of one hundred fifteen dollars per month, payable in the same manner and at the same time and out of the same fund as the salary of the said county superintendent of schools is paid.

Coroner.

10. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor.

12. The surveyor shall receive the sum of three thousand two hundred dollars per annum, for all work performed for the county, and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county; provided, that in counties of this class, the surveyor may appoint five transit men two of whom shall receive the sum of nine dollars per day each, and three of whom shall receive the sum of eight dollars per day each, while actually engaged in work for the county, together with their actual traveling and other necessary expenses incurred while engaged in work for the county, said salaries shall be paid in the manner and out of the same fund as the salaries of county officers are paid. The surveyor shall devote his entire time and service to the work of the county, and is prohibited from engaging in private surveying and engineering work. It is hereby found as a fact that the salaries herein provided for do not work an increase in the compensation of said surveyor and same shall apply and become effective immediately.

Township classification

13. For the purpose of fixing the compensation of justices of the peace and constables according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of more than twenty thousand shall belong to and be known as townships of the first class; townships having a population of not less than ten thousand nor more than twenty thousand shall belong to and be known as townships of the second class; townships having a population of less than ten thousand and more than one thousand eight hundred shall belong to and be known as townships of the third class; townships having a population of one thousand eight hundred or less and more than one thousand one hundred shall belong to and be known as townships of the fourth class; townships having a population of one thousand one hundred or less shall belong to and be known as townships of the fifth class. Justices of the peace shall receive the following salaries:

Justices of the peace.

In townships of the first and second class the sum of one hundred twenty-five dollars per month, each; provided, that each justice of the peace in townships of these classes shall be an attorney at law admitted to practice before the Supreme Court of this State;

In townships of the third class, the sum of one hundred twenty-five dollars per month;

In townships of the fourth class the sum of twenty-five dollars per month;

In townships of the fifth class the sum of twelve dollars and fifty cents per month;

Said salaries shall be paid in the same manner, and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace of the first, second and third classes shall be allowed their necessary office expenses not to exceed the sum of fifteen dollars per month; provided, further, that all justices of the peace shall be allowed their civil and criminal dockets and legal blanks at the expense of the county; provided, further, that the justices of the peace of the townships of the third class when in the trial of criminal cases it becomes necessary to rent a hall to conduct said trial, the said justices of the peace of said townships of the third class shall be allowed the rental paid therefor, but not to exceed the sum of three dollars for any one day; and provided, further, that said rental shall not exceed in any one month the sum of fifteen dollars; and provided that such justice of the peace shall be allowed the sum of five dollars ($5.00) per month for the light and heat of said hall so rented.

Constables.

14. Constables shall receive the following salaries:

In townships of the first class the sum of forty dollars per month.

In townships of the second class the sum of forty dollars per month.

In townships of the third class the sum of ninety dollars per month.

In townships of the fourth and fifth classes the sum of twelve dollars and fifty cents per month.

Salaries in case of consolidation.

15. In the event that the townships in counties of this class are consolidated into three classes, justices of the peace and constables shall receive the following salaries:

Justices of the peace in townships of the first, second and third classes, the sum of one thousand five hundred dollars per annum.

Constables in townships of the first and second classes, the sum of four hundred eighty dollars per annum.

Constables in townships of the third class, the sum of one thousand eighty dollars per annum.

Township population.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial

townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such election. It is hereby found as a fact, that the salaries provided for in subdivisions thirteen and fourteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

Supervisors. 17. Each member of the board of supervisors one hundred dollars per month, and eight cents per mile while traveling on official business from his residence to the county seat, or returning therefrom, and also mileage for his services as road commissioner at the rate of eight cents per mile, for the distance actually traveled in the discharge of his duties as road commissioner; provided, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of education. 18. Each member of the board of education including the secretary, five dollars per day when the board is in session and eight cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law.

Reporter. 19. In counties of this class, the official phonographic reporter of the superior court shall receive the sum of fifty dollars per month as compensation for the reporting of criminal cases both in the superior court and justice's court in the county, and for the transcription of the shorthand notes of such cases, he shall receive fifteen cents per folio of one hundred words for the original and seven and one-half cents per folio for each copy thereof as compensation for reporting and for the transcription of his shorthand notes. In civil cases he shall receive the fees now or hereafter authorized by law; provided, that he shall receive from the county no fees for the county's share of the cost of reporting in any civil cases in which the county is a party.

The salary of the reporter shall be paid out of the county treasury in the same manner as other county officers are paid.

Sealer. 20. In counties of this class the sealer of weights and measures shall receive as compensation the sum of one hundred seventy-five dollars per month, together with his actual and necessary traveling expenses incurred in the discharge of his duties as such sealer of weights and measures.

Librarian 21. The county librarian, two thousand one hundred dollars per annum.

Agricultural commissioner. 22. In counties of the twenty-third class the agricultural commissioner shall receive a compensation of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for the commissioner shall not exceed one thousand eight hundred dollars;

provided, that in counties of this class there shall be and there is hereby allowed to the commissioner an assistant to be appointed by said commissioner, which position is hereby created, at a salary of four dollars per day while actually engaged in such work, not to exceed, however, in the aggregate the sum of five hundred dollars in any one year.

Mileage. 23. In all cases where the mileage of any county officer is not provided by general law, or provided for herein, such mileage shall be the sum of eight cents per mile for each mile actually and necessarily traveled in the performance of his duties.

Traveling expenses. 24. The county officers shall be allowed their actual and necessary expenses incurred while traveling to and from the annual convention of their respective associations, but in no event shall such expenses exceed the sum of twenty-five dollars for each of said officers in any one year.

Effect. SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 292.

Stats. 1913, p. 1086, amended *An act to amend section 16x23 of the weights and measures act relating to the sealer of weights and measures in counties of the twenty-third class.*

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1987. SECTION 1. Section 16x23 of the Weights and Measures Act is hereby amended to read as follows:

Marin County: Sealer. Sec. 16x23. The sealer of weights and measures in counties of the twenty-third class shall receive a salary of one hundred seventy-five dollars per month, together with his actual and necessary traveling expenses incurred in the discharge of his duties as such sealer of weights and measures, and deputies shall receive five dollars per day for each day actually employed.

CHAPTER 293.

Stats 1911, p 80, amended. *An act to amend section 9a23 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,*

approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the twenty-third class.

[Approved by the Governor May 12, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 9a23 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p 862.

Sec. 9a23. In counties of the twenty-third class the salary of the county librarian shall be two thousand one hundred dollars per annum. Marin County Librarian

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CHAPTER 294.

An act to repeal section 4.121 of the School Code, relating to the audit by the State Board of Control of expenditures from the vocational rehabilitation fund.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4.121 of the School Code is hereby repealed. Repeal.

CHAPTER 295.

An act to amend section 2980 of the Civil Code, relating to recordation of interests in property.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2980 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1607.

Sec. 2980. Every conditional sales contract upon live stock and other animate chattels or on equipment and machinery used or to be used for mining purposes, must be acknowledged or proved and certified, and must be recorded within twenty days after its execution in the office of the recorder of the county where the property is situated; otherwise, it shall be void as to the lien of the seller against bona fide purchasers, encumbrancers and those having no actual knowledge of the contract who become creditors of the buyer while said property is in the possession of the buyer. Conditional sales of chattels

Sections 2959 and 2965 of the Civil Code, and sections 408, 4130, 4140 and 4300c of the Political Code, are hereby made

applicable to conditional sales contracts involving live stock and other animate chattels and equipment and machinery used or to be used for mining purposes, in the same manner as to mortgages on live stock.

CHAPTER 296.

An act to amend section 4088 of the Political Code of the State of California, relating to the issuance of bonds for certain purposes.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats 1907, p. 354.

SECTION 1. Section 4088 of the Political Code of the State of California is hereby amended to read as follows:

Bonded indebtedness of counties.

4088. Any county having an outstanding indebtedness, evidenced by bonds or warrants thereof, may refund such indebtedness and issue bonds of the county therefor, and any county may incur or refund a bonded indebtedness for any purposes for which the board of supervisors are herein authorized to expend the funds of said county, or for the purpose of building or constructing roads, bridges or highways.

Proceedings

Such indebtedness shall be refunded or incurred in the following manner, to wit: The board of supervisors thereof shall by order specify the purpose for which the indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and

Submission of question.

shall further provide for submitting the question of the issuance of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the board for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of each of the works, improvements and/or purposes included in any proposition for which the bonds are to be issued. Several separate propositions may be submitted at the same election, and any proposition may include two or more works, improvements and/or purposes. If a special election is called, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election

Election precincts.

law of the State; provided, however, that for the holding of such special election the board may form bond election precincts by adopting the precincts established for general election purposes, or by consolidating such precincts inside of incorporated cities and towns, to a number not exceeding six in each bond election precinct, and shall appoint only one inspec-

tor, two judges and one clerk for each bond election precinct. Notice shall be given of such election by publication in one or more newspapers published in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the names of election officers to conduct same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint election officers to take the place of such election officers so absent. If two-thirds of the electors of the county voting at such an election shall vote in favor of issuing such bonds on any of the propositions submitted, the board must proceed to issue the amount of bonds specified; provided, that the total amount of bonded indebtedness shall at no time exceed five per cent of the taxable property of the county, as shown by the last equalized assessment book thereof; provided further, that when water conservation, flood control, irrigation, reclamation and/or drainage works, improvements and/or purposes are included in any proposition submitted, then the total amount of bonded indebtedness may exceed said five per cent but shall not exceed fifteen per cent of the taxable property of the county as shown by the last equalized assessment book thereof. This limitation shall not apply to bonds which may be issued to refund an indebtedness existing January 1, 1880. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof; and said board may also, at their option, by a provision in such bonds, make such principal payable on or before a specified date, at the pleasure of the county. Said bonds may be issued in denominations not to exceed one thousand dollars and not less than one hundred dollars; principal and interest payable in gold coin of the United States, either at the treasury of said county, or at such place within the United States as such board may designate, or both at such treasury or such designated place, at the option of the bondholder. Interest on said bonds shall not exceed six per cent per annum, payable annually or semiannually, as said board may designate. Said bonds shall be signed by the chairman of the board of supervisors, and attested by the auditor of said county, and have the seal of the board of supervisors attached, and said coupons shall be signed by said auditor by original or lithographed facsimile signature; and said bonds shall be sold at the times, in the amounts and in the manner prescribed by said board of

Notices.

Two-thirds vote required.

Limit on bonded indebtedness.

Form of bonds.

Denomination.

Interest.

Tax levy for bond payments.

supervisors, but for not less than par. The board of supervisors, at the time of making the next general tax levy after incurring the indebtedness of any bonds issued under the provisions of this title, and annually thereafter until all of said bonds are paid, or until there shall be a sum in the treasury of the county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, must levy a tax for that year upon the taxable property of said county for the interest and redemption of said bonds, which shall be in addition to all other taxes, and such tax must not be less than sufficient to pay the interest on said bonds, and such portion of the principal, if any, as is to become due before the time for making the next general tax levy, and in any event must be sufficient to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run. And the board of supervisors, before or at the time of issuing said bonds by ordinance shall provide for the levy of an annual tax sufficient to effect the objects of this provision. Such tax, when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due.

How revenue from bonds to be applied.

The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus it shall be applied toward the payment of said bonds. The board of supervisors of any county can contract a bonded indebtedness for county purposes only as in this title provided.

Form of bond

In issuing bonds under this title, the board of supervisors may, at its option, use the following form of bond and coupon:

No._____ United States of America $_____

County of _____

State of California

The county of _____, State of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the _____ day of _____, one thousand _____ (here insert if the board of supervisors elect to make the bonds payable on a certain date, or before that date, at the pleasure of the county, the words "Or at any time before that date, at the pleasure of the county"), the sum of _____ dollars in gold coin of the United States, with interest thereon, in like gold coin, at the rate of _____ per centum per annum, payable at _____ semiannually (or annually) on the first day of _____, and _____ (or on the first day of _____ if interest payable annually), on presentation and surrender of the interest coupon hereto attached.

This bond is issued by the board of supervisors of the county of _____, State of California, in strict compliance with the provisions of Title II, Part IV of the Political Code of the State of California, and in pursuance of an order of said board duly made on the _____ day of _____, 19___, and with the assent of two-thirds of the qualified electors of said county voting at an election legally called and duly held for that purpose on the _____ day of _____, 19___.

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed _____ per cent of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereof, the said county, by its board of supervisors, has caused this bond to be signed by the chairman of said board, and attested by the auditor thereof, and the seal of the board of supervisors to be hereto attached, this _____ day of _____, 19___.

_____
Chairman of board of supervisors.

Attest: _____, County Auditor.

And the interest coupon may be in the following form:

Form of coupon.

"The county of _____, State of California, hereby promises to pay to the holder hereof, on the _____ day of _____, 19__, at _____ in _____, $_____, United States gold coin, for interest on its county bond, No. _____.

_____, County Auditor."

Proceedings in case supervisors fail to levy tax.

If the board of supervisors of any county which has issued bonds under the provisions of this title shall fail to make the levy necessary to pay such bond or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the State Controller, taking his receipt therefor, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session, and at each annual equalization thereafter, add to the State tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the State tax and paid into the State treasury and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

CHAPTER 297.

An act to amend section 166 of the Fish and Game Code, relating to the boundaries of fish and game district 4g.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 298.

An act to amend section 68 of the Agricultural Code, relating to county live stock inspectors.

[Approved by the Governor May 12, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 299.

Stats. 1921, p. 1264, repealed.

An act to repeal "An act to control the spread of the walnut codling moth, to regulate the movement of and treatment of shipment of walnuts, sacks, trays, and other orchard appliances into or from any premises or districts known to be infested with walnut codling moth, and to confer power on the Director of Agriculture to prescribe rules and regulations for such or other control of said pest, and to provide a penalty for the violation thereof," approved June 3, 1921.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 300.

Stats. 1919, p. 460, repealed.

An act to repeal "An act providing for the protection of the vineyards of the State against Phylloxera by regulating the transportation within the State of grapevines or parts thereof for use as fuel," approved May 11, 1913.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 301.

An act to repeal "An act to prevent the propagation by the production of seed of that certain plant known as Sorghum Halepense otherwise known as Johnson Grass," approved March 30, 1903.

Stats. 1903, p. 337, repealed.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby repealed.

Repeal.

CHAPTER 302.

An act to amend section 613 of the Fish and Game Code, relating to trout.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 303.

An act to amend sections 1, 2, 3, 4, 13, 23, and 26 of Chapter 13, Statutes of 1929, entitled "An act to carry into effect the provisions of section 16 of article thirteen of the Constitution of the State of California, relating to bank and corporation taxes," and to add thereto a new section to be numbered 4a, relating to taxes upon banks and corporations, and providing that this act shall take effect immediately.

Stats 1929, p 19, amended

[Approved by the Governor May 12, 1933. In effect immediately.]

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

SECTION 1. Section 1 of an act entitled "An act to carry into effect the provisions of section 16 of Article XIII of the Constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, is hereby amended to read as follows:

Stats 1929, p 19.

Section 1. Every national banking association located within the limits of this State, shall annually pay to the State a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, upon the basis of its net income for the next preceding fiscal or calendar year at the rate provided for in section 4a hereof. The State is hereby adopting the method numbered (4) authorized by the act of March 25, 1926, amending section 5219 of the Revised Statutes of the United States.

National banks to pay tax

Stats. 1929, p. 19.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Other banks to pay tax.

Sec. 2. Every bank, other than a national banking association doing business within the limits of this State, shall annually pay to the State for the privilege of exercising its corporate franchises within this State, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, upon the basis of its net income for the next preceding fiscal or calendar year at the rate provided for in section 4a hereof.

Stats. 1929, p. 19.

SEC. 3. Section 3 of said act is hereby amended to read as follows:

In lieu of all other taxes.

Sec. 3. The tax referred to in sections 1 and 2 hereof shall be in lieu of all other taxes and licenses, State, county and municipal, upon the banks and banking associations therein mentioned, except taxes upon their real property.

Stats 1933, Ch. 210.

SEC. 4. Section 4 of said act is hereby amended to read as follows:

Financial corporation to pay tax.

Sec. 4. Every financial corporation doing business within the limits of this State of the classes referred to in subdivision 2 (a) of section 16 of Article XIII of the Constitution of this State, shall annually pay to the State for the privilege of exercising its corporate franchises within this State, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, upon the basis of its net income for the next preceding fiscal or calendar year at the rate provided for in section 4a hereof.

Offsets.

Each such financial corporation shall be entitled to an offset against said franchise tax, in the manner hereinafter provided, in the amount of taxes paid upon its personal property to any county, city and county, city, town or other political subdivision of the State; provided, however, that the tax on such financial corporation after the allowance of offset shall not be less than two per centum of its net income for the preceding fiscal or calendar year or less than twenty-five dollars.

Mercantile corporations to pay tax.

Every mercantile, manufacturing and business corporation doing business within the limits of this State, of the classes referred to in subdivision 2 (a) of section 16 of Article XIII of the Constitution of this State, shall annually pay to the State, for the privilege of exercising its corporate franchises within this State, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, at the rate of two per centum upon the basis of its net income for the next preceding fiscal or calendar year.

Minimum tax.

In any event, each such corporation shall pay annually to the State, for the said privilege, a minimum tax of twenty-five dollars.

Other corporation to pay tax.

Every corporation subject to be taxed pursuant to subdivision (d) of section 14 of Article XIII of the Constitution of this State, and not otherwise taxed in pursuance of this section, shall pay annually to the State a tax of twenty-five

dollars in lieu of the tax on its general corporate franchise under the provisions of said subdivision (d).

Not to apply to certain corporations.

The provisions of this section shall not apply to any corporation organized for religious, charitable, social, fraternal or civic purposes if its organization or activities result in no financial or pecuniary gain or profit to the stockholders or members thereof.

Any corporation organized to hold the stock or bonds of any other corporation or corporations, and not trading in such stock or bonds or other securities held, and engaging in no other activities than the receipt and disbursement of dividends from such stock or interest from such bonds, shall not be considered a financial, mercantile, manufacturing or business corporation or a corporation doing business in this State for the purposes of this act.

Taxes due.

Taxes under this section and under sections 1 and 2 of this act shall accrue on the first day after the close of the "taxable year," as defined in section 11 hereof.

Computation of tax after change in law.

The tax on any bank or corporation for a period beginning in one calendar year (hereinafter in this section called "first calendar year") and ending in the following calendar year (hereinafter in this section called "second calendar year") where the law applicable to the computation of taxes for calendar year banks or corporations for the second calendar year is different from the law applicable to computation of taxes for calendar year banks or corporations for the first calendar year, shall be the sum of: (1) the same proportion of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such year, which the portion of such period falling within the first year is of the entire period; and (2) the same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period.

Any tax that has been paid under the law applicable to the first calendar year if in excess of the tax imposed by this section shall be refunded or credited to the bank or corporation as provided in section 27. Any tax in addition to that paid under the law applicable to the first calendar year made necessary by this section shall be immediately due and payable upon notice and demand from the commissioner.

New section.

SEC. 5. A new section, numbered 4a, is hereby added to said act.

Rate of tax.

Sec. 4a. The rate of tax on national banking associations and other banks and financial corporations mentioned in sections 1, 2 and 4 of this act shall be a percentage equal to the percentage of the total amount of net income, allocable to this State, of mercantile, manufacturing and business corporations, taxable hereunder, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this State as franchise taxes according to or measured

by such net income, and required to be paid to this State or its political subdivisions as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed six per centum. The percentage of the net income of mercantile, manufacturing and business corporations required to be paid to this State or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less two per cent thereof, bears to the total amount of net income of such corporations, allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to this State or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

Determination and notice of tax.

The commissioner, after public hearing and opportunity given to examine the data on which his determination is based, shall determine not later than the thirty-first day of December of each year the average percentage of net income above specified, and shall forthwith mail notice of his determination and the amount of tax payable on the basis of such determination to all banks and financial corporations affected thereby, but such determination shall not be considered a deficiency assessment within the meaning of section 25 hereof.

If it be judicially determined that the rate of tax on any bank or corporation is higher than is authorized by law such bank or corporation shall be relieved of liability for any tax imposed by this act only to the extent of the excess beyond that legally authorized.

Stats. 1933, Ch. 210.

SEC. 6. Section 13 of said act is hereby amended to read as follows:

Returns.

Sec. 13. Every bank and corporation shall, within two months and fifteen days after the close of its taxable year, transmit to the commissioner a return in a form prescribed by him, specifying, for the taxable year, all such facts as he may by rule, or otherwise, require in order to carry out the provisions of this act.

A bank which locates or commences to do business within the limits of this State, and a corporation which commences to do business in this State, after the effective date of this act, shall thereupon prepay the minimum tax hereunder, which prepayment must be made before the bank or corporation files with the Secretary of State its articles of incorporation or duly certified copy thereof as the case may be. Upon the filing of its return within two months and fifteen days after the close of its first taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year, a credit being allowed for the prepayment

of the minimum tax. Said return shall also, in accordance with sections 23 to 26 inclusive, be the basis for the tax of said bank or corporation for its second taxable year, if its first taxable year is a period of twelve months. In every case in which the first taxable year of a bank or corporation constitutes a period of less than twelve months, said bank or corporation shall pay as a prepayment of the tax for its second taxable year an amount equal to the tax (after the offset allowance has been computed) for its first taxable year, the same to be due and payable at the same times and in the same manner as if that amount were the entire amount of its tax (after the offset allowance has been computed) for that year; and upon the filing of its tax return within two months and fifteen days after the close of its second taxable year it shall pay a tax for said year based upon its net income received during that year, allowing a credit for the prepayment; but in no event shall the tax for the second taxable year be less than the amount of the prepayment for that year, and said return for its second taxable year shall also, in accordance with sections 23 to 26 inclusive be the basis for the tax of said bank or corporation for its third taxable year. This paragraph shall not apply to a bank or corporation which commences to do business in this State, pursuant to a reorganization or pursuant to a consolidation of two or more banks or corporations.

Reorganized banks and corporations.

Where a bank or corporation commences to do business in this State pursuant to a reorganization of a bank or corporation, it shall pay no tax for its first taxable year, but its tax for its second taxable year shall be computed upon the basis of its net income for its first taxable year and the net income of the reorganized bank or corporation for the months of the taxable year prior to the reorganization. Every such bank or corporation in its return filed for its first taxable year shall specify all such facts with respect to the reorganized bank or corporation for the months of the taxable year prior to the reorganization as the commissioner may require in order to carry out the provisions of this paragraph. The term "reorganization" as herein used shall include (1) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred; or (2) a recapitalization; or (3) a mere change in identity, form or place of organization however effected.

Consolidated banks and corporations.

Where a bank or corporation commences to do business in this State pursuant to a consolidation of two or more banks or corporations, it shall pay no tax for its first taxable year but its tax for its second taxable year shall be computed upon the basis of its net income for its first taxable year and the net income of the consolidated banks or corporations for the months of their taxable years prior to the consolidation. Every such bank or corporation in its return filed for its first

taxable year shall specify all such facts with respect to the consolidated banks or corporations for the months of their taxable years prior to the consolidation as the commissioner may require in order to carry out the provisions of this paragraph.

Merged banks and corporations.

Where a bank or corporation or two or more banks or corporations merge with another bank or corporation, the tax of the surviving bank or corporation for its taxable year succeeding its taxable year in which the merger occurs shall be computed upon the basis of its net income for its preceding taxable year and the net income of the merged banks or corporations for the months of their taxable years prior to the merger. Every such surviving bank or corporation in its return for its taxable year in which the merger occurs, shall specify all such facts with respect to the merged banks or corporations for the months of their taxable years prior to the merger as the commissioner may require in order to carry out the provisions of this paragraph.

Whenever it is provided in this section that the tax on any bank or corporation shall be measured in part by any of the net income of a reorganized, consolidated, or merged bank or corporation, the same rate of tax shall apply to such income as would have applied to such income had the reorganization, consolidation, or merger not occurred, and had the reorganized, consolidated, or merged bank or corporation continued doing business in this State.

Amount of tax.

The tax for the second taxable year of a bank or corporation doing business in this State pursuant to a reorganization or consolidation, and the tax of a surviving bank or corporation, in the case of a merger, for its first taxable year succeeding the merger, shall, in addition to any other offset allowed by this act, be subject to offset in the amount of personal property taxes paid by such of the reorganized, consolidated, or merged corporations as are financial corporations, upon their property to any county, city and county, city, town or other political subdivision of the State during the taxable year in which the reorganization, consolidation or merger occurred; provided, however, that the offset herein provided for shall be allowed subject to the conditions and limitations set forth in sections 4 and 26 of this act.

Dissolved banks and corporations.

Any bank or corporation which is dissolved and any foreign corporation which withdraws from the State during any year shall pay a tax hereunder only for the months of its fiscal year which precede such dissolution or withdrawal, according to or measured by such proportionate part of the net income of the preceding taxable year as the number of months of the year prior to such dissolution or withdrawal bears to the entire preceding taxable year; provided, however, that in the case of any bank or corporation which is dissolved, or which withdraws from the State during any year, the offset from the tax for the months prior to such dissolution or withdrawal shall not exceed that proportion of the offset computed under

section 26 which the number of said months prior to such dissolution or withdrawal bears to the number of months of the preceding taxable year; and provided, further, that the taxes levied under this act shall not be subject to abatement or refund because of the cessation of business or corporate existence of any bank or corporation pursuant to a reorganization, consolidation, or merger. In any event, each such corporation shall pay a minimum tax not subject to offset of twenty-five dollars for such period.

Bank or corporation discontinuing business.

When a bank or corporation discontinues doing business within the State during any fiscal or calendar year as the case may be, and does not dissolve or withdraw from the State, during that year and does not resume doing business during the succeeding fiscal or calendar year, its tax for the year in which it resumes doing business shall be computed upon the basis of the net income for the year in which it discontinued doing business. One-half the amount of the additional tax shall be due and payable at the time the bank or corporation resumes doing business, and the balance shall be due and payable within six months of the time the bank or corporation resumes doing business. All the provisions of this act relating to delinquent taxes shall be applicable to such additional tax if it is not paid on or before its due date.

The tax liability imposed under this act shall attach whether a bank or corporation has a taxable year of twelve months or of less duration.

Stats 1929, p. 19.

SEC. 7. Section 23 of said act is hereby amended to read as follows:

Time for payment of taxes.

Sec. 23. On or before the fifteenth day of the third month following the close of the taxable year, as defined in section 11 hereof, there shall be due and payable, from every national banking association and every other bank and financial corporation, of the classes mentioned in sections 1, 2, and 4 of this act, as a first installment of the tax on such banks and financial corporations, a percentage of their net income as disclosed by the return, which is equal to that percentage of the net income of mercantile, manufacturing and business corporations which is required to be paid to the State as a franchise tax according to or measured by net income.

On or before the fifteenth day following the mailing of notice of the commissioner's determination of the average percentage of net income of mercantile, manufacturing and business corporations required to be paid to the State or its political subdivisions in franchise and personal property taxes as provided in section 4 (a) of this act, or on or before the fifteenth day of the ninth month following the close of the taxable year as defined in section 11 hereof, whichever is later, there shall be due and payable from every such banking association, bank and financial corporation, as a second installment of the tax on such banks and financial corporations, a percentage of their net income as disclosed by the return which is equal to the percentage of the net income of mercantile, manufacturing and

business corporations required to be paid to the State or its political subdivisions as personal property taxes as determined by the commissioner; provided, however, that the sum of the first and second installments shall not exceed six per centum of the net income of each such banking association, bank and financial corporation. The offset herein provided for shall be applied to such second installment.

In the case of mercantile, manufacturing and business corporations one-half the amount of tax disclosed by the return, shall be due and payable as a first installment of the tax on such corporations, on or before the fifteenth day of the third month following the close of the taxable year, as defined in section 11 hereof. The balance of the tax shall be due and payable as a second installment, on or before the fifteenth day of the ninth month following the close of the taxable year. A tax imposed by this act or any installment thereof may be paid at the election of the taxpayer, prior to the date prescribed for its payment.

Where an extension of time for filing returns has been granted by the commissioner under the provisions of section 15 of this act, the first installment shall be paid prior to the expiration of such extension.

Penalty for delinquency.

If the first installment of the tax is not paid on or before its due date, or the due date as extended by the commissioner, it shall be delinquent and a penalty of fifteen per centum added thereto. If the second installment is not paid at the time it is due and payable, it shall be delinquent and a penalty of five per centum added thereto. At the time of the delinquency of the second installment an additional penalty of five per centum shall be added to the first installment unless that installment has theretofore been paid.

Disposition of tax moneys

All taxes and interest imposed under this act must be paid to the commissioner at Sacramento in the form of remittances payable to the Treasurer of the State of California, and he shall transmit said payments daily to the State Treasurer.

All moneys received by the State Treasurer shall be deposited by him in a special fund in the State treasury, to be designated the bank and corporation franchise tax fund, and moneys in said fund shall, upon the order of the State Controller, be transferred into the general fund of the State, or drawn therefrom for the purpose of refunding to taxpayers hereunder.

Stats. 1933, Ch. 210.

SEC. 8. Section 26 of said act is hereby amended to read as follows:

Offsets for local taxes.

Sec. 26. A financial corporation subject to the tax herein provided for shall receive an offset against said tax, subject to the limitations provided in section 4 hereof, for personal property taxes paid upon its property to any county, city and county, city, town or other political subdivision of the State during the taxable year. At the time of payment of the first installment of tax under the provisions of section 23 of this act, each taxpayer claiming an offset against the tax

shall submit to the commissioner evidence in such form as he shall prescribe in support of such claims.

If a financial corporation in paying the tax provided for in this act desires to claim an offset in the computation of its tax, the rate provided in section 4a hereof for financial corporations shall be applied to such offset and the amount so computed shall be added to and included in the tax of such corporation.

If any real or personal property taxes are at any time refunded to any bank or corporation taxable under this act and said bank or corporation has been allowed an offset for such taxes against any tax imposed under this act, said bank or corporation shall report that fact to the commissioner and shall pay a tax not subject to offset in an amount equivalent to any offset which has been allowed against any tax at any time imposed under this act on account of such refunded real or personal property taxes.

Extension of time for filing returns.

SEC. 9. A general extension of time of two months, in the case of returns for the taxable year ended December 31, 1932, required by said act to be filed by March 15, 1933, and of one month, in the case of returns for the taxable year ended January 31, 1933, required to be filed by April 15, 1933, is hereby granted. No interest shall be assessed or collected by reason of such extension.

Constitutionality

SEC. 10. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Tax levy.

SEC. 11. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately, and shall be applied in the computation of taxes accruing subsequent to December 31, 1932.

CHAPTER 304.

An act to add two new sections to the School Code, to be numbered 4.769 and 4.929, and to amend section 4.950 of said code, relating to the computation of average daily attendance in public schools.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the School Code, to be numbered 4.769, and to read as follows:

Computation of average daily attendance

4.769. In the computation of average daily attendance no pupil shall be credited with more than one day's attendance during any calendar day.

New section.

SEC. 2. A new section is hereby added to the School Code, to be numbered 4.929, and to read as follows:

Same.

4.929. In the computation of average daily attendance no pupil shall be credited with more than one day's attendance during any calendar day.

Sch. C., p. 198.

SEC. 3. Section 4.950 of the School Code is hereby amended to read as follows:

Same Junior colleges.

4.950. The attendance of students enrolled in a junior college shall be kept according to regulations prescribed by the State Board of Education. No pupil shall be credited, for purposes of apportionment, with more than fifteen hours of attendance during any one calendar week.

CHAPTER 305.

An act to add section 459 to the Fish and Game Code, relating to mammals kept in captivity.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 306.

An act to amend section 338 of the Code of Civil Procedure, relating to limitations of actions.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats. 1921, p 192.

SECTION 1. Section 338 of the Code of Civil Procedure is hereby amended to read as follows:

338. Within three years:

Limitation on actions: Three years.

1. An action upon a liability created by statute, other than a penalty or forfeiture.

2. An action for trespass upon or injury to real property.

3. An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud, mistake or conspiracy. The cause of action in such case not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud, mistake or conspiracy.

CHAPTER 307.

An act to amend section 19x11 of the "Juvenile Court Law," relating to probation officers in counties of the eleventh class. Stats 1915, p. 1225, amended.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x11 of the "Juvenile Court Law" is amended to read as follows: Stats. 1931, p. 1199.

Sec. 19x11. In counties of the eleventh class, there shall be one probation officer whose salary shall be three thousand two hundred forty dollars per annum, and one assistant probation officer whose salary shall be one thousand five hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum; which salaries shall be paid at the same time and in the same manner and out of the same funds as other county officers are paid. Kern County: Probation officer.

CHAPTER 308.

An act to amend section 16x11 of the "Weights and Measures Act," relating to sealers of weights and measures in counties of the eleventh class. Stats. 1913, p. 1086, amended.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 16x11 of the "Weights and Measures Act" is hereby amended to read as follows: Stats. 1931, p. 1998.

Sec. 16x11. The sealer of weights and measures in counties of the eleventh class shall receive a salary of two thousand two hundred eighty dollars per annum and deputies shall receive one hundred forty dollars per month each. In counties of this class, there shall also be allowed to the sealer of weights and measures, a deputy to be known as clerk, which position is hereby created, to be appointed by the sealer of weights and measures, at a salary of one thousand two hundred dollars per annum payable at the same time and out of the same fund as other county officers are paid. Kern County: Sealer.

The sealer of weights and measures and his deputies shall be allowed their actual and necessary traveling expenses incurred in the discharge of their official duties.

In counties of this class the sealer of weights and measures shall pay into the county treasury all fees and commissions or compensation received by him, or allowed to him in his official capacity, from any source, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent, his deputies and clerk.

CHAPTER 309.

An act to amend section 2322x11 of the Political Code, relating to the office of agricultural commissioner in counties of the eleventh class.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats 1931, p 869.

SECTION 1. Section 2322x11 of the Political Code is hereby amended to read as follows:

Kern County-Agricultural commissioner.

2322x11. In counties of the eleventh class, the commissioner shall receive a salary of two thousand eight hundred twenty dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One chief deputy at a salary of two thousand one hundred sixty dollars per annum; two deputy commissioners at a salary of one thousand eight hundred sixty dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed nine inspectors at a monthly salary of one hundred forty dollars each during the time actually employed; four inspectors at a monthly salary of one hundred twenty dollars each during the time actually employed; eight inspectors at a compensation of three dollars fifty cents per diem each during the time actually employed; and eight inspectors at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty thousand dollars. The salary and compensations herein provided for the commissioner and deputy commissioners shall be paid out of the county treasury in equal monthly installments, where the employment is by the year, and monthly as earned in other cases, in the manner and at the same time as other county officers are paid. In addition to the salaries and compensation herein provided, said commissioner, deputy commissioners and inspectors shall be entitled to receive their personal and traveling expenses necessarily incurred in the performance of their said duties and said expenses so incurred and all compensation earned by such officers or employees as shall not be employed by the year, shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the

county in the same manner as other claims against said fund are allowed and paid.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one hundred ten dollars per month during the time actually employed, and two clerks at a monthly salary of one hundred dollars, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed one thousand eight hundred dollars.

In counties of this class the agricultural commissioner shall pay into the county treasury all fees and commissions received by him, or allowed to him in his official capacity, from any source.

The provisions herein contained shall apply to the present incumbent, his deputies, inspectors and clerks.

CHAPTER 310.

An act to amend section 4240 of the Political Code, relating to compensation of county and township officers in counties of the eleventh class.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4240 of the Political Code is hereby amended to read as follows: Stats 1931, p. 1246.

4240. In counties of the eleventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Kern County

1. The county clerk, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk, which said positions are hereby created, the following deputies, who shall be appointed by the county clerk of said county and shall be paid salaries as follows: One chief deputy at a salary of two thousand two hundred fifty dollars per annum, two deputies at a salary of one thousand nine hundred eighty dollars each per annum, three deputies at a salary of one thousand eight hundred ninety dollars each per annum, one deputy at a salary of one thousand six hundred eighty dollars per annum, and one deputy at a salary of one thousand six hundred twenty dollars per annum; provided that to comply with the terms of the Constitution in the permanent registration of voters, the county clerk in counties of this class shall be, and he is hereby allowed the following additional deputies, which positions are hereby created: One deputy at a salary of one thousand eight hundred ninety dollars per annum, three deputies each even numbered year at a salary of one thousand five hundred dollars Clerk.

each per annum, two deputies January first to March thirty-first, of each odd numbered year at a salary of one hundred and twenty-five dollars per month each.

Provided, further, the county clerk may appoint such number of registration deputies in any precinct as he may deem necessary for the convenient registration of voters in their respective precincts and that each of said deputies so appointed for such purposes shall receive as compensation therefor the sum of eight cents for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county the duly verified claim therefor approved by said county clerk. The deputies herein provided for shall be paid by such county at the same time and in the same manner and out of the same fund that the salary of the county clerk is paid.

In counties of this class the county clerk shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity from any source, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent, his deputies and assistants.

Sheriff. 2. The sheriff, four thousand eight hundred dollars per annum. The sheriff shall also receive the necessary expenses incurred in serving all papers whatsoever issued by any court together with all necessary expenses incurred in the pursuit of criminals; provided, that no constructive mileage shall be allowed. In counties of this class there shall be, and there is hereby allowed to the sheriff, which said positions are hereby created, the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One undersheriff at a salary of two thousand four hundred dollars per annum; two deputies at a salary of two thousand one hundred sixty dollars, each, per annum; two deputies at a salary of two thousand forty dollars each, per annum; eight deputies at a salary of one thousand nine hundred twenty dollars, each, per annum; one deputy, who shall be a woman, at a salary of one thousand six hundred eighty dollars per annum, and one stenographer at a salary of twelve hundred dollars per annum. The deputies herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund, that the salary of the sheriff is paid. In counties of this class the sheriff shall make no charge for the boarding of prisoners over and above the actual cost of materials. In counties of this class the sheriff shall pay into the county treasury all fees for mileage which are now, or which may hereafter be allowed by law together with all the fees and commissions or compensation received by him in serving all papers whatsoever issued by any court, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent, his deputies, and assistants.

3. The recorder, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries as follows: Recorder.

One chief deputy recorder at a salary of one thousand eight hundred ninety dollars per annum; two deputies at a salary of one thousand six hundred twenty dollars each per annum; two copyists at a salary of one thousand three hundred fifty dollars each per annum; three copyists at a salary of one thousand two hundred dollars each per annum; and as many copyists as are necessary in his discretion, at a salary of eighty dollars per month; and whose compensation shall not exceed one thousand eight hundred dollars in the aggregate per annum for all copyists so employed; provided, that said copyists being eligible may also be appointed deputy recorders without further compensation. The compensation of such additional copyists shall be paid out of the general fund of said county at the rate of eighty dollars a month, and proper claims therefor shall be presented to and allowed by the board of supervisors.

The deputies and copyists herein provided for, other than additional copyists, shall be paid by said county at the same time, and in the same manner, and out of the same fund that the salary of the recorder is paid. In counties of this class the recorder shall pay into the county treasury all fees and commissions or compensations received by him, or allowed to him in his official capacity, from any source, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent, his deputies, and copyists.

4. The auditor, three thousand six hundred dollars per annum, together with his necessary expenses incurred while traveling in the performance of his official duties; provided that in counties of this class there shall be, and there is hereby allowed to the auditor, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the auditor of such county, and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred thirty dollars per annum; three deputies at a salary of one thousand nine hundred eighty dollars each per annum; and two deputies at a salary of one thousand six hundred eighty dollars each per annum; and one deputy, at a salary of one thousand five hundred sixty dollars per annum; provided, further, that the auditor may appoint additional assistants each year, to be paid four dollars each, per diem, the total sum so expended not to exceed four thousand dollars in any one year. The deputies and assistants herein provided for shall be paid by said county at the same time, and in the same manner, and out of the same Auditor.

fund, as the salary of the auditor is paid. In counties of this class the auditor shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than the official salary herein provided. The provisions herein contained shall apply to the present incumbent, his deputies and assistants.

Treasurer. 5. The treasurer, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treasurer, which said positions are hereby created; one deputy, who shall be appointed by the treasurer of said county, and shall be paid a salary of two thousand four hundred dollars per annum, and one additional deputy whose salary shall be at the rate of one hundred fifty dollars per month; provided, the aggregate compensation for any one year as such additional deputy shall not exceed nine hundred dollars.

In counties of this class the treasurer shall pay into the county treasury all fees and commissions or compensation received by him, or allowed to him, in his official capacity, from any source, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent and his deputies.

Tax and license collector. 6. The tax and license collector, three thousand six hundred dollars per annum and his necessary expenses incurred while traveling outside of the county seat in the discharge of his official duties; provided that in counties of this class there shall be and there is hereby allowed to the tax and license collector, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the tax and license collector of said county, and shall be paid salaries as follows: One chief deputy at a salary of two thousand one hundred sixty dollars per annum, one deputy at a salary of one thousand eight hundred ninety dollars per annum, two deputies at a salary of one thousand three hundred fifty dollars each per annum, and as many additional assistants as are necessary, in his discretion, at a salary of four dollars each per day. The total compensation of such additional assistants shall not exceed eleven thousand dollars in the aggregate in any fiscal year.

The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the tax and license collector is paid. The actual necessary traveling expenses of one deputy incurred in the discharge of his official duties shall be allowed and paid by the county.

In counties of this class the tax and license collector shall pay into the county treasury all fees and commissions or compensation received by him, or allowed to him in his official capacity, from any source, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent, his deputies and assistants.

7. The assessor, four thousand five hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties. In counties of this class there shall be, and there is hereby allowed to the assessor, the following deputies, whose positions are hereby created, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two thousand one hundred and sixty dollars per annum; two outside deputy assessors at a salary of two thousand one hundred and sixty dollars each per annum, and actual necessary expenses; one deputy assessor at a salary of one thousand eight hundred dollars per annum; one deputy assessor at a salary of one thousand five hundred dollars per annum; one deputy assessor at a salary of one thousand three hundred and fifty dollars per annum; six extra deputies, each of said deputies to be employed for a period not exceeding one hundred twenty days of each calendar year, at a salary of seven dollars each per day; ten extra deputies, each of said deputies to be employed for a period not exceeding one hundred twenty days of each calendar year, at a salary of six dollars each per day; and ten extra deputies, each of said deputies to be employed for a period not exceeding one hundred twenty days of each calendar year, at a salary of four dollars, each, per day; provided, that in addition to the deputies hereinabove named the assessor shall have power to appoint such additional deputy assessors, as he may require, at a compensation of six dollars each, per day, and such additional deputies as he may require, at a compensation of four dollars each, per day, the combined total compensation of such additional deputy assessors not to exceed twenty-four hundred dollars per annum, in the aggregate, for all assistants so rendered by said additional deputies; provided, further, that the above salaries and compensations shall be in full payment for all services rendered by him as such assessor, and that no commission for the collection of State taxes or infirmary poll taxes, for road taxes or personal property taxes shall be retained by him, nor shall the assessor receive any compensation for making out the military roll of persons returned to him subject to military duty, as provided by section 1901 of the Political Code of the State of California, but that all fees and commissions or compensations received by him, or allowed to him, in his official capacity from any source, shall be paid into the county treasury, other than the official salary herein provided. The deputies herein provided for shall be paid at the same time, and in the same manner, and out of the same fund as the salary of the county assessor is paid. The provisions herein contained shall apply to the present incumbent and his deputies. Assessor.

8. The district attorney, four thousand five hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the district attorney, which said positions are hereby created, the following: District attorney.

One assistant district attorney at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand two hundred forty dollars per annum; one deputy at a salary of three thousand two hundred forty dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; one stenographer at a salary of one thousand two hundred dollars per annum; and one detective at a salary of two thousand forty dollars per annum.

The district attorney, assistant district attorney, and the deputy district attorneys shall devote their entire time during office hours to the work of the county and State, and are prohibited from engaging in private work within such office hours.

The assistant district attorney, deputies, detective, and stenographers, herein provided for shall be appointed by, and hold office at the pleasure of the district attorney, and shall be paid by said county at the same time, and in the same manner, and out of the same fund, that the salary of the district attorney is paid; provided, further, that the necessary traveling expenses of the detective shall constitute a county charge; and further provided, that the assistant district attorney herein provided for shall possess the powers of, and may perform the same duties attached by law to the office as his principal; provided, further, that no employee of the district attorney's office shall accept compensation by reason of services rendered in any action or proceedings wherein fees or per diem would constitute a charge against the county.

The district attorney, the assistant district attorney and deputies, in addition to the compensation herein provided for shall be allowed their necessary expenses incurred in the discharge of their official duties.

All fees and commissions or compensations received by the district attorney in his official capacity, from any sources, shall be paid into the county treasurer, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent, his assistant, deputies and employees.

Coroner and public administrator.

9. The coroner and public administrator, three thousand six hundred dollars per annum, and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by Chapter II, Title XII, Part II, of the Penal Code. The coroner or other officer holding an inquest upon a body of a deceased person may subpena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased and give his professional opinion as to the cause of death.

One reporter, which office is hereby created, at a salary of two thousand one hundred sixty dollars per annum, and his actual necessary expenses in traveling outside of the county seat, and one relief reporter for two weeks during the reporter's vacation at a salary of one hundred dollars for such two weeks, whose duty it shall be, when called upon by the

coroner, to attend all inquests and take down in shorthand the testimony of all witnesses at such inquests; when such testimony is taken down by such reporter, his transcript thereof, duly certified to by him, shall constitute the depositions of the witnesses testifying at such inquests so reported by such reporter; the salary of said reporter herein provided for shall be paid by the county, in the same manner and at the same time, and out of the same fund as the salary of the coroner and public administrator is paid. Said reporter shall be appointed by the coroner and public administrator and shall hold office at the pleasure of the coroner and public administrator.

All fees and commissions or compensation collected by the coroner and public administrator in his official capacity shall be paid into the county treasury, other than the official salary herein provided.

The coroner may appoint as additional deputies as many as may be necessary, to serve without compensation.

The provisions herein contained shall apply to the present incumbent and his reporter.

Superintendent of schools.

10. The superintendent of schools, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, which said positions are hereby created, the following deputies, who shall be appointed by the superintendent of schools of such county and shall be paid salaries as follows:

Four deputies at a salary of one thousand nine hundred eighty dollars each per annum. The deputies herein provided for shall be paid by said county, at the same time, and in the same manner, and out of the same fund that the salary of the superintendent of schools is paid.

In counties of this class, the superintendent of schools, and one deputy, shall receive their actual and necessary traveling expenses for visiting and examining schools and school property of the county, and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools.

All fees and commissions or compensation received by the superintendent of schools in his official capacity shall be paid into the county treasury, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent and his deputies.

Surveyor.

11. The surveyor, three thousand six hundred dollars per annum; provided that in counties of this class there shall be, and there is hereby allowed to the surveyor, which said positions are hereby created, the following deputies, who shall be appointed by the surveyor: One chief deputy surveyor at a salary of two thousand seven hundred dollars per annum; two deputies at a salary of two thousand one hundred sixty dollars each per annum, one deputy at a salary of two thousand forty dollars per annum, and one deputy at a salary of

one thousand five hundred dollars per annum. In counties of this class the surveyor, his deputies and assistants shall receive their actual and necessary expenses incurred in the performance of all duties incident to the full discharge of the requirements of the office of surveyor. The deputies herein provided for shall be paid by the county at the same time, and in the same manner, and out of the same fund, as the salary of the surveyor is paid; provided further, that the surveyor and his deputies shall during the time they are holding office be, and they are hereby prohibited from engaging in private employment at surveying. The provisions herein contained shall apply to the present incumbent and his deputies. In counties of this class the county surveyor shall pay into the county treasury all fees and commissions or compensation received by him in his official capacity from any source, other than the official salary herein provided.

Supervisors.

12. Supervisors, three thousand six hundred dollars per annum each, and actual and necessary expenses incurred in the performance of the duties of their office. The provisions herein contained shall apply to present incumbents.

Justices of the peace and constables.

13. In counties of this class the township officers shall consist of the following, and shall receive the following compensation, to wit:

Judicial township number one, estimated population one thousand five hundred sixty, one justice of the peace at a salary of nine hundred dollars per annum; one constable at a salary of nine hundred dollars per annum.

Judicial township number two, estimated population five thousand five hundred twenty-six, one justice of the peace at a salary of one thousand three hundred twenty dollars per annum; one constable at a salary of one thousand three hundred twenty dollars per annum.

Judicial township number three, estimated population nineteen thousand four hundred eighty-five, one justice of the peace at a salary of one thousand eight hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum; and one clerk at a salary of nine hundred dollars per annum.

Judicial township number four, estimated population three thousand five hundred, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of one thousand eighty dollars per annum.

Judicial township number five, estimated population one thousand two hundred thirty, one justice of the peace at a salary of eight hundred forty dollars per annum; one constable at a salary of seven hundred twenty dollars per annum.

Judicial township number six, estimated population twenty thousand four hundred ninety-three, one justice of the peace at a salary of two thousand four hundred dollars per annum; one constable at a salary of one thousand three hundred twenty dollars per annum; and one clerk at a salary of one thousand two hundred dollars per annum.

Judicial township number seven, estimated population eighteen thousand four hundred fifty-three, one justice of the peace at a salary of one thousand eight hundred dollars per annum; one constable at a salary of one thousand three hundred twenty dollars per annum; and one clerk at a salary of one thousand two hundred dollars per annum.

Judicial township number eight, estimated population five thousand nine hundred four, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of nine hundred dollars per annum.

Judicial township number nine, estimated population five thousand eight hundred forty-four, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Judicial township number ten, estimated population one thousand five hundred sixty, one justice of the peace at a salary of nine hundred dollars per annum; one constable at a salary of nine hundred dollars per annum.

Judicial township number eleven, estimated population one thousand three hundred seventy-one, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of one thousand three hundred twenty dollars per annum.

Judicial township number twelve, estimated population one thousand five hundred twenty-one, one justice of the peace at a salary of four hundred eighty dollars per annum; one constable at a salary of seven hundred twenty dollars per annum.

Judicial township number thirteen, estimated population one thousand thirty-eight, one justice of the peace at a salary of four hundred eighty dollars per annum; one constable at a salary of four hundred eighty dollars per annum.

Judicial township number fourteen, estimated population two hundred, one justice of the peace at a salary of two hundred forty dollars per annum; one constable at a salary of two hundred forty dollars per annum.

Judicial township number fifteen, estimated population five thousand, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of one thousand eighty dollars per annum.

Salaries of the justices of the peace shall be in full compensation for all services rendered by them in both civil and criminal cases. Salaries of constables shall be in full compensation for all services rendered by them in criminal cases, and in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and

paid out of the county treasury. The salaries of justices of the peace and constables shall be paid monthly by the county in the same manner that the salaries of county officers are paid. The provisions herein contained shall apply to present incumbents.

Jurors

14. Jurors—In the superior court, jurors' fees and witnesses' fees shall be as follows:

For attending as a grand juror, for each day's actual attendance, per day, two dollars, and ten cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror, for each day's actual attendance, per day, three dollars, and ten cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a trial juror in criminal cases in justice courts, two dollars per day, for each day of actual service as a juror, and the justice of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and the treasurer shall pay the same.

Witnesses.

Witnesses—For attending as a witness in criminal cases in the superior court and before the grand jury, for each day's actual attendance, the sum of two dollars, and ten cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage and the treasurer shall pay the same; provided, however, that in criminal cases such per diem and mileage shall only be allowed on a showing to the court by the witness the same was necessary for the expenses of the witness in attending; and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpenaed.

Librarian.

15. The county librarian shall receive two thousand eight hundred twenty dollars per annum, together with his necessary traveling expenses incurred in the discharge of his duties as county librarian.

All fees and commissions or compensations received by the county librarian in his official capacity, from any sources, shall be paid into the county treasury, other than the official salary herein provided.

The provisions herein contained shall apply to the present incumbent.

Inspector.

16. Live stock inspector, one thousand two hundred dollars per annum together with his actual necessary traveling expenses incurred in the discharge of his official duties.

In counties of this class the live stock inspector shall pay into the county treasury all fees and commissions, or com-

pensation received by him, or allowed to him in his official capacity, from whatever source, other than the official salary herein provided. The provisions herein contained shall apply to present incumbent.

17. Vacations. Each employee regularly employed in the service of the county who shall have been employed for a period of six months, but less than one year, shall be entitled to a vacation of one calendar week; each employee regularly employed in the service of the county for a period of one year or more shall be allowed a vacation of two calendar weeks; said vacations to be without loss of pay; the vacation period to be designated by the heads of the various departments of said county. Vacations.

CHAPTER 311.

An act to add a new section to the Agricultural Code, to be numbered 62.5, relating to county agricultural commissioners.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 312.

An act to add a new section to the Fish and Game Code, to be numbered 1323, relating to muskrats.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 313.

An act to amend section 1177 of the Fish and Game Code and to add thereto a new section to be numbered 1203.5, relating to game.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 314.

An act to amend section 489 of the Fish and Game Code, relating to the taking of fish near spawn-taking stations.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 315.

An act to amend sections 452a, 452c, 452d, 452f, and 453 of the Civil Code, all relating to mutual benefit and life associations.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1261.

SECTION 1. Section 452a of the Civil Code is hereby amended to read as follows:

Formation of mutual benefit associations.

452a. Twenty-five or more persons may incorporate an association for the purpose of paying the nominee of any member thereof a sum, upon the death of the member, not exceeding three dollars for each one thousand dollars or fraction thereof, of insurance carried by each member of the association, but not exceeding in any case the sum of three thousand dollars. The articles of incorporation must contain the statements required by section 595, except that they must provide that the voting power of the respective members shall be equal.

The articles must also provide that the property rights and interests of each member of any association shall be that proportion of the total of the property and interests of the association which the amount stated by the policy of the member to be payable on the member's death bears to the total of such amounts in all the policies issued by the association and in force at the time when the determination of rights and interests is made. The articles shall also provide that if the association ceases to do business, the property rights and interests of the members as to one another are those which exist at the time when the business of the association so ceases.

Stats 1931, p 1692.

SEC. 2. Section 452c of the Civil Code is hereby amended to read as follows:

Minimum membership.

452c. Every such corporation heretofore or hereafter organized under the provisions of this chapter must maintain a minimum membership of one thousand members in good standing, and should said membership at any time fall below said minimum, said association shall immediately notify said Insurance Commissioner of said fact, and within ninety days thereafter, or such further extension of time as may be granted by said commissioner, increase its membership to the minimum provided in this section, or submit to the revocation of its certificate of authority by the Insurance Commissioner whereupon it shall be the duty of said association to liquidate and dissolve the same under the supervision of said commissioner, or to merge or reinsure its business as herein provided.

Stats. 1929, p. 982.

SEC. 3. Section 452d of the Civil Code is hereby amended to read as follows:

Consolidation of associations

452d. Any association organized under the provisions of this chapter, or under the act of the Legislature of the State

of California approved March 28, 1874, as amended, relating to mutual benefit associations, shall have the power to merge, consolidate, or reinsure its membership and business, or any part thereof, and/or any amount of any liability under any policy issued with any solvent association or corporation transacting a life insurance business in the State of California, under any plan which may be approved by the Insurance Commissioner.

SEC. 4. Section 452f of the Civil Code is hereby amended to read as follows: Stats 1929, p. 982.

452f. Any association of employees or other persons organized under the provisions of this chapter which does not pay, or agree to pay, directly or indirectly, any money or other compensation for the solicitation of applications for membership or insurance therein, shall not be subject to the laws of this State applying to or regulating the transaction of insurance business except sections 452a and 453 of the Civil Code and section 597 of the Political Code. Associations exempt from insurance law

SEC. 5. Section 453 of the Civil Code is hereby amended to read as follows: Stats 1929, p 982

453. Each association provided for in this chapter may, on the death of a member, levy an assessment on the surviving members of not to exceed three dollars for each one thousand dollars of insurance or fraction thereof carried by such member, and collect the same and pay the benefits provided for in the contract of insurance issued to such deceased member, to the nominee of such decedent and the residue, if any, from the proceeds of such assessments shall be deposited in the emergency mortality fund of the association as provided herein. Such association may also provide for the payment of annual dues by members, which annual dues, exclusive of initial membership fee payable in the first policy year, shall not exceed in the aggregate a sum equal to twelve dollars per one thousand dollars or fraction thereof of insurance written, but no member shall be subject to the payment of any annual dues in excess of that established upon the issuance of the policy held by the member The association may make such by-laws not inconsistent with the laws of the State as may be necessary for its government and the transaction of its business; may by its name sue and be sued; loan such funds as it may have on hand; and own sufficient real estate for its business purposes and such as it may be necessary to purchase on the foreclosure of its mortgages. Assessments and annual dues limited. General powers.

Each association governed by the provisions of this chapter may, in addition to other assessments authorized by the provisions of the chapter, levy assessments and collect same, for the purpose of creating and maintaining an emergency mortality fund; provided, however, that no such assessment shall exceed three dollars for each one thousand dollars of insurance or fraction thereof carried by such member. Such emergency mortality fund may be used for its collection, payment of policy claims, inspections, taxes, professional services, rein- Emergency mortality fund

surance and expenses incidental thereto, but no such payment shall be made out of such fund for the payment of any death claim to an amount in excess of the net proceeds of the last preceding assessment. Notwithstanding the payment of any death claims, the association may, in addition to the special assessment above authorized, levy an assessment in the same manner as though for the payment of such claims, but the proceeds thereof shall be paid into said fund to replenish it for the loss arising out of the payment of such claims. Each association governed by the provisions of this chapter may provide for the payment of premiums in advance of stipulated amounts at periodic intervals. That portion of such advance premiums which constitute payment or part payment for mortality purposes, must as to each member, be carried as a trust fund in the name of such member on the books of the association. Amounts chargeable to the member as they become due shall be deducted from such trust funds for policy claims and/or the replenishment or creation of the emergency mortality fund. Any unused portion of such trust fund, paid by such member, shall be the credit balance as to such member subject to the terms of the policy held by such member.

Stats 1873-4, p 745

The limitation of annual dues hereinbefore provided shall not apply to associations heretofore organized and incorporated and now existing under the provisions of an act of the Legislature of the State of California, approved March 28, 1874, as amended, entitled "An act relating to mutual benefit and relief associations."

CHAPTER 316.

An act to amend section 588c of the Penal Code, relating to the injury, defacement or removal of monuments or stakes placed, erected or used by the Department of Public Works, its officers or employees, on or along any State road or highway, or in connection with State road or highway work, and prescribing a penalty for the violation of such section.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats. 1915, p. 180.

SECTION 1. Section 588c of the Penal Code is hereby amended to read as follows:

Injuring marker on State highway.

588c. Any person who wilfully injures, defaces, breaks down or removes any monument or stake placed, erected or used by the Department of Public Works, its officers, engineers, or employees, for the purpose of designating any point in the boundary or survey of any State road or highway on or along any such road or highway, or as a part of such road or highway work, shall be guilty of a misdemeanor.

CHAPTER 317.

An act to amend the title and section 1 of an act entitled "An act declaring the improved county road extending from Rio Vista to Lodi to be a State highway," approved June 3, 1921. Stats 1921, p. 1597, amended.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

SECTION 1. The title of an act entitled "An act declaring the improved county road extending from Rio Vista to Lodi to be a State highway," approved June 3, 1921, is hereby amended to read as follows: Title amended.

An act declaring and establishing a State highway from the town of Rio Vista to a point on the State highway at or near the city of Lodi.

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats. 1921, p. 1597

Section 1. A certain highway in San Joaquin County, described as follows: Extending from the town of Rio Vista, in the county of Solano, to the State highway, known as the Golden State Highway on Cherokee Lane in the vicinity of the city of Lodi, in the county of San Joaquin, is hereby declared to be and the same is hereby constituted a State highway and is hereby placed under the supervision and control of the California Highway Commission of the Department of Public Works; and said Department of Public Works, acting by and through the California Highway Commission, is empowered and authorized to make all necessary surveys for and to change the route and location of said highway between said termini whenever and wherever and to such extent as it may deem such action expedient, and in making any such change of route or location it may, in its discretion, by formal resolution vacate or abandon as State highway the whole or any portion or portions of any heretofore existing State highway or State maintained highway between said termini which may not be included within such changed route or location. State highway: Rio Vista to Lodi.

CHAPTER 318.

An act to amend section 379 of the Fish and Game Code, relating to Federal preserves.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 319.

Stats 1917, p 46, amend ed.

An act to amend sections 32 and 34 of the Joint Highway District Act, approved June 17, 1931.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

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

Stats. 1931, p 2072.

SECTION 1. Section 32 of the Joint Highway District Act, approved June 17, 1931, is hereby amended to read as follows:

Highways to revert to counties.

Sec. 32. Highways on completion to revert to counties. Upon the completion of construction or improvement of any highway or portion thereof by any district organized hereunder, the board of directors of the district shall adopt a resolution declaring such completion and transmit a copy of the same to the board of supervisors of the county in which such highway or portion of highway is situated. Upon receipt of such resolution by such board of supervisors, the control of such highway or portion thereof shall revert to the county in which the same is situated and become a part of the county system of highways therein and such county shall be liable for the future maintenance and care thereof.

Resolution of completion.

The board of directors shall not adopt any resolution declaring completion under this section unless and until it shall first obtain from the Director of Public Works of the State of California, a certificate, in writing, showing that the highway, or portion thereof, proposed to be surrendered to the county within which the same is situated, has been duly constructed, improved or completed in accordance with the plans and specifications previously adopted therefor; provided, that the Director of Public Works shall not be required to furnish such certificate, (except when the highway, or portion thereof, has been constructed, improved or completed under his supervision or control) unless and until the district engineer of such joint highway district shall first have made and delivered his certificate to said director showing that the highway, or portion thereof, has been duly constructed, improved or completed in accordance with the plans and specifications previously adopted therefor.

Stats 1931, p 2072.

SEC. 2. Section 34 of the said act hereinabove referred to is hereby amended to read as follows:

Control of State moneys.

Sec. 34. In case it shall be determined that any sum of money authorized to be expended from the State treasury of the State of California shall be expended as required by section 22 of article four of the Constitution of the State of California, then the Director of Public Works shall have the exclusive management and control of such expenditure, if the boards of supervisors of the several counties concerned assent to the relinquishment and transfer of such management and control, but such director may in his discretion delegate his

powers to the board of directors of the Joint Highway District and said Joint Highway District is hereby declared to be a State institution within the meaning of said Constitution. The board of directors of the district may vest in the Director of Public Works, authority to supervise the work of construction, or so much thereof as it may, in its discretion, determine.

CHAPTER 320.

An act to amend section 250 of the Fish and Game Code, relating to clam preserves.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 321.

An act to amend sections 76, 808, 809 and 810 of the Fish and Game Code and to add thereto section 808.5, relating to fish and game.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 322.

An act to amend section 730 of the Fish and Game Code, relating to halibut.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 323.

An act to amend section 459 of the Agricultural Code, relating to dairies and dairy products.

[Approved by the Governor May 12, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 324.

An act to amend section 476 of the Agricultural Code, relating to dairies and dairy products.

[Approved by the Governor May 12, 1933 In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 325.

Stats 1913, p. 1128, repealed

An act to repeal an act entitled "An act to create a Board of Harbor Commissioners for the port of San Jose on the southerly arm of San Francisco Bay, and to prescribe their powers and duties and to fix their compensation and the compensation of their employees and to appropriate money to carry this act into effect," approved June 14, 1913.

[Approved by the Governor May 12, 1933 In effect August 21, 1933]

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

Repeal

SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 326.

An act to add sections 363r, 363s, 363t, 363u, 363v, 363w, 363x, 363y, 363z, 363aa and 363bb to the Political Code, to amend section 363h of the Political Code, and to repeal sections 365, 365a, 365b, 365c, 365d, 365e, 365f, and 365m, all relating to State roads and highways, and the powers and duties of the Director of Public Works, Department of Public Works, and California Highway Commission in respect thereto.

[Approved by the Governor May 13, 1933. In effect August 21, 1933]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 363r, and to read as follows:

Department of Public Works to control State highways

363r The Department of Public Works shall take and have full possession and control of all roads and highways which have been declared and adopted State roads and State highways and all State roads and State highways which may hereafter be acquired or constructed Said department is hereby directed to maintain all traversable roads which now are or that may be hereafter included in the State highway system, and said department is expressly authorized to do any and all things necessary or proper for the erection, construction, main-

tenance, management and control of all roads, highways and other properties which are now or hereafter may be placed under its control, including the construction and maintenance of detour roads.

New section.

SEC. 2. A new section is hereby added to the Political Code, to be numbered 363s, and to read as follows:

Maintenance of highway markers.

363s. It shall be the duty of the Department of Public Works with respect to State highways and local authorities with respect to streets and highways under their jurisdiction, to keep in repair or cause to be kept in repair, all objects or markers adjacent to a public highway which have been erected to mark registered historical places and to keep such markers free from all vegetation which may obscure them from view.

New section

SEC. 3. A new section is hereby added to the Political Code, to be numbered 363t, and to read as follows:

Leasing tools and equipment.

363t The Department of Public Works is hereby authorized to enter into contracts for the leasing or renting of tools or equipment necessary or proper for the performance of its duties Whenever the total consideration which may be payable by said department under any such contract exceeds the sum of five hundred dollars ($500), said contract shall be subject to the provisions of that certain act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, Statutes of 1919, page 487, as amended, or as the same may hereafter be amended; provided, however, that said department shall not be required to retain at any time any percentage of the moneys payable under any such contract except on a verified claim duly filed as provided in said act.

Stats 1919, p. 487.

New section.

SEC. 4. A new section is hereby added to the Political Code, to be numbered 363u, and to read as follows:

Acquisition of property and easements.

363u. The Department of Public Works may condemn in the name of the people of the State of California, purchase, lease, or receive by donation or dedication, either as easements or in fee, any right of way, rock quarry, gravel pit, sand or earth borrow pit, land necessary or proper for offices, shops, storage yards, lands adjoining or near such highways for parks, and also lands and trees on each side of the center line of any State road or State highway for culture and support of trees, when in the judgment of the Director of Public Works the acquisition of said lands and trees, or either, shall be for the benefit of a State highway in aiding in the maintenance and preservation of the roadbed thereof, or aid in the maintenance of the attractiveness of the scenic beauties thereof, and also may likewise acquire lands for the construction and maintenance of drainage ditches in connection with the highways, and said department may likewise acquire all other lands which the Director of Public Works shall deem necessary for the

construction, use or maintenance of State highways. Said department may likewise acquire land adjoining any State highway or road for the purpose of maintaining an unobstructed view of any portion of said highway that would interfere with the safety of persons traveling thereon.

New section.

SEC. 5. A new section is hereby added to the Political Code, to be numbered 363v, and to read as follows:

Permits to plant trees, erect buildings, etc on highway.

363v. Whenever hereafter any right of way over any real property for State highway purposes is acquired by the Department of Public Works, whether by dedication, purchase or by eminent domain proceedings, the interest so acquired shall include the right of said department to issue permits under that certain act entitled "An act regulating the making of openings or the placing of structures or the change or renewal of any structure and the planting or removal of trees or shrubs or the placing of obstructions in or on State roads and highways; providing for the issuance of permits by the State Department of Engineering relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstruction and other objects, and for the planting, trimming or removal of trees or shrubs in or on State roads and highways; providing for the requirement of bonds from applicants before the issuance of such permits; and prescribing the penalty for violations of the provisions of this act," approved April 23, 1915, Statutes of 1915, page 179, for the location under such permits in said right of way of poles, posts, piers, abutments, or other necessary fixtures of telegraph or telephone or electric power lines, ditches, pipes, drains, sewers, or any underground structure.

Stats 1915, p. 179.

New section.

SEC. 6. A new section is hereby added to the Political Code, to be numbered 363w, and to read as follows:

Contracts for removal of structures located on highway route

363w. The Department of Public Works is hereby authorized to enter into contracts for the removal or relocation of structures or improvements situated upon property over which a right of way for State highway has been or is to be acquired, in lieu of the payment to the owner of such property of the cost of such removal or relocation, and the damages, if any, which will accrue by reason thereof.

Stats 1909, p 656

No such contract shall be subject to the provisions of that certain act entitled, "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind and to repeal an act entitled, 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended. Each such contract the total consideration of which exceeds the sum of five hundred dollars shall be subject to the provisions of that certain act entitled, "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such

Stats 1919, p 487.

contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, Statutes of 1919, page 487, as the same is now, or hereafter may be, amended. The Department of Public Works shall not be required to retain at any time any percentage of the sums payable on account of any contract authorized hereunder except on a claim duly verified and filed as provided in said act.

The Department of Public Works may also require of the contractor a bond in a sum equal to at least one-half of the contract price, which bond shall guarantee the faithful performance by said contractor of his contract. Said bond shall be executed by some corporate surety authorized to issue surety bonds in the State of California.

SEC. 7. A new section is hereby added to the Political Code, to be numbered 363x, to read as follows: New section

363x. The Department of Public Works may condemn in the name of the people of the State of California, purchase, lease, or receive by donation or dedication, any rights of way and may construct and maintain thereon stock trails approximately paralleling and adjoining any State highway in such portions of the State as the Director of Public Works may determine to be necessary or proper. The right of way of any existing highway superseded by relocation may likewise be retained for stock trail purposes. Said department shall post notices upon said trails and upon said highway at the entrances of said trails directing all persons to drive all untethered stock upon said trails, and any person who shall drive any untethered stock upon any State highway which is so paralleled by said stock trails shall be guilty of a misdemeanor, and, in addition thereto said person shall be liable for all damage done thereby to said highway. Stock trails along highway.

SEC. 8. A new section is hereby added to the Political Code, to be numbered 363y, and to read as follows: New section.

363y. Whenever the natural course of a State highway or the State highway system runs or passes into or through any municipality or contiguous municipalities the Department of Public Works shall have authority to complete such State highway or State highway system as a continuous highway or system and connect the portions of such highway or system on either side of such municipality and shall have authority to determine the location of such connecting portion either through or around such municipality or contiguous municipalities as the said department may determine will be of the greatest benefit to traffic upon such State highway. Any street, road, boulevard, or other public highway within the limits of any such municipality, or any portion of any such public highway, may be adopted as a part of the State highway system in the manner provided by law without compensation to such municipality. Construction of State highway through a municipality

For the purpose of so completing any such State highway or State highway system, the Department of Public Works shall

have authority to acquire the necessary rights of way within the corporate limits of a municipality by purchase, condemnation, dedication, or donation and to construct or improve such connecting portion to the same width and to the same standard as the State highway on either side of such municipality; provided, that the provisions of section 2620 of the Political Code in respect to State highways shall not apply to such highways within municipalities; and provided further, that after the completion thereof any such State highway or portion thereof may be retained and maintained as a part of the State highway system or may be relinquished to such municipality. The expense of any said acquisition, construction, improvement or maintenance may be paid out of any funds appropriated or available for the acquisition of rights of way, construction, improvement or maintenance of said State highway or portion of the State highway system.

Stats. 1913, Ch. 8.

The legislative body of any municipality upon request of the Director of Public Works shall have authority to acquire any land or right of way by purchase, condemnation, dedication or donation needed for State highway purposes and lying within such municipality and the title to any said land or right of way may be taken in the name of the State or municipality and said municipality may also aid in the construction or improvement of any State highway therein by contributing any part of the expense thereof to the Department of Public Works out of any municipal funds available or to become available for the construction or improvement of streets within said municipality.

New section.

SEC. 9. A new section is hereby added to the Political Code, to be numbered 363z, and to read as follows:

Contracts with city, county, etc., for highway expense.

363z. The Department of Public Works may enter into contracts with any county, city and county, city, or joint highway district, or two or more of any of them in respect to the proportion of the expense of the acquisition, construction or improvement of any State highway to be borne by the respective bodies to such contract. Any such contract may also provide for the acquisition of rights of way by any party thereto in any manner provided by law, and may provide for the doing of the actual work of construction, or any part thereof, by any party thereto, in any manner provided by law. No such contract shall be binding on the State until the same shall have been approved in writing by the Attorney General, or by the attorney duly appointed according to law to represent said department or the Division of Highways thereof. Such contracts shall be binding on any county, city and county, city, or joint highway district executing the same when the same has been properly executed and approved by all of the parties thereto.

New section.

SEC. 10. A new section is hereby added to the Political Code, to be numbered 363aa, and to read as follows:

Powers of Director of Public Works.

363aa. The Director of Public Works is hereby granted the power and authority to cause to be prepared and to approve all plans and specifications for all work done under the

direction of the Department of Public Works and shall determine the kind, quality and extent of such work. All public work done under the control of said department may, in the discretion of said director, be done under contract or by day labor and said director is granted the power to direct whether any such work shall be done by contract in whole or in part or by day labor in whole or in part, and, after the approval of the plans, specifications and estimates by said director, if, in his opinion, the acceptance of any bid or bids shall not be for the best interests of the State, or if, in his opinion, the acceptance of any further bids, after the rejection of all bids submitted, shall not be for the best interests of the State, he may direct that the work or improvement be done upon a day labor basis. Whenever any work done under the direction of such department is placed upon a day labor basis, it is especially exempted from any law on or relating to contracts of the State. The full control of such day labor work is placed under said Department of Public Works and said department shall do all things necessary to properly carry out the work. The Director of Public Works is hereby given power to let any subdivision or unit of said day labor work by contract upon informal bids.

New section.

SEC. 11. A new section is hereby added to the Political Code, to be numbered 363bb, and to read as follows:

Bonds of certain officers.

363bb. The Director of Public Works, each member of the California Highway Commission, and each Chief of a Division of the Department of Public Works shall take the oath of office as prescribed for other State officers. Said State highway engineer shall give a bond in the sum of twenty thousand dollars for the faithful performance of the duties of his office. The Director of Public Works may require of any officer, assistant, or employee who is employed in the Department of Public Works, and who is entrusted with moneys belonging to the State, to funish a bond for the faithful performance of his trust, executed by some corporation authorized to issue surety bonds in the State of California, and in such amount as the said director shall prescribe. Any such bond shall cover duties prescribed by administrative regulations or orders of the said director as well as those imposed by statute.

Any such bond of any officer, assistant, or employee, may be canceled at any time, provided such cancellation is approved by the Director of Public Works. Schedule bonds may be taken covering two or more such officers, assistants, or employees. All bonds provided for in this section shall be filed with the Director of Public Works, and not elsewhere.

Stats 1927, p. 459.

SEC. 12. Section 363h of the Political Code is hereby amended to read as follows:

Authority to condemn real property for highways.

363h. The Department of Public Works is hereby authorized, in the name of the people of the State of California, to condemn, under the provisions of the Code of Civil Procedure of the State of California, relating to eminent domain, any

real property which it is by law authorized to purchase or acquire but said department shall not have power to commence any such proceeding in eminent domain unless the California Highway Commission shall first have adopted a resolution declaring that public interest and necessity require the acquisition, construction or completion by the State acting through the Department of Public Works of the improvement for which said real property is required and that the real property described in such resolution is necessary therefor. Said resolution shall be conclusive evidence:

(a) Of the public necessity of such proposed public improvement;

(b) that such property is necessary therefor; and

(c) that such proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

Sections repealed.

SEC. 13. Sections 365, 365a, 365b, 365c, 365d, 365e, 365f and 365m of the Political Code are hereby repealed.

CHAPTER 327.

An act to add two new sections to the Political Code, to be numbered 363ee and 363ff, relating to the powers and duties of the Director of Public Works.

[Approved by the Governor May 13, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 363ee to read as follows:

Director may close or restrict use of highways.

363ee. The Director of Public Works shall have authority to close or restrict the use of any road or highway under the jurisdiction of the Department of Public Works, whenever, in the judgment of said director, such closing or restriction of use is necessary for the protection of the public, either by reason of weather conditions, or the condition of said highway, or otherwise, or whenever such closing or restriction of use is necessary by reason of construction or maintenance operations thereon, or necessary for the protection of such road or highway from damage during storms or during construction or maintenance operations thereon, and said director or any contractor working under authority of the Department of Public Works may erect, or cause to be erected, suitable barriers or obstructions upon any such road or highway to prevent or restrict the use thereof, and may post, or cause to be posted, warnings and notices to the public of the condition of any such highway, and signs for the direction of traffic thereon, or to or upon any other highway or detour road provided for or open to public travel, and may likewise and for like purposes place thereon lanterns or other warning lights.

Erection of barriers.

The authority hereby conferred upon the Director of Public Works may be exercised by any appropriate officer, engineer, superintendent or employee of the Department of Public Works, Division of Highways, in charge of maintenance or construction of any State road or highway.

It shall be the duty of the California Highway Patrol to cooperate with the Department of Public Works, or with any authorized contractor thereof, in the enforcement of the closing or restriction of use of any State road or highway, as in this section provided.

Penalty for violation of order.

Any person, firm or corporation who wilfully fails to observe any warning or other notice placed or posted in accordance with the provisions of this section, or who otherwise wilfully violates any direction or order of the Director of Public Works or of any officer, engineer, superintendent or employee of the Department of Public Works made or issued to make effective the provisions of this section, or who otherwise wilfully violates the provisions hereof, is guilty of a misdemeanor and shall be punishable as in the Penal Code provided.

New section.

SEC. 2. A new section is hereby added to the Political Code, to be numbered 363ff, to read as follows:

Disposal of lands not necessary for highway purposes.

363ff. (a) Whenever the Director of Public Works shall determine that any lands, or rights in land, heretofore or hereafter acquired by the State of California for highway uses and purposes are no longer necessary for such uses or purposes he is hereby authorized to negotiate the sale and to sell or to exchange such lands and rights in land, in such manner and upon such terms and conditions as may be approved by the California Highway Commission. The conveyance of any such lands and rights in land shall be executed on behalf of the State of California by the Director of Public Works. Whenever such lands, or rights in land, are conveyed for a consideration, the purchase price thereof shall be paid into the State treasury to the credit of such fund or funds available to the Department of Public Works for highway purposes, as the California Highway Commission may determine.

(b) Such lands, or rights in land, may likewise be exchanged for other lands, rights in land, easements, or rights of way, needed or necessary for State highway uses and purposes, either as whole or part consideration therefor.

(c) Lands, or rights in land, title to which has passed to and has been accepted on behalf of the State by the Department of Public Works for highway purposes, inadvertently or by mistake, may be reconveyed to the person or persons entitled thereto. The reconveyance of any such lands, or rights in land, shall be executed on behalf of the State of California by the Director of Public Works; provided, that any consideration received therefor by the grantor from the State of California or otherwise shall first be refunded or reconveyed to the State, or to the political subdivision, or whoever may be entitled thereto.

CHAPTER 328.

Stats. 1927, p. 1723, amended

An act to amend sections 1 and 2 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 2512.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Stenographers for superior court judges.

Section 1. In each county, and city and county, having a population of eighty-one thousand twenty-four or over, and where there is no jury commissioner provided, and having only two departments of the superior court in and for said county or city and county, the judges of the superior court in and for such county, or city and county, to assist the court in the transaction of the judicial business of said court may appoint one competent stenographer or secretary skilled in such work for each judge of the superior court in and for said county or city and county, whose duty it shall be to render such service as such judge may require each day; the salary of each such stenographer or secretary shall be one hundred seventeen dollars and fifty cents per month.

Stats 1927, p. 1723.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Payment of salary

Sec. 2. The salaries and expenses hereinbefore provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county, or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county are required by law to be allowed and audited.

CHAPTER 329.

An act to amend section 710, as added by Chapter 263, Statutes of 1903 and as amended by Chapter 634, Statutes of 1929, of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats 1929, p 1047.

SECTION 1. Section 710, as added by Chapter 263, Statutes of 1903, is hereby amended to read as follows:

Execution on salary of public officers or employees.

710. (a) Whenever a judgment for the payment of money is rendered by any court of this State against a defendant to whom money is owing and unpaid by this State or by any county, city and county, city or municipality, quasi municipality or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this State to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the State department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such State department, board, office or commission presents the claim of such judgment debtor therefor to the State Controller. Said State department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact of the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affiidavit. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2 If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi municipality or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi municipality or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of one dollar to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor.

(d) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to any elective officer of this State whose salary is fixed by section 19 of Article V of the State Constitution.

CHAPTER 330.

An act to add a new section to the Political Code to be known as section 3664a-1, relating to the taxation of certain public service companies for the benefit of the State, and providing this act shall take effect immediately.

[Approved by the Governor May 15, 1933. In effect immediately.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 3664a-1, to read as follows:

Added tax for certain public utilities.

3664a-1. All companies engaged in the transmission or sale of gas or electricity and all telephone companies shall annually pay to the State, in addition to the tax levied and assessed upon such companies and their properties as provided in section 3664a of this code, a tax equal to the percentages hereinafter fixed upon the gross receipts from the operation of such companies for the calendar years 1932 and 1933 and each thereof within this State, namely, on all companies engaged in the transmission or sale of gas and electricity, one and one-half per cent; on all telephone companies, one-quarter of one per cent.

The rate of tax fixed hereunder when added to the rate of tax fixed upon said companies under the provisions of section 3664a of the code shall constitute the rate of tax levied upon said companies in accordance with section 14 of Article XIII of the Constitution and shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of said companies except as otherwise provided in section 14 of Article XIII of the Constitution of this State.

All taxes herein provided for shall be levied, assessed, and shall become due and payable at the time, in the manner provided by law for the levy, assessment and collection of taxes referred to in section 3664a of this code, and shall be subject to all penalties and interest charges accruing for nonpayment thereof as is provided by law for the nonpayment of delinquency of all taxes referred to in said section 3664a.

Constitutionality

SEC. 2. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional.

SEC. 3. This act, inasmuch as it provides for a tax levy for the current expenses of the State for the eighty-fifth and eighty-sixth fiscal years, shall, under the provisions of section 1 of Article IV, of the Constitution, take effect immediately. Tax levy

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CHAPTER 331.

An act to provide for the acquisition, construction, extension and operation of systems and works for the collection, treatment, purification and disposal of sewage by cities, counties, sanitary and sanitation districts; also providing for the issuance and sale of revenue bonds to the Reconstruction Finance Corporation or other fiscal agency of the United States to pay for the acquisition and construction of such works, which bonds shall be payable exclusively from the revenues derived from the operation of such works; also providing for the establishment and collection of service rates or charges to pay for the expense of constructing, operating and maintaining such works; also providing for the use of such works by other cities, counties or districts, and declaring the urgency thereof.

[Approved by the Governor May 15, 1933. In effect immediately.]

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

SECTION 1. All cities, counties, sanitary districts and sanitation districts are hereby authorized and empowered to acquire, construct, and operate within or without their limits, sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations and all other appurtenances necessary, useful, or convenient for the collection, treatment, purification or disposal of the sewage of such city, county or district, and shall have authority to acquire by gift, purchase, condemnation, or otherwise, all lands, rights of way or other property necessary therefor, and to issue and sell revenue bonds to the Reconstruction Finance Corporation or other fiscal agency of the United States for the acquisition and construction of such property and structures. The term "works," where hereinafter used in this act, shall be construed to mean and include such structures and property. Acquisition and operation of sewage plants, etc. Financing

SEC. 2. The construction, acquisition, and operation of any such works, and the collection of charges for the use thereof, shall be under the supervision and control of the governing body of such city, county or district, as the case may be. Control

SEC. 3. The governing body of such city, county or district shall have power to take all steps and proceedings and to make and enter into all contracts or agreements necessary, convenient or incidental to the performance of its duties or the execution of its powers under this act. It may employ Authority of governing body.

engineers, architects, inspectors, superintendents, manager, collectors, attorneys and such other employees as in its judgment may be necessary or convenient in the execution of its powers and duties, and may fix their compensation. All such compensation, and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act. After the acquisition or construction of such works the governing body shall supervise the operation, management and control thereof, unless such authority be delegated to an administrative board, commission or other subordinate body as hereinbefore provided, and shall establish rules and regulations for the use thereof, and of such other sewers and works connected therewith as may be necessary or expedient to insure their successful operation. The governing body shall provide that all public ways or public works damaged or destroyed in carrying out the provisions of this act shall be restored or repaired, and placed in their original condition, as nearly as practicable, out of funds provided in this act.

Preliminary expenses

SEC. 4. All the necessary preliminary expenses incurred by the governing body of any city, county or district, in carrying out the provision of this act, including the making of surveys, plans and estimates of costs and revenues, compensation of employees, the giving of notices, taking of options, and all other expenses of whatsoever nature, necessary to be paid prior to the issuance and sale of the revenue bonds authorized hereunder, may be advanced out of the general fund of such city, county or district; provided, however, said general fund shall be fully reimbursed out of the first money received from the sale of said revenue bonds, and before any other disbursements are made therefrom.

Preliminary requirements.

SEC. 5. Before any such city, county or district shall acquire or construct any works under this act, the governing body thereof shall adopt a resolution declaring its intention so to do and setting forth the following matters:

Resolution: What to contain.

(a) A brief and general description of the works. If the same are to be constructed, a reference to the plans and specifications which shall have theretofore been prepared and filed by the engineer chosen by the governing body as provided herein:

(b) The estimated cost of the works to be acquired or constructed, and the amount of revenue bonds to be issued and sold therefor.

(c) A general description of the district which would be served by the proposed works, and referring to a plat of such district, which shall govern for all details.

(d) An estimate of the number and character of the places and properties which would be served by such works, including those ready for immediate service and those in expectancy.

(e) An estimate of the immediate revenue which would be received from the operation of such works, also of future revenues in expectancy.

(f) A statement that revenue bonds of the city, county or district, as the case may be, will be issued to cover the cost of such works, and sold to the Reconstruction Finance Corporation or other fiscal agency of the United States.

(g) A notice of the day, hour, and place when and where electors, property owners, or other interested persons may appear before the governing body and be heard as to any protests or objections they may have against the acquisition or construction of the proposed works and the issuance and sale of revenue bonds therefor. The time set for said hearing shall be not less than twenty days nor more than forty days after the adoption of said resolution.

Publication of resolution

SEC. 6. The governing body shall cause said resolution to be published twice in one or more newspapers published and circulated in such city, county or district, as the case may be. If no newspaper is published in such city or district, then the publication shall be made in some newspaper published in the county in which said city or district is located.

A copy of said resolution headed "Notice of Sewer Work" in letters not less than one inch in height, shall be posted in said district along the entire length of that street therein which, in the opinion of the governing body, is traversed by the largest number of people. Said notices shall be posted not less than 300 feet in distance apart, and not less than three notices shall be posted in any case. Both the posting and the publication shall be completed at least ten days before the time set for the hearing. Affidavits of publication and of posting shall be filed with the clerk or secretary of the governing body.

Hearing.

At the time set for the hearing, the governing body shall hear all persons or their representatives having any objections to the acquisition or construction of the works as proposed, also any suggestions that may be offered in the way of an amendment or modification of the proposition. The governing body may continue the hearing from time to time, and modify the boundaries of the district which would be served, by eliminating territory therefrom, but no new territory shall be added thereto.

Protests.

In case any written protests or objections are filed with the governing body, signed by more than one-half of the owners of improved real property in the district which would be served, as such owners are shown on the records of the assessor and the tax collector of or for the city or district, no further proceedings shall be taken in the matter for six months, and not then without the passage of a new resolution of intention.

Election.

If, before the conclusion of the hearing, a petition signed by not less than fifteen per cent of such owners, is filed with the governing body requesting said body to submit the proposition of acquiring or constructing the proposed works to an election of property owners in the district which would be served, then and in that event, said governing body shall forthwith call an election in said district for that purpose, which election shall

be restricted exclusively to the owners of improved real property therein as hereinafter defined.

Such election, if called, shall be held and conducted, and the votes cast thereat received and canvassed, and the returns thereof made, determined and declared, so far as practicable, in accordance with the act of the Legislature entitled "An act to provide for direct legislation by cities and towns, including initiative and referendum," approved January 2, 1912, as amended; provided no persons shall be entitled to vote at such election except those owning improved real property in the district which would be served by the project.

Stats Ex Sess 1911, p 131

For the purposes of this act, the term "owners of improved real property," shall mean those persons, firms or corporations who are recorded on the books of the assessor and tax collector as being the owners of lots or parcels of land in the district to be served, and which have been improved by buildings that would be subject to service of the sewer system under the provisions of this act, on completion of the project. In case the question should go to an election, individuals, companies or corporations shall have but one vote thereat regardless of the number of lots or parcels of land owned by them. Where property stands in the name of two or more persons each of them shall have a vote. The vote of corporations shall be cast by the president or secretary thereof, properly authorized in writing.

Who entitled to vote

The provisions hereof regarding a referendum election shall be liberally construed to effect the objects hereof, and no irregularity or informality shall ever be held to invalidate such election when it appears that the provisions of law have been substantially complied with. In case no protest is filed by a majority of the owners of improved real property in the district to be served, or no referendum election is carried by the proponents thereof, then the governing body shall be deemed to have acquired jurisdiction to proceed in the matter, and shall immediately make application to the Reconstruction Finance Corporation or other fiscal agency of the United States, and petition said agency to purchase the sewer revenue bonds of the city, county or district, as the case may be.

Cost of works

SEC. 7. The cost of the acquisition or construction of the works for which revenue bonds may be issued hereunder, shall include the cost of all property, rights, easements and franchises deemed necessary or convenient therefor; engineering, clerical and legal expense; and all other expenses connected with or incident to the works in the operation and performance of the things herein required to be done.

Powers of cities, counties and districts

In the operation of the works herein mentioned, every city, county or district shall have, besides the powers elsewhere in this act given, the following additional powers:

(a) To sell, or otherwise dispose of any water, sewage effluent, fertilizer or other by-products resulting from the operation of a sewerage system or sewage treatment or disposal

plant, and to construct, maintain and operate such pipelines and other works as may be necessary for such purposes.

(b) To construct, maintain and operate pipelines or such other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of such sewerage system, plant or works by sale or disposition thereof for agricultural or industrial purposes, including irrigation; or by discharging or spreading such water or sewage effluent in such manner as to percolate into the underground gravels and replenish natural water resources.

(c) To exercise the power of eminent domain under the Constitution and laws of the State in so far as it may be necessary to carry out the provisions of this act.

(d) To make such contracts with the Reconstruction Finance Corporation or other fiscal agency of the United States as may be necessary to meet the requirements of the Emergency Relief and Construction Act of 1932.

Charges and rates

SEC. 8. The governing body of the city, county or district, as the case may be, shall have power, and it shall be its duty, to establish just and equitable rates or charges for the use and maintenance of such works, to be paid by the person, firm or corporation leasing or occupying the building or premises served thereby or that in any way uses or is served by such works, and may change and readjust such rates or charges from time to time. Such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacements and maintenance of the works, and for payment of the sums required to be paid into the sinking fund as hereinafter mentioned. No such rates or charges shall be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have opportunity to be heard concerning the proposed rates or charges. After introduction of the ordinance, resolution or order fixing such rate or charges, and before the same is finally enacted, notice of such hearing, setting forth the proposed schedule of such rates or charges shall be given by one publication in a newspaper published in such city, county or district, if there be such a newspaper, but otherwise in a newspaper having general circulation therein, at least ten days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing the ordinance, resolution or order establishing rates or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of such rates and charges so established shall be kept on file in the office of the clerk or secretary of such city, county or district, and shall be open to inspection by all persons interested. The rates or charges so established for any class of users or property served may be extended to cover any additional premises thereafter served which fall within the same class, without

Publication of rates

the necessity of any hearing or notice. Any change or readjustment of such rates or charges may be made in the same manner as such rates or charges were originally established as hereinabove provided. All such rates or charges if not paid when due shall constitute a lien upon the premises served by such works. If any service rate or charge so established shall not be paid within thirty days after the same is due, the amount thereof, together with a penalty of ten per cent may be recovered by a civil action brought in the name of the city, county or district, as the case may be.

Variable rates may be established.

The governing body may establish variable rates and charges for different classes of users, or for different parts of the city, county, or district, where sewage works or portions thereof have been previously installed and financed under other laws or methods, so that such variable rates or charges may be most equitable and just to all concerned; provided such rates or charges may only be imposed and collected from the users of such works or portion thereof as are actually constructed with money derived from the sale of such revenue bonds; provided further, however, that if the users of any works or portion thereof previously acquired and financed by other methods, receive any additional benefits from the construction or operation of the works or portion thereof subsequently constructed or acquired from the proceeds of revenue bonds, then and in that case, the governing body shall be empowered to impose reasonable rates or charges on the works previously acquired, but only sufficient to cover the value of such additional benefits.

Income must be sufficient to meet expenditures

SEC. 9. It shall be the duty of the governing body of such city, county or district to establish rates or charges which, beyond all reasonable doubt, will bring in sufficient money to meet the interest and principal on all outstanding revenue bonds as they fall due, in addition to the expense of operation.

Whenever it appears that the rates or charges imposed are insufficient to provide enough money to pay such principal and interest, in addition to the operating expenses, and the governing body neglects or refuses to fix adequate rates therefor, any bondholder may petition the superior court for a writ of mandate to compel the governing body to increase the rates or charges to such an extent as will make them sufficient to provide enough money for those purposes.

Deposit of income in banks.

The money received from the collection of such rates or charges, together with any other revenues derived from the operation of such works, shall be deposited in a bank or banks by the treasurer of the city, county or district, as the case may be, in the same manner that public money is deposited in banks by cities. The money so deposited shall be kept as a separate and distinct fund. This fund shall be used for the payment of the cost of management, maintenance, operation and repair of the sewerage system and sewage pumping, treatment and disposal works. Any surplus moneys in such fund, after paying for the management, maintenance, operation and repair

of such works, and after paying into the sinking fund for the payment of the bonds and the interest thereon as elsewhere in this act provided, the governing body of such city, county or district, as the case may be, may use such surplus moneys for extensions, or for the enlargement, replacement or betterment of such works.

May purchase own bonds

Out of any surplus funds remaining, after providing for the requirements set forth in the preceding paragraph, the governing body of the city, county or district, as the case may be, may purchase in the open market its outstanding unmatured revenue bonds; provided that no bonds shall be so purchased at a price above par and accrued interest, plus an allowance of six months' interest from date of such purchase.

Use of cesspools discontinued.

SEC. 10. Whenever any community within such city, county or district, is provided with a sewerage system hereunder the governing body of such city, county or district shall declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance and shall require all buildings inhabited or used by human beings to be connected with such sewerage system, within ninety days from the completion thereof, provided the buildings to be served thereby are within one hundred feet of such system.

Bonds.

SEC. 11. The revenue bonds which are hereby authorized to be issued and sold under the provision of this act shall be of the character and form known as "Serials." They shall be sold to the Reconstruction Finance Corporation or other fiscal agency of the United States as may be established to loan money to States, municipalities or other public corporations for financing self-liquidating projects. They shall be entitled "Sewer revenue bond," and shall be paid and discharged within a period not exceeding forty years from their date.

All such bonds, except those of the last installment or one of each annual installment, shall be in multiples of one hundred dollars, in such amounts as the governing body may determine, provided no bonds shall be of greater denomination than one thousand dollars.

They shall bear interest at a rate not to exceed six per cent (6%) per annum, payable semiannually by coupon.

The governing body shall prescribe the form of the bonds, and provide that of the indebtedness represented thereby a part of the whole thereof shall be payable each and every year after their date, at a time and place to be designated in such bonds, together with the interest thereon, until the whole of said indebtedness shall have been paid; provided the maturity date of the first bond or series of bonds so payable may be deferred for a period not exceeding five years from the date of such bonds.

The number of bonds to be paid each year need not be the same, and the governing body may fix the maturities thereof, so that the number of bonds retired each year will, in the discretion of the governing body, be most equitable and just,

provided that in every case all of such bonds shall be completely retired and fully paid within forty years from the date of their issuance.

Signatures.

In the case of a city, the bonds shall be signed by the mayor if there be one; otherwise by the president or chairman of the governing body of such city, county or district, as the case may be, countersigned by the clerk or secretary thereof, and the seal of such city, county or district shall be affixed thereto. The interest coupons shall be signed by the treasurer of such city, county or district, by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds; provided, should any of the requirements hereof as to the title, character or other details relating to the bonds be objectionable for any reason to the Reconstruction Finance Corporation or other fiscal agency of the United States purchasing the bonds, the governing body of the city, county or district may modify or change the same providing such change or modification does not constitute a violation of the Constitution or laws of California.

Apportionment of money.

SEC. 12. All moneys, other than premium and accrued interest, received from the sale of any bonds issued pursuant to this act, after reimbursement and repayment to the city, county or district, as the case may be, of all amounts advanced for preliminary expenses as hereinbefore provided, shall be applied solely to the payment of the cost of the works aforementioned. All moneys received for premium and accrued interest shall be paid into the sinking fund provided for in section 13 of this act and used for the purposes for which said sinking fund is created.

Sinking fund.

SEC. 13. Upon the issuance of any such bonds, the governing body of the city, county or district, as the case may be, shall by ordinance create a sinking fund for the payment of such bonds and the interest thereon, and shall set aside a sufficient amount of the net revenue of the works, after paying the expense of operation, repair and maintenance, to provide for (a) the interest upon such bonds, (b) the payment of the bonds as they fall due, and (c) a margin for safety and for the payment of premiums upon bonds retired by call or purchase as herein provided, which margin, together with any unused surplus of such margin, carried forward from the preceding year, shall equal ten per cent of all other amounts so required to be paid into the sinking fund.

System of accounts Audit.

SEC. 14. Any city, county or district issuing revenue bonds under the provisions of this act shall install and maintain a proper system of accounts, showing the amount of revenue received and the application of the same, and such city, county or district shall at least once a year cause such accounts to be properly audited by a competent auditor, and the report

of such audit shall be open for inspection at all times to any taxpayer, user of the works or holder of the bonds issued under the provisions of this act, or any one acting for and on behalf of such taxpayer, user or bondholder. The treasurer of such city, county or district shall be custodian of the funds derived from income received from such works constructed or acquired under the provisions of this act, and shall give a proper surety bond for the faithful discharge of his duties as such custodian, which bond shall be fixed and approved by the governing body of such city, county or district. The premium on such bonds shall be paid by such city, county or district as the case may be.

Contracts between cities, etc., for use of sewer systems

SEC. 15. Any city, county or district owning or operating such a sewage disposal works as defined in this act (in this section called the owner), is hereby authorized to contract with one or more other municipalities, counties, sanitation districts or sanitary districts (in this section called the lessee), for the use of such works but only to the extent of their capacity and without impairing the usefulness thereof upon such terms and conditions as may be fixed and approved by ordinances of the respective contracting parties; provided, however, that no such contract shall be made for a period of more than fifteen years or in violation of the provisions of said ordinance authorizing bonds hereunder. The governing body of the city, county or district which is the lessee shall by ordinance have power to establish, change and adjust rates and charges for the service rendered therein by the works against the owners of the premises served, in the manner heretofore provided for establishing, changing and adjusting rates and charges for the service rendered in the city, county or district where the works are owned and operated, and such rates or charges shall constitute a lien on the property served, and shall be collected as herein provided for rates and charges made by the owner. The necessary intercepting sewers and appurtenant works for connecting the works of the owner with the sewerage system of the lessee shall be constructed by the owner and/or lessee upon such terms and conditions as may be set forth in said contract, and the cost or that part of the cost thereof which is to be borne by the owner may be paid as part of the cost of the works from the proceeds of the bonds issued under this act unless otherwise provided by said ordinance. The income received by the owner under any such contract shall, if so provided in said ordinance be deemed to be a part of the revenue of the works as in this act defined, and may be applied as herein provided for the application of such revenues. The owner shall deduct from the whole cost and expenses such part thereof as shall be paid by the lessee pursuant to the provision of said contract; provided no rates or charges shall be imposed or collected from the users of such works or portions thereof except in cases where such works or portions thereof have been acquired by means of revenue bonds, and unless additional benefits will be derived by the

users as a result of such contract. In such case the rates or charges shall be only sufficient to cover the value of the additional benefits.

Contracts for construction of works.

SEC. 16. All works acquired or constructed under the provisions of this act where the expense involved exceeds five hundred dollars, shall be done by contract which shall be awarded to the lowest responsible bidder as in this act provided; provided further, in case the bonds herein authorized should be purchased by the Reconstruction Finance Corporation on condition or request that the governing body of the city, county or district, as the case may be, has the work performed by day labor instead of by contract, then and in that event, such governing body is hereby empowered to comply with such condition or request of the Reconstruction Finance Corporation respecting the employment of labor on such works, otherwise the provisions of this section shall be followed.

The governing body of the city, county or district, as the case may be, shall comply with all the conditions and requirements of the Emergency Relief and Construction Act of 1932, respecting the employment of labor, and other matters in connection therewith providing the same are not in conflict with the Constitution and laws of this State

Notice for bids

Before awarding any contract for the construction of such work, the governing body of such city, county or district shall cause a notice inviting sealed proposals for doing the same, and referring to the plans and specifications on file, to be published twice in a daily, semiweekly, or weekly newspaper, published and circulated in such city, county or district, and designated by the governing body for that purpose. In case there is no newspaper published in such city or district, then such notice shall be published in a newspaper in the county within which such city or district is located. The time fixed for receiving bids shall be not less than ten days from the first publication of said notice.

Bids to be accompanied by a deposit.

All proposals or bids offered shall be accompanied by a check payable to the city, county or district, as the case may be, certified by a responsible bank, for an amount which shall be not less than ten per cent of the aggregate of the proposal. Said proposals or bids shall be delivered to the clerk or secretary of said governing body, as the case may be, and said governing body shall, in open session, publicly open, examine and declare the same; provided, however, that no proposal or bid shall be considered unless accompanied by said check. The governing body may reject any and all proposals or bids should it deem this for the public good, and shall reject all proposals other than the lowest regular responsible bidder, and may award the contract for said works to the lowest regular responsible bidder at the prices named in his bid. If the bids are rejected or no bids are received, the governing body may thereafter readvertise for proposals or bids as in the first instance without further proceedings.

If the successful bidder fails, neglects or refuses to enter into the contract to perform said work within twenty days after written notice of such award has been mailed him, then the certified check accompanying his bid and the amount therein mentioned, shall be declared forfeited to said city, county or district, as the case may be, and shall be collected by it and paid into the general fund thereof. Forfeit of deposit

All contractors shall, at the time of entering into the contract, execute a surety bond to the satisfaction and approval of the governing body of such city, county or district, in a sum not less than twenty-five per cent of the amount of the contract, conditioned for the faithful performance thereof. Surety bond Faithful performance

The contract shall provide that the work must be commenced within twenty days after the contractor has received written notice from the clerk or secretary of the governing body that there is sufficient money or revenue bonds in the special fund provided to pay the contract price.

At the time of entering into the contract the contractor shall execute and deliver and file with the governing body a good and sufficient surety bond, in a sum not less than one-half the total amount payable by the terms of said contract, conditional upon the payment by the contractor or his or its subcontractors, for any and all materials, provisions, provender or other supplies or teams, or the use of implements or machinery used in, upon or about the performance of the work. Surety bond Labor claims, etc

In all respects not otherwise provided for herein, said bond shall be in conformity with the requirements of the general law of the State regarding contractor's bonds for the benefit of laborers and materialmen, who shall have a first lien against any moneys or bonds due or about to become due the contractor

All provisions of the codes and general laws relating to notice and the foreclosure of such liens shall be applicable hereto, provided that suit may be brought on such bond at any time within six months after the expiration of the period for the filing of verified claims.

Should the proceeds of the bonds for any reason be less than the cost of the works, additional bonds may in like manner be issued and sold to provide for the amount of the deficit, but not to exceed the amount necessary for completing the works according to the original plans and specifications. In such case said deficiency bonds shall be deemed to be the same in all respects as the original issue, and shall be entitled to payment, without preference of priority of the bonds first issued, and shall be disposed of in like manner. Issue of additional bonds for construction.

SEC. 18. This act shall be known as the Sewer Revenue Bond Act, and may be referred to by such short title in all proceedings relating thereto. It shall be deemed an additional and alternative method to those already provided for the acquisition, construction, extension and operation of the works Short title.

referred to herein. It shall be liberally construed to promote the objects thereof.

Defects in proceedings

No error, defect, irregularity, informality and no neglect or omission of any officer of any city, county or district in any proceedings taken hereunder, which does not affect the jurisdiction of the governing body to order the doing of the things proposed to be done, shall avoid or invalidate such proceedings or any bond issued hereunder. The exclusive remedy of any person affected or aggrieved thereby shall be to the governing body as hereinbefore provided.

Construction.

Nothing herein contained shall be deemed to prohibit the Reconstruction Finance Corporation or other fiscal agency of the United States from reselling or otherwise disposing of any of the bonds it may purchase under this act.

Constitutionality.

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

Urgency

SEC. 19. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into effect immediately.

The following is a statement of the facts constituting such necessity. Unemployment has produced an alarming economic condition in the State of California. The adoption of this act will enable many cities, counties and districts of the State to finance the construction of sewer systems and works which otherwise can not be financed at this time. This development and construction will furnish employment to many persons now idle, and make them self-supporting, while at the same time nothing will be added to the tax burdens of the people. The furnishing of immediate employment is the most urgent question now before the Legislature.

CHAPTER 332.

An act to amend sections 790, 828 and 829 and to add a new section to the Agricultural Code, to be numbered 810.5, relating to the standardization of lettuce and asparagus.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 333.

An act authorizing a suit against the State of California to quiet title against it to certain real property in the city of Newport Beach.

[Approved by the Governor May 15, 1933. In effect August 21, 1933]

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

Suit vs State to quiet title authorized

SECTION 1. Any person or persons owning or claiming any interest in or to all that certain real property situated in the city of Newport Beach, county of Orange, State of California, described as follows: Lot twenty (20) in block one hundred twenty-seven (127) of "Lake Tract, Newport Beach," as shown on a map recorded in book 4, page 13 of miscellaneous maps, records of Orange County, California, are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of the State of California to quiet title to the said property and to prosecute said action to final judgment. All rules of practice in civil cases relative to suits to quiet title shall apply to any suit brought under this authorization. If the judgment be given against the State in any such suit, no cost shall be recovered from the State.

SEC. 2. Any suit brought under this authorization shall be commenced one year after this act takes effect. Service of summons in any such suit shall be upon the Governor and Attorney General and it shall be the duty of the Attorney General to represent the State in any such suit.

CHAPTER 334.

An act to add a new section to the Code of Civil Procedure to be numbered 1191b, relating to subrogation of liens arising under section 1191a of said code.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

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

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1191b and to read as follows:

Subrogation of liens

1191b. Any county, sanitary district, or municipal corporation now, or hereafter to be, organized under the laws of the State of California may, acting through the governing board of such county, sanitary district, or municipal corporation, order any work mentioned, and/or specified in section 1191a of the Code of Civil Procedure of the State of California, and upon the performance of said work, may pay all sums which may be due on account of the said work, and/or materials furnished In case payment shall be made to any

contractor, or to any person doing such work, and/or furnishing any materials used thereon, on the order of the governing board of any body mentioned in this act by, and/or such governing body, then such county, district or municipal corporation shall succeed to and have each, every and all right which may, or might, accrue against the owner, or reputed owner of any such property, and on such payment such county, district or municipal corporation shall succeed to, have and possess the lien provided for in said section 1191a of the Code of Civil Procedure on such real estate, and shall have each, any and all right which may, or might, accrue in favor of the person doing such work, and/or furnishing such materials, against the owner, owners, reputed owner and reputed owners of the property on which such work was done, and/or for which such materials were furnished.

CHAPTER 335.

An act to amend section 602b of the Political Code, relating to workmen's compensation insurance.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

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

Stats 1915, p 1269.

SECTION 1. Section 602b of the Political Code is hereby amended to read as follows:

Classification of risks and premium rates to be filed

602b. On or before September 1, 1915, the State Compensation Insurance Fund and every corporation, mutual company, association, interinsurance exchange or other insurance carrier licensed to transact business in this State, which insures employers or employees under the Workmen's Compensation, Insurance and Safety Act, Chapter 176, Laws of 1913, shall file with the State Insurance Commissioner its classification of risks and premium rates relating thereto with its system of schedule rating (or merit rating, so called) if any. The State Insurance Commissioner shall then hold a hearing to determine upon a uniform classification of risks, and premium rates relating thereto and, in his discretion, a uniform system of schedule rating (or merit rating, so called).

Stats 1913, p 279

Insurance Commissioner to issue uniform classification

On or before October 1, 1915, the State Insurance Commissioner shall approve or issue, as adequate for all insurance carriers authorized by law or licensed to transact compensation insurance business in this State, a uniform classification of risks and premium rates relating thereto, and may, in his discretion, approve or issue a system of schedule rating (or merit rating, so called), which shall be a uniform system of schedule rating (or merit rating, so called) for all insurance carriers. Such premium rates or system of schedule rating (or merit rating, so called) shall take no account of any

physical impairment of employees or the extent to which employees may have persons dependent upon them for support.

Uniform system of schedule rating

The State Insurance Commissioner may subsequently approve or issue a uniform system of schedule rating (or merit rating, so called) for all insurance carriers, or may modify or change any such system previously approved or issued after holding a hearing to determine its effect upon the adequacy or inadequacy of rates, and may approve or issue additional uniform rates and classifications or uniform changes in rates and classifications after holding hearings to determine upon the adequacy or inadequacy of such additions or changes.

Insurance not to be carried at less than State rate

On or after October 1, 1915, no insurance carrier may issue, renew or carry beyond anniversary date insurance for employers or employees under the Workmen's Compensation, Insurance and Safety Act at premium rates which are less than the rates previously approved or issued by the State Insurance Commissioner for all insurance carriers as adequate for the risks to which they respectively apply; provided, however, if the State Insurance Commisioner shall have previously approved or issued a uniform system of schedule rating (or merit rating, so called), insurance carriers may apply the same to any risks subject thereto, but basis rates no less than the rates previously approved or issued by the State Insurance Commissioner and any reduction therefrom on account of the application of such system of schedule rating (or merit rating, so called) shall be clearly set forth in the insurance contracts or indorsements attached thereto.

Compensation participating policies.

Nothing in this section shall affect the right of any insurance carrier to issue compensation participating policies; provided, however, that no refund by reason of such participating provision may be made to policyholders by any insurance carrier except from surplus accumulated from premiums on compensation insurance policies insuring employers or employees under the Workmen's Compensation, Insurance and Safety Act of this State.

Insurance in mining industries.

On or after January 1, 1934, the Insurance Commissioner shall not issue or approve any rating system or classification of risks and premium rates relating to workmen's compensation insurance and dealing with such insurance covering mining property or mines, unless such system provides for classification of types of mining employments having different hazards or loss experience in accordance with such relative hazard or loss experience involved and shall at least provide for separation of rates for office, surface and subsurface employment.

Actuarial data.

The statistical and actuarial data compiled by the Industrial Accident Commission and the State Compensation Insurance Fund shall at all times be available to the State Insurance Commissioner for his use in judging the adequacy or inadequacy of rates and schedules filed, and it shall be the duty of the manager of the State Compensation Insurance Fund, or

other officer of the State Compensation Insurance Fund who may be designated for such duty by the Industrial Accident Commission, to render all possible assistance to the State Insurance Commissioner in carrying out the provisions of this section.

Report of losses.

The State Insurance Commissioner may require every insurance carrier, which insures employers or employees under the Workmen's Compensation, Insurance and Safety Act, to file with its annual statement a sworn report of its loss experience in such detail and form as may be prescribed by the State Insurance Commissioner.

Power to revoke certificate

The State Insurance Commissioner shall have power, after hearing, to suspend or revoke the certificate of authority of any insurance carrier to write liability insurance for violating any of the provisions hereof, and any insurance broker, or agent, or employee of any insurance carrier, who violates any provision of this section shall be guilty of a misdemeanor.

CHAPTER 336.

An act to amend section 102 of the Agricultural Code, relating to charges of fees for certificates or inspections.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 337.

Stats 1931, p. 1031, amended

An act to amend the title and sections 1, 2, 3, 4, 6 and 7 of "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, and to add sections 2a and 2b of said act, relating to the possession, transportation and sale of tear gas shells, cartridges, bombs or weapons.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

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

Stats 1931, p. 1031

SECTION 1. The title of an act entitled "An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas and providing penalties for violation thereof," approved May 28, 1931, is hereby amended to read as follows:

Title amended

An act to regulate the possession, transportation, sale or offering for sale of any form of shell, cartridge, or bomb con-

taining or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, and providing penalties for violation thereof.

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats 1931, p. 1031

Section 1. On and after the date upon which this act takes effect every person, firm or corporation who within the State of California knowingly possesses or transports any form of shell, cartridge, or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of this act, shall be guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the State Prison not to exceed two years or by a fine not to exceed $2,000 or by both such fine and imprisonment. Tear bombs. Penalty.

Provided, however, that nothing in this act shall prohibit police departments and members thereof, sheriffs, and city marshals or the military or naval forces of this State or of the United States from possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties. Exceptions.

SEC. 3. Section 2 of said act is hereby amended to read as follows: Stats 1931, p 1031.

Sec. 2. The term shell, cartridge or bomb as used in this act shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosion will cause or permit the release or emission of tear gases. Definitions.

The term tear gas as used in this act shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

The term weapon designed for the use of such shell, cartridge or bomb as used in this act shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

SEC. 4. A new section is hereby added to said act to be numbered section 2a, and to read as follows: New section

Each tear gas weapon sold, transported or possessed under the authority of this act shall bear the name of the manufacturer and a serial number applied by him. Each weapon to bear name of manufacturer

SEC. 5. A new section is hereby added to said act to be numbered section 2b, and to read as follows: New section

No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon. Possession of any such weapon upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the Unlawful to alter or destroy name

same. Violations of this section shall be punished by imprisonment in the State Prison for not more than two years or by a fine of not more than two thousand dollars or by both such fine and imprisonment.

Stats. 1931, p. 1031

SEC. 6. Section 3 of said act is hereby amended to read as follows:

Permit.

Sec. 3. It shall be lawful for the Superintendent of the Division of Criminal Identification and Investigation of the Department of Penology to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to said superintendent that good cause exists for the issuance thereof to the applicant for such permit. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

Stats 1931, p. 1031.

SEC. 7. Section 4 of said act is hereby amended to read as follows:

Application for permit.

Sec. 4. All applications for such permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which such shells, cartridges, bombs or weapons are to be transported, kept, installed or maintained.

If such shells, cartridges, bombs or weapons are to be used in connection with or to constitute a protective system, the application shall also contain the name of the person who is to install such protective system.

Stats 1931, p. 1031.

SEC. 8. Section 6 of said act is hereby amended to read as follows:

Revocation of permit

Sec. 6. Permits issued in accordance with this act may be revoked by the issuing authority at any time when it shall appear that the need for the possession or transportation of such shells, cartridges, bombs, weapons or protective system involving the use of the same, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of such shells, cartridges, bombs or weapons or the permit issued.

Stats 1931, p 1031.

SEC. 9. Section 7 of said act is hereby amended to read as follows:

Issuance of license

Sec. 7. The Superintendent of the Division of Criminal Identification and Investigation of the Department of Penology may also grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons subject to the following conditions upon breach of any of which the license shall be subject to forfeiture:

1. Such business shall be carried on only in the building designated in the license. Conditions.

2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this act. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale must be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons, is displayed to the seller and the information herein required is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the Superintendent of the Bureau of Criminal Identification and Investigation.

CHAPTER 338.

An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

[Approved by the Governor May 15, 1933 In effect immediately.]

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

SECTION 1. A moratorium is hereby declared with respect to the forfeiture of State school lands effective on the date of the approval of this act and terminating upon the thirty-first day of December, 1934; provided, however, that this act shall not be construed as otherwise modifying the provisions of section 3513 of the Political Code, and during the period of the moratorium herein declared, the obligations contained in outstanding certificates of purchase to pay interest shall not be affected by this act, and any and all penalties which have accrued, or which may accrue during the period of this moratorium herein declared, on account of failure to pay interest as provided for in section 3513 of the Political Code, shall not be affected by this act. Moratorium. State school lands. Stats 1931, p 1140

SEC. 2 This act is hereby declared an urgency measure deemed necessary for the immediate preservation of the pub- Urgency.

lic peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The facts constituting such necessity are as follows:

Due to the existing economic crises and the proclamation of the President of the United States restricting the withdrawal of funds from the banks of the Nation, it is, at the present, impossible for purchasers of State school lands to obtain money with which to pay the obligations mentioned in this act. As a result, unless this act takes effect before June 30, 1933, purchasers will lose title to such State school lands and many people will be homeless.

It is, therefore, necessary that this act go into effect immediately to curb the effects of the existing national crises.

CHAPTER 339.

An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately.

[Approved by the Governor May 15, 1933. In effect immediately.]

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

Definitions

SECTION 1. The words and phrases used in this act shall be construed for the purposes of said act, unless such construction be contrary to or inconsistent with the context thereof, as follows:

(a) The word "operator" shall include all persons, firms, associations and corporations who operate motor vehicles upon any public highway in this State and thereby engage in the transportation of persons or property for hire or compensation, either directly or indirectly.

(b) The term "registration certificate" shall include any and all certificates of registration of a motor vehicle issued by the Department of Motor Vehicles of the State of California.

(c) The term "motor vehicle" shall include all vehicles, automobiles, trucks, or trailers, not exempt from registration fees under the laws of this State, operated upon or over public highways of this State, whether the same be propelled or operated by steam or electricity, or propelled or operated by combustion of gasoline, distillate or other volatile and inflammable liquid fuels.

(d) The term "gross receipts from operation" shall include all receipts from the operation of such motor vehicle or motor vehicles beginning and ending entirely within this State and a proportion based upon the proportion of the mileage within this State to the entire mileage over which such business is

done of gross receipts of such operator on all business passing through, into or out of this State, or partly within and partly without this State.

Carriers must secure license.

SEC. 2. Each operator of a motor vehicle within this State who transports or desires to transport for compensation or hire persons or property upon or over any public highway within this State shall make application to the State Board of Equalization, on such forms as said board may prescribe, for a license to operate motor vehicles for the transportation of persons or property for hire or compensation over public highways in this State.

Application.

All applications for licenses must be accompanied by a fee of twenty-five dollars. Upon the receipt of the application of any such operator, accompanied by such fee, the State Board of Equalization shall issue to such applicant a license to transport for compensation or hire persons or property upon or over any public highway within this State; provided that no license issued in pursuance of this act shall be construed to authorize the operation of any vehicle over or upon the public highways of this State contrary to the laws now or hereafter in effect regulating the operation of motor vehicles. No license issued hereunder shall be assignable by operation of law or otherwise.

Renewal.

All licenses issued under the provisions of this act shall expire on the thirty-first day of December next succeeding the date upon which they are issued. Licenses issued hereunder must be renewed annually upon application made to the State Board of Equalization on such forms as it may prescribe. All applications for renewal of licenses must be accompanied by a fee of fifteen dollars, and must be filed not later than the fifteenth day of December next preceding the year for which the renewal is sought; otherwise, any application must be considered as an application for a new license and the twenty-five dollar fee paid accordingly.

Emblem to indicate payment.

SEC. 3. After obtaining the license provided for in the preceding section, the operator of any motor vehicle or motor vehicles shall obtain from the Department of Motor Vehicles number plates or emblems for each motor vehicle operated by said operator indicating, in such manner as said department may determine that the license herein provided for has been obtained. Such number plates or emblems shall be attached to and conspicuously displayed upon each of the motor vehicles authorized to be operated by said license in such manner as may be required and prescribed by the Department of Motor Vehicles.

Said department may charge and collect from operators required to display number plates or emblems under the provisions of this act, the pro rata cost to the State of the designing, manufacturing and distribution of said number plates or emblems.

It shall be unlawful from and after the effective date of this act for any person, firm, association or corporation to operate any motor vehicle for the transportation of persons

or property for hire or compensation upon the public highways of this State without obtaining the license for which provision is made in the preceding section or without having displayed upon such motor vehicle the number plates or emblems required to be displayed thereon by this section.

Monthly report.

SEC. 4. On or before the tenth day of the second month after the effective date of this act, and on or before the tenth day of each calendar month thereafter each operator shall file with the State Board of Equalization a verified report upon a form to be prescribed by said board, showing the gross receipts from operation of said operator for the preceding calendar month, and such other information relating to his or its operations as said board may require to enable the board to make the assessment for which provision is herein made. A license tax equal to three per cent of gross receipts from operation derived on and after the first day of the month after the effective date of this act, shall be levied and assessed by said board.

Tax on gross receipts.

If any operator shall fail, neglect or refuse to file said report within the time prescribed herein, the State Board of Equalization must note such failure, neglect or refusal upon the tax roll hereinafter described, and must estimate the gross receipts from operation of said operator, assessing the license tax thereon, adding to said license tax a penalty of twenty-five per cent thereof for failure, neglect or refusal to report, and said operator shall be estopped from complaining of the amount of said estimate. Said penalty for failure to report shall not be in lieu of the penalty for delinquency prescribed by section 5 of this act.

Board of Equalization to assess tax.

The State Board of Equalization shall, on or before the first day of the third month after the effective date of this act, and on or before the first day of each calendar month thereafter, assess the license tax due hereunder, and prepare and complete an assessment roll showing the amount of the license tax assessed against each operator and immediately deliver said assessment roll to the State Controller.

License taxes payable monthly.

SEC. 5. License taxes herein required to be paid shall be payable in monthly installments to the State Controller for the first month after the effective date of this act, and for each and every calendar month thereafter. The amount of such license tax for each month shall be paid on or before the tenth day of the second calendar month thereafter, and if not paid prior thereto, shall become delinquent at five o'clock in the afternoon of said day, and ten per cent penalty shall be added thereto for delinquency. Said penalty for delinquency shall apply only to the principal amount of such license tax and shall not be computed upon any penalty for failure to report prescribed by section 4 of this act.

Taxes a lien.

All license taxes accruing hereunder shall be a lien upon all property of the operator used in producing gross receipts from operations as herein defined; said lien shall attach at the time of the earning of said gross receipts and shall have

the effect of an execution duly levied against all such property of the operator and shall so remain until said taxes and all penalties accruing thereon are paid, or the property sold for the payment thereof.

The lien created by the provisions of this act shall be paramount to all private liens or encumbrances of whatever character, and to the rights of any holder of the legal title, in or to any vehicle the privilege of operating which is subject to the license tax imposed hereunder.

Delinquency

In the event that any operator is delinquent in the payment of the license tax herein provided for, the Controller shall notify the State Board of Equalization forthwith and may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such operator, or owing any debts to such operator, at the time of receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, other personal property or debts until the Controller shall have consented to a transfer or disposition, or until twenty days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the Controller of any and all such credits, other personal property or debts, in their possession, under their control or owing by them, as the case may be.

Notice

Collection

Whenever any operator shall be delinquent in the payment of the license tax herein provided for, the Controller or his duly authorized representative shall proceed forthwith to collect the license tax due from such operator in the following manner: The Controller shall seize any property, real or personal, subject to the lien of said license tax, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the license tax due hereunder, together with any penalty or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent operator and to all persons appearing of record to have an interest in such property in writing at least ten days before the date set for such sale by enclosing such notice in an envelope addressed to said operator at his last known residence or place of business in this State if any, and, in the case of any person appearing of record to have an interest in such property, addressed to such person at the last known place of residence, if any, and depositing the same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, however, that if there be no newspaper of general circulation in such county or city and county, then by the post-

Seizure and sale of property

ing of such notice in three public places in such county or city and county for said ten-day period. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the license taxes, penalties and costs, the name of the operator, and the further statement that, unless such license taxes, penalties and costs are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

At any such sale, the property shall be sold by the Controller or by the duly authorized agent thereof in accordance with law and said notice, and the Controller shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest title in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of the operator. If, upon any such sale, the moneys so received shall exceed the amount of all license taxes, penalties and costs due the State from such operator, any such excess shall be returned to the operator, and his receipt therefor obtained. If, for any reason, the receipt of such operator shall not be available, the Controller shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such operator, his heirs, successors, or assigns.

Remedies cumulative.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the Controller shall be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

Records to be kept by operator

SEC. 6. Every operator must keep a true and accurate record in such form as the State Board of Equalization may prescribe, of all gross receipts from operation of said operator. All such records required by this section must be available at all times for the inspection of said board or its representatives, who may require a statement under oath reflecting the contents thereof.

Forms for report.

SEC. 7. The State Board of Equalization shall have the power, and it is hereby authorized, to prescribe the forms of all reports of gross receipts from operation, to prescribe the forms for keeping records of gross receipts from operation, and to make any and all such examinations of the records of operators and such other investigations as it may deem necessary in carrying out the provisions of this act. If such examinations or investigations made by said board shall disclose that any reports of operators theretofore filed with said board by said operators pursuant to the requirements of this act, have shown incorrectly the gross receipts from operation of such operators, said board shall have the power, and is hereby authorized, to make such changes in subsequent assessments of said operators under this act as it may deem neces-

sary to correct the errors disclosed by its examination of the records of said operators or its investigations as hereinbefore authorized.

The State Board of Equalization may appoint accountants, auditors, investigators and such other expert and clerical assistants as it may from time to time deem necessary to enforce its powers and perform its duties under this act. All investigators so appointed shall be exempt from the provisions of the Civil Service Act. Employees.

SEC. 8. The State Controller shall have the power to request the Attorney General to bring suit for the recovery of any unpaid license tax and costs. It shall be the duty of the Attorney General to bring such suit on the written request of said State Controller and in the name of said people of the State of California in a court of competent jurisdiction in the county of Sacramento; payment of an amount to said State Controller for and on account of such license tax and the acceptance thereof shall not bar an action by the State to recover an additional amount for the same month which may actually be due. Suit by Attorney General to collect tax

In any suit brought to enforce the rights of the State hereunder the assessment roll prepared by the State Board of Equalization pursuant to section 4 of this act, or a copy of so much thereof as is applicable in such suit, duly certified by the Controller showing unpaid license taxes assessed against any operator, shall be prima facie evidence of the assessment of the license tax, the delinquency thereof, the amount of the license tax, penalties and costs due and unpaid to the State, that the operator is indebted to the people of the State of California in the amount of such license tax and penalties therein appearing unpaid and that all the forms of law in relation to the assessment and levy of such license tax have been fully complied with by all persons required to perform administrative duties under this act.

SEC. 9 No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection under this act of any license tax sought to be collected by the Controller; but after payment of any such license tax under protest duly verified and setting forth the grounds of objection to the legality of such license tax, the operator paying such license tax may bring an action against the State Treasurer in the superior court of the county of Sacramento for the recovery of license tax so paid under protest. No such action may be instituted more than sixty days after the last day prescribed for the payment of such license tax without penalty, and failure to bring suit within said sixty days shall constitute waiver of any and all demands against this State on account of alleged overpayment of license taxes hereunder. No grounds of illegality of the license tax shall be considered by the court Taxes paid under protest.

other than those set forth in the protest filed at the time of the payment of the license tax.

Refund of taxes

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any license taxes due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of license tax found to have been illegally collected from the date of payment of such license tax to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any license tax paid hereunder, when such action is brought by or in the name of an assignee of the operator paying said license tax, or by any person, company or corporation other than the person, company or corporation that has paid such license tax.

Total tax not to be more than 5 per cent of gross receipts.

If during any calendar year, any operator pays hereunder license taxes which together with all other taxes and licenses, State, county and municipal, upon the property of such operator used exclusively by him in his business of transporting persons or property for hire or compensation over the public highways of this State, exceed five per cent of the gross receipts from operations of such operator in this State for such calendar year, the difference between five per cent of such gross receipts and the total amount of such taxes and licenses paid during the calendar year shall be credited on any license taxes thereafter due from such operator under this act, and the balance shall be refunded to such operator; but no credit or refund shall be allowed unless a refund claim is filed in duplicate within six months after the close of such calendar year with the State Board of Equalization on such form as may be prescribed by said board; provided that no credit or refund shall be allowed on account of the payment by any operator of taxes which became a lien on the first Monday in March of 1932 or prior thereto; and further provided that no such credit or refund shall be allowed to any operator unless he shall have first complied with all of the provisions of this act during such calendar year.

In the event that any operator is subject to the provisions of this act during only a portion of any calendar year, the credit or refund for which provision is herein made shall be allowed only in the proportion that the time within which such operator was subject to the provisions of this act bears to the entire calendar year.

Penalty: Failure to obtain license.

SEC. 10. If any operator shall fail, neglect or refuse to obtain the license for which provision is made in section 2 of this act or to display emblems on his motor vehicles pursuant to the requirements of section 3 of this act, the Department of

Motor Vehicles of the State of California, upon written complaint of the State Board of Equalization and upon ten days notice of such operator, shall suspend any and all registration certificates held by such operator for any motor vehicles operated by him or it which are named in said complaint as being operated contrary to the provisions of this act, until such time as the provisions of this act relating to such operation have been fully complied with by said operator.

Same—Failure to file report.

SEC. 11. If any operator of any motor vehicle shall fail, neglect or refuse to file any report required to be filed by this act within ten days after the report is required to be filed, or if any operator shall fail, neglect or refuse to pay any license tax imposed hereunder within ten days after the license tax is delinquent, the State Board of Equalization shall immediately suspend the license issued to such operator and notify the Department of Motor Vehicles of such suspension. It shall thereupon be the duty of said department to forthwith suspend the registration of the motor vehicles of any such operator and to cause to be removed therefrom any or all number plates or emblems issued by said department for display upon such vehicles. Thereafter it shall be unlawful to operate such vehicles upon the public highways of this State until the license of the operator has been reinstated by said board and the registration thereof restored by said department.

Such reinstatement shall not be made until such board is satisfied that the amount of license tax actually due from the operator has been paid and has collected a fee of five dollars for reinstatement. Restoration of registration of such vehicles shall be conditional upon such reinstatement of the license hereunder and the payment to said department of a fee of five dollars for such restoration.

If the registration of any vehicle has been suspended as provided in this section, the Department of Motor Vehicles shall not thereafter reregister such vehicle or transfer the registration or ownership thereof upon the records of the department until such time as the license for the operation thereof required under this act has been reinstated.

Transfer of vehicle.

Transfer by the Department of Motor Vehicles of the registered ownership of any vehicle licensed hereunder may be effected only after a certificate of license tax clearance has been issued therefor by the State Board of Equalization and a new license is issued in the name of the proposed transferee.

Upon the issuance of any number plates for display on any vehicle licensed hereunder, the Department of Motor Vehicles shall immediately notify the State Board of Equalization thereof.

Penalty Failure to display emblem

SEC. 12. Any person, firm, association or corporation who shall use any public highway in this State for the transportation of persons or property for hire or compensation without first obtaining the license for which provision is herein made, or without carrying upon each motor vehicle so used the

number plates or emblems for which provision is herein made, or who fails, neglects or refuses to make any return required hereunder or any report required by the State Board of Equalization, or who makes any false return, or who refuses to permit said board or any of its representatives to make the examination which said board is authorized to make, or who fails to keep records of gross receipts from operation as may be prescribed by said board, or who violates any other provision of this act shall be guilty of a misdemeanor, unless such act is by any other law of this State declared to be a felony, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

The State Board of Equalization shall have the power to revoke the license of any operator refusing or neglecting to comply with the provisions of this act.

Disposition of moneys

SEC. 13. All sums paid to the State Controller or to the State Board of Equalization under and by virtue of this act shall be deposited in the State treasury to the credit of the motor transportation license fund, which fund is hereby created. All sums so paid to said board and so deposited, and ten per cent or so much thereof as may be necessary of all sums paid to the State Controller and so deposited, are hereby appropriated to be used by said board to pay expenses incurred by said board in carrying out the provisions of this act and there is hereby further appropriated five per cent or so much thereof as may be necessary of the amounts so deposited by said Controller to be used by him to pay expenses incurred by him in carrying out the provisions of this act. After allowing refunds for which provision is made in section 9 hereof, the balance of the amounts so deposited shall be transferred by the State Controller to the general fund of this State and is hereby appropriated to pay interest and redemption charges on bonds heretofore issued by the State of California for State highway construction.

Exceptions.

SEC. 14. This act shall not apply to motor vehicles operated exclusively within incorporated cities or towns, nor shall it apply to such vehicles operating between incorporated cities or towns where no portion of public highway outside of the corporate limits of said cities or towns is traversed in said operation.

Refunds

SEC. 15. All matters of procedure relating to refunds of taxes or the cancellation of any assessment levied under the provisions of this act shall be governed by the provisions of section 3669 of the Political Code.

Stats 1917, p 336.

Constitutionality

SEC. 16. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irre-

spective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

SEC. 17. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately. Tax levy

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CHAPTER 340.

An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration of vehicles by the Motor Vehicle Department.

[Approved by the Governor May 15, 1933. In effect March 5, 1934.]

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

SECTION 1. No vehicle required to be registered by the Department of Motor Vehicles of this State shall be registered in accordance with the laws in such cases made and provided, nor shall any certificate of registration be issued therefor by said department unless the application for registration, reregistration or transfer of registration for such vehicle shows, by appropriate notation of said department or by endorsement of a certificate or certificates on the reverse side of the registration card theretofore issued for such vehicle by said department, that all taxes for the current fiscal year, authorized by law to be levied against such vehicle in the county, city and county, or municipality in which such vehicle was subject to assessment for said fiscal year have been paid in full, or that the amount thereof has been duly entered on the appropriate assessment roll or rolls as a lien against real estate. Tax on vehicle to be paid prior to registration

SEC. 2. It is hereby declared to be the duty of county, city and county and city assessors, upon proper showing, to execute any and all such tax clearance certificates required by this act; provided however, that in case any such vehicle is subject to taxation exclusively for State purposes the application for registration, reregistration or transfer of registration must show by proper endorsement of the State Controller on the reverse side of the registration card that no State taxes levied and assessed on such vehicle are delinquent. Duty of assessor

SEC. 3. The State Board of Equalization is hereby authorized, and it shall be the duty of said board, to prescribe the form of the certificate or certificates required on the reverse side of the registration card in pursuance of the terms of section 1 of this act. Duty of Board of Equalization.

SEC. 4. The provisions of this act shall not apply to the registration of any vehicle for which there has been no prior registration by the Department of Motor Vehicles in this State Exceptions

SEC. 5. Whenever a dealer duly registered as such with said department shall acquire any vehicle which, at the time Dealers.

of such acquisition, is registered with said department for the current calendar year and on the certificate of registration for which there is no appropriate notation of tax clearance by said department nor endorsement of such clearance as provided by section 2 of this act, said dealer may file with the assessor of the county within which the transferor of such vehicle resides, a notice in duplicate in such form as the State Board of Equalization shall prescribe, advising of the date of such acquisition, the name and address of the registered owner on such date, the description of the vehicle and such other information as said board may require. It shall be the duty of the assessor immediately upon receipt of such notice to endorse his acknowledgment of such receipt on one copy thereof and return such copy to the dealer who may present the copy of the notice so endorsed to the Department of Motor Vehicles in place and instead of the tax clearance certificate or certificates required on the reverse side of the registration card under the terms of section 1 of this act, and the same shall be accepted by said department in lieu thereof.

In the event that any such dealer shall fail to give such notice to the assessor within ten days from and after acquisition of any such vehicle, the said dealer must secure the certificate or certificates of tax clearance otherwise required under the terms of this act.

Act takes effect.

SEC. 6. This act shall take effect from and after noon of the first Monday in March of the year 1934.

CHAPTER 341.

An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Definitions

SECTION 1. Definitions.

For the purpose of this act certain terms used herein are defined as follows:

Advertising structure: The term "advertising structure" as used in this act is hereby defined to be a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever may be placed, including statuary for advertising purposes.

Sign: The term "sign" is hereby defined to be any card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising purposes, on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, other than an advertising structure as hereinabove defined.

Outdoor advertising business: The term "outdoor advertising business" shall mean the business or occupation of placing, erecting, constructing or maintaining advertising structures or signs.

To place: The term "to place" and the various forms thereof as applied to advertising structures or signs shall include the erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible any advertising structure or sign on or to the ground or any tree, bush, rock, fence, post, wall, building, structure or thing.

Highway: The term "highway" shall mean and include roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights of way or easements used for or laid out and intended for the public passage of vehicles, or of vehicles and persons.

Director: The term "Director" shall mean and refer to the Director of the Department of Public Works of the State of California.

Person: The term "person" shall mean every natural person, firm, copartnership, association or corporation.

Words in the plural number shall include the singular, and words in the singular number shall include the plural; words in the present tense shall include the future tense and words in the future tense shall include the present tense; unless in any such case the natural construction of the context indicates otherwise.

SEC. 2. Exemptions.

Exemptions.

The provisions of this act shall apply only to the placing or maintenance of advertising structures and/or signs located in any of the territory of the State of California, other than the territory within incorporated cities and towns and incorporated cities and counties.

With the exception of the provisions contained in sections 14 and 15 hereof, nothing contained in this act shall be deemed or construed as applying to any of the following advertising structures or signs:

(a) Official notices issued by any court or public body or officer.

(b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice.

(c) Directional, warning or information signs required by or authorized by law or by Federal, State, or county authority.

(d) Any advertising structure or sign used exclusively:

(1) To advertise the sale or lease of the property upon which such advertising structure or sign is placed; or

(2) To designate the name of the owner or occupant of the premises or to identify such premises; or

(3) To advertise the goods produced and sold upon the property upon which such advertising structure or sign is placed; provided that nothing in this subdivision (d) contained shall be deemed to limit the size of signs of the character defined in subsections (1), (2) and (3) of this subdivision when such signs are painted on or affixed to a building or other permanent improvement; and provided further that nothing in this subdivision (d) contained shall be construed to permit the erection of any advertising structure or sign upon the right of way of any highway.

SEC. 3. License Fee.

License fee. No person shall engage in or carry on the business or occupation of outdoor advertising without first having paid a license fee of fifty dollars ($50.00) per year, payable annually in advance on the first day of July of each year to the director or his authorized agent as hereinafter provided. Each such license shall remain in force for the term of one year from and after said first day of July, and may be renewed annually. All licenses issued on or after said first day of July shall expire on the thirtieth day of June following the date of issue. Fees for licenses issued after the first day of July of each year shall be apportioned and collected on the basis of one-twelfth of the fee for each month or part thereof remaining in the fiscal year.

SEC. 4. Application for License.

Application for license. Every application for a license required by section 3 of this act shall be made on a form to be furnished by the director and shall state the full name of the applicant and the post-office address of the fixed place of business thereof. The issuance of such license shall entitle the holder thereof to engage in or carry on the business or occupation of outdoor advertising and to make application for permits as hereinafter provided.

SEC. 5. Permits Required.

Permits required No person shall place or maintain within the State of California, within the areas affected by the provisions of this act, any advertising structure or sign without first having secured a written permit so to do from the director or from his authorized agent in the county within which the advertising structure or sign is to be placed; provided, however, that no permit shall be required for any display or copy placed on any advertising structure for which a permit shall have already been secured and which is in force and effect.

SEC. 6. Application for Permit.

Application for permit

Every person desiring a permit to place and/or maintain any advertising structure or sign shall file with the director or with his authorized agent in the county within which the advertising structure or sign is to be placed an application therefor on a blank to be furnished by said director or by said agent. Such application shall set forth the name and address of the applicant and shall contain a general description of the property upon which it is proposed to erect and/or maintain the advertising structure or sign for which a permit is sought and a diagram indicating the location of such proposed advertising structure or sign on such property, in such a manner that said property and the location of said proposed advertising structure or sign may be readily ascertained and identified.

If the application is for a permit to place and/or maintain a sign such application shall contain a description of such sign including the material, the size and the subject thereof and the proposed manner of placing the same.

If the application is for a permit to place and/or maintain an advertising structure such application shall be accompanied by construction plans thereof; provided, however, that in case the applicant has theretofore filed with the director certified copies of standard specifications used by the applicant in the constructing and erecting of advertising structures then such application may refer to such standard specifications in lieu of being accompanied by such construction plans.

The applicant for any permit shall offer evidence that the owner or other person in control or possession of the property upon which such location is situated has consented to the placing and/or maintenance of such advertising structure or sign.

If the applicant for such permit is engaged in the business or occupation of outdoor advertising, the application for permit shall contain the number of the license issued by the director.

If such application is in full compliance with the provisions of this act and if such advertising structure or sign will not be in violation of any law or ordinance, the director or his authorized agent shall, within ten (10) days after the filing of such application and upon payment by applicant of the fee hereinafter specified, issue a permit to place and/or maintain such advertising structure or sign for the remainder of the calendar year in which such permit is issued. Issuance of a permit for the placing and/or maintenance of an advertising structure shall include the right to change the advertising display or copy thereon without obtaining any additional permit for the remainder of the calendar year in which such permit is issued and without the payment of any additional permit fee. Permits shall be renewed on the first day of January of each year upon application and the payment of fees as herein provided and shall expire on the thirty-first day of December of said year.

Fees

The annual permit fees provided herein shall be as follows:

(a) For each sign—twenty-five cents ($.25);

(b) For each advertising structure—one dollar ($1.00).

SEC. 7. Delegation of Authority by Director.

Delegation of authority by director.

The director shall furnish requisite forms for applications, licenses and permits provided for herein and shall appoint and designate a representative or agent in each of the counties throughout the State for the purpose of issuing the licenses and permits and collecting fees therefor as provided in this act. Such agent or representative, in the discretion of the director, may be the county clerk in each county. In the event of such appointment and designation of the county clerk in any county by the director, said county clerk shall so act. Upon the issuance of any such license or permit by said county clerk or other authorized agent of the director, said agent shall immediately forward a copy thereof to the director.

SEC. 8. Display of Permit Number Plates.

Display of permit number plates.

Each permit provided for in this act shall carry an identification number and shall entitle the holder to place and/or maintain the advertising structure or sign described in said permit.

No person shall place or maintain any advertising structure or sign unless there shall be securely fastened upon the front thereof a permit number plate of the character hereinafter specified. The erection or maintenance of any advertising structure or sign without having affixed thereto a permit number plate as hereinabove required shall be prima facie evidence that such advertising structure or sign has been placed and is being maintained in violation of the provisions of this act.

Permit number plates shall be furnished by the director. They shall be of metal construction, at least three (3) inches in length and two (2) inches in width and shall bear the permit number of the advertising structure or sign to which they are assigned and the year for which the permit is issued. The color of permit number plates shall be changed from year to year.

SEC. 9. Name of Owner.

Name of owner

No advertising structure shall be maintained unless the name of the person owning or maintaining the same shall be plainly displayed thereon.

SEC. 10. Disposition of Fees.

Disposition of fees.

All license and permit fees collected by the director and his authorized agents in accordance with the provisions of this act shall be forwarded to and deposited with the Treasurer of the State monthly, to the credit of the "Supervision of outdoor advertising fund" and shall be accounted for by the director in the manner provided by law; provided, however, that of all fees collected by county clerks appointed by the director, 20 per cent thereof shall be retained by the county in which said fees are collected. There is hereby

created the "Supervision of outdoor advertising fund." The expense of administering this act is and shall be under the control of the director. Upon the order of the director the Controller must, without the approval of any board, draw his warrant upon the Treasurer for the amount specified and in favor of the person designated in such order. Payments for the expense of administering this act shall be made out of the fees of applicants as provided in this act. Unbudgeted balances, over ten thousand dollars, if any, in such fund shall be transferred to the general fund by the director on the thirtieth day of June of each odd-numbered year.

SEC. 11. Prohibited Signs and Locations.

Prohibited signs and locations.

No advertising structure or sign shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if such advertising structure or sign is of the following nature:

(a) If within the right of way of any highway.

(b) If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this act, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words "stop" or "slow down."

(c) If within any stream or drainage channel or below the flood water level of any stream or drainage channel where such sign might be deluged by flood waters and swept under any highway structure crossing said stream or drainage channel or against the supports of any such highway structure.

(d) If not maintained in safe condition.

(e) If visible from any highway and displaying any red light likely to be mistaken for a warning or danger signal.

SEC. 12. Prohibited Advertising Structures and Signs and Locations (outside certain areas).

Prohibited advertising structures and signs

No advertising structure or sign shall be placed or maintained outside of any business district as now defined under the California Vehicle Act, or outside of any unincorporated city, town or village, or outside of any area that is subdivided into blocks or lots in any of the following locations or positions, or under any of the following conditions, or if the advertising structure or sign is of the following nature:

(a) If within a distance of three hundred (300) feet from the point of intersection of intersecting or intercepting highways or of an interesecting highway and railroad right of way; provided, however, that nothing herein contained shall prevent the erection and/or maintenance of advertising structures or signs on that side of an intercepted highway that is opposite the point of interception; provided further, however, that in case any permanent building, structure or other object prevents any traveler on any such highway from obtaining a clear view of approaching vehicles for a distance of three hundred (300) feet, then no advertising structure or sign shall be placed nearer to the intercepting right of way boundary

line than is such permanent building, structure or other object, unless the same is placed on such building, structure or object and does not project more than one (1) foot therefrom.

(b) If placed in such a manner as to prevent any traveler on any highway from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along said highway.

(c) If visible from any highway and with blinking or intermittent lights and likely to be mistaken for a warning or danger signal.

SEC. 13. Methods of Measurement.

Methods of measurement.

(a) The advertising surface of any advertising structure or sign as defined in this act, except advertising statuary and mechanical devices, shall be deemed to be the total area of a rectangle within which will lie all parts of such advertising structure or sign upon which advertising may be placed, exclusive of ornamental molding, cornices, framework and lattice.

(b) The advertising surface of any advertising statuary or mechanical device shall be deemed to be the total area of the vertical surfaces and the top of a rectangular prism which entirely encloses such advertising statuary or mechanical device, including any pedestal or base supporting the same.

(c) The distance between any advertising structure or sign and any other point of measurement shall be measured from the point of such advertising structure or sign which is nearest to such other point of measurement.

SEC. 14. Construction.

Construction.

No advertising structure shall be placed and/or maintained unless the same shall be built to withstand a wind pressure of twenty (20) pounds per square foot of exposed surface. Any advertising structure not conforming to the foregoing provision of this section shall be removed as provided for in section 17 of this act.

SEC. 15. Indecent, etc., Signs.

Indecent, etc., signs

No person shall display or cause or permit to be displayed upon any advertising structure or sign any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent, or immoral character.

SEC. 16. Nonconforming Signs.

Nonconforming signs

All advertising structures or signs which are placed and/or maintained or which exist in violation of the provisions of this act at a time more than six months from and after the date this act becomes effective, shall be deemed and considered to be public nuisances and may be removed by any public employee as further provided in this act without doing unnecessary injury and the same shall not constitute a breach of the peace.

SEC. 17. Enforcement. Enforcement

The director is hereby authorized, directed and empowered to make orders and regulations for the enforcement of this act; to designate and authorize the Department of Maintenance of the Division of Highways of the Department of Public Works to enforce the provisions hereof; to prescribe the form of all applications, licenses, permits and other written matter appurtenant thereto; to enforce penalties for failure to comply herewith; to revoke any license or permit for such failure and after ten days written notice, to the owner or agent of the premises upon which said advertising structure or sign is located, without further legal proceedings remove and destroy any advertising structure or sign placed or maintained contrary to any provisions of this act. For the purpose of removing or destroying any advertising structure or sign placed or maintained in violation of the provisions of this act, the director or his authorized agent may enter upon private property without incurring any liability therefor.

SEC. 18. The regulation of the placing and/or maintenance of advertising structures or signs as provided herein, in so far as such regulation may affect the placing and/or maintenance of such advertising structures or signs within view of the public highways of this State in areas outside of the limits of incorporated cities or towns thereof, shall be exclusive of all other regulations of such placing and/or maintenance of advertising structures or signs within view of the public highways of this State and outside of the limits of incorporated cities or towns, whether fixed by a law of this State or by a political subdivision thereof. It is the intention of the Legislature to occupy the whole field of such regulation by the provisions of this act; provided, however, that nothing in this act shall be deemed to prohibit enforcement of any or all of the provisions hereof by persons designated so to act by appropriate ordinances duly adopted by any county of this State; provided further, that nothing herein shall be deemed to prohibit the passage by any county of reasonable land use or zoning regulations affecting the placing and/or maintenance of advertising structures or signs in accordance with the provisions of Statutes of 1929, page 1805, or any amendment thereto. Regulations exclusive.

SEC. 19. Fees in Lieu.

The fees for licenses and permits prescribed by this act shall be in lieu of all other license and permit fees required by the laws of the State or of any political subdivision thereof for the privilege of engaging in the occupation or business of out door advertising or placing and/or maintaining advertising structures or signs outside incorporated cities and towns. Fees in lieu

SEC. 20. Permission of Owner.

It shall be unlawful for any person to place, cause to be placed, or to maintain or cause to be maintained any advertising structure or sign without the lawful permission of the Permission of owner.

owner or lessee of the property upon which such advertising structure or sign is located.

SEC. 21. Penalties.

Penalties

Every person, firm or corporation as principal, agent or employee, violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor. All fines imposed by courts and recovered under this act shall be payable to the State Treasurer to the account of the "Supervision of outdoor advertising fund" provided for by this act.

SEC. 22. Validity.

Constitutionality

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

SEC. 23. Repeal.

Repeal

All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 342.

An act to amend section 124 of the Agricultural Code, relating to quarantine and pest control.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 343.

Stats 1893, p 33, repealed

An act to repeal an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893, Statutes of 1893, page 33, as amended, with provision that any bonds issued under the provisions of said act shall not be affected by said repeal.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. An act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893, Statutes of 1893, page 33, as amended, is

hereby repealed; provided, however, that the repeal of said act above entitled, as amended, shall not operate to divest, limit or prevent the legislative body which is authorized to issue bonds under the provisions of said act or any amendment thereof, from performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended, in any proceeding wherein the resolution of intention declaring the intention to issue bonds under the provisions of said act shall have been adopted before January 1, 1933. Bonds previously authorized

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CHAPTER 344.

An act to repeal an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved May 24, 1927, Statutes of 1927, page 1351, as amended, with the provision that such repeal shall not apply to existing bonds or to any existing proceeding instituted under said act. Stats. 1927, p. 1351, repealed.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. An act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved May 24, 1927, Statutes of 1927, page 1351, as amended, is hereby repealed; provided, that the repeal of said act above entitled as amended, shall not operate to divest, limit or prevent the city council which is authorized to conduct the proceedings under the provisions of said act, or any amendment thereof, from performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended, in any proceeding wherein the ordinance of intention was adopted before January 1, 1933, nor shall said repeal be applicable to or affect in any way any bonds heretofore issued or authorized to be issued under said act or any assessment levied or required to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are retained in full force and effect until all bonds issued under said act shall be fully paid and discharged, and Repeal. Prior proceedings.

Stats 1933, Ch 837

any amendments to sections 7 and 8 of said act adopted at this session of the Legislature shall be applicable to all proceedings in which an ordinance of intention was adopted prior to January 1, 1933.

CHAPTER 345.

Stats 1885, p. 147, repealed

An act to repeal an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, Statutes of 1885, page 147, as amended, with provision that said repeal shall not apply to existing proceedings or to existing bonds or assessments issued or levied under said act.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. An act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, Statutes of 1885, page 147, as amended, is hereby repealed; provided, however, that the repeal of said act above entitled as amended shall not operate to divest, limit or prevent the city council of any city authorized to conduct a proceeding under the provisions of said act, or any amendment thereof, from performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended in any proceeding wherein the resolution of intention was adopted before January 1, 1933, nor shall said repeal be applicable to or affect in any way any bonds heretofore issued or authorized to be issued under said act or any assessment levied or authorized to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are retained in full force and effect until all bonds issued and all assessments levied under said act shall be fully paid and discharged.

Prior proceedings.

CHAPTER 346.

Stats 1925, p. 849, repealed

An act to repeal the Acquisition and Improvement Act of 1925, approved May 23, 1925, Statutes of 1925, page 849, as amended, and providing that said repeal shall not apply

to existing or authorized bonds and assessments or to existing proceedings under said act.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. The "Acquisition and Improvement Act of 1925," approved May 23, 1925, Statutes of 1925, page 849, as amended, is hereby repealed; provided, however, that the repeal of said act as amended, shall not operate to divest, limit or prevent the legislative body which is authorized to conduct a proceeding under the provisions of said act, or any amendment thereof, from exercising all authority, power and jurisdiction and performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended, in any proceeding wherein the resolution of intention was adopted as provided in said act before January 1, 1933, nor shall said repeal be applicable to or affect in any way any bonds heretofore issued or authorized to be issued under said act or any assessment levied or required to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933,) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are retained in full force and effect until all bonds issued under said act shall be fully paid and discharged.

Repeal.

Prior proceedings.

CHAPTER 347.

An act to repeal the provisions of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of said improvements," approved April 20, 1915, Statutes of 1915, page 99, as amended; and to provide for a repeal of said act with provision that said repeal shall not apply to existing bonds or taxes or to existing proceedings under said act.

Stats. 1915 p. 99, repealed.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. An act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the

Repeal

acquisition or construction of said improvements," approved April 20, 1915, Statutes of 1915, page 99, as amended, is hereby repealed; provided, however, that the repeal of said act above entitled as amended shall not operate to divest, limit or prevent the city council which is authorized to conduct the proceedings under the provisions of said act, or any amendment thereof, from performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended, in any proceeding wherein the ordinance of intention was adopted before January 1, 1933, nor shall said repeal be applicable to or affect in any way any bonds heretofore issued or authorized to be issued under said act or any tax levied or required to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are retained in full force and effect until all bonds issued under said act shall be fully paid and discharged.

Prior proceedings

CHAPTER 348.

Stats. 1893, p. 153, repealed.

An act to repeal "An act to provide for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. The act cited in the title hereof is hereby repealed.

Prior proceedings.

SEC. 2. Proceedings under the act hereby repealed, commenced prior to the taking effect of this act, may be continued to completion under the provisions thereof with the same force and effect as if said act were not hereby repealed, and such proceedings and assessments or reassessments levied therein shall be valid and such assessments or reassessments may be enforced and collected under the provisions thereof. This repeal does not affect any right existing or accrued; nor does it affect any action which may be pending at the time when this act takes effect.

CHAPTER 349.

An act to repeal the "Tree Planting Act of 1915." Stats 1915, p 1256, repealed.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

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

SECTION 1. The "Tree Planting Act of 1915" is hereby repealed. Repeal.

SEC. 2. Proceedings under the act hereby repealed, commenced prior to the taking effect of this act, may be continued to completion under the provisions thereof with the same force and effect as if said act were not hereby repealed, and such proceedings and assessments or reassessments levied therein shall be valid and such assessments or reassessments may be enforced and collected under the provisions thereof. This repeal does not affect any right existing or accrued; nor does it affect any action which may be pending at the time when this act takes effect. Prior proceedings

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CHAPTER 350.

An act to repeal the "Tree Planting Act of 1913." Stats 1913, p 596, repealed.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. The "Tree Planting Act of 1913" is hereby repealed. Repeal.

SEC. 2. Proceedings under the act hereby repealed, commenced prior to the taking effect of this act, may be continued to completion under the provisions thereof with the same force and effect as if said act were not hereby repealed, and such proceedings and assessments or reassessments levied therein shall be valid and such assessments or reassessments may be enforced and collected under the provisions thereof. This repeal does not affect any right existing or accrued; nor does it affect, impair or discharge any contract, obligation, lien or charge for which any district, organized under the provisions of the act hereby repealed, was or might have become liable or chargeable; nor does it affect any action which may be pending at the time when this act takes effect. Prior proceedings.

CHAPTER 351.

An act to repeal "An act to provide for the laying out, opening, extending, widening, straightening, diverting, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities or Stats 1893, p 220, repealed

cities and cities and counties of forty thousand inhabitants or over, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 23, 1893.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

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

Repeal

SECTION 1. The act cited in the title hereof is hereby repealed.

Prior proceedings.

SEC. 2. Proceedings under the act hereby repealed, commenced prior to the taking effect of this act, may be continued to completion under the provisions thereof with the same force and effect as if said act were not hereby repealed, and such proceedings and assessments or reassessments levied therein shall be valid and such assessments or reassessments may be enforced and collected under the provisions thereof. This repeal does not affect any right existing or accrued; nor does it affect any action which may be pending at the time when this act takes effect.

CHAPTER 352.

Stats 1915, p. 1322, repealed

An act to repeal "An act empowering the legislative body of any city or municipal corporation to abandon proceedings taken under an act entitled 'An act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby,' approved April 21, 1909, and referred to as the 'Street Improvement Act of 1909,'" approved June 8, 1915.

[Approved by the Governor May 15, 1933. In effect August 21, 1933]

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

Repeal.

SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 353.

Stats. 1923, p 781, amended.

An act to amend section 42 of the "State Housing Act," relating to requirements for buildings.

[Approved by the Governor May 15, 1933 In effect August 21, 1933.]

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

Stats. 1923, p. 781.

SECTION 1. Section 42 of the "State Housing Act" is hereby amended to read as follows:

Sec. 42. In every building hereafter erected, and in every existing building, all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In no building hereafter erected and in no existing apartment house or hotel shall the space underneath any sink or wash-tray be so enclosed as to prevent ventilation or inspection thereof. Doors, panels or other closures may be provided around any or all sides of such space but no closure in the front of such space shall be nailed or otherwise permanently fixed in position and such front closure shall leave at least 20 per cent of the front area of such space available for ventilation. In no building hereafter erected shall any water-closet, slop-sink, or lavatory be enclosed with woodwork, but the space under and around same must be left open, and the floors and wall surfaces beneath and around such water-closet, slop-sink or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method made nonabsorbent. Sanitary plumbing fixtures.

In every building hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats varnished or enameled so as to be nonabsorbent or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, cast iron, steel or brass, except house sewer connections which may be of cast iron, vitrified clay or machine-made glazed cement pipe, standard or extra heavy galvanized iron or steel and every gas and water service connection hereafter made shall be of steel or iron and shall be equipped with cutoff valves placed outside of the building and readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act may cause the fixture to be removed and cause it to be replaced by a fixture conforming to the provisions of this act.

CHAPTER 354.

An act to amend section 904 of the Penal Code, relating to grand juries.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 904 of the Penal Code is hereby amended to read as follows: Penal Code, 1872.

904. Each grand jury shall choose its officers, except the foreman, and shall determine the rule of its proceeding. Grand jury officers.

CHAPTER 355.

An act to add a new section to the Civil Code to be numbered 85, relating to legitimacy.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Civil Code to be numbered 85, and to read as follows:

Issue of void marriage legitimate

85. The issue of a marriage which is void or annulled or dissolved by divorce is legitimate.

CHAPTER 356.

An act to amend sections 780 and 782 of the Probate Code, relating to sales of real property by executors and administrators.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 587.

SECTION 1. Section 780 of the Probate Code is hereby amended to read as follows:

Publication of notice of sale.

780. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, for two weeks before the day of sale, or, in the case of a private sale, before the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisement that the value of the property to be sold does not exceed five hundred dollars, the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale in three of the most public places in the county in which the land or some portion thereof lies for two weeks before the day of the sale, or, in the case of a private sale, before the day on or after which the sale is to be made. The property proposed to be sold must be described with common certainty in the notice.

Stats. 1931, p. 587

SEC. 2. Section 782 of the Probate Code is hereby amended to read as follows:

Private sale.

782. In the case of a private sale, the notice must state a place where bids or offers will be received, and a day on or after which the sale will be made, which day must be at least fifteen days from the first publication or posting of the notice, and the sale must not be made before that day, but must be made within one year thereafter; but if it is shown that it

will be for the best interests of the estate, the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen but not less than eight days from the first publication or posting of the notice, in which case the notice of sale and the sale may be made to correspond with such order. The bids or offers must be in writing, and may be left at the place designated in the notice or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court where the proceedings are pending, at any time after the first publication or posting of the notice and before the making of the sale.

CHAPTER 357.

An act to amend the "Water Commission Act," approved June 16, 1913, by amending section 42 thereof, relating to the definition of terms stream, stream system, lake, or other body of water or water.

Stats. 1913, p 1012, amended.

[Approved by the Governor May 15, 1933. In effect August 21, 1933]

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

SECTION 1. Section 42 of the "Water Commission Act," approved June 16, 1913, is hereby amended to read as follows:

Stats. 1913, p 1012.

Sec. 42. The word "water" in this act shall be construed as embracing the term "or use of water"; and the term "or use of water" in this act shall be construed as embracing the word "water." Whenever the terms stream, stream system, lake or other body of water or water occurs in sections of this act relating to applications to appropriate water or permits or licenses issued pursuant to such applications or relating to the determination of appropriative water rights by "stream system" as set forth in sections 25 to 36g inclusive of this act, such term shall be interpreted to refer only to surface water, and to subterranean streams flowing through known and definite channels. But nothing in this act shall be construed as giving or confirming any right, or title, or interest to or in the corpus of any water; provided, that the term "useful or beneficial purposes" as used in this act shall not be construed to mean the use in any one year of more than two and one-half acre feet of water per acre in the irrigation of uncultivated areas of land not devoted to cultivated crops.

Definitions.

CHAPTER 358.

Stats 1911, p. 132), amended.

An act to amend section 23 of an act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, as amended, relating to the filing of annual statements and prescribing the fee therefor, and to repeal section 30 of said act relating to taxation.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats 911, p. 1320.

SECTION 1. Section 23 of "An act for the regulation and control of fraternal benefit societies" is hereby amended to read as follows:

Annual reports.

Sec. 23. Every society transacting business in this State shall annually, on or before the first day of March, file with the Insurance Commissioner in such form as he may require, a statement under oath of its president and secretary or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date and also shall furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working. Each such society shall pay to the Insurance Commissioner a fee of twenty dollars for filing such annual statement, which fee must accompany the statement when submitted to the commissioner. The Insurance Commissioner may at other times require any further statement he may deem necessary to be made relating to such society. In addition to the annual report herein required, each society shall annually report to the Insurance Commissioner a valuation of its certificates in force on December 31 last preceding, excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses; provided, the first report of valuation shall be made as of December 31, 1912. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and as contingent assets, the present mid-year value of the future net contributions provided in the constitution and laws as the same are in practice actually collected At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided and said net value, when computed in case of monthly contributions may be the mean of the terminal values for the end of the preceding and of the current insurance years. Such valuation shall be certified by a competent accountant or actuary, or at the request and expense of the society, verified by the actuary of the Department of Insurance of the home State of the

Fee

Report on valuation of certificates.

Valuation certified by actuary.

society, and shall be filed with the Insurance Commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August 23, 1899, or at the option of the society, any higher table, or, at its option, it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than four per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contribution for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society; provided, that where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience and in such case a separation of the funds shall not be required. The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities. Beginning with the year 1914 a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1 of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its laws, additional increased or extra rates of contributions shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

When society considered solvent.

Report mailed to members.

Additional contributions.

CHAPTER 359.

An act to repeal section 608 of the Political Code, relating to transfers of actions or special proceedings by foreign insurance companies doing business in this State.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. Section 608 of the Political Code is hereby repealed.

CHAPTER 360.

An act to add four new sections to the Civil Code, to be numbered 453ee½, 453.11, 453.12 and 453.13, all relating to mortgage insurance companies; declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor May 15, 1933. In effect immediately.]

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

New section

SECTION 1. A new section is hereby added to the Civil Code to be numbered 453ee½ and to read as follows:

Investments of mortgage insurance companies

453ee½. In addition to the investments otherwise authorized by the provisions of this code, a mortgage insurance company may invest its capital, surplus, and accumulations in the purchase of, or loans upon, the stock issued by any Federal home loan bank or other similar Federal agency of which such mortgage insurance company may be eligible to become a member, and the bonds, debentures and notes issued by any Federal home loan bank or other similar Federal agency.

New section

SEC. 2. A new section is hereby added to the Civil Code to be numbered section 453.11 and to read as follows:

See Stats 1933, Ch 97

Moratorium on mortgage insurance payments.

453.11. In the event actions for the foreclosure of real estate mortgages, or sales on execution or under power of sale contained in any mortgage or deed of trust or by direction of court in an action for the recovery of a debt or for the enforcement of a right secured by a mortgage or other lien, shall be extended or postponed pursuant to or by any law of this State or of the United States, or by any order or ruling of any officer of this State or of the United States, or in the event the date when payment of either principal or interest shall become due under any note secured by a mortgage or deed of trust on real estate shall be extended or postponed pursuant to or by any law of this State or of the United States, or by any order or ruling of any officer of this State or of the United States, then and in each of such cases there shall be an extension for a like period of time of the date or

dates upon which mortgage insurance companies are required to make any and all payments under and by reason of any and all policies of mortgage insurance or mortgage participation certificates then issued and outstanding.

New section

SEC. 3. A new section is hereby added to the Civil Code to be numbered section 453.12 and to read as follows:

Mortgage participation certificates may be amended, etc.

453.12. Any mortgage insurance company which shall have heretofore issued mortgage participation certificates in accordance with the provisions of the law of this State in force at the time of such issuance may, with the consent of the Insurance Commissioner, amend such certificates and any policy of mortgage insurance issued in connection therewith and may cancel and retire all or any part of such certificates presently outstanding and issue in exchange therefor other certificates representing a similar proportionate interest in the group of assets held in trust for the benefit of the holders of such presently outstanding mortgage participation certificates. The plan under which such amended certificates or such other certificates are to be issued, and the form of such amended certificates and such other certificates, shall be submitted to the Insurance Commissioner for his approval, and all such amended or new certificates and any agreement under which the same may be issued and any policy of mortgage insurance issued in connection therewith shall contain, notwithstanding anything in this code to the contrary, such terms and provisions as shall be approved or required by such commissioner. Any executor, administrator, guardian, trustee, insurance company, bank, banking institution or trust company, and any officer of the State of California, now holding one or more mortgage participation certificates as a legal investment or as a fund or deposit required by law to be made with the State of California, may consent to the amendment of such certificates or may exchange such certificates for other certificates issued as herein provided, and may hold such amended certificates or such other certificates as legal investments or as securities eligible for deposit with the State of California or with its officers or officials in the same manner and to the same extent as the particular mortgage participation certificates so amended, or the particular certificates in exchange for which such other certificates may be issued, are now held.

Consent necessary.

At any time during the emergency period as hereinafter defined any amendments or modifications of any trust agreement under which mortgage participation certificates are issued or of such certificates or of any policy of mortgage insurance issued in connection therewith, or of any term covenant, condition or provision of such agreement, certificates or policy, shall, if made as hereinabove provided, become fully effective and binding upon all of the holders of such certificates outstanding under such trust agreement, when consented to in writing by the holders of seventy-five per cent

in interest of all certificates outstanding under such trust agreement.

"Emergency period."

The term "emergency period" as used in this section shall mean the period commencing with the effective date of this section and ending September 1, 1935; provided that said emergency period may be terminated at any time prior to September 1, 1935, by order of the Insurance Commissioner.

New section

SEC. 4. A new section is hereby added to the Civil Code to be numbered section 453.13 and to read as follows:

Petition to appoint conservator

453.13. In all cases where a mortgage insurance company has issued mortgage participation certificates evidencing a share or interest or right to participate in a security or group of securities deposited with a depositary or trustee, the Insurance Commissioner may, by verified petition, apply to the superior court of the county in which the principal office of the mortgage insurance company affected by such petition is located, for an order requiring the depositary or trustee to show cause why a conservator should not be appointed to take possession of all the property and assets held in such trust and to conserve, operate, manage, control or liquidate the same and distribute the avails thereof to the holders of the mortgage participation certificates which evidence an interest in such assets. A similar petition may be made by any mortgage insurance company provided the holders of a majority in interest of the mortgage participation certificates issued under any trust affected by such petition shall have consented in writing to the filing of such petition and such consent is filed with such mortgage insurance company. A copy of the petition and of the order to show cause shall be served on the depositary or the trustee in the same manner as a summons is served in civil actions. Such other notice of the pendency of the proceedings shall be given as the court may prescribe.

Superior court has jurisdiction.

Said superior court shall have jurisdiction of said petition and of the proceedings thereon and may make all such orders as justice and equity shall require, including orders requiring the depositary or trustee to account, and orders for the discharge of the depositary or trustee, for the appointment of a conservator, for the winding up of the trust and the distribution of the trust property, and also orders providing for the presentation of claims and demands against the trust estate and the barring from participation of creditors and claimants failing to make claims and present proofs as required. Any notice required, other than notice to the depositary or trustee, may be given in such manner as the court may direct.

Appointment by court.

On the return day of such order to show cause, or on any day to which the hearing shall be continued, the court shall either deny the petition or appoint a competent person to act as conservator. In the petition for the appointment of such conservator the petitioner may nominate or recommend any person believed by such petitioner to be competent to act as conservator but such nomination or recommendation shall not be controlling on the court. If the court shall appoint a con-

servator it shall direct the conservator forthwith to take possession of all the property, real, personal and mixed, in such trust and thereupon the conservator shall be vested by operation of law with the title to all such property, including all the securities, contracts and rights of action of the depositary or trustee and of said mortgage insurance company pertaining to the trust property, as of the date of the order so appointing the conservator. The court shall further order that the depositary or trustee file its account and shall fix the date for the hearing of said account.

Injunction.

On the filing of such petition, or at any time thereafter, the court may in its discretion issue an injunction restraining the depositary or trustee, the mortgage insurance company, and the holders of participation certificates, and all other persons having or asserting claims or demands against the depositary or trustee or the trust property from taking any action or proceeding with respect to the securities or other properties in the trust without leave of court first had and obtained.

Powers and duties of conservator.

In all cases arising under the provisions of this section the conservator shall have and possess full power and right to deal with the property and assets held in such trust in his own name, as conservator, or in the name of the corporation or of the depositary or trustee, as the court may direct, and in addition to all powers and duties herein mentioned shall have and possess all the powers and duties of a receiver appointed upon the dissolution of a corporation.

In the management, operation or liquidation of the affairs of any trust hereunder the conservator, subject to the approval of the court and notwithstanding anything to the contrary contained in the trust indenture under which said trust is established, may sell mortgage or otherwise encumber or exchange any of the property or assets held in such trust upon such terms as he may deem advisable and in the best interests of the certificate holders thereunder. Sales of real property may be made for cash or for cash and/or notes secured by mortgage or deed of trust on the property sold and such sales may be made to the mortgage insurance company or to any other purchaser. Such conservator may, subject to the approval of the court, determine and prescribe the amount of interest and principal which may be paid out of the assets of such trust and the times of payment thereof, and may make, rescind or amend all such further rules, regulations and conditions relative to the operation, management or liquidation of such trust as he may deem advisable and in the best interests of the certificate holders.

If the conservator becomes satisfied that it may safely be done and that it would be in the interests of the certificate holders and the company, he may apply to the court for an order terminating the conservatorship and, upon the making of his account and its approval by the court, such conservatorship shall be terminated and the property and assets of the trust shall be returned to the depositary or trustee.

If the conservator at any time shall determine that such trust be wound up and the avails thereof distributed, he shall petition the court for an order for final winding up of the trust and distribution of the trust assets and, after notice served upon the depositary or trustee and the company, and upon such other parties as the court shall direct, the court may order such final winding up of the trust and distribution of the trust assets. In winding up the affairs of any trust the conservator, subject to the approval of the court, may sell, exchange or dispose of all or any part of the assets in the trust to a corporation organized under the laws of this State for a consideration which may include shares of stock or other securities in such corporation, or participation certificates issued by a mortgage insurance company organized under the laws of this State, if such sale, exchange or other disposition has been approved by the consent in writing of the holders of participation certificates representing more than fifty per cent in interest of all mortgage participation certificates issued and outstanding under such trust. The conservator may distribute such shares of stock, participation certificates or other consideration, or the proceeds thereof among the holders of participation certificates in the trust under liquidation in proportion to their several interests therein, as directed or confirmed by the court.

Urgency.

SEC. 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity: There exist throughout the United States economic conditions which have engendered financial disturbances requiring the immediate enactment of legislation which shall be immediately effective, protecting home owners and other property owners in this State whose property is subject to encumbrances in the form of mortgages or deeds of trust, and protecting investors in mortgage participation certificates. Many thousands of mortgages and deeds of trust have been assigned by mortgage insurance companies to trustees or depositaries and mortgage participation certificates evidencing shares or interests therein have been issued by mortgage insurance companies in accordance with the provisions of Chapter VIII of Division I, Part IV, Title II of this code. Because of dire financial distress many property owners are unable to meet the payments of principal and interest on such mortgages and deeds of trust and general liquidation of large numbers of trusts under which mortgage participation certificates have been issued is imminent. Such liquidation will result in the immediate loss of the homes of a large number of home owners in this State and will also result in the forced sale of a large amount of real property and will also result in serious loss to a large number of investors in mortgage participation certificates, all

of which will cause further financial disturbances and will endanger the public peace, health and safety. It is therefore necessary to the preservation of the public peace, health and safety that provision be made immediately to prevent general liquidation of mortgage participation trusts with the attendant foreclosures and economic loss and distress by providing for the appointment of conservators to manage, operate or liquidate trusts under which mortgage participation certificates are issued and outstanding and by providing for the amendment of such trusts and such mortgage participation certificates, and by authorizing mortgage insurance companies to invest in the stock and securities issued by any Federal home loan bank or other similar Federal agency, all of which measures are authorized by this act.

Constitutionality.

SEC. 6. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

CHAPTER 361.

An act to add a new section to the Fish and Game Code, to be numbered 488.5, relating to fish hatcheries.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 362.

An act to amend section 1230 of the Fish and Game Code, and to add a new section to the Fish and Game Code to be numbered 1340.5, relating to predatory mammals and rodents.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 363.

An act transferring a parcel of State park land in Humboldt County from the Department of Natural Resources to the Department of Public Works to be used for State highway purposes.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. That certain parcel of State park land in section 12, township 2 south, range 2 east, Humboldt base and

Land transferred to Department of Public Works.

meridian, in Humboldt County, more particularly described as:

Beginning at a point in the northeasterly right of way line of the State highway, designated road I-Humboldt-1-C, opposite Station 515 + 95, said point of beginning being distant S. 26° 02′ E., 1534.13 feet from the northwest corner of said section 12, thence S. 46° 42′ E. along the above mentioned right of way line a distance of 487.70 feet, thence N. 43° 18′ E. along wire fence a distance of 118 feet more or less, thence northwesterly along wire fence a distance of 432 feet more or less, thence southwesterly along wire fence a distance of 256.40 feet more or less to the point of beginning, containing two acres, and designated in the records of the Division of Highways as the Burlington Maintenance Yard, is hereby transferred from the Department of Natural Resources, Division of Parks, to the Department of Public Works to be used for State highway purposes.

Land may revert to Department of Natural Resources.

SEC. 2. If at any time the need for said parcel of land for State highway purposes no longer exists, notice of such fact shall be given by the Director of Public Works to the Director of Natural Resources and the State Park Commission and thereupon said parcel of land shall immediately revert to the jurisdiction and control of the Department of Natural Resources for State park uses and purposes.

CHAPTER 364.

An act to add a new section to the Political Code to be numbered 363cc, authorizing the filing for record of State highway maps and prescribing the duties of county recorders with relation thereto.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 363cc, to read as follows:

Recording highway maps

363cc. The Director of Public Works may file for record or cause to be filed for record in the office of the county recorder of the county in which such highway or parcel of right of way may be located general route maps and detailed layout sheets and right of way maps showing the route of any State road or highway and the area or parcels of land within the right of way of any State road or highway and the county recorders of the several counties are hereby authorized and directed to accept and file for record any such maps or blueprints thereof. No fee shall be charged for the filing for record of such maps or blueprints and no certificate need be attached thereto other than the usual title of the Department

of Public Works showing such map to have been approved by the proper officer or engineer of said department.

The recorder shall keep all such State highway maps so filed for record in separate map books to be provided by the Department of Public Works for that purpose and to be designated "State Highway Map Book No. ---, ------ County." Each such map shall be numbered in the order of filing and indexed in a separate index as to number and date of filing. Recorder to keep special book.

CHAPTER 365.

An act to amend sections 587 and 1515 of the Probate Code, relating to the dedication of real property by executors, administrators and guardians.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 587 of the Probate Code is hereby amended to read as follows: Stats. 1931, p. 2200.

587. When it is for the advantage, benefit and best interests of the estate, and those interested therein, that an easement for public street, storm drain, sewer, or highway purposes over the real estate, or some part thereof, be dedicated either with or without consideration to the State or any county or municipal corporation, the executor or administrator may so dedicate any real property of the estate upon the order of court based upon the petition of the executor or administrator or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by section 1200 of this code. Executor may dedicate property for streets, etc.

SEC. 2. Section 1515 of the Probate Code is hereby amended to read as follows: Stats. 1931, p. 2200.

1515. When it is for the advantage, benefit and best interests of the estate, and those interested therein, that an easement for public street, storm drain, sewer, or highway purposes over the real estate, or some part thereof, be dedicated either with or without consideration to the State, or any county or municipal corporation, the guardian may so dedicate any real property of the estate of his ward upon the order of the court based upon the petition of the guardian or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by section 1200 of this code. Same By guardian.

CHAPTER 366.

An act to permit the State Treasurer to accept a donation for the retirement or purchase of the California Olympiad bonds.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 518.

Treasurer may accept donations to pay Olympiad bonds.

SECTION 1. The State Treasurer is hereby authorized to accept a donation for the purpose of meeting the interest and redemption of the Olympiad bonds issued under an act of the Legislature passed in 1927. Any donation made under the provisions of this act shall be set aside in the treasury as a special fund and invested by the State Board of Control, and the interest therefrom shall be used to pay the interest on the outstanding bonds until the fund donated for that purpose shall be sufficient to retire the outstanding bonds and pay the interest thereon, at which time said fund shall be liquidated and used for such purpose.

Bonds may be purchased and canceled.

SEC. 2. In the event the State Board of Control decides it is for the best interests of the State, the Department of Finance shall, on the order of the State Board of Control, specifying the amount of money to be expended, use the moneys mentioned in section 1 to the amount specified by the Board of Control to purchase Olympiad bonds issued under an act of the Legislature passed in 1927. The Department of Finance shall purchase said bonds at not more that the par value thereof. Until the State Board of Control decides it is for the best interests of the State to proceed as provided in this section, the provisions of section 1 hereof shall maintain and be fully operative.

Cancellation of bonds.

SEC. 3. After the purchase of Olympiad bonds as provided in section 2 hereof, said bonds shall be delivered by the Department of Finance to the State Treasurer who shall cancel and destroy the same. The State Treasurer shall thereupon deliver the numbers of said canceled and destroyed bonds to the Department of Finance and the State Board of Control.

CHAPTER 367.

Stats. 1915, p. 115, amended.

An act to add a new section to the Public Utilities Act, to be numbered 50⅓, relating to passenger stage corporations.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Public Utilities Act, to be numbered 50⅓ and to read as follows:

Sec. 50¼. Every passenger stage corporation, as defined in this act, who violates any provision of section 50¼ of this act, or who aids or abets, or without being present shall have advised or encouraged any person or corporation in the violation of said section, is guilty of a misdemeanor and shall, upon conviction thereof, if a person, be punished by a fine not exceeding five hundred dollars or by imprisonment in a county jail for a term not to exceed six months, or by both such fine and imprisonment; or, if a corporation, shall be punished by a fine not to exceed five hundred dollars. Stage corporation. Penalties

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CHAPTER 368.

An act to amend section 79b of an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of article one of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds, approved April 7, 1911, relating to improvements of municipalities. Stats 1911, p. 730, amended.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 79b of the act cited in the title hereof is hereby amended to read as follows: Stats 1929, p 1652.

Sec. 79b. The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him; also, the cost of printing and advertising as provided in this act, including the estimated cost of printing any bonds to be issued to represent or be secured by unpaid assessments; also the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in this act; also the expenses of making the assessment and of typing and preparing the resolutions, notices and other papers and proceedings for any work authorized by this act; also the expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications; and any other expenses incidental "Incidental expenses" defined.

to the construction, completion, and inspection of the work in the manner herein provided for, and may also include all cost and expense incurred in carrying out the investigations and reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931." All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent, by an itemized bill, duly verified by oath of the demandant.

Stats 1931, p. 1372.

CHAPTER 369.

Stats. 1903, p. 376, amended.

An act to amend section 16 of an act entitled "An act to provide for the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement," approved March 24, 1903.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1925, p. 238.

SECTION 1. Section 16 of the act cited in the title hereof is hereby amended to read as follows:

Delivery of diagram.

Sec. 16. The city engineer shall deliver said diagram to the street superintendent and shall indorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expense of the proposed improvement (first deducting from such total expenses such percentage thereof or sum toward the expense of said improvement, if any, as the city council may have declared by the ordinance of intention that the city shall pay) upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram; provided, however, that the city council may by order extend the time for completing said assessment for a period not exceeding ninety days additional. The total expense of the improvements so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action

Completion of assessment.

for condemnation, together with their costs, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and may also include all cost and expense incurred in carrying out the investigations and reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931," and all expenses necessarily incurred by said city, in connection with the proposed improvement for the publication of ordinances, posting and publication of notices, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Stats. 1931, p. 1372.

Public lands

Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded, or the insane, and being in use in the performance of any public function, is included within the district declared by the city council in the ordinance of intention to be the district to be benefited by said improvement, and to be assessed to pay the expense thereof, the city council may, in its discretion, in the ordinance of intention, declare that said lots, pieces or parcels of land, so owned and in use, or any of them, shall be omitted from the assessment to be made to cover the expense of said improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said ordinance be omitted from the assessment, then the total expenses of said improvement shall be assessed on the remaining lots lying within the boundaries of said assessment district, without regard to such omitted lots, pieces or parcels of land. In the event the city council shall, in its ordinance of intention, declare that the said lots, pieces or parcels of land, so owned and in use, or any of them, shall be included within the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land so owned and used, shall be payable by the city out of the general fund, unless the city council shall in its ordinance of intention designate another fund; provided, however, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land, so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

CHAPTER 370.

Stats 1913, p. 954, amended.

An act to amend section 10 of the "Street Improvement Act of 1913," relating to street improvements.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1625.

SECTION 1. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Assessment for incidental expenses.

Sec. 10. The commission shall, as soon as practicable, after determining what damage will be caused by said improvement, and, after the signing of the contract for the work, assess the total amount of all the incidental expenses of such improvement, which shall include the necessary expenses and disbursements of the commission, the cost of making the assessment, and all expenses necessarily incurred by the city in connection with the proposed improvement for maps, diagrams, plans, surveys and other matters incident thereto, and may also include all cost and expense incurred in carrying out the investigations and reports required by the provisions of the

Stats. 1931, p. 1372.

"Special Assessment Investigation, Limitation and Majority Protest Act of 1931" upon the respective lots or parcels of land in the assessment district described in the ordinance or resolution of intention, in proportion to the benefits to be received by such lots or parcels of land, respectively, from said improvement, and shall make and file with the clerk of the legislative body a report in writing containing the following:

Report What to contain.

1. A schedule describing the lots or parcels of property belonging to each petitioner for damages and which will be damaged by said proposed improvement, stating the amount of damage to each lot or parcel and to each separate estate or interest therein as determined by the commission, and the name of the owner of each such lot or parcel of property or of any interest or estate therein so damaged.

2. A diagram showing the assessment district, and also the boundaries and dimensions of the respective lots or parcels of land within said district, and each of such lots or parcels of land shall be given a separate number in red ink upon said diagram.

3. A proposed assessment of the total amount of damages that will be caused by said improvement, as determined by the commission, the total amount of the contract price for the work and the total amount of the incidental expenses thereof as above specified, upon the respective lots or parcels of land in said district in proportion to the benefits to be received by such lots or parcels of land, respectively, from said improvement. Said assessment shall refer to such lots or parcels of land upon said diagram by the red ink numbers thereof, and need contain no other description thereof, and shall show the names of the owners, if known, otherwise designating them as

unknown; but no mistake in the name of the owner of any lot or parcel of land shall affect the validity of the assessment thereon.

In case the commissioners do not all agree, a majority of the whole number may make such report.

CHAPTER 371.

An act to amend section 13 of "The Grade Separation Act of 1927," relating to the separation of grades. Stats. 1927, p. 1174, amended.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 13 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1927, p. 1174.

Sec. 13. The terms "streets, highways or public ways" shall include all public roads, highways, streets, avenues, boulevards, or other thoroughfares. The term "right of way" shall include the land over and upon which a street railroad, interurban railroad or railroad may be maintaining its tracks, and the spaces between tracks when there shall be more than one, and a sufficient space outside the track or tracks for the suitable and proper operation of the same, whether owned in fee or as an easement, or whether the same lie within the lines of any street, highway or public way. Definitions.

The term "incidental expenses" as used in this act shall include the compensation of the superintendent of work; the compensation of the city engineer or county surveyor for work done by him; the cost of printing and advertising as provided for in this act and the expenses of making the assessment, and may also include all cost and expense incurred in carrying out the investigations and reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931." All demands for incidental expenses shall be presented to the street superintendent or county surveyor, by itemized bill duly verified by oath of the demandant. Stats. 1931, p. 1372.

The expression "grade separation" or "separation of grades" shall include all work necessary to properly and satisfactorily accomplish the physical separation of grades described in this act, and shall include all items of work appropriate thereto, such as excavating, grading, filling, paving, repaving, constructing or reconstructing sidewalks, steps, parks, parkways, culverts, bridges, gutters, subways, viaducts, the installation of drains, instrumentalities for lighting, retaining walls, embankments, and all other structures necessary and suitable to accomplish said purpose, including the replacing or substitution of any improvements in existence in the area affected prior to the performance of the actual work of grade separation both upon or in the area of the street,

highway, or public way in question and the area of the right of way of the street railroad, interurban railroad or railroad upon which work may be required by or in connection with such grade separation.

Publication

The notices, declarations, resolutions, orders or other matters required to be published by the provisions of this act, shall be published in a newspaper published within the city or the county, or of general circulation therein and no other statute shall govern or be applicable to the publications herein provided for. No proceeding or step herein shall be invalidated or avoided by any departure herefrom with respect to the person or instrumentality connected with the publication; provided, the same is actually published in a newspaper which will reasonably serve to give publicity to the fact of the adoption of the declaration, resolution, order, notice or determination in question.

CHAPTER 372.

An act to add a new section to the Fish and Game Code, to be numbered 738.5, relating to smelt.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 373.

An act to add a new section to the Fish and Game Code, to be numbered 950.5, relating to Chinese shrimp nets.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 374.

An act to add a new section to the Fish and Game Code, to be numbered 459, relating to the importation of birds and mammals or parts thereof.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 375.

An act to add a new section to the Fish and Game Code, to be numbered 20, relating to powers and duties of the Fish and Game Commission.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 376.

An act to add a new section to the Political Code, to be numbered 4041.26, relating to the disposition of county personal property which is not further required for public use.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 4041.26, and to read as follows: New section.

4041.26. Whenever the county advertises for bids for the furnishing of personal property, it may permit any person, or permit or require the bidder, to submit at the time bids are received, an offer of trade-in allowance for, or an offer of purchase of, any county personal property designated in the notice, not further required for public use. The offer of a bidder shall be considered in determining the lowest bid and shall not be binding upon the bidder unless his bid is accepted; provided, however, that the county may reject all offers if it is to the advantage of the county to do so and bidders will be bound by their bids. County purchasing agents may, when purchasing personal property for which it is not necessary to advertise for bids, without the necessity of complying with the provisions of subdivision two (2) of section 4041.21 of this code, solicit and accept advantageous trade-in allowances for county personal property which has been previously determined by the board of supervisors to be not further required for public use. Bids for personal property.

CHAPTER 377.

An act to amend section 1446 of the Penal Code, relating to satisfaction of fine by imprisonment.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1446 of the Penal Code is hereby amended to read as follows: Stats. 1931, p. 395.

Satisfaction of fine by imprisonment.

1446. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, or that the defendant pay the fine within a limited time or in installments payable on specified dates and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full. In the event of default of payment of said fine the court shall immediately order the arrest of the defendant and order him to show cause why he should not be imprisoned until the fine is satisfied in full. No imprisonment under this section shall exceed one day for every two dollars of the fine.

CHAPTER 378.

An act to amend section 1205 of the Penal Code, relating to the payment of fines.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 395.

SECTION 1. Section 1205 of the Penal Code is hereby amended to read as follows:

Payment of fines.

1205. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied. In misdemeanor cases a judgment that the defendant pay a fine may also direct that he pay the fine within a limited time or in installments payable on specified dates and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full. The defendant must pay the fine to the clerk of the court. The clerk shall report to the court any default in payment thereof and the court shall thereupon order the arrest of the defendant and order him to show cause why he should not be imprisoned until the fine is satisfied in full. But all judgments under this section must specify the extent of imprisonment, which must not exceed one day for every two dollars of the fine, nor extend in any case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted.

CHAPTER 379.

Stats. 1917, p. 831, amended.

An act to amend section 29 of the California Workmen's Compensation, Insurance and Safety Act of 1917, relating to compensation insurance.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1951.

SECTION 1. Section 29 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 29. (a) Every employer as defined in section 7 hereof, except the State and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways: Securing payment of compensation Methods.

1. By insuring and keeping insured against liability to pay compensation in one or more insurance carriers duly authorized to write compensation insurance in this State.

2. By securing from the commission a certificate of consent to self-insure, which may be given upon his furnishing proof satisfactory to the commission of ability to carry his own insurance and pay any compensation that may become due to his employees, the commission may, in its discretion, require such employer to deposit with the State Treasurer a bond or securities, but not both a bond and securities, approved by the commission, in an amount to be determined by the commission. Such certificate may be revoked at any time for good cause shown after hearing had, such good cause including among other things, the impairment of the solvency of said employer, the practice by such employer or his agent in charge of the administration of its obligations under the Workmen's Compensation Act of any of the acts denounced by sections 596 (b) or 633 of the Political Code, with respect to the conduct of insurance companies, their officers or agents. So long as the certificate of consent to self-insure has not been revoked, and the self-insurer has deposited with the State Treasurer such bond or securities, the self-insurer shall not be required or obliged to pay into the State Compensation Insurance fund any sums covering liability for compensation, excepting life pensions; but shall be permitted, and such permission is hereby given the self-insurer, to fully administer any and all such compensation benefits assessed against the said insurer. The Industrial Accident Commission shall have complete authority, in the event that the surety on such bond becomes liable for payment thereunder, or resort must be had to the deposited securities, to direct the order, manner and amounts of payment due the beneficiaries; and payment by the surety pursuant to the order of the commission or when ratified by the commission shall constitute a full release of his liability under the bond to the extent of such payment, and shall entitle the surety to full reimbursement by the principal or his estate, including necessary attorney fees and other costs and expenses, without prior claim or proceedings on the part of the injured employee or other beneficiaries. The surety making payment of compensation hereunder shall have the same preference over the other debts of the principal or his estate as is given by law to the person directly entitled to such compensation.

(b) If any employer shall fail so to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, and, in addition thereto, such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this Proceedings where payment is unsecured.

act did not apply, and shall be entitled in such action to the right to attach the property of the employer, at any time upon or after the institution of such action, in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachment; provided, that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if security approved by the court be given for its payment, shall be credited upon such judgment; provided further, that in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer, to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee may have been guilty of contributory negligence, or assumed the risk of the hazard complained of, or that the injury was caused by the negligence of a fellow servant. No contract, rule or regulation shall be allowed to restore to the employer any of the foregoing defenses.

Penalties.

(c) Failure to secure the payment of compensation as hereinbefore provided shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both. In case of the wilful failure by an employer to secure the payment of compensation as herein provided, the amount of compensation otherwise recoverable for injury or death as provided in this act shall be increased ten per cent, any of the provisions of this act as to maximum payments or otherwise to the contrary notwithstanding; provided, however, that said increase of award shall in no event exceed one thousand dollars. Failure of the employer to secure the payment of compensation as herein provided shall be prima facie evidence of wilfulness on his part.

Employer to furnish statements

(d) The commission may require any employer to furnish a written statement at any time showing the name of his insurance carrier or the manner in which the employer has complied with the provisions of this section. Failure of the employer for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has failed or neglected in respect to the matters so required. In any prosecution under this section, the burden of proof shall be upon the defendant to show that he has secured the payment of compensation in one of the two ways set forth in paragraph (a) hereof.

CHAPTER 380.

An act to repeal sections 1121 to 1124, inclusive, and sections 1131 to 1133, inclusive, of the Agricultural Code, relating to the storage of eggs.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 381.

An act to amend section 4099a of the Political Code, relating to orphan aid.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4099a of the Political Code is hereby amended to read as follows: Stats 1907, p. 354.

4099a. It shall be and is hereby made the duty of every county auditor in the State of California to keep all the books and necessary accounts with reference to payments made by the county of which he is auditor for minor orphans and half-orphans and abandoned children and to prepare the necessary data and make out all claims against the State for such payments. Accounts for orphan aid.

CHAPTER 382.

An act to repeal section 4041c of the Political Code, and to add a new section thereto to be numbered 4041c, relating to county officers.

[Approved by the Governor May 15, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 4041c of the Political Code is hereby repealed. Stats. 1921, p. 220.

SEC. 2. A new section is hereby added to the Political Code, to be numbered 4041c and to read as follows: New section.

4041c. Whenever in the judgment of the board of supervisors of any county it is necessary for the expeditious transaction of the business of any county office, the board by unanimous vote may provide for and allow additional assistance to any county officer. In any such case the board of supervisors shall fix the amount of compensation of such additional employees and shall limit in advance the period of time for which assistance is allowed. The powers granted to Powers of supervisors: Additional employees.

the supervisors under the provisions hereof shall not be so exercised as to result in increasing the compensation of any county officer after his election or during his term in office.

CHAPTER 383.

An act to amend section 737j of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Fresno.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 558.

SECTION 1. Section 737j of the Political Code is hereby amended to read as follows:

Fresno County: Superior judge.

737j. The annual salary of each of the judges of the superior court in and for the county of Fresno is six thousand dollars.

CHAPTER 384.

An act to amend section 585 of the Agricultural Code, relating to dairies and dairy products.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 385.

An act authorizing the Governor to make conveyances of certain parcels of real property to the original grantors thereof or their successors or assigns, if and when the interest of the United States in said parcels is conveyed or released to the State of California, which said parcels were acquired pursuant to the provisions of the Statutes of California for 1927, chapter 142, particularly the paragraph commencing on the bottom of page 271 and which were conveyed, pursuant to the provisions of the Statutes of California, chapter 517, to the United States of America, for temporary use as spoil disposal areas, in connection with the construction of that certain project approved by an act of Congress which was approved by the President of the United States, on January 21, 1927, which said act provided for the deepening and rectification of the San Joaquin River and Stockton channel in accordance with the plan laid down

in House Document No. 554, Sixty-eighth Congress, second session.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Governor authorized to reconvey certain property.

SECTION 1. The State of California having appropriated the sum of $419,000 under the provisions of chapter 142 of the Statutes of 1927, for expenditures by the State Department of Finance for the purpose of rectifying the channel of the San Joaquin River in cooperation with the Government of the United States in accordance with that certain act of Congress entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors and for other purposes," approved by the President of the United States on the twenty-first day of January, 1927, and said money having been expended for the purpose of acquiring certain parcels of land for use in connection with said project of the Government of the United States, and the Governor of the State of California, in accordance with the provisions of chapter 517 of the Statutes of California for 1927, having conveyed said parcels to the United States of America for the use of the latter in connection with the construction of said project, and certain of said parcels having been conveyed for temporary spoil disposal purposes, which purposes have been fulfilled, and the Government of the United States of America having indicated its willingness to reconvey to the State of California the parcels last mentioned herein, or to issue notices of completion concerning said project stating that said parcels of land are no longer required for the purpose for which they were conveyed to the United States of America to the end that the same may be conveyed or reconveyed to the original owners thereof, or to their successors or assigns, in order that the easements thereon may be removed and any continuing financial liability by the State of California or the city of Stockton in connection therewith may be terminated, the Governor of California is hereby authorized and directed to convey the interest of the State of California in those certain parcels of real property hereinafter described to the persons who granted the same to the State, or to their successors or assigns, in the event, upon the occurrence of the conditions and under the circumstances as follows:

Stats. 1927, p. 860.

Conditions.

(a) Whenever the State of California shall receive from the United States of America, or its duly authorized agents, a conveyance of the interest of the United States in any such parcel of land or whenever a certificate of completion of said project shall be issued by an authorized agent of the United States of America stating that said parcels of land used in connection with the construction of that certain project authorized by an act of Congress entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors and for other purposes," approved by

the President of the United States on January 21, 1927, are no longer required for the purpose for which they were conveyed to the United States of America; and

(b) It appears, and the Governor so finds, that the conveyance from such person to the State was made to the State of California after January 21, 1927.

The Governor is authorized to deliver said deeds of conveyance to such persons, or their successors or assigns, or to their duly authorized agents. All costs in connection with the reconveyance of said parcels, or each thereof, shall be borne by the grantees thereunder.

Description.

SEC. 2. The particular parcels of real property herein above mentioned in section 1 and referred to as those certain parcels hereinafter described are all and each of them is located in the county of San Joaquin, State of California, and are those certain parcels of real property described as follows:

Parcels numbered 10-AS and 31-S recorded in the office of the county recorder of the county of San Joaquin, State of California, on January 23, 1931, in official records thereof in volume 356 page 27; parcels numbered 16-AS, 19-AS, 23-S and 24-S, recorded in the office of the county recorder of the county of San Joaquin, State of California on December 24, 1928, in official records thereof in volume 251 at page 42; and parcels numbered 22-S and 25-S recorded in the office of the county recorder of the county of San Joaquin, State of California, on June 18, 1930, in official records thereof in volume 316 at page 73.

CHAPTER 386.

Stats. 1915, p. 605, amended.

An act to amend section 1 of Chapter 389, Statutes of 1915, entitled "An act providing for the sale of certain State lands," as approved May 15, 1915, as amended, relating to State lands.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1409.

SECTION 1. Section 1 of Chapter 389, Statutes of 1915, entitled "An act providing for the sale of certain State lands," as revised by Chapter 595, Statutes of 1929, as amended by Chapter 672, Statutes of 1931, is hereby amended to read as follows:

Certain State lands may be sold.

Section 1. The unsold and unreserved portions of the sixteenth and thirty-sixth sections of school lands, the unsold portions of the five hundred thousand acres granted to the State for school purposes, and the unsold portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections and losses to the school grant which are not suitable for cultivation shall be sold to citizens of the United States, or to a municipal corporation, public

corporation, quasi public corporation, or to the State Highway Commission, State Park Commission, or other State bodies authorized to purchase and hold land, by the Surveyor General under rules and regulations prescribed by him, at a price fixed by the Department of Finance, payment to be made in cash to the Department of Finance, State Capitol, Sacramento. Every occupant of a sixteenth or thirty-sixth section is protected in his occupancy for three months after the township has been sectionized.

CHAPTER 387.

An act to amend section 948 of the Political Code, relating to bonds of State officials and employees.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 948 of the Political Code is hereby amended to read as follows: Pol C. 1872.

948. The official bonds of State officers prescribed by law must be approved by the Governor and filed and recorded in the office of the Secretary of State. All other official bonds of State officers and employees must be forwarded to the Department of Finance for recordation. Upon such recordation the State Department of Finance shall forward said bonds to the Secretary of State where the same shall be filed. Filing bonds of State officers.

CHAPTER 388.

An act to provide for the organization and management of horticultural improvement districts and to provide for the development of lands included therein for the planting, caring for, and maturing of orchards thereon and for the acquisition of all property necessary therefor; to provide for the management of such districts and also to provide for the issuance and payments of bonds for such districts, for the levying of taxes and the collection of charges by said districts and for the annexation of additional territory thereto.

[Approved by the Governor May 15, 1933. In effect immediately.]

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

SECTION 1. A horticultural development district may be organized and managed as herein expressly provided and may exercise the powers herein granted, or necessarily implied.

Format on of horticultural development districts.

SEC. 2. Whenever the holders of title, or evidences of title, of lands similarly situated and similar in soil and located under similar climatic conditions so as to be adapted to the raising of any particular horticultural product or products, and which have at some time been planted thereto, desire to develop and improve the same into bearing orchards they may present to the board of supervisors of the county in which the lands, or the greater part thereof, are situated, at a regular meeting of the board, a petition setting forth that they propose to form a district consisting of the lands described in said petition for the purpose of replanting, rehabilitating and restoring said lands to a particularly therein described horticultural product or products. Said lands need not be contiguous. Said petition must also set forth the following:

Petition.

(a) A description of each tract of land that will become a part of the proposed district.

(b) The total number of acres of said district.

(c) The names of each and every owner of record of the real property described in said petition.

(d) The county or counties in which proposed district lies, or if in more than one county, the number of acres of said district in each county.

(e) The particular horticultural product or products proposed to be developed in said district.

Publication.

SEC. 3. The petition must be verified by the affidavit of one of the petitioners, it must be published for two weeks preceding the hearing thereof in some newspaper of general circulation published in the county in which the greater part of the lands are situated, together with a notice of the time when said petition will be presented to the board of supervisors; an affidavit of publication must be filed with such publication.

Hearing held by board of supervisors

SEC. 4. If the board of supervisors find on the hearing of the petition that its statements are correct, they must make an order approving the same.

The owner of any land situated similarly to the other lands in said proposed district and of similar soil and under like climatic conditions and which has heretofore been planted to said horticultural development, who is not one of the signers to said petition may appear at said hearing before said board of supervisors and file his verified written petition, describing his land, stating that the same are similar to the lands proposed to be organized into said district and praying that said lands so described be included within the boundaries of said district. If it shall appear that the statements of said petition are correct, the land so described shall be included in the district.

The board of supervisors may grant further continuances by order entered upon its minutes to the end that a full hearing may be had. Upon the final hearing of said matter the board may make an order approving the said petition as originally presented or in modified form by either excluding lands originally described in said proposed district or adding

lands thereto that have filed a petition as in this section set forth. Said order shall in addition to approving said petition either as presented originally, or as modified, state that said horticultural development district is thereby organized and said order shall be endorsed upon or attached to the petition and be signed by the chairman for attestation by the clerk of the board.

Election of first trustees.

SEC. 5. After the formation of the district the board of supervisors of the county where the greater part of the district is situated, upon application of one or more landowners of the district, must call an election in compliance with section 7 of this act, at which election there must be elected, and in pursuance with the provisions of said section, five (5) persons who shall be both landowners and residents within said district who shall constitute, when elected and qualified, the board of trustees of the district for the management of the affairs therein, and who shall hold office for two (2) years next succeeding their election, and until their successors are elected and qualified.

Office of district.

SEC. 6. The board of trustees must keep an office in the county in which said district is created and which county shall have jurisdiction over said district and its officers.

Election of trustees.

SEC. 7. Election of trustees. In each horticultural development district in this State, there shall be an election every two years, held at such time and place, in or near the district, and after such notice as the board of supervisors shall direct; provided, that the notice shall not be less than one month, and at such election each bona fide owner of lands in the district shall be entitled to vote in person or by proxy, and shall have right to cast one vote for each one dollar's worth of real estate owned by him or her in the district, the value thereof to be determined from the next preceding assessment roll of the county, and a majority of the votes cast at such election shall elect. In all elections for trustees every owner of real estate shall have the right to cumulate his or her votes, and give one candidate as many votes as the number of trustees to be elected multiplied by the number of dollars' worth of real estate owned by him or her shall equal, or to distribute them on the same principal among as many candidates as he shall think fit.

Time and place of election.

Supervisors to appoint time and place of election. The board of supervisors to which the petition for the formation of the district was presented shall, upon the application of any landholder in the district, appoint a time and place for holding such election, which election shall be held within sixty days from the time of such application; the place shall in all cases be in or near the district. Notice of such election shall be given by publication for not less than one month in a newspaper in each county in which any portion of the lands of the district are situate, if any newspaper is published therein, and if not, then in a newspaper having general circulation in such county.

Terms of office of trustees. The trustees shall hold office until their successors are elected under the provisions of this section.

Officers of election.

Officers of election. For the purpose of such election the board of supervisors of the county in which the whole or the larger part of the lands of any district are situate, must appoint from the landholders of the district one inspector and two judges of election, who shall constitute a board of election for such district; but in case the board of supervisors fail to appoint, or the persons appointed fail to attend at the time and place appointed for the election, the voters present at the time and place of opening the polls may appoint the board, or supply the place of an absent member thereof. Each member of the board must, upon entering upon his duties, be sworn to a faithful performance thereof by some officer authorized to administer oaths. The board of election must canvass the votes cast and issue certificates of election to the persons elected, and must place the ballots, when canvassed, in an envelope and forward the same, sealed, to the clerk of the board of supervisors.

Challenge of votes

Challenge of votes. Any legally qualified voter may challenge any vote, and the board of election shall determine, by the oath of the parties or otherwise, as they may think proper, whether or not the person challenged is entitled to vote, and in case of challenge, any one of the board of election is hereby authorized to administer oaths.

The polls shall be open from 10 a.m. until 4 p.m.

In case of vacancy in the board of trustees, the board of supervisors shall, by appointment, fill such vacancy.

Suit to test validity of district.

SEC. 8. From and after the election of said trustees said district shall be deemed organized and shall have power to sue and be sued.

The trustees of any horticultural development district may commence a proceeding in the superior court of the county where the greater portion of the district is situated to determine the legality of the existence of such district. The complaint in such proceeding shall describe the district by number and the land constituting the same, and shall contain a prayer that such district be adjudged a legal horticultural development district. Summons in such proceeding shall be served by publishing a copy thereof for four (4) weeks in some newspaper of general circulation published in every county where any part of said district is situated. Within thirty (30) days after the last publication of such summons any person who may be interested may appear and answer said complaint, in which answer the facts relied upon to show the invalidity of the district shall be set forth. If no answer be filed the court must render judgment as prayed for in the complaint. If any answer shall be filed, the court shall thereafter proceed as in any civil case but no district shall be adjudged invalid when it appears that such district has for five years prior to the commencement of such proceeding been prosecuting or

maintaining the object for which it was organized in good faith.

That the proceeding under this section is described to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

No proceeding in quo warranto, or any similar action or proceeding shall be maintained in the name of the people of the State of California against any horticultural development district that shall have continuously for five years next preceding the commencement of such proceeding been acting as such and prosecuting or maintaining its works of development in good faith.

Powers and duties of trustees.

SEC. 9. Said board of trustees shall have power and duties as follows, to wit:

(a) Office and records. To keep an office in the county having jurisdiction over said district, and the books, maps, papers, records, contracts and all documents pertaining to the affairs of the district must be open for inspection at all reasonable times to any person interested.

(b) To elect one of its members president of said board of trustees.

(c) To elect one of its members or any other person secretary of said board of trustees. It shall be the duty of the secretary to have charge of the office of the board of trustees and to keep the minutes of all meetings and to attest all documents requiring the signature of the president and to keep true and accurate accounts of all expenditures made in behalf of said district. All accounts and all contracts that may be made by said board of trustees shall be open to the inspection of the board of supervisors of any county within which any portion of said land of said district lies and to every person interested.

(d) To employ engineers, attorneys and others for the purpose of assisting the trustees in the carrying on of the works and development of the district.

(e) To commence proceedings in the superior court of the county where the greater portion of the district is situated to determine the legality of the district in the manner that section 8 of this act provides.

(f) To draft a plan for the development to orchards of lands within the district and to file said plan of development with the board of supervisors of the county within the greater portion of the land of said district is situated.

(g) To perform such duties with respect to the raising of moneys by taxes upon the lands in said district and by the selling of the fruit crop for which said district was created and retaining a portion thereof for the expenses of said district and retirement of the bonds as set forth in section 23 of this act.

(h) To perform such duties with respect to the calling of bond election and the issuance of bonds as is provided in section 21 of this act.

(i) To exercise a general supervision and complete control over the planting, maintenance and development of the orchards on the lands within the district, and, generally, over the affairs of the district.

(j) To provide a seal which will contain the number of the district and the county in which the lands or the greater portion thereof is situated, and all documents requiring the approval by the board of trustees shall hereafter bear the seal of the district.

(k) To adopt by-laws not inconsistent with the laws of California for the management and control of the district.

(l) To do and perform all acts and things which said trustees may deem advisable, necessary or convenient for planting, developing, maintaining or operating the horticultural development of lands therein or accomplishing the purpose for which said district was formed.

(m) The several members of the board of trustees shall be entitled to receive such compensation for services actually and necessarily performed as may be fixed in said by-laws and shall be reimbursed for such expenditures as they may necessarily incur in their performance as such trustees.

What board of supervisors to control.

SEC. 9. The board of supervisors of the county wherein the greater portion of the land of said district lies shall have jurisdiction over all affairs of such district and all references herein to the board of supervisors shall mean the board of supervisors of the county within the greater portion of the lands of said district are situated.

Plans to be filed.

SEC. 10. The board of trustees of such horticultural development district must report to the board of supervisors by filing with the county clerk of the said county plans for the works of development of the lands within said district, together with the estimates of the costs of the contemplated works of the district, including incidental expenses, maintenance and caring for trees to be planted in pursuance of any such plan or plans of horticultural development.

The term "horticultural development" as used in this act shall include the removal of dead orchards, preparing and planting any lands to the same crop, caring for the same and bringing them to maturity and productivity.

Hearing on plan.

Upon receipt of such plan of development the clerk of the board of supervisors shall immediately set a date when the said board of supervisors shall hold a meeting for considering objections, if any, to said plans. All such hearings of the said board of supervisors shall be held not less than twenty nor more than sixty days after the said plan is filed with the clerk of said board. Notice of said hearing before the said board of supervisors shall be given by said clerk by publishing a notice of said hearing for two weeks in some newspaper of general circulation published within said district, or if there

be no such newspaper so published, then in the county seat of the county having jurisdiction over said district. Said notice shall be substantially in the following form,

"Notice to the landowners of Horticultural District No. ____ Notice.
Notice is hereby given to the landowners of Horticultural District No. _____ that there has been filed with the county clerk of the county of _____ original (or amendatory, supplementary or additional) plans for the development of said district; that the said board of supervisors will hold a meeting at its office in the city of _____, county of _____, State of California, on the _____ day of _____, 19__, at _____ o'clock __m., at which time any interested party may appear and object to said plans."

At said hearing the said board shall hear such evidence as may be offered with respect to said plans, and thereafter shall approve, modify, amend or reject the said plans. The said board shall have power to continue or adjourn the said hearing from time to time and shall have authority to cause such investigation and a report of said plans to be made by any other competent authority if said board shall deem it necessary.

When the said board of supervisors shall have taken action approving, modifying or rejecting any such plan at a hearing as herein provided, such action shall be final and thereafter the sufficiency of such plans shall not be subject to attack either before the said board of supervisors or in any court; providing, however, that nothing herein contained shall prevent the board of trustees of any district from at any time filing with the county clerk of the county having jurisdiction over said district any amendatory, additional or supplemental plan of horticultural development. In the event any such amendatory, additional or supplemental plan of development is filed with the said clerk of said board the same proceeding shall be held and with like effect with respect to said amendatory, additional or supplemental plan as is herein provided for the original plan. Plan approved by supervisors is final.

Thereupon, either after approving said original plan, or after approving any amendatory, additional or supplemental plan of development the said supervisors must appoint three (3) commissioners who shall have no interest in any real estate within said district, each of whom, before entering upon his duties shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. Said commissioners must view and assess upon the lands within the said district the said sum estimated and shall apportion the same according to the benefits that will accrue to each tract of land in the district, respectively, by reason of expenditures of said sums of money and shall estimate the same in lawful money of the United States of America. The same must be Appointment of commissioners to assess land.

collected and paid into the county treasury as hereinafter provided and paid to the credit of the district and paid out for the works of the developments by warrants of the trustees approved by the board of supervisors or, if bonds of such district have been issued upon said assessment the said treasurer shall set the same apart as a separate fund for the purpose of paying the principal and interest of such bonds and shall not pay any part of the sums received from said assessment for any other purpose than the paying of the principal and interest of such bonds.

Warrants: Form.

SEC. 11. Except as herein otherwise provided all warrants drawn by the trustees must be substantially the following form:

"No.------ $------

Office of the board of trustees of
Horticultural District No. ------.

The treasurer of ------ county will pay to the order of ------ out of Horticultural Development District No. ------ fund the sum of ------ dollars for ------ allowed by the board of trustees of said Horticultural Development District No. ------.

Dated ------, 19--.

Trustees

Attest: ---

Secretary"

Registration of warrants.

Warrants drawn by the trustees must be presented to the treasurer of the county and if they are not paid on presentation such endorsement must be made thereon and they must be registered and bear interest from their date at the rate of seven per cent per annum and such warrants are, and shall be, considered as contracts in writing for the payment of money, and the period subscribed for the commencement of an action based upon said warrants, or connected therewith is and shall be the term of four years from the date of said warrants, unless said warrants are payable by their terms at a future date, in which event the said term of four years can not commence until the maturity of said warrants; provided, however, that all warrants shall be approved by the board of supervisors before the same shall be paid, or registered, by the county treasurer.

All warrants shall be paid by the county treasurer strictly in the order in which they have been registered, except warrants that are by their term payable at a future date and such warrants shall be considered as being registered as of the date of their maturity, if actually registered at or prior to maturity, otherwise as of the date of actual registration. The board of trustees may extend any warrant by endorsement thereon for an additional period of four years from the date of such extension.

Supplemental plan

If the original assessment is insufficient to provide for the complete development of the lands of the district, or if further assessment will from time to time be required to provide future maintenance, caring for, and further development of the orchards of said district, the trustees may file with the clerk of the board of supervisors an additional and supplemental plan of horticultural development and a statement of the work done, or to be done, and its estimated costs, and the same proceeding shall be had thereon as provided in section 11 of this act for the original plan of horticultural development.

Assessment list.

SEC. 13. The commissioners appointed by the board of supervisors must make a list of charges assessed against each tract of land and if there be any error or mistake in the description of the lands, or in the name of the owner, or if any land that should have been assessed shall or should be omitted from the list or if there is an error or a mistake in any other respect, the commissioners may amend or correct the same at any time before the list shall have been approved by the board of supervisors as hereinafter provided.

What to contain

The list must contain:

1. A description of each tract assessed by legal subdivisions or other boundaries, sufficient to identify the same.

2. The number of acres in each tract.

3. The names of the owners of each tract if known, if unknown, that fact; but no mistake or any error in the name of the owner, or supposed owner, of the property assessed and no mistake in any other particular shall render the assessment thereof invalid.

4. The amount of the charge assessed against each tract.

Hearing on objection to assessment

Said list when completed shall be filed with the clerk of the board of supervisors. The board of supervisors shall appoint a time when it shall meet for the purpose of hearing objections to such assessment and notice of such hearing shall be given by publication for two times, to wit: once a week for two successive weeks in some newspaper of general circulation published in said county.

At any time before the date of such hearing any person interested in any land upon which any charge has been assessed may file a written objection to such assessment, stating the grounds of such objection, which said statement shall be verified by the affidavit of such person, or some other person who is familiar with the facts. At said hearing the board of supervisors shall hear such evidence as may be offered in support of said written objection and may approve, modify or amend said assessment in any particular, or may make a reapportionment of the entire assessment.

If the amount of any assessment sum on said list shall be changed the board of supervisors shall set a day for hearing the objection to said assessment as changed and shall give notice of such hearing in the same manner as the original hearing to the assessment. At such hearing, objections in writing may

be made by any person interested, and the board of supervisors shall proceed to hear the same in the same manner as the original hearing. If the amount of any assessment shall again be changed, the board of supervisors shall proceed as before to give notice and to hear objections thereto and shall proceed in similar manner until the amount of each assessment shall be finally fixed and approved.

Order approving assessment.

The board of supervisors shall then make an order approving said assessment and shall endorse such order upon said assessment list, which said endorsement shall be filed by the chairman of the said board of supervisors and attested by the clerk thereof and such decision of said board of supervisors shall be final and thereafter said assessment list shall be conclusive evidence that the said assessment has been made and levied according to law, except in an action commenced as hereinafter provided. The list shall be prepared in duplicate, one original thereof being retained in the office of the district and the second original thereof shall then be filed with the county treasurer or if the district is situated in more than one county, then the second original list must be filed in the county where the greater portion of the land of said district is situated, and copies thereof, certified by the treasurer, must be filed with the treasurer of each of the other counties.

No objection to such assessment shall be considered by the board of supervisors or allowed in any other action or proceeding unless such objection shall have been made in writing to the board of supervisors as above specified.

Appeal.

Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater portion of said district is situated to have said assessment corrected, modified or annulled. Said action must be commenced within thirty (30) days after said assessment list has been filed with the county treasurer. If said action shall not be commenced within thirty days no action or defense shall thereafter be maintained in attacking the legality of said assessment in any respect.

Assessments a lien.

SEC. 14. When the board of supervisors shall have finally taken action modifying or approving any assessment liens as provided in section 13 of this act, the charges assessed thereby upon tracts of land in the county shall constitute a lien thereon and shall impart notice thereof to all persons and shall be superior to all other liens and encumbrances except State and county and municipal taxes or any taxes or assessments of irrigation, conservation or water storage districts.

Said assessment shall be collected as provided in section 18 of this act.

Payment of assessment.

SEC. 15. The said second original assessment list must remain in the office of the county treasurer and for a period of thirty days said assessment shall not bear interest; and as long as bonds have not been authorized and sold on the basis of said assessment, any landowner may pay in lawful money of the United States or approved warrants of the district, the

whole or any part, both principal and interest, of said assessment on any tract of land. If any bonds shall have been authorized before payment on said assessment, but shall not have been sold, the amount to be sold shall be reduced by the amount paid on the principal of said assessment. The reduction shall be only in the latest maturities; and such changes and cancellations shall be made by the county treasurer in the unsold bonds as shall be necessary to accomplish said reduction. Whenever the district is situated in more than one county the county treasurer in each county wherein any of the lands assessed are situated, shall report to the county treasurer of the main county all payments made of assessments on all tracts of lands, whether in cash or warrants, immediately upon such payments be made.

Delinquent assesments.

SEC. 16. At the end of said period of thirty days all unpaid assessments shall thereafter bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected as hereinafter set forth.

Reassessment of lands.

SEC. 17. In all cases in which an assessment shall have been levied or shall hereafter be levied for horticultural purposes upon the lands embraced within any horticultural district now or hereafter formed or created, is thereafter adjudged invalid by any court of competent jurisdiction, or shall be adjudged invalid as to any tract or tracts of land, within said district, or if, for any reason, any tract or tracts of land within such district shall not have been charged with said assessment a new assessment on the lands of the district may be levied for the purpose of raising the amount for which said invalid assessment was levied and any further sum then required or found necessary, and such tract or tracts of land shall be charged in any such subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the horticultural product for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent reassessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of horticultural development; provided, that in case any assessment that has been heretofore or shall hereafter be levied for horticultural development upon the lands embraced within any horticultural district is so adjudged to be invalid either as a whole or as to any tract upon which it may have been levied, and any landowner of the district shall have paid the amount or any portion of the amount assessed in said assessment or any tract of land before said assessment shall have been or shall be so adjudged invalid, the amount paid by said landowner together with the legal interest thereon from the date of such payment shall be a credit, and shall be credited by the treasurer of the county where the assessment list is filed on any subsequent assessment on the tract of land on which said invalid assessment was paid, and be applied in satisfaction pro tanto of any

such subsequent assessment hereafter levied on the said tract. Such subsequent assessment or reassessment shall be made by commissioners appointed by the board of supervisors of the county as provided in section 13 of this act, and shall be made and approved in the same manner as other assessments.

Collection of assessments.

SEC. 18. Assessments shall be collected as follows: The board of trustees shall collect said assessment in separate installments, of such amount and at such time, respectively, as the board from time to time in its discretion by order entered in its minutes as may direct. Upon making such order the secretary shall also enter in the minutes of the board a notice in substantially the following form:

Notice.

"Installment Notice of
Horticultural Development District No. _____.

Notice is hereby given that at a meeting of the board of trustees of Horticultural Development District No. _____ held on the _____ day of _____, 19__, an installment of _____ per cent was ordered paid within sixty days from date thereof to the county treasurer of the county of _____. Any installment which shall remain unpaid on the _____ day of _____ will be delinquent, together with the accrued interest thereon."

How served

The notice must be personally served on each landowner in the district, or in lieu of such personal service, must be sent through the mail addressed to such owner at his place of residence, if known, or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the district is situated, or by publication two times, to wit: once a week for two weeks successively in some newspaper of general circulation published in the county seat of the county where the greater portion of said district is situated. Whenever the district is situated in more than one county the county treasurer of each county wherein any of the lands assessed are situated shall immediately follow the expiration of said period of sixty days report to the county treasurer of the main county all payment made of assessments on each tract of land respectively, and shall also report all tracts which are delinquent as hereinafter provided, together with the delinquencies thereon.

When delinquent.

If any such installment shall remain unpaid at the expiration of the sixty days from the date of the order, then the said installment shall become delinquent together with the accrued interest thereon and a penalty of ten per cent on the amount of said installment and interest shall be added thereto and collected for the use of the district.

Delinquency notice and sale of property.

SEC. 19. Immediately after the said installment has become delinquent, the county treasurer of the main county must publish in each county where such delinquencies exist, a list in one notice of all said delinquencies in such county at least two times, to wit: once a week for two weeks in some newspaper of general circulation published in said county. Said notice shall contain a description of the property assessed,

as described in the assessment list or by reference to number as set forth in said assessment list on file in the office of the county treasurer (stating the date and time said list was so filed) or by other appropriate reference thereto sufficient to identify the same, and shall refer to said list for further particulars. Said notice shall also contain the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact; the amount of the delinquent installment, interest and penalty thereon calculated to the date of call and a notice that the property assessed will be sold by the county treasurer of the main county on the date therein stated, in front of the courthouse of said county to pay the amount of said installment with accrued interest and penalty. The date of said sale shall be not less than ten days after the date of the last publication of said notice. And at said time stated in said notice, or such other time to which said sale may have been postponed, the said county treasurer must sell said property to the highest bidder for lawful money of the United States. Out of the proceeds of said sale the county treasurer shall place the amount due on said property as shown in said notice in the proper funds of said district and shall pay to the owner of said property any surplus remaining. The county treasurer may postpone said sale from time to time for not less than ten or more than thirty days at any one time by a written notice posted at the place of sale.

When sold to county treasurer.

If no bid is made for said property equal to the amount due thereon, then county treasurer of the main county shall bid in and sell said property to himself and his successors in office as trustee for the district, and said property shall be struck off to him for said amount. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the county treasurer, if the property shall have been struck off to him, and said certificate of sale shall be filed in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within three years after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sums at the rate of seven per cent per annum from the date of said sale. Upon such redemption a certificate of redemption shall be issued by the county treasurer to the party so redeeming which said certificate shall be filed in the office of the county recorder. If no redemption shall be made within said three years the purchaser, upon demand and surrender by him, of certificate of purchase, or the county treasurer if said property shall have been sold to him shall be entitled to a deed executed by said county treasurer and the effect of such deed shall be to convey said property free of all liens and encumbrances excepting State, county and municipal taxes and any prior or subsequent district assessment and any taxes or assessment of irrigation, conservation or water storage districts.

Redemption

Sale after redemption period

Any parcel of land bid in and purchased by a county treasurer as aforesaid, as trustee of the district, may be sold and conveyed by him or his successors in office, at any time after the expiration of said redemption period at public or private sale, and with or without notice, to any person paying him the amount for which said parcel was bid in by said county treasurer at delinquent sale, with interest thereon at the rate or seven per cent per annum, compounded yearly from the date of said delinquent sale together with any call that has been made upon any prior or subsequent assessment; and the deed executed by the county treasurer in pursuance of such sale shall convey said property free of all liens and encumbrances except State, county and municipal taxes and any prior or subsequent district assessment and any taxes or assessments of irrigation, conservation or water storage districts. After the lapse of one year from and after the expiration of the period for redemption such parcel may be sold as in section 20 of this act provided.

Sale of unredeemed and unsold land.

SEC. 20. After the lapse of one year from and after the expiration of the period of redemption of any land sold to the district, or county treasurer as trustee for the district, either pursuant to the provisions of sections 19 or 21 of this act the county treasurer of the main county, when and as directed by the board of trustees of the district, may in their discretion then sell any land remaining unsold, to the highest bidder for cash at the front door of the courthouse of the main county of the district after giving previous notice of such sale, and the time and place of holding the same, by publication thereof in some newspaper published in the county in which the land to be sold or some portion thereof is situated for two times, to wit: once a week for two successive weeks. It shall be sufficient to describe said land in said notice by reference number as set forth in the assessment lists to which reference shall be made in said notice, and to the date and time of filing same, for further particulars. The trustees of the district shall have the right to reject any and all bids and no bid shall be accepted for an amount less than such price as shall be approved by them. No parcel shall be sold for an amount less than the fair market value thereof as such value shall be ascertained by the board of trustees. One or more parcels of such land may be included in the same notice and sold severally at the time and place set forth in said notice. Upon such last mentioned sale being made as herein provided, the said county treasurer shall execute a deed to the purchaser conveying the land sold, upon payment of the price bid, which deed shall have the effect of conveying title to the land sold to the purchaser free of encumbrance, except district assessment (including the unpaid balance of said assessment for the delinquency of which said property was sold) which upon the date of the sale herein provided had not been called, any exception as may be otherwise provided by law, and such deed duly executed and acknowledged shall be prima facie evidence that all

the proceedings for the levy and collection of the delinquent assessment for which said land was sold, and all of the proceeds for the sale of said land have been duly and regularly taken, and all notices required to be given or published have been so duly given and published for the time and manner required by law.

District to have possession of delinquent land.

Where any land has been sold for a delinquent assessment, pursuant to the provisions of sections 19 or 21 of this act for a delinquent assessment or installment of the same and no redemption has been made and the time for redemption has expired, the district shall have the right to the possession of the land so sold and unredeemed and the board of trustees shall have the right to bring and maintain any and all actions in equity or law in connection with said land and the protection of the district's rights therein to the same extent as any other owner; and the costs and expenses for such action or actions shall be a charge against the district. The board of trustees shall also have the right to expend funds of the district in such amounts that may from time to time be necessary for the purpose of retiring any and all liens against such land superior to the title of the county treasurer therein.

The trustees of the district shall have the management and control of, and right to lease out to a tenant on tenants for such reasonable rental and upon such terms as such trustees may deem advisable, any and all lands in the district which have been sold to the county treasurer, as trustee, for delinquent assessments, where the time for redemption has expired and said lands remain unsold and to receive and collect the rental for the same. All rentals collected or moneys received by the trustees of the district from such lease of lands or for the use or occupation of such land may be applied by them to the payment of the incidental expenses of holding and leasing said lands and to the payment of any other incidental expenses of, or legal charge against the district; provided, however, that all rentals collected or moneys received from lease of land sold to the county treasurer as trustee of the district pursuant to the provisions of sections 19 or 20 of this act or for the use or occupation of such land, less the incidental expenses of leasing or holding the same, shall in the event said district shall be in default for interest or principal payments or any of said bonds issued by said district, be deposited in said county treasury of the main county, to the credit of the bond fund of the district. An amount equal to the revenues derived from each tract by reason of the leasing, use or occupation thereof, less the incidental expenses of leasing and holding same, shall be credited by the county treasurer on the assessment lists against the delinquent charges on said tract.

The provisions hereof shall apply to all lands heretofore sold for delinquency to a district or to the county treasurer, as trustee as well as to future sales under assessments whether heretofore or hereafter to be, levied.

When bonds to be issued.

SEC. 21. Whenever in any horticultural development district an assessment has been levied and assessed upon the lands of said district and remains unpaid in whole or in part, where, in the judgment and opinion of the board of trustees of said district, it would be for the best interest of said district to issue bonds for the purpose of obtaining money to pay the costs of horticultural development therein, the indebtedness of the district or any other legal charge, the board of trustees of such district shall by order enter upon the records of said board, order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of said district the question of whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of trustees in its record and stated by them in the order for such special election.

Petition Who may sign.

For all purposes of this article relating to signing petitions and by-laws and voting at any election of horticultural development districts the equalized assessment roll for the year last preceding, in each county wherein any land of the district is situated shall be sufficient evidence of ownership and of value of lands in the district as hereinafter provided. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may sign such petitions or by-laws or may vote without obtaining special authority therefor.

Notice of election.

Notice of such special election must be given by the board of trustees by posting notice thereof in at least three public places in the district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of said district may be situated; and such notice must specify the time and place of holding such election, the aggregate face value of bonds proposed to be issued and the names of three landholders of the district to act as a board of election. Affidavits of the publication and posting of such notice must be filed with the county clerk of the county in which said district or the greater part thereof is situated (herein designated as the main county), together with a copy of said order calling the election, certified by the president of the board of trustees.

Who may vote

Who may vote. At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which lands of said district are situate, and the board of trustees of the district shall, prior to the election cause to be prepared and certified by the proper officer and furnished to the board of

election a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certified roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

Proxies. Ballots. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words; "Bonds—Yes" or the words "Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each and whether the same be cast for or against the issuing of the bonds. Proxies Ballots

Election officers Canvass of votes. Contest. If any person appointed as a member of the board of election shall fail to attend the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m. of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of bonds, to the county clerk of the main county and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive. Conduct of election

Issue of bonds. If two-thirds of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list, to the treasurer of said main county. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of said main county and shall be numbered consecutively in the Bonds

order of their maturity, and shall bear interest at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July in each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the county auditor. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall be payable serially within not more than thirty years from their date in the manner following, to wit:

(1) Not less than five per centum of the aggregate face value of bonds issued shall be payable within ten years from their date.

(2) Not less than five per centum of the aggregate face value of bonds remaining unpaid at the end of ten years shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds has been paid. Said bonds shall be substantially in the following form:

Form of bonds.

Form of bonds.

United States of America
State of California
County of _____

No. _____. $_____.

Horticultural Development District No. _____.

Horticultural Development District No. _____, for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said county, in the State of California, on the first day of _____, 19__, the sum of $_____, in lawful money of the United States of America, with interest thereon in like lawful money from date hereof until paid, at the rate of _____ per cent, per annum, payable at the office of said treasurer semiannually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached.

This bond is one of a series of _____ bonds of like tenor and effect, except as to denomination and maturity, numbered from _____ to _____, inclusive, amounting in the aggregate to _____ dollars, issued in accordance with section 21 of this act pursuant to an election held in said horticultural development district on the _____ day of _____, 19__, authorizing its issuance, and is based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of _____ on the _____ day of _____, 19__, and the said horticultural development district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in

strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of horticultural development district bonds.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of _____ with his seal of office affixed this _____ day of _____, 19__.

_____
President of said Board.

Attest:

Auditor of the county of _____,
State of California.

(Interest coupons, form of.) And the interest coupons may be substantially in the following form:

No. _____. $_____.

The county treasurer of _____ county, California, will pay to the holder hereof on the _____ day of _____, 19____, at his office in said county of _____ the sum of $_____ in lawful money of the United States out of the funds of Horticultural Development District No. _____ for interest on bonds of said district numbered _____.

_____
County Auditor.

Sale of bonds. The treasurer of said main county shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the trustees of the district, the treasurer of said county may sell the whole or any designated number of said bonds for the best price obtainable therefor, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said county treasurer by publication at least once a week for two weeks in a newspaper of general circulation published in said main county, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed the county treasurer shall open the bids and award the bonds to the highest responsible bidder. He may, and upon written request of a majority of the trustees must, reject any and all bids. Any sale by the county treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchase and all subsequent holders of the

Sale of bonds.

bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the county treasury to the credit of said district, and a proper record of such transaction shall be made upon the books of said county treasurer.

Action to test legality

Action to test legality. At any time within thirty days after said bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said horticultural development district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said bonds are a legal obligation of such horticultural development district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid of invalid. Any party not in default may have the right to appear to the Supreme Court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Warrants

Warrants. The board of trustees of said district may draw warrants upon said county treasurer against the funds provided by sale of bonds, which said warrants shall be approved by the board of supervisors of said main county.

Bond fund.

Bond fund. All moneys collected by any county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by the treasurer at any such sale, shall be by such treasurer forthwith paid into the main county treasury and shall be credited to the bond fund of such horticultural development district, and used exclusively for the payment of principal and interest of said bonds issued on such assessment, and of the principal and interest of any refunding bonds issued thereon.

Bonds as legal investment

Bonds as legal investment. The bonds of horticultural development districts issued pursuant to this act which have been investigated and certified by any officer of this State now

or hereafter authorized to make such investigation and certification and by the authority of which certification are declared to be legal for investments by savings banks of this State may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this State or of any county, city or city and county or other municipal or corporate body within this State having or holding funds which they are allowed by law to invest or loan.

Election prior to assessment. If the trustees deem it advisable they may order a special election to be held prior to making any assessment, to determine whether or not bonds shall be issued for an amount to be stated in the order for such election, but no bonds shall, in such instance, be issued until an assessment for the amount of the bonds authorized at such election shall have been made and filed with the county treasurer. Election prior to assessment.

Additional assessment. The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds, and any refunding bonds which may be issued, shall have been paid in full, and if for any reason any part of such principal or interest of said bonds, or of refunding bonds shall remain unpaid after enforcement of said assessment in this article provided, the board of supervisors of the main county shall order an additional or supplemental assessment to be made as provided in section 25 sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment. Additional assessment.

Additional bonds. If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed thirty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series, excepting refunding bonds. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds so far as applicable. Additional bonds.

Bonds of different denominations. Any district which has issued bonds of different denominations, may, by an order entered in its minutes, upon request of holders thereof, and upon the deposit of the bonds issued and outstanding with the board of trustees, issue to the holders of such deposited bonds, bonds of the district in the same form but in different denominations, but having the same aggregate face value and maturity. Such bonds shall be executed by all persons who are required by law to execute the original bonds for which such exchange is made, and the said bonds so deposited shall be thereupon canceled by the treasurer of the main county and the board of trustees of the district. Bonds of different denominations.

Warrants as payment of bonds.

Warrants as payment of bonds. Upon a sale of any of the bonds provided herein (excepting refunding bonds) the county treasurer of the main county is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Interest on unpaid installments.

Interest on unpaid installments. Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds originally issued thereon until such bonds and any refunding bonds issued thereon shall have been fully paid and discharged, and the interest due at any time on said unpaid assessment shall be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as the principal as the case may be.

Estimate of amount to pay interest and principal.

Estimate of amount to pay interest and principal. At least ninety days before any interest date of the bonds, including refunding bonds, the county treasurer of the main county shall estimate the amount of money necessary to pay interest and principal maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and said county treasurer shall thereupon cause to be published two times, to wit: once a week for two weeks in some newspaper of general circulation published in each county in which any of the district may be situate a notice substantially in the following form:

Notice: Form.

Form of notice. (Name of horticultural development district). Notice is hereby given that an installment of assessment (describing it) of $_____, being _____ per cent is payable within thirty days from _____ (date) by all assessed landowners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment which shall remain unpaid on the (day fixed) will be delinquent, together with ten per cent of such installment added as penalty.

Dated (date).

(Signed)_____

Treasurer of _____ County.

Delinquent installments

Delinquent installments. If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and ten per cent of the unpaid amount of said installment shall be added thereto and collected by said treasurer.

Delinquency list.

Delinquency list. When any installment shall have become delinquent, said treasurer shall publish two times, to wit:

once a week for two weeks in a newspaper of general circulation in each county in which any portion of the said delinquent land may lie (or if an adjoining county) a notice of all said delinquencies. Said notice shall contain a description of each parcel of land assessed in the district whereon such installment is delinquent, as such description appears on the assessment list or by reference number as set forth in said assessment list on file in the office of the county treasurer (stating the date and time said list was so filed) or by other appropriate reference thereto sufficient to identify the same, and shall refer to said list for further particulars. Said list shall also contain the name of the person to whom it is assessed, to unknown owners if such is the fact; the amount of the installment delinquent on such parcel; the amount of said penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said main county, at a special day and hour which shall not be less than thirty days nor more than sixty days from the date of delinquency, to pay said delinquent installment, with penalty.

Sale for delinquent installments. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment together with such penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon, with penalty and such sale shall be made for cash (except the treasurer may receive from any purchaser at their face value in lieu of cash, bonds, of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale). Any bond or coupon so received in payment shall be by the treasurer forthwith canceled and filed in his office. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the treasurer shall indorse thereon as paid, the amount of such purchase money credited thereon. Sale for delinquent installments.

Sale to treasurer. If no bid is made for any parcel at such sale equal to the amount of the installment and delinquent thereon, with penalty, the treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the district, as purchaser, for the amount of said installment, interest and penalty. Sale to treasurer.

Certificate of sale. The treasurer shall execute to each purchaser, including himself as trustee, a certificate of sale and a duplicate thereof shall be filed in the county recorder's office. Certificate of sale.

Redemption. Any person interested in the said property may redeem the same at any time within three years after the date of sale, by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certifi- Redemption.

cate, with interest thereon at the rate of seven per cent per annum from the date of sale to such redemption.

Deed to purchaser

Deed to purchaser. If no redemption shall be made within three years, the treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, or to himself as trustee of the district if the property shall have been sold to him, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except State, county and municipal taxes, and any taxes or assessments of irrigation, conservation or water storage districts, and except any portion of any horticultural development assessment remaining unpaid at the date of said sale; each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the county treasurer as trustee of the district shall thereafter be subject to sale by the treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described.

Credit to bond fund

Credit to bond fund. The treasurer shall credit to the bond fund of the district all money collected by him by sale or otherwise, upon assessment against which bonds shall have been issued, including interest and penalties and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made for said assessment. The treasurer shall charge to the general fund of the district, or to its bond fund if he has no money to the credit of its general fund the expense of publication of notices and of recording certificates of sale.

Sale of lands purchased by treasurer

Sale of lands purchased by treasurer. Any parcel of land bid in and purchased by a treasurer as aforesaid, as trustee of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of three years, at public or private sale and with or without notice to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and the treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrance except State, county and municipal taxes, and the unpaid balance of said assessment. After the lapse of one year from and after the expiration of the period of redemption, such parcel may be sold as in section 20 of this act provided. Any balance remaining in such bond fund, after

payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district.

Application of section. The provision of this section, shall apply to all sales for delinquencies, and the proceedings had in connection therewith, on all assessments. Application of section

Voting after change of ownership. In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to this right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. Voting after change of ownership.

Bonds as payment on assessment. Any landowner of the district who shall desire at any time to lessen or remove the lien upon his land of any assessment on which bonds have been issued may deliver to the county treasurer for cancellation any bonds payable out of said assessment, and the treasurer shall credit against the assessment on his land the principal and accrued interest on said bonds. Bonds as payment on assessment.

Calling and retiring bonds. The board of trustees in their discretion, may provide at any time before sale of bonds that said bonds shall be callable at face value in the manner provided by law at any interest payment date together with accrued interest thereon, and either with or without a premium to be specified by said board and inserted in said bonds; and the method of calling and retiring said bonds shall be as follows: Calling and retiring bonds.

Order calling bonds. Not less than ninety days before any interest payment date the trustees, by a two-thirds vote, may adopt an order calling bonds of the district, in any amount, for payment on such date. The order shall specify the maturities of the bonds called, commencing with the earliest maturities. If less than all bonds of any maturity are called then the trustees, by a drawing shall ascertain the bonds to be called in such maturity and the order shall designate the number of the bonds so drawn. A certified copy of the order shall be delivered to the county treasurer and he shall add the principal of said bonds, with any premium provided by the terms thereof, to the amount which he is required to collect for payment of the next maturing interest coupons. In his notice of call of assessment the county treasurer shall specify the amount which is included for payment of principal of bonds and premium. Bonds shall be paid in order of presentation. Order calling bonds.

Notice of call. Not less than once a week for four weeks prior to the date on which bonds are called for payment the county treasurer, in a newspaper of general circulation printed and published in the main county, shall publish a notice wherein he shall set forth said order of the trustees and shall Notice of call.

notify all holders of said bonds to present the same for payment on the date specified and that whenever, on or after such date, funds are received by him for payment of said bonds with any said premium all interest thereon shall cease.

Cancellation of proceedings.

Cancellation of proceedings. If within one year after any issue of bonds is deposited with the county treasurer, none of such bonds shall have been sold, or if within one year from the date of the election authorizing the issuance of bonds, none of the bonds have been deposited with the county treasurer, the board of trustees, in their discretion, may by an order enter in their minutes cancel all proceedings taken in connection with such bond issue. A certified copy of such order shall be filed with the county treasurer of such county wherein lands affected by the assessment on which said bonds were based are situated. The county treasurer with whom said bonds have been deposited shall thereupon cancel said bonds together with all coupons attached thereto. Such cancellation shall not affect the validity of the assessment upon which said bonds were issued, and the board of trustees may call for the payment of such assessment, or any part thereof, in such installments from time to time as they shall determine and as provided in section 18 of this act, or, in their discretion, and either before or after any installment of said assessment shall have been paid, they may cause bonds to be authorized and issued upon the unpaid portion of such assessment after proceedings therefor shall have been taken in the manner hereinabove in this section provided.

Cancellation of unsold bonds

Cancellation of unsold bonds. In case a portion of any issue of bonds remains unsold after the lapse of one year after the same shall have been deposited with the county treasurer or have not been deposited with the county treasurer within one year after the date of the election authorizing their issuance the board of trustees may in their discretion likewise, by an order enter on their minutes cancel said portion of said bonds so remaining unsold or not so deposited with the county treasurer and all proceedings in relation thereto; and a certified copy of such order shall likewise be filed with the county treasurer in each county wherein the lands affected by the assessment on which said bonds are based are situated.

Assessments covered by unsold bonds

Assessments covered by unsold bonds. The county treasurer with whom said bonds have been deposited shall thereupon cancel the same together with all coupons attached thereto. In case a portion only of any bond issue shall have been canceled as above provided the board of trustees shall call in and order paid the portion of the assessment represented by the bonds canceled, in such installment or installments as the said board shall determined, and as provided in section 18 of this act, and the amount collected shall be deposited in the county treasury and paid out on warrants of the district in the order of their registration drawn in payment of the cost of the works, repairs, maintenance, charges or inci-

dental expenses of the district, for the payment of which the said assessment upon which said bonds were issued was levied.

Limit on call of such assessment. Provided, that where a portion of the bonds based on such assessment have been sold are outstanding and remain unpaid in whole or in part only such portion of said assessment shall be so called in or order paid as above provided for the payment of warrants issued in payment of the costs of the works of the district, maintenance or repairs as will leave sufficient of said assessment on said land uncalled as will meet and pay the principal and interest of said bonds as and when due and payable.

Limit on call of such assessment.

SEC. 22. Notwithstanding anything to the contrary in this act contained, if, in the judgment of the board of trustees, it is desirable that the principal and/or interest of any bonds issued pursuant to the act, or any part of principal or interest shall be payable from the proceeds or any part thereof or any sales of horticultural produce raised on the lands in said district, or from any other source, or sources, of payments to the then existing assessment the board of trustees may so provide by resolution adopted at any time prior to the final retirement of such bonds. Notwithstanding such order of the board of trustees, however, the county treasurer shall make the estimate provided for in the preceding section and shall retain the sum so collected in a special fund to be designated as bond redemption fund of horticultural development district No. ------ and there shall always remain in said fund a sufficient fund to make the next ensuing payment of any principal or interest in the event such payment of principal or interest are paid by income or other sources available to the trustees of the district other than said assessment.

Payment of bonds by sale of produce

The board of trustees in the event such resolution is adopted, for the payment of either principal or interest of said bonds, shall retain from the sums of money that they shall receive from the sale of horticultural produce of said district as in section 23 provided a sufficient sum to pay the installment of either principal or interest, or both, next ensuing of said bonds and shall deliver to the county treasurer such sum at least sixty days prior to the date upon which the sum of principal or interest are payable, in which event the county treasurer shall retain such sums as have been collected on said assessment as provided in this section of this act in the bond redemption fund herein provided for. The following year the said treasurer shall make no estimate of the amount required for the ensuing payment of principal or interest unless the requirement of interest or principal payment shall be greater than the sum in such bond redemption fund, in which event said treasurer shall estimate the amount of such difference in order to collect a sufficient sum between the amount on hand and the required sum plus fifteen per cent of the amount required, and shall collect such sum as in section 21 of this act provided. In the event the revenues from other sources are sufficient to pay such payment of principal

Retention of amount to pay next installment

or interest such amount collected by the treasurer shall be added to the redemption fund and retained therein for future payments of principal and interest of said bonds and in each year thereafter until the final maturity of all bonds, the said treasurer shall make such call as may be necessary to make up the difference between the sum in his possession and the amount required to pay the next ensuing installment of principal and interest of said bonds, plus the sum of fifteen per cent on such amount.

Sale of produce

SEC. 23. All horticultural produce raised in said district shall be sold through and in the name of the trustees of said district and all sums of money received in payment therefor shall be paid to the trustees of said district, who shall use said money for the following purposes:

Disposition of proceeds

(1) If they have adopted a resolution to pay the principal and interest of such bonds from sources other than said assessment they must retain from the sale price of such horticultural produce a percentage thereof sufficient to equal the next ensuing payment or principal and interest of said bonds and may then deduct such sum as may be necessary to carry on ordinary operating expenses of said district as provided in section 24 of this act, which said latter designated sum shall be deposited in the revolving fund of said district and payable by order of the board of trustees of such district, or by such person as may be designated by them as hereinafter provided.

(2) The balance of said money so received from the sale of horticultural produce shall be delivered to the owner of the respective lands upon which the same was grown and to whom the same is due. For this last purpose the board of trustees shall keep careful record of all horticultural produce delivered to them, which records shall contain a statement of the name of the landowner delivering the same or the tenant or lessee of the landowner, the lands upon which grown, the amount and kind of produce and the sale price thereof.

Revolving fund.

SEC. 24. The board of trustees of such district shall create a revolving fund out of the price received from the sale of horticultural produce of said district for each cropping year. Said revolving fund shall be created by order of the board of trustees, stating the estimate of the amount to be required for the conducting of the affairs of the district during the next ensuing year and such percentage of the sum of money received from the sale of such horticultural product shall be by them retained to equal the amount so estimated. Said revolving fund shall be used in the payment of all expenses of the district, if the said revolving fund is created, and may be deposited in any bank. Said fund may be drawn either by check signed by a majority of said board or by check drawn by any person designated by the board of trustees of said district by resolution duly adopted by them. If said resolution is adopted by said board of trustees, a certified copy

thereof shall be filed with the bank or banks in which said revolving fund is deposited.

Supplemental assessment

SEC. 25. Supplemental assessment. In the event that any bonds shall sell for less than par, or the amount of the bonds issued shall for any reason fail to equal the amount of the assessment upon which the same is based, or the sale price of said bonds shall fail to pay off the said assessment in full then and in that event an additional and supplemental assessment may be spread and levied in the same manner as provided in this act for the spreading of the original assessment and shall be collected likewise.

Vacancy in board of trustees

SEC. 26. Any vacancy in the board of trustees caused by the resignation, death or removal from the State may be filled by the board of supervisors of the main county upon the application of any person or persons owning land in the district.

Dissolution.

SEC. 27. A horticultural development district may be dissolved by either of the following methods:

When the said district has completed its work of horticultural development and has paid off and retired all outstanding bonds, warrants, liens, assessments and claims, the owners of a majority of the lands in said district may file with the board of supervisors of the main county a petition praying for the dissolution of said district. Said petition must contain the following:

Petition

(1) A description of all of the lands in the district.

(2) A statement that all bonds, claims, warrants, liens and every charge of every kind and character have been paid and that there is no outstanding indebtedness in said district.

(3) That the works of the horticultural development have been completed.

Said petition must be filed with the clerk of the board of supervisors of the main county, who shall thereupon set a date for the hearing thereof and shall give notice for four weeks preceding the hearing thereof in some newspaper of general circulation published in the county in which the greater part of the lands are situated, which notice shall be substantially in the following form:

Notice.

"Notice of hearing of petition for the dissolution of the Horticultural Development District No. ------.

Notice is hereby given that a petition has been filed with the board of supervisors of the county of ------, State of California, praying for the dissolution of the Horticultural Development District No. ----. Said petition will be heard by the board of supervisors of said county on the ------ day of ------, 19--, at its office in the city of ------, county of ------, State of California, at which time any person interested may appear and show cause why such district should not be dissolved.

Clerk of Board of Supervisors."

Duty of supervisors

If the board of supervisors find on the hearing of the petition that its statements are correct they must make an order dissolving the district. If they find that there are unpaid bonds, warrants, liens, assessments or any other unpaid claims of any kind or character against said district they shall continue the hearing from time to time in order to give the trustees of the district time within which to raise the sum of money to pay off such existing indebtedness of the district, but the said supervisors shall not lose jurisdiction over the hearing of said petition so long as they continue said hearing from time to time to definite stated dates. If it appears at any date so set by continuation that the indebtedness of the district has been paid off since the last adjournment or postponement, then the said supervisors shall make such order dissolving said district.

Said order shall be certified to by the clerk of the board of supervisors and a certified copy thereof shall be recorded in each county where any lands of said district shall be located and upon such recording said district shall be dissolved.

Suit by Attorney General to dissolve

An action may be brought by the Attorney General in the name of the people of this State upon his own information or upon the complaint of a private party, for the dissolution of the horticultural development district for nonusers of its corporate powers. In such action, the complaint and summons must be served personally upon a majority of the trustees of such district.

In any such action when service of the summons has been made upon the defendant and the defendant has appeared or default has been entered the court, upon application of any party shall thereupon enter an order fixing a date for the hearing, which shall not be less than sixty days from the date of the order. Said order shall also direct the clerk to give all persons interested in said district, either as owners of land in said district or creditors of said district, or otherwise, notice requiring them to be and appear on the day fixed for the hearing of said cause, if any they have, why the district named in the complaint as defendant should not be dissolved. The court shall order the notice to be served by publication in some newspaper of general circulation published in the county where the greater portion of said lands of said district lies for a period of not less than twenty days.

On the date fixed for the hearing or some later date to which the same may be continued, the court may proceed with the hearing, due proof having been first made of the service of the notice by publication for the length of time required by the order. Any person interested in the district that is defendant, shall, upon showing his interest, be allowed to file his answer or objection to the dissolution, and shall from the filing of said answer or objections become a party defendant and be entitled to all the rights of a defendant in any civil action. If upon the trial of any such action it be determined by the court:

Court order dissolving district.

(1) That the trustees have not within five years prior thereto exercised any of the powers of the district or performed any of the duties of a trustee.

(2) That the said district is not in debt, or if in debt, that all claims be barred by the statutes of limitations, the court shall then enter a decree dissolving the district, or make such further order as may be deemed necessary to protect the rights of all parties interested.

SEC. 28. This act is hereby declared to be an urgency act within the meaning of section 1 of Article IV of the Constitution necessary for the immediate preservation of the public health and safety and shall take effect immediately. The facts constituting said urgency are as follows: Urgency.

That throughout the entire north half of the State in December, 1932, the citrus orchards were destroyed by an unprecedented frost and that a vast number of people of the State of California are entirely dependent upon the restoration of said citrus groves and that unless the same is done immediately, through the provisions of this act, a large portion of the population will be reduced to almost destitute circumstances and it is essential to the public health, peace and safety that this act be adopted in order that financial assistance may be had for the restoration of the said destroyed citrus groves and that this act will aid materially in accomplishing this necessary result.

CHAPTER 389.

An act to amend sections 658 and 660 and to add section 660.5 to the Fish and Game Code, relating to the protection of fish.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 390.

An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 5,

1931, and all acts or parts of acts inconsistent with the provisions of this act.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

Legislative policy.

SECTION 1. The Legislature hereby declares that the public welfare requires the regulation and control of those persons, whether acting individually or as officers, commission agents or employees of any person, firm or corporation, who hold themselves out to act as intermediaries between the public and those motor carriers of passengers operating, as common carriers or otherwise, over the public highways of the State, for compensation, that are not required by law to obtain, or that have not obtained, a certificate from the Railroad Commission of the State of California declaring that public convenience and necessity require the operations of such motor carriers; further, that until such time as Congress of the United States shall act, the public welfare requires such regulation and control of such intermediaries between the public and interstate motor carriers as well as between the public and intrastate motor carriers.

Definitions

SEC. 2. A motor carrier transportation agent within the meaning of this act is a person who, acting either individually or as an officer, commission agent or employee of a corporation, or as a member of a copartnership, or as a commission agent or employee of another person or persons, sells or offers for sale, or negotiates for or holds himself out as one who sells, furnishes or provides, transportation over the public highways of this State when such transportation is furnished, or offered or proposed to be furnished, by a motor carrier as defined in this act.

A motor carrier within the meaning of this act is any person, firm, or corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, transporting, or offering or proposing to transport, as a common carrier or otherwise, persons for compensation over the public highways of the State of California, or any portion thereof, without holding a valid certificate of public convenience and necessity issued by the Railroad Commission of the State of California permitting such carrier to so transport persons over such highways, or any of them.

To what act applies

This act shall not apply to the carriage, or proposed carriage, of any person, or persons, when no compensation for such carriage is paid, or offered or proposed to be paid, or requested or required to be paid, by, or on behalf of, a person, or persons, transported, or to be transported; nor to those engaged solely in the carriage or transportation to and from work, of employees engaged in farm work on any farm of the State of California, nor to those engaged solely in the carriage or transportation to and from work of employees of any nonprofit cooperative association organized pursuant to any of the

laws of the State of California; nor to movements of persons wholly within the corporate limits of a single municipality; nor to transportation over a route wholly or partly within a national park where such transportation is sold in conjunction with or as part of a rail trip; provided, however, that the transportation of persons whereby there is paid, or requested or required to be paid, by, or on behalf of, the person, or persons, transported, a portion of the expense incurred in course of such transportation, shall be deemed transportation provided by a motor carrier within the meaning of this act.

The provision of this act shall apply regardless of whether such transportation so sold, or offered to be sold, is interstate or intrastate.

License required.

SEC. 3. From and after sixty (60) days after this act becomes effective, it shall be unlawful for any person, firm or corporation to engage in the business, or act in the capacity, of a motor carrier transportation agent within the meaning of this act without first obtaining a license therefore. No license shall be issued to any copartnership or corporation, it being the intent hereof to require each person acting as a motor carrier transportation agent, in this State, to be individually licensed therefor; provided, however, that if an applicant is an officer or commission agent or employee of a corporation, or a member of any copartnership, or a commission agent or employee of any person or copartnership, he shall so state in his application, and the corporation, copartnership, or person of which applicant is an officer, member, or employee, as the case may be, shall join in applicant's application and shall set forth therein the relationship between applicant and said person, copartnership and/or corporation so joining.

Enforcement.

SEC. 4. The Railroad Commission of the State of California is hereby vested with authority to administer this act, with full power to regulate and control the issuance and revocation of licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement.

Disposition of fees.

SEC. 5. All fees charged and collected under this act shall be deposited at least once a month in the State treasury to the credit of the Railroad Commission and in augmentation of the current appropriation for the support of the Railroad Commission and may be expended by the Railroad Commission for the administration of this act.

Application for license.

SEC. 6. An application for a license as a motor carrier transportation agent shall be made in writing to the Railroad Commission, which application shall be duly verified and shall be in such form and contain such information as the Commission may from time to time require.

The Railroad Commission shall have power, with or without hearing, to issue said license as prayed for, or to refuse to issue the same, or to issue it for the partial exercise of the privilege sought. No license shall be issued to an applicant when, with or without hearing, the Railroad Commission shall determine

that (1) the applicant is not a fit and proper person to receive the same, or (2) the motor carriers for whom applicant proposes to sell transportation have not complied, and are not then and there complying and do not propose to comply, with State and/or Federal laws, and/or all general orders of the Railroad Commission of the State of California, applicable to the operations of said motor carrier.

The order of the Railroad Commission granting to any applicant a motor carrier transportation agent's license shall set out the name of the motor carriers for whom said agent is licensed to sell.

Display of license.

In the location at which applicant is licensed to sell transportation, there shall be displayed in a prominent place a certificate setting forth the name of the license and such other matter and things as the commission may require.

Fees.

SEC. 7. The fees for licenses, and each renewal thereof, shall be five dollars ($5) per year, or fraction thereof. All applications for licenses shall be accompanied by the fee as herein provided and all licenses, subject to the provisions for renewal, which the Railroad Commission shall prescribe, shall expire on December 31 of each year.

Bond

SEC. 8. No license shall be issued unless the applicant therefor shall provide a good and sufficient bond in the sum of one thousand dollars ($1000), which bond shall be filed by such applicant as principal and by some solvent surety company, authorized to do business in the State of California, as surety, payable to the State of California, and/or any person, or persons, for, or to whom, applicant may, or shall, furnish or provide transportation, and shall be conditioned: (1) upon the faithful performance, by the motor carrier or motor carriers for whom applicant is licensed to act, of the contract or agreement of transportation negotiated by the licensee, and (2) the honest and faithful performance by applicant of any undertaking as a licensed motor carrier transportation agent under this act; provided, however, that if any corporation, copartnership, or person of which applicant is an officer, member, commission agent or employee, as the case may be, shall join in applicant's application as provided in section 3 hereof, applicant shall be deemed to have complied with the provisions of this section if applicant shall provide, or there shall, theretofore, have been filed with the Railroad Commission, a good and sufficient bond in a sum to be fixed by the Railroad Commission, not exceeding twenty-five thousand dollars ($25,000), executed by the corporation, copartnership, or person, joining in such application, as principal, and by some solvent surety company, authorized to do business in the State of California, as surety, payable to the State of California, and/or any person, or persons, for, or to whom, any officer, member, commission agent or employee of said principal, licensed under the provisions of this act may, or shall, furnish or provide transportation, conditioned: (1) upon the faithful performance, by the motor carrier or motor carriers

for whom any officer, member, commission agent or employee of said principal is licensed to act, of the contract or agreement of transportation negotiated by the licensee, and (2) the honest and faithful performance, by any such officer, member, commission agent or employee so licensed, of any undertaking as a licensed motor carrier transportation agent under this act.

License not transferable.

SEC. 9. No license issued under the provisions of this act shall give authority, to do any act for which the license is issued, to any person, other than the licensee, and such license shall not be transferable or assignable. No license issued thereunder shall authorize the licensee to do business except in the location stipulated in the license.

Suspension or revocation of license.

SEC. 10. The commission may suspend or revoke any license theretofore issued if it shall determine that the licensee is not a fit and proper person to hold the same, or if the commission shall determine that the licensee, in acting as such motor carrier transportation agent, has engaged in false advertising and false representation in violation of the laws of this State, or any political subdivision thereof, or has sold, offered for sale, or negotiated for sale, transportation by any carrier that under the laws of this State is conducted in a manner contrary to the public interest, or without proper authority, or in violation of the provisions of this act or the general orders, rules and regulations of the Railroad Commission pertaining thereto.

Records to be kept by agents

SEC. 11. It shall be the duty of all motor carrier transportation agents to maintain and keep, for a period of two (2) years, an exact and permanent record of all transactions had by them as such agents, including the amount paid to such agent by each person transported, point of destination, and the name of the person, firm or corporation acting as motor carrier. The records hereby required to be kept shall at all times be open to inspection by any officer or agent of the State, county, or city and county within the State.

Power of commission re hearing, etc

SEC. 12. All powers heretofore, or hereafter to be vested in the Railroad Commission of the State of California, as relates to hearing and determining matters presented to it, are made applicable to the proceedings under the provisions of this act.

Construction

SEC. 13. This act shall not have the effect to release or waive any right of action by the State, Railroad Commission, or any person or corporation, for any fine, penalty or forfeits which may have arisen or accrued, or may hereafter arise or accrue, under any laws of this State. All penalties accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to, or affect the recovery of, any other penalty or forfeit, or be a bar to any criminal prosecution, or be a bar to the exercise of the commission of its powers to punish for contempt.

Penalties cumulative

SEC. 14. Any person, firm or corporation, shall be understood to be acting as a motor carrier transportation agent within the meaning of this act who shall (1) orally or by card,

Who considered motor carrier transportation agent

circular, pamphlet, newspaper, radio, sign, billboard, or any other way, advertise himself, or itself, as one who sells, furnishes, negotiates for, or provides transportation over the public highways of this State when such transportation is furnished or offered, or proposed to be furnished, by motor carriers as defined in this act; (2) manage or conduct as manager, conductor, agent, proprietor, lessor, lessee, ticket collector, or otherwise, a place where transportation is, or is offered, or proposed to be, sold, furnished, negotiated for, or provided by a motor carrier as defined in this act; (3) aid and abet, or without being present shall have advised and encouraged any person, firm or corporation in acting as, or to act as, a motor carrier transportation agent. One act of the nature herein set forth shall constitute a person, firm or corporation doing or committing such act, a motor carrier transportation agent within the meaning of this act. It is hereby made the duty of any officer arresting any person for violation of this act, to take, and keep in his custody for use as evidence, any materials or indicia used by said person so arrested, for the purpose of advertising said persons acting as, or desiring to act as, a motor carrier transportation agent. Any person who may, or shall, be charged with, or complained of as, acting as a motor carrier transportation agent without a license as herein provided, shall bear the burden of proof of proving as as a matter peculiarly within the knowledge of the person so charged or complained of: (1) that such person, firm or corporation so charged or complained of is a licensed motor carrier transportation agent; and (2) that the motor carrier or motor carriers for whom such person, firm or corporation is, or has been, acting, or proposed to act, as an agent, as charged or complained of, is not a motor carrier within the meaning of this act.

Burden of proof on agent

Prosecution of violations.

SEC. 15. The Railroad Commission may prefer a complaint for violation of this act before any court of competent jurisdiction and said commission and its counsel, or other official representatives, may assist in presenting facts at the trial. It shall be the duty of the district attorney of each county in this State to prosecute all violations of the provisions of this act in their respective counties in which such violations occur, either with or without request of said commission.

Penalties

SEC. 16. Any person, firm or corporation, acting as a motor carrier transportation agent within the meaning of this act without a license as herein provided shall, upon conviction of a first offense thereof, if a person, be punished by a fine of not to exceed five hundred dollars ($500), or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment, in the discretion of the court; or, if a corporation, may be punished by a fine of not to exceed two thousand five hundred dollars ($2,500); and for a second and subsequent offense shall, upon the conviction thereof, if a person, be punished by a fine of not to exceed one thousand dollars ($1,000), or by

imprisonment in the county jail or State prison for a term not to exceed one year, or by both such fine and imprisonment in the discretion of the court; or, if a corporation, may be punished by a fine of not to exceed five thousand dollars ($5,000).

Penalties

SEC. 17. Any person, duly licensed as a motor carrier transportation agent, who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars ($500), or by imprisonment in a county jail not to exceed six months, or by both such fine and imprisonment in the discretion of the court; and in addition thereto, the license as motor carrier transportation agent theretofore issued shall be revoked by the Railroad Commission in the manner herein provided.

Definition

SEC. 18. The term "commission," or "Railroad Commission," when used in this act, means the Railroad Commission of the State of California.

Constitutionality

SEC. 19. If any section, subsection, sentence, clause or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Stats 1931, p. 1362, repealed

SEC. 20. Chapter 638, Statutes of 1931, entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 5, 1931, is hereby repealed.

Definition

SEC. 21. The term "commission" or "Railroad Commission" when used in this act means Railroad Commission of the State of California.

CHAPTER 391.

An act to amend sections 5.650, 5.653 and 5.661 of the School Code, relating to permanent employees.

[Approved by the Governor May 15, 1933 In effect August 21, 1933]

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

Stats 1931, p 1394

SECTION 1. Section 5.650 of the School Code is hereby amended to read as follows:

Grounds for dismissal

5.650. No permanent employee shall be dismissed except for one or more of the following causes: immoral or unprofessional conduct, commission or aiding or advocating the commission of acts of criminal syndicalism as defined in chapter 188, Statutes of 1919, or which may hereafter be amended,

seditious utterances, or holding membership in any organization or society advocating the commission of acts of criminal syndicalism as defined in chapter 188, Statutes of 1919, or which may hereafter be amended, dishonesty, incompetency, evident unfitness for service, persistent violation of or refusal to obey the school laws of California, or reasonable regulations prescribed for the government of public schools.

Stats. 1931, p 1394.

SEC. 2. Section 5.653 of the School Code is hereby amended to read as follows:

Suspension and notice of dismissal.

5.653. Upon the filing of written charges, duly signed and verified by the person filing the same, with the governing board of a school district charging a permanent employee of said district with immoral conduct, commission or aiding or advocating the commission of acts of criminal syndicalism as defined in chapter 188, Statutes of 1919, or which may hereafter be amended, seditious utterances, or holding membership in any organization or society advocating the commission of acts of criminal syndicalism as defined in chapter 188, Statutes of 1919, or which may hereafter be amended, the said governing board may, if it deems such action necessary, and shall, if the charges under this section are for other than immoral conduct, immediately suspend said employee from his duties and give notice to said employee of his suspension and that thirty days after the mailing of such notice he will be dismissed unless said employee demands a hearing as hereinafter provided. Said notice must be in writing and sent by United States registered mail to the said employee at his last known address. A copy of the charges filed, together with a copy of this article, shall be enclosed with the notice of suspension and dismissal. If the said employee does not demand the hearing hereinafter provided for he shall be dismissed thirty days after the mailing of the notice hereinabove provided.

Stats. 1919, p 281.

Stats 1931, p. 1394.

SEC. 3. Section 5.661 of the School Code is hereby amended to read as follows:

Dismissal: immorality, etc.

5.661. Should an employee be dismissed under this article for immorality, commission or aiding or advocating the commission of acts of criminal syndicalism as defined in chapter 188, Statutes of 1919, or which may hereafter be amended, seditious utterances, or holding membership in any organization or society advocating the commission of acts of criminal syndicalism as defined in chapter 188, Statutes of 1919, or which may hereafter be amended, the governing board shall transmit to the county board of education which issued the certificate or certificates under which the employee was serving at the time of his dismissal, a copy of the reporter's transcript of the hearing, accompanied by a request that any certificate or certificates issued by said county board of education to the employee dismissed be revoked in the event the employee is not reinstated upon review or appeal.

CHAPTER 392.

An act to add a new section to the Code of Civil Procedure, to be numbered 73b, relating to sessions of the superior courts.

[Approved by the Governor May 15, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 73b, and to read as follows: New section.

73b. In addition to the sessions of superior courts provided for in sections 73 and 142 of this code, or any amendment of either of said sections, at least one session of the superior court shall be held in each city containing a population of not less than twenty thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall is not less than thirty miles distant from the site of the county courthouse. Sessions of superior court.

CHAPTER 393.

An act to provide for the acquisition of the Sears Point toll road by the State, and the inclusion thereof in the State highway system, and making an appropriation therefor.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. The California Highway Commission is hereby authorized and empowered to negotiate, on behalf of the State of California, for the acquisition of that certain toll road known as the "Sears Point toll road" and extending from the city of Vallejo to Sears Point, a distance of approximately 10 2 miles. Purchase of "Sears Point toll road" by State.

SEC. 2. Said commission should it deem it desirable is also authorized and empowered to contract on behalf of the State for the purchase of said toll road, on such terms and conditions as the commission may deem to be to the best interest of the State, and to include said toll road in the State highway system.

SEC. 3. The cost of acquiring said toll road shall be paid out of the State highway construction fund, or in the event that said fund is abolished out of any fund into which the moneys deposited in said fund are transferred.

CHAPTER 394.

Stats 1883, p. 93, amended.

An act to amend section 2 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1927, p. 544

SECTION 1. Section 2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows:

Petition for incorporation

Sec. 2. A petition signed by at least twenty-five per cent of the holders of title or evidence of title to the lands situate within the limits of a proposed corporation which includes both subdivided and/or densely populated areas and farming and/or industrial areas representing twenty-five per cent of the value of the land included in said limits, as the value thereof is shown on the last equalized assessment roll of such county, shall first be presented to the board of supervisors of such county. For the purposes of this act only owners of land in fee and purchasers of land under written agreement shall be qualified to sign such petition. The petition shall set forth and particularly and accurately describe the proposed boundaries of such corporation, state the number of inhabitants within such boundaries as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. There shall be attached to such petition as a part thereof the affidavit of at least three holders of title or evidence of title to lands within the limits described in such petition stating that the signatures to such petition are genuine. Such petition shall be presented at a regular meeting of the board of supervisors. Thereupon such board shall require the clerk of such board to ascertain whether such petition is signed by the requisite number of qualified signers and whether it correctly describes the boundaries of the proposed incorporation, and to make report thereon to such board within thirty days. If such report shall show either that the petition is not signed by the requisite number of qualified signers or that said boundaries are inaccurately described, or both, then such board shall be without jurisdiction further to proceed in the matter. If such report shall show that such petition is signed by the requisite number of qualified signers and accurately describes the boundaries of the proposed incorporation, then such board shall direct its clerk to accept such petition for filing and to file the same when the petitioners shall have deposited with such clerk the amount of money fixed by such board to defray the costs of the publication of such petition and the notice of election hereinafter required. When said amount of money

Hearing.

is deposited with the clerk of such board, provided such deposit is made within fifteen days from the date when such clerk is directed to accept such petition for filing, such clerk shall file such petition, and at its next regular meeting such board shall fix a time for a hearing thereon and shall direct its clerk to cause such petition to be published for at least two weeks before the time fixed for such hearing, together with a notice stating the time of such hearing, in some newspaper of general circulation printed and published in such county. When such petition comes on for hearing such board shall hear the same and may adjourn such hearing from time to time, not exceeding two months in all, and on the final hearing shall make such changes in the proposed boundaries as such board may find to be proper, shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries; provided, that any changes in such boundaries made by such board shall not include any territory outside of the boundaries described in such petition. The boundaries so established by the board of supervisors shall be the boundaries of such municipal corporation until by action, authorized by law for the annexation of additional territory to, or the taking of territory from said municipal corporation, such boundaries shall be changed. Thereupon such board shall give notice of an election to be held in such proposed corporation for the purpose of determining whether same shall become incorporated, and shall provide for the election of such officers as shall be required in such city of the class to which the same may belong, as hereinafter provided. Such notice shall particularly describe the boundaries so established, shall state the name of such proposed corporation, the number of inhabitants so ascertained to reside therein and the date of such election, and shall be published in a newspaper of general circulation, printed and published within such boundaries, or posted for the same period in at least four public places therein, for at least two weeks prior to such election. Such notice shall also require the voters to cast ballots which shall contain the words "For incorporation" and "Against incorporation," and also the names of persons voted for to fill the various municipal elective offices prescribed by law for municipal corporations of the class to which such proposed corporation will belong.

Publication of petition.

Boundaries

Election. Notice.

CHAPTER 395.

An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to sessions of the superior court.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 73 of the Code of Civil Procedure is hereby amended to read as follows:

Stats. 1931, p. 1493.

See Stats. 933, Ch. 743.
Sessions of superior court.

73. The superior courts shall be always open (legal holidays and nonjudicial days excepted), and they shall hold their sessions at the county seats of the several counties, or cities and counties, except as otherwise provided by section 142 of this code. They shall hold regular sessions, commencing on the first Mondays of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges thereof; provided, that in the City and County of San Francisco the presiding judge shall prescribe the times of holding such special sessions; provided, also, that a session of the superior court shall be held at each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse; provided further, that in such of said cities as have a population of more than one hundred twenty-five thousand, as ascertained by such census, at least three regular sessions of the superior court shall be held concurrently; and a majority of the judges of the superior court of said county, may, by an order filed with the county clerk, and published as they may prescribe, provide for, and direct the holding of, additional sessions in each of said cities, when they deem such additional sessions necessary or convenient.

A session of the superior court may be held for a period not exceeding two weeks in any one month, at each city or town containing a population of not less than seven thousand, as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall of said city or town is not less than fifty-five miles distant from the site of the county courthouse.

Stats. 1931, p. 1494.
See Stats. 1933, Ch. 743.
Changes in places of holding court.

SEC. 2. Section 142 of the Code of Civil Procedure is hereby amended to read as follows:

142. The judge or judges authorized to hold or preside at a court appointed to be held in a particular place in a city and county, county, city or town, may, by an order filed with the city and county, or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any other place in the city and county, county, city or town than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, city or town, for holding the court; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the city and county, county, city or town not less than one hundred twenty miles distant from

the county seat; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other city or town containing a population of not less than seven thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States or the Legislature of the State of California wherein the city hall of said city or town is not less than fifty-five miles distant from the site of the county courthouse; provided further, that at least one session of the superior court shall be held in each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse; and provided further, that in any of said cities, the city hall of which is not less than eight miles distant from the site of the county courthouse, which has a population of more than one hundred twenty-five thousand, as ascertained by such census, at least three regular sessions of the superior court shall be held concurrently.

CHAPTER 396.

An act making an appropriation to pay the claim of the State Adjutant General against the State of California.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. The sum of fifty thousand eight hundred five and 56/100 dollars ($50,805.56) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of the State Adjutant General against the State of California. Appropriation: State Adjutant General

CHAPTER 397.

An act adding a new section to be designated section 1149½ to the Political Code, and amending section 1150 of the Political Code, relating to the index to the book of affidavits of registration, and the designation thereon of persons who have voted.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. There is hereby added to the Political Code a new section to be designated section 1149½ to read as follows: New section.

Indicating persons who vote.

1149½. It shall be the duty of the precinct election board to cause to be marked on one of the copies of the index posted at or near the polling place, the name of each person who has voted, by drawing a line through said name with a crayon or pencil, and it shall be the duty of said board to mark off said names from time to time during the day of election, at least once each hour until four o'clock in the afternoon.

Pol C of 1872.

SEC. 2. Section 1150 of the Political Code is hereby amended to read as follows:

Index not to be marked, etc

1150. The copies so posted must be maintained during the whole time of voting, and must not in any manner be torn or marked or defaced except as authorized by section 1149½ of this code.

CHAPTER 398.

Stats 1913, p 1379, amended.

An act to amend section 13 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, relating to the time for preparing and mailing sample ballots.

[Approved by the Governor May 16, 1933 In effect August 21, 1933.]

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

Stats 1913, p 1379.

SECTION 1. Section 13 of the act cited in the title herein is hereby amended to read as follows:

Sample ballots.

Sec. 13. Sample Ballots. Mailed to Voters. Printing of Official Ballot. In Cities. At least twenty-five days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in subdivision 7 of section 12 of this act, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to by him by the Secretary of State, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a

different texture from the paper to be used on the official ballot, and one sample ballot of the party to which the voter belongs as evidenced by his registration shall be mailed to each such voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than twenty-five nor less than five days before the election. Not more than twenty-five nor less than five days before the August primary election a nonpartisan sample ballot printed on paper of a different texture from the paper to be used on the official ballot shall be mailed to each registered qualified elector who is not registered as intending to affiliate with any of the parties participating in said primary election. Such clerk or registrar of voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the Secretary of State, to the post-office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections; provided, that the number of party ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct as intending to affiliate with such party, and the number of nonpartisan ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct without statement of intention to affiliate with any of the parties participating in the primary election. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices.

Mailed to voters.

Printing of official ballot.

City elections.

CHAPTER 399.

An act to amend sections 698, 702, 705, 708 and 711 of the Fish and Game Code, relating to fish.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 400.

An act to amend sections 612, 651, 654 and 659 of the Fish and Game Code and to add thereto sections 615.5, 650.5, 658.5 and 658.6, relating to salmon and trout.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 401.

An act to add two new sections to the Penal Code, to be numbered 405a and 405b, establishing the public offense of lynching, and providing penalties therefor.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

New section. SECTION 1. A new section is hereby added to the Penal Code, to be numbered 405a, and to read as follows:

Lynching. 405a. The taking by means of a riot of any person from the lawful custody of any peace officer is a lynching.

New section. SEC. 2. A new section is hereby added to the Penal Code, to be numbered 405b, and to read as follows:

Penalty. 405b. Every person who participates in any lynching is punishable by imprisonment in the State prison for not more than twenty years.

CHAPTER 402.

An act to amend the article heading of Article 1 of Chapter 3 of Division V of and to amend sections 851, 852 and 871 and to repeal sections 853, 855, 856, 857, 858, 859, 862, 864, 865, 866, 867, 868, 869, 873, 874, 875, 879 and 881 of the Agricultural Code, relating to canned foods.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 403.

An act to amend section 588b of the Penal Code, relating to the breaking down, removal, injury or destruction of barriers or obstructions, the tearing down, removal or destruction of notices, or the extinguishing, removal, injury

or destruction of warning lights or lanterns, on a State road or highway, and prescribing a penalty for the violation of such section.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 588b of the Penal Code is hereby amended to read as follows: Stats 1915, p. 641

588b. Any person who wilfully breaks down, removes, injures, or destroys any barrier or obstruction erected or placed in or upon any road or highway by the authorities in charge thereof, or by any authorized contractor engaged in the construction or maintenance thereof, or who tears down, defaces, removes, or destroys any warnings, notices, or directional signs erected, placed or posted in, upon, or adjacent to any road or highway, or who extinguishes, removes, injures, or destroys any warning light or lantern, or reflectorized warning or directional sign, erected, placed or maintained by any such authority in, upon or adjacent to any such road or highway, shall be guilty of a misdemeanor. Penalty for breaking down barriers or signs

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CHAPTER 404.

An act to amend section 68 of the Penal Code, relating to bribery.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 68 of the Penal Code is hereby amended to read as follows: Pen C. 1872

68. Every executive or ministerial officer, employee or appointee of the State of California, county or city therein or political subdivision thereof, who asks, receives, or agrees to receive, any bribe, upon any agreement or understanding that his vote, opinion, or action upon any matter then pending, or which may be brought before him in his official capacity, shall be influenced thereby, is punishable by imprisonment in the State prison not less than one nor more than fourteen years; and, in addition thereto, forfeits his office, and is forever disqualified from holding any office in this State. Asking or receiving bribes

CHAPTER 405.

An act to amend section 288 of the Penal Code, relating to crimes against children.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1905, p 630

SECTION 1. Section 288 of the Penal Code is hereby amended to read as follows:

Crimes against children.

288. Any person who shall wilfully and lewdly commit any lewd or lascivious act other than the acts constituting other crimes provided for in part one of this code upon or with the body, or any part or member thereof, of a child under the age of fourteen years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be guilty of a felony and shall be imprisoned in the State prison not less than one year.

CHAPTER 406.

An act to amend section 4250 of the Political Code, relating to compensation of officers and employees in counties of the twenty-first class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1200.

SECTION 1. Section 4250 of the Political Code is hereby amended to read as follows:

Monterey County. Salaries

4250. In counties of the twenty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, two thousand five hundred fifty dollars per annum; provided, that the county clerk shall have the power to appoint two deputies at a salary of two thousand forty dollars each per annum, one deputy at a salary of one thousand six hundred twenty dollars per annum, one deputy at a salary of one thousand three hundred fifty dollars per annum, and also one deputy to serve only during such years as general elections may be held, at a salary of one thousand six hundred twenty dollars per annum, such deputies to be paid at the same time and in the same manner as other county officers are paid; provided, further, that the county clerk shall receive for compiling the great register, and for services in connection with elections, the additional sum of one thousand eighty dollars per annum; and provided, further, that he shall also receive and retain, for his own use and benefit, all such fees

and commissions as now are, or which hereafter may be, allowed by law.

Sheriff. 2. The sheriff shall receive, as full compensation for all services required of him by law, the sum of three thousand five hundred seventy dollars per annum; provided, that the sheriff shall be allowed the amount of the actual and necessary expenses incurred by him in the performance of his official duties; and provided, that there shall be, and there hereby is, allowed to the sheriff one deputy, who shall be known as undersheriff, at a salary of two thousand three hundred fifty-two dollars per annum, one deputy at a salary of one thousand nine hundred eighty dollars per annum, and three deputies at a salary of one thousand eight hundred dollars each per annum; one deputy, to be a stenographer, who may be employed for not exceeding two hundred fifty days in each year, at a salary of three dollars per diem. The deputies herein provided for shall be appointed by the sheriff, and shall be paid out of the county treasury in equal monthly installments, and in the same manner and at the same time as other county officials are paid. The sheriff shall pay into the county treasury at the close of each month all fees, and per diems received by him as sheriff during the month, accompanied by a statement of the sources from which the same were received.

Recorder. The recorder, two thousand four hundred dollars per annum; provided, that there shall be and there hereby is, allowed to the recorder one deputy at a salary of one thousand three hundred fifty dollars per annum; provided, further, that the recorder may appoint as many copyists as is necessary, who shall receive, as compensation for such services, the sum of seven cents per folio for copying and comparing all instruments or notices of all kinds; and for making copies of any records, except maps and plats. The deputy and copyists herein provided for shall be appointed by the recorder, and shall be paid at the time and in the same manner as other county officials are paid. The said copyists may be appointed deputies without extra compensation

Photostat system. Provided, however, that if the photostat system of recordation be installed and put into effect in the said recorder's office, there shall be allowed to the recorder, to be appointed by him, the following deputies only, to be paid at the time and in the manner as other county officials are paid, to wit: One chief deputy, at a salary of one thousand six hundred twenty dollars per annum; one indexing deputy at a salary of one thousand three hundred fifty dollars per annum; and three additional deputies, to serve as copyists and operators, at a salary of one thousand three hundred fifty dollars each per annum.

Auditor. 4. The county auditor, two thousand five hundred fifty dollars per annum; provided, that there shall be allowed to the auditor, to be appointed by him, one chief deputy, at a salary of one thousand seven hundred eighty-five dollars per annum;

one deputy at a salary of one thousand six hundred twenty dollars per annum; two deputies at a salary of one thousand three hundred fifty dollars each per annum, and one deputy at a salary of one thousand two hundred forty-two dollars per annum; provided further, that the auditor may appoint or employ such additional assistants as he may require, the aggregate compensation therefor not to exceed the sum of seven hundred dollars per year; the said deputies and assistants to be paid at the same time and in the same manner as other county officials are paid.

County purchasing agent

Provided, further, that in the event the county auditor shall serve as, and perform the duties of, the county purchasing agent, he shall receive, as full compensation for such services, the sum of eight hundred fifty-five dollars per annum.

Treasurer

5. The treasurer, two thousand five hundred fifty dollars per annum. One chief deputy at a salary of one thousand two hundred dollars per annum.

Consolidation

Provided, further, that from the time and in the event that said office is consolidated with that of tax collector, the holder of the said consolidated office of treasurer and tax collector shall receive a salary of three thousand sixty dollars per annum; that there shall be and is hereby allowed: One chief deputy at a salary of one thousand six hundred twenty dollars per annum; and one deputy at a salary of one thousand three hundred fifty dollars per annum; provided, further, that the holder of said consolidated office of treasurer and tax collector may appoint such additional assistants as he may require, at a salary not to exceed one hundred twelve dollars and fifty cents per month each, the aggregate amount therefor not to exceed the sum of one thousand three hundred fifty dollars per annum.

Tax collector.

6. The tax collector, two thousand four hundred dollars per annum, one chief deputy at a salary of one thousand five hundred dollars per annum, and such assistants as shall be required, and who shall receive for his or their services, three dollars per diem each; provided, however, that the aggregate pay of such assistants shall not exceed one thousand dollars per annum. The assistants and deputy herein provided for shall be appointed by the tax collector and shall be paid at the same time and in the same manner as other county officers are paid. From the time and in the event that the office of tax collector is consolidated with that of the treasurer, the tax collector shall receive no compensation.

Assessor

7. The assessor, three thousand five hundred seventy dollars per annum; provided, that there shall be allowed to the assessor one deputy at a salary of two thousand forty dollars per annum; one deputy at a salary of one thousand seven hundred eighty-five dollars per annum; one deputy at a salary of one thousand three hundred fifty dollars per annum; one assistant for a period of three months of each year at a salary of ninety dollars per month; four field deputy assessors, for not to exceed three months of each year, at a salary of one

hundred seventy dollars each per month, and seven additional field deputy assessors for not to exceed two months of each year at a salary of one hundred seventy dollars each per month, but the aggregate amount which may be expended in any one year for all such field deputies shall not exceed four thousand four hundred twenty dollars. The deputies and assistants provided for herein shall be appointed by the assessor, and shall be paid at the same time, and in the same manner, as other officers are paid.

Provided, that in the event the assessor or any of his full time deputies shall engage in actual field work in assessing property, he or said deputies shall be allowed actual and necessary traveling expenses incurred in the discharge of official duties, but not to exceed the aggregate sum of one thousand three hundred fifty dollars in any one year; and provided, that the assessor shall deposit in the county treasury all fees by him received, from whatsoever source the same may be derived.

District attorney.

8. The district attorney, three thousand sixty dollars per annum; provided, that the district attorney shall be allowed the amount of his actual and necessary traveling and other expenses, when incurred in connection with the prosecution of criminals, within the county; provided, further, that the district attorney shall have the power to appoint two deputies, at a salary of two thousand forty dollars per annum each, the salary of each of such deputies to be paid at the same time and in the same manner as that of other county officers. That in counties of this class there shall be and is hereby allowed to the district attorney, to be appointed by him, two stenographers each at a salary of one thousand five hundred dollars per annum with the understanding that such stenographers, without extra compensation, shall take all depositions and statements and confessions of prisoners and take and transcribe all testimony at preliminary examinations and at coroner's inquests. Said deputies and stenographers are to be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Coroner.

9. The coroner, one thousand three hundred fifty dollars per annum; provided, that the coroner shall be allowed the amount of his actual and necessary expenses when in the discharge of his official duties outside of the county seat, including mileage at the rate of nine cents for each mile necessarily traveled in going to and returning from each of such places where he may hold an inquest, or investigation together with an allowance of the sum of two dollars for summoning a jury. The coroner shall also be allowed deputies, who shall act without compensation, except that they shall be allowed the amount of their traveling expenses for necessary travel outside of the county seat in the performance of their duties. The salaries and allowances herein provided for shall be compensation in full for all services rendered by the coroner; provided, however, that when the

coroner shall act as or in the place of the sheriff he shall be allowed the same fees that are allowed to the sheriff for like services.

Public administrator.

10. The public administrator, all such fees as now are, or hereafter may be, allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand eight hundred five dollars per annum, together with the amount of his actual traveling expenses when visiting schools of the county; provided, that the superintendent of schools shall have the power to appoint two deputies, one of whom shall receive a salary of one thousand seven hundred eighty-five dollars per annum, and the other a salary of one thousand six hundred twenty dollars per annum, the salary of each of such deputies to be paid at the same time and in the same manner as that of other county officers.

Surveyor.

12. The surveyor, one thousand six hundred twenty dollars per annum for all work performed for the county, and in addition thereto he shall be allowed his actual and necessary traveling and other expenses in connection with field work, and the cost of preparing maps, plats, block books and tracings for the assessor when directed by him to do so; provided, however, that if the county surveyor shall be appointed superintendent of permanent highways in the county, constructed under bond issue, pursuant to any statute in this State providing for the appointment of such superintendent, the surveyor shall receive the additional sum of two thousand five hundred fifty dollars per annum as compensation for his services as such superintendent of permanent highways.

Justices of the peace.

13. The justices of the peace shall receive the following monthly salaries, respectively, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: (1) In each township having a population of more than ten thousand the justice of the peace shall receive a salary of one hundred seventy dollars per month; (2) In each township having a population of more than five thousand and less than ten thousand, the justice of the peace shall receive a salary of one hundred seventy dollars per month; provided, however, that in each case where there are two or more justices of the peace in any such township, or where two or more offices of justice of the peace may be hereafter created in any such township, the salary of each of such justices of the peace shall be ninety dollars each per month; (3) In each township having a population of two thousand five hundred, but less than five thousand, sixty-one dollars and seventy-five cents per month; (4) In each township having a population of one thousand five hundred, but less than two thousand five hundred, fifty-seven dollars per month; (5) In each township having a population of one thousand, but less than one thousand five hundred, forty-two dollars and seventy-five cents per month; (6) In each township having a population of five hundred, but less than one thousand, thirty-three dollars and twenty-five cents per month;

and (7) in each township having a population of less than five hundred, twenty-eight dollars and fifty cents per month. Each justice of the peace shall pay into the county treasury each month all fees and fines collected by him; and provided further, that the county board of supervisors may, in its discretion, furnish and provide suitable offices for the transaction of the business of any one or more of the justices of the peace.

Constables.

14. The constables shall receive the following monthly salaries, respectively, to be paid as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them in all criminal cases or criminal matters: (1) In each township having a population of five thousand or more, ninety dollars per month; (2) In each township having a population of two thousand five hundred, but less than five thousand, forty-seven dollars and fifty cents per month; (3) In each township having a population of one thousand five hundred, but less than two thousand five hundred, forty-two dollars and seventy-five cents per month; (4) In each township having a population of one thousand, but less than one thousand five hundred, thirty-three dollars and twenty-five cents per month; (5) In each township having a population of five hundred, but less than one thousand, twenty-eight dollars and fifty cents per month; and (6) in each township having a population of less than five hundred, nineteen dollars per month; provided, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for necessary traveling expenses in his own district, for the service of a warrant of arrest, or any other process in a criminal case, or other criminal matters, when such service is in fact made, both going and returning, seven cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest in the service of process, seven cents per mile; and for transporting any person to the county jail, seven cents per mile each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use such fees in civil cases as now are or hereafter may be specified by law.

Supervisors.

15. The supervisors, the sum of one thousand eighty-two dollars each per annum, and seven cents per mile for all distances actually traveled in the performance of his duty as road commissioner, not to exceed four hundred fifty dollars per annum, together with mileage, at the rate of seven cents per mile in going from his place of residence to the county seat and returning at each session of the board.

Reporter.

16. In each county of this class, the official phonographic reporter of the superior court shall receive, for his services in reporting testimony and proceedings in court, and for the transcription thereof, such compensation and fees as now are, or hereafter may be, prescribed by law; provided, however, that when the court reporter is on duty in chambers in assisting the judge in his work, or is otherwise engaged

therein, although not engaged in reporting testimony or proceedings in the court, he shall be allowed, and shall receive, the sum of eight dollars per day.

Librarian. 17. The county librarian shall receive a salary of one thousand seven hundred eighty-five dollars per annum.

Probation officer. 18. In counties of the twenty-first class there shall be one probation officer, whose salary shall be two thousand one hundred dollars per annum; the probation officer shall be allowed one deputy at one thousand dollars per annum; provided that such probation officer or deputy probation officer may assume and perform other duties than those prescribed under the Juvenile Court Law, for and at the request and under the direction of the board of supervisors and shall be entitled to receive and retain such compensation for such duties as may be provided by the said board of supervisors.

Sealer. 19. The sealer of weights and measures in counties of the twenty-first class shall receive a salary of one hundred seventy dollars per month and deputies shall receive four dollars per day for every day actually employed.

Township population. 20. The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the next preceding Federal census.

Jurors. 21. In counties of the twenty-first class, grand jurors and trial jurors in the superior court shall receive for each day's attendance three dollars, and for every mile actually traveled in attending court as such juror, in going only, fourteen cents.

Mileage. 22. Allowance for mileage to the sheriff in counties of this class is ten cents per mile for each mile actually and necessarily traveled in the performance of his duties and allowance for mileage to any other officer or employee in counties of this class is seven cents per mile for each mile actually and necessarily traveled in the performance of his duties, except where a different mileage is specified herein or where the board of supervisors allow a fixed sum per month for mileage.

Effect SEC. 2. This act shall apply to present incumbents.

CHAPTER 407.

An act to amend section 10 of the Political Code, relating to holidays, to validate the acts of public officers made, done or performed on certain holidays and to declare that this act shall take effect immediately.

[Approved by the Governor May 16, 1933. In effect immediately]

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

Stats 1933, Ch. 28 SECTION 1. Section 10 of the Political Code is hereby amended to read as follows:

Holidays

10. Holidays within the meaning of this code, are every Sunday, the first of January, twelfth day of February, to be known as Lincoln Day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October, eleventh day of November, known as "Armistice Day," twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving or holiday; provided that on any day appointed by the President or by the Governor as a special or limited holiday all courts, public schools and public offices of this State and of any city, county, city and county, township, district, or political subdivision thereof shall be open and shall function in their normal and usual manner and all other public functions shall be performed as on days which are not holidays and all contracts shall be performed and business transacted as usual except only as to or by the particular class of business or persons expressly limited or restricted by the provisions of the proclamation appointing or declaring such special or limited holiday. A special or limited holiday is hereby defined as a holiday applying only to a special class or classes of business, or a special class or classes of persons, and not appointed to be generally observed throughout the State by all classes of business and all classes of persons.

Special holidays.

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the eleventh day of November or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

Saturday half-holiday.

Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; provided, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoon; and provided further, that the public schools of this State shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the ninth day of September, eleventh day of November, the twenty-fifth day of December, and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or holiday; provided still further, that the governing board of any junior college may provide for the maintenance of classes on Saturday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall

School holidays

have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

"Admission Day" and "Armistice Day"

All public offices of the State and all State institutions, including the State University and all public schools in the State shall be closed on the ninth day of September of each year, known as "Admission Day." All public offices of the State and all State institutions, except the State University, shall be closed on the eleventh day of November of each year, known as "Armistice Day."

Intent.

SEC. 2. The Legislature hereby declares that the legislative intent in enacting the amendment to section 10 of the Political Code by the act which was approved March 6, 1933, by the Governor and which now constitutes chapter 28 of the Statutes of 1933 was as is expressed in the amendment to said section 10 hereby enacted.

Official acts validated.

SEC. 3. The official acts of all city, county, city and county, district, and State officers and employees, and the official acts of all courts and judicial officers and employees, made, done, or performed during the period of time beginning March 2, 1933, and ending on the effective date of this act, both dates inclusive, are hereby ratified, confirmed, and validated in so far only as said acts, or any of them, may be or are defective or invalid by reason of having been made, done or performed on any day within that period appointed by the Governor of this State to be a general or special holiday or proclaimed by the President of the United States to be a general or special holiday, or bank holiday.

All such official acts shall have and be given the same force and effect and shall be as valid for all purposes as if they had been made, done or performed on a day other than a holiday.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State and shall therefore go into effect immediately.

The facts constituting the necessity are as follows: Present economic conditions and the validity of official acts demand that the scope and operation of a special or limited holiday as proclaimed by the Governor of this State or the President of the United States be defined and also that the official acts of public officers done or performed during the holidays recently declared by the Governor and President be defined, confirmed, and validated. Great loss will result to the people of this State unless the Legislature declares its intent in creating special or limited holidays, validates official acts performed during holidays, and defines and differentiates the same. To these ends it is necessary that this act shall take effect immediately.

CHAPTER 408.

An act to add a new section to the School Code, to be numbered 3.10–1, and to amend sections 3.11 and 3.13 thereof, all relating to the education of Indian children.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the School Code, to be numbered 3.10–1 and to read as follows: New section.

3.10–1. The county superintendent of schools is hereby empowered to enter into contracts with the national government to receive money from said national government for the Indian children in attendance in the schools under his supervision in addition to any money that may be appropriated for such schools by the State and county. Federal aid for Indian children.

SEC. 2. Section 3.11 of the School Code is hereby amended to read as follows: Sch C, p. 107.

3.11. Any money received on a contract between the governing board of a school district and the national government shall be transferred to the county superintendent of schools to be by him paid to the treasury to the credit of the proper fund of such school district. Any money received on a contract between a county superintendent of schools and the national government shall be apportioned by him in such manner as he shall determine to the school districts in his county in which Indian children are in attendance in addition to any money that may be apportioned to such districts by the State and county. Disposition of such funds

SEC. 3. Section 3.13 of the School Code is hereby amended to read as follows: Sch C, p. 107.

3.13. Upon crediting any moneys to the funds of a school district or upon apportioning any moneys to a school district under the provisions of this article, the county superintendent of schools shall notify the clerk of the governing board of the district concerned of the amount so credited or apportioned. Notice of credit

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CHAPTER 409.

An act to provide for the registration and protection of the names and insignia of fraternal associations, and to prohibit the wearing, exhibition, display, or use of the same by any person not entitled to wear, exhibit, display or use the same; and fixing a penalty for the violation thereof.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Certain terms when used in this act, unless such construction be inconsistent with the context, must be construed as follows: Definitions.

(1) "Fraternal societies" includes any association, lodge, order, beneficial association, or fraternal or beneficial society or association, historical, military or veterans organization, labor union, foundation, federation or any other society, organization or association, degree, branch, subordinate lodge or auxiliary thereof.

(2) "Insignia" includes badge, motto, button, decoration, charm, emblem or rosette.

Registration of fraternal insignia

SEC. 2. Any fraternal society, the principles and activities of which are not repugnant to the Constitution or laws of the United States or of this State, may register in the office of the Secretary of State a facsimile or description of its name or insignia, and may by reregistration alter or cancel the same.

Application

SEC. 3. Application for such registration, alteration or cancellation shall be made by the chief officer or officers of the fraternal society, upon blanks to be provided by the Secretary of State and such registration shall be for the use, benefit and on behalf of the fraternal society, the individual members and those hereafter to become members thereof.

Record

SEC. 4. The Secretary of State shall keep a properly indexed record of the registration provided for by this act, which record shall also show any altered or canceled registration.

Deceptive insignia

SEC. 5. No fraternal society shall be permitted to register any name or insignia similar to or so nearly resembling another name or insignia already registered as may be apt to deceive.

Certificate of registration.

SEC. 6. Upon the registration, as aforesaid, the Secretary of State shall issue his certificate setting forth the fact of such registration.

Unlawful use of insignia

SEC. 7. Any person who wilfully wears, exhibits or uses for any purpose a name or insignia registered hereunder, unless he or she shall be entitled to use, wear or exhibit the same under the constitution, by-laws, or rules of the fraternal society registering the same, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for a period not to exceed sixty days.

Fee

SEC. 8. The Secretary of State shall charge and collect a fee of two dollars for each registration made under this act, and all such fees shall be deposited in the State treasury to the credit of the general fund.

CHAPTER 410.

An act to amend section 2322x23 of the Political Code relating to the office of the agricultural commissioner in counties of the twenty-third class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1931, p 901

SECTION 1. Section 2322x23 of the Political Code is hereby amended to read as follows:

2322x23. In counties of the twenty-third class, the commissioner shall receive a compensation of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for the commissioner shall not exceed one thousand eight hundred dollars; provided, that in counties of this class there shall be and there is allowed to the commissioner, a deputy to be appointed by said commissioner, which position is hereby created, at a salary of four dollars per day while actually engaged in such work, not to exceed, however, in the aggregate the sum of five hundred dollars in any one year. Marin County: Agricultural commissioner.

CHAPTER 411.

An act to amend section 1262 of the Agricultural Code, relating to produce dealers.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 412.

An act to amend section 139 of the Civil Code, relating to alimony.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 139 of the Civil Code is hereby amended to read as follows: Civ. C., 1872.

139. Where a divorce is granted for an offense of the husband, the court may compel him to provide for the maintenance of the children of the marriage, and to make such suitable allowance to the wife for her support, during her life or for a shorter period as the court may deem just, having regard to the circumstances of the parties respectively; and the court may from time to time modify its orders in these respects. Support of wife and children.

Upon the remarriage of the wife, the husband shall no longer be obligated to provide for her support but such remarriage shall not affect his duty to provide for the maintenance of the children of his marriage. Remarriage.

CHAPTER 413.

An act to amend sections 7, 8, 10, 11, 12, 16, 18½ and 19 of an act entitled "An act to provide for the organization and management of county fire insurance companies," Stats. 1897, p. 439, amended

approved April 1, 1897, relating to county fire insurance companies.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1917, p 943

SECTION 1. Section 7 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, is hereby amended to read as follows:

Qualifications for members.

Sec. 7. Any person owning insurable property in the county in which any such company is formed or any person owning insurable property in any county adjoining the county wherein such company is formed as hereinafter provided, may become a member by insuring therein, and shall be entitled to all the rights and privileges appertaining thereto; but no person not residing in the county in which a company is formed shall become a director of such company.

Stats 1929, p 1535.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

What may be insured.

Sec. 8. Such company may issue policies on dwellings, schoolhouses, churches, community, creamery or farm buildings and such property as may be contained therein; also on property owned by the assured on the premises or stored in public or private warehouses; provided, that insurance upon personal property owned by the insured including automobiles and live stock permitted under this act, shall continue in full force and effect during the use or transportation thereof in the ordinary course of business of the insured wherever the same may be located at the time of loss if within the State of California; all for any time not exceeding five years and not to extend beyond the time limited for the existence of the charter; provided, also, that no company that has been organized less than three months shall write insurance in excess of two thousand dollars subject to one risk without immediately reinsuring all in excess of that amount and no company organized more than three months shall write insurance subject to one risk in excess of one per cent of the amount of insurance in force on the books of that company at that time without immediately reinsuring all in excess of that amount. All persons, whose property is so insured, shall give their obligations to the company binding themselves, their heirs and assigns to pay their pro rata share to the company of the necessary expense and loss by fire which may be sustained by any member thereof during the time for which their respective policies are in force and they shall also at the time of effecting the insurance pay such percentage of the estimated cost and such other charges as may be required by law or by the rules and by-laws of the company.

Reinsurance.

Sharing expense and loss

Stats 1929, p 1535

SEC. 3. Section 10 of said act is hereby amended to read as follows:

Insuring outside county.

Sec. 10. No such company shall insure such property beyond the limits of the county wherein the said company is organized, excepting that the company may insure in any county next adjoining the county wherein such company is organized. No such company shall issue policies covering on property in excess of six thousand dollars on any one risk or hazard under one or more policies, without immediately reinsuring the excess amount in some other company, except that any such company having more than ten million of property at risk upon their books may for each one million in excess of ten million, write five hundred dollars additional insurance in excess of six thousand dollars. Nor shall any such company assume a risk or risks on property situated in the limits of any city or town, or within any closely built-up district, within any one block, without immediately reinsuring all in excess of the provisions of this act.

Limit on risks.

Reinsurance

Any such company may reinsure or accept reinsurance in any company operating under the provisions of this act or under any agreement for mutual reinsurance between two or more county mutual fire insurance companies, but in no case shall the reinsurance taken by any one company exceed the amount of the risk retained by the company originating the business, or it may reinsure in any authorized company organized for the purpose of providing reinsurance for county mutuals, in which case the amount retained by the originating company must not be less than ten per cent and in no case be less than five hundred dollars. The character of, and number of risks reinsured shall not vary from that permitted in the case of original insurance. Where the amount of insurance covered by policies already written equals the amount named in the foregoing provisions no additional insurance shall be written by such company on country property, within a radius of one hundred feet and such radius shall continue at not less than seventy-five feet during the life of the policy, unless covered by reinsurance nor shall any insurance be written by any such company on farm or country property, in excess of seventy-five per cent of its actual cash value and no additional insurance shall be allowed; provided, that in case of class A or class B buildings, having no exposures, that would constitute a special hazard or on country property under fire protection and within a fire district the seventy-five per cent limit does not apply.

Terms defined.

For the purpose of this act "a city or town block" shall be construed to be an area having at least one frontage in a closely built-up district fronting on a used public street or highway, surrounded on all sides by a clear space at least equal in width to the clear space of such public street or highway and containing an area of not more than one hundred sixty thousand square feet.

"Closely built-up district" shall mean territory on the line of a public highway or street or block or blocks where for not

less than a quarter of a mile the dwelling houses and business structures average less than one hundred feet apart.

"One risk" means one hazard under one or more policies, subject to one fire and relates to the amount named in the policy or policies.

"Clear space" means space free from combustible material likely to communicate fire.

Stats 1921, p. 1579

SEC. 4. Section 11 of said act is hereby amended to read as follows:

Notice of loss

Sec. 11. Every member of such company who may sustain loss or damage by fire or other hazard covered by his policy contract shall immediately notify the company thereof in accordance with the terms of his policy contract as hereinafter provided.

Stats 1917, p. 163.

SEC. 5. Section 12 of said act is hereby amended to read as follows:

Assessments for deficiency.

Sec. 12. When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all of the property to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may be classified; except, when the amount of such loss or losses does not exceed one-eighth of one per cent of the total amount of insurance in force in any county fire insurance company, then and in such event the directors of said company may, by resolution in writing, signed by two-thirds of said directors in meeting assembled, borrow in the name of said company and give said company's note or other evidence of indebtedness therefor, in an amount or amounts whose total shall not exceed one-eighth of one per cent of the total amount of insurance in force in said company. The term of said loan or loans shall not be for a greater period than twelve months nor shall the date of maturity be in excess of thirty days beyond the date of the annual meeting of said company; provided further, that the board of directors may at their annual meeting levy an assessment not to exceed twenty-five cents on the one hundred dollars on first-class insurance and a pro rata amount on other classes, and said sum so raised shall constitute a reserve fund to be used in emergency cases only and another assessment for this fund shall not be made while this reserve fund remains intact.

Loans to meet losses not over certain amount.

Reserve fund

No assessment or assessments can be levied upon any policy in excess of five times the amount of the premium named therein.

Stats 1925, p. 339

SEC. 6. Section 16 of said act is hereby amended to read as follows:

With-drawals

Sec. 16. Any member of such company may withdraw therefrom by surrendering his policy for cancellation at any time during the life of the policy and while the company continues the business for which it was organized by giving

notice in writing to the secretary thereof and by paying his share, if any, under the terms of his policy, of all claims that may exist against the company on the day of cancellation; provided, that the company shall have power to cancel or terminate any policy by giving the insured five days' written notice to that effect either in person or by registered mail to his last post-office address, or if this is not known, then to the address given upon the application blank which is a part of the policy and by returning to him in the same manner by check or otherwise any excess premium he may have paid during the term of the policy, over the cost of his insurance in accordance with the customary cancellation tables in use in this State. Also, in case of cancellation by this company it must also notify in the same manner any holder of a mortgage or deed of trust whose name appears either on the signed application which is a part of the policy or upon a paster or otherwise upon the policy or the party named to whom loss if any is payable to _____. Cancellation.

SEC. 7. Section 18½ of said act is hereby amended to read as follows: Stats 1929, p 1535.

Sec. 18½. The following is adopted as a standard form of county fire insurance company's policy for the State of California: Form of county fire insurance policy.

California Standard Form of County Fire Insurance Policy.

No. _____ Amount _____ Rate _____. No other insurance permitted except by agreement indorsed hereon or added hereto. (Here insert the name of company, and place of its main office in California, and name of county in which incorporated or organized.) By this policy of insurance the _____ of _____ County, in consideration of _____ dollars, and the obligation as described herein and in application, does accept as a member and insures _____ against loss or damage by fire during a term of _____ years, commencing at noon on the _____ day of _____, 19___, and terminating at noon of the _____ day of _____, 19___, to an amount not exceeding _____ dollars on the following described property located and contained as described herein and not while located or contained elsewhere to wit: (Blank space for the attachment of forms.) For a more particular description, and as forming a part of this policy, reference is had to application No. _____ on file in the office of this company.

This company will not be liable beyond the actual cash value of the interest of the insured in the property at the time of the loss or damage nor exceeding what it would then cost to repair or replace the same with material of like kind or quality; provided, said value be estimated without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating repairs or reconstruction of buildings, and without compensation for loss resulting from interruption of business or manufacture. No liability beyond actual cash value.

Waiver. This policy is made and accepted subject to the foregoing stipulations and conditions and those hereinafter stated, which are hereby specifically referred to and made a part of this policy, together with such other provisions, agreements or conditions as may be indorsed hereon or added hereto, and no officer, agent, or other representative of this company shall have power to waive any provision or condition of this policy except by writing indorsed hereon or added hereto, and no person unless duly authorized in writing shall be deemed the agent of this company.

Charter and by-laws. The charter and by-laws of this company are to be resorted to and used to explain the rights and obligations of the parties hereto in all cases not herein otherwise especially provided for, and are hereby made a part of this policy. This policy is made and accepted upon the above expressed condition.

Countersignature. This policy shall not be valid until countersigned by the duly authorized secretary of the company at ------, California.

In witness whereof, this company has executed and attested these presents (here insert the name of the company) by ------, president. Countersigned at ------, California, this ------ day of ------, 19---. ------ secretary.

Stipulations and Conditions Specially Referred To.

Stipulations and conditions. Stipulations and conditions—Property not covered. (a) This company shall not be liable for loss to accounts, bills, currency, evidence of debt, or ownership or other documents, money, notes, or securities; nor (b) unless liability is specifically assumed hereon, for the loss to bullion, casts, curiosities, drawings, dies, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, business or store or office furniture or fixtures, sculptures, frescoes and decorations, or property held on storage or for repair.

Hazards not covered. Hazards not covered—This company shall not be liable for loss by (a) theft, or (b) by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire; or (c) (unless fire ensues, and in that event for the damage by fire only) by explosion of any kind, or lightning; or (d) by invasion, insurrection, riot, civil war, or commotion, or (except as hereinafter provided) by military or usurped power, or order of any civil authority, but the company will be liable, unless otherwise provided by indorsement hereon or added hereto, if the property is lost or damaged, by fire or otherwise, by civil authority or military or usurped power exercised to prevent the spread of fire not originating from a cause excepted hereunder and which fire otherwise probably would have caused the loss of or damage to the insured property.

Matters avoiding policy. Matters avoiding policy—This entire policy shall be void (a) if the insured has concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof; or (b) in case of any fraud or false swearing

by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss.

Unless otherwise provided by agreement indorsed hereon or added hereto this entire policy shall be void (a) if the insured now has or shall procure any other insurance whether valid or not, on property covered in whole or in part by this policy, or (b) if the interest of the insured be other than unconditional and sole ownership, or (c) if the subject of insurance be a building on ground not owned by the insured in fee simple, or (d) if with the knowledge of the insured foreclosure proceedings be commenced or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed, or (e) if this policy be assigned before a loss.

Matters suspending insurance—Unless otherwise provided by agreement indorsed hereon or added hereto this company shall not be liable for loss or damage occurring (a) while the hazard shall be materially increased by any means within the control of the insured, or (b) if the subject of insurance be a manufacturing establishment, while it is operated in whole or in part at night later than ten o'clock or while it ceases to be operated beyond a period of ten consecutive days; or (c) while mechanics or artisans are employed in building or altering or repairing the described premises for more than fifteen days at any one time; or (d) while illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or (e) while there be kept, used or allowed on the described premises (any usage or custom of trade or manufacture to the contrary notwithstanding), calcium carbide, phosphorus, dynamite, nitroglycerine, fireworks or other explosive; or exceeding one quart each of benzine, gasoline, naphtha or ether; or more than twenty-five pounds of gunpowder; or (f) while a building herein described whether intended for occupation by owner or tenant is vacant or unoccupied beyond the period of ten (10) consecutive days; (g) while the interest in, title to or possession of the subject of insurance is changed excepting: (1) by death of the insured; (2) a change of occupancy of building without material increase of hazard; and (3) transfer by one or more several copartners or coowners to the others. Matters suspending insurance.

Such suspension shall not extend the term of this policy nor create any right for refund of the whole or any portion of premium, nor affect the respective rights of cancellation.

Chattel mortgage—Unless otherwise provided by agreement in writing indorsed hereon or added hereto this company shall not be liable for loss or damage to any property insured hereunder while encumbered by a chattel mortgage, but the liability of the company upon other property hereby insured shall not be affected by such chattel mortgage. Chattel mortgage.

Fallen building clause—Unless otherwise provided by agreement indorsed hereon or added hereto, if the building or any material part thereof fall, except as a result of fire, all insur- Fallen building clause.

ance by this policy on such building or its contents shall immediately cease.

Removal when endangered by fire.

Removal when endangered by fire—Should any of said property be necessarily removed because of danger from fire, and there is no other insurance thereon, that part of this policy in excess of the value of the insured property remaining in the original location, or, if there is other insurance thereon, that part of this policy in excess of its proportion of the value of the insured property remaining in the original location, shall, for the ensuing five days only, cover the said removed property in its new location or locations.

Cancellation.

Cancellation—This policy may be canceled and the insured as a member of this company may withdraw therefrom by the insured surrendering his policy for cancellation at any time during the life of the policy and while the company continues the business for which it was organized, by giving notice in writing to the company and by paying such obligations as may have accrued against him on the day of cancellation; provided, that this company shall have the power to cancel or terminate any policy by giving the insured five days written notice to that effect either in person or by registered mail to his last post-office address or if this is not known then to the address given upon the application blank which is a part of this policy and by returning to him in the same manner by check or otherwise any excess premium he may have paid during the term of this policy, over the cost of his insurance as measured, on the pro rata basis, by the customary rate of fire insurance companies doing business in this State.

Notice to holder of mortgage or deed of trust

Also, in case of cancellation by this company it must also notify in the same manner any holder of a mortgage or deed of trust whose name appears either on the signed application which is part of this policy or upon a paster or otherwise upon this policy or the party names "to whom loss if any is payable to ------;" provided, however, that if the insured shall fail to pay the premium on this policy within thirty days from date thereof, then this policy shall be suspended and of no further force and effect until reinstated by the payment of all delinquent charges or fees; and provided further, that this policy shall not be suspended as far as the interest of said mortgagee or other party to whom, with the written consent of the company this policy is made payable until and after ten days written notice of such failure.

Assignment

Assignment—This company may give its consent in writing allowing the assignment of this policy upon the bona fide sale of the property insured herein; provided, within thirty days from the transfer of the title to the within property and upon the assignment thereof said purchaser or his agent signs an agreement becoming a member and accepting the conditions of the within policy; otherwise this policy to be null and void, except as to holders of a mortgage or deed of trust.

Duty of Insured in Case of Loss. When a loss occurs the insured must give to this company written notice thereof with-

out unnecessary delay; and shall protect the property from further damage; forthwith separate the damaged and undamaged personal property and put it in the best possible order; and without unnecessary delay make a complete inventory stating as far as possible the quantity and cost of each article, and the amount claimed thereon. Duty of insured in case of loss.

Within sixty days after the commencement of the fire the insured shall render to the company at its main office in California named herein preliminary proof of loss consisting of a written statement signed and sworn to by him setting forth: (a) his knowledge and belief as to the origin of the fire; (b) the interest of the insured and of all others in the property; (c) the cash value of the different articles or properties and the amount of loss thereon; (d) all incumbrances thereon; (e) all other insurance, whether valid or not, covering any of said articles or properties; (f) a copy of the descriptions and schedules in all other policies unless similar to this policy, and in that event, a statement as to the amounts for which the different articles or properties are insured in each of the other policies; (g) any change of title, use, occupation, location or possession of said property since the issuance of this policy; (h) by whom and for what purpose any building herein described, and the several parts thereof, were occupied at the time of the fire. Preliminary proof of loss.

If the company claims that the preliminary proof of loss is defective and within five days after the receipt thereof (without admitting the amount of loss or any part thereof) notifies in writing the insured, or the party making such proof of loss, of the alleged defects (specifically stating them) and requests that they be remedied by verified amendments the insured or such party within ten days after the receipt of such notification and request must comply therewith or, if unable so to do, present to the company an affidavit to that effect.

The insured shall also furnish, if required, as far as it is practicable to obtain the same, verified plans and specifications of any building, fixtures or machinery destroyed or damaged; and the insured shall exhibit to any person designated in writing by this company all that remains of any property herein described and shall submit to examination under oath, as often as required, by any such person, and subscribe to the testimony so given and shall produce to such person for examination all books of account, bills, invoices and other vouchers, and permit extracts and copies thereof to be made, and in case the originals are lost certified copies, if obtainable, shall be produced. Plans and specifications.

Ascertainment of Amount of Loss. This company shall be deemed to have assented to the amount of the loss claimed by the insured in his preliminary proof of loss, unless within twenty days after the receipt thereof, or, if verified amendments have been requested, within twenty days after their receipt, or within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments, the company shall notify the insured in writing of its partial or Ascertainment of amount of loss.

total disagreement with the amount of loss claimed by him and shall also notify him in writing of the amount of loss, if any, the company admits on each of the different articles or properties set forth in the preliminary proof or amendments thereto.

Appraisement of loss.

If the insured and this company fail to agree, in whole or in part, as to the amount of loss within ten days after such notification, this company shall forthwith demand in writing, an appraisement of the loss or part of loss as to which there is a disagreement and shall name a competent and disinterested appraiser, and the insured within five days after receipt of such demand and name, shall appoint a competent and disinterested appraiser and notify the company thereof in writing, and the two so chosen shall before commencing the appraisement, select a competent and disinterested umpire.

The appraisers together shall estimate and appraise the loss or part of loss as to which there is a disagreement, stating separately the sound value and damage, and if they fail to agree they shall submit their differences to the umpire, and the award in writing duly verified of any two shall determine the amount or amounts of such loss.

The parties to the appraisement shall pay the appraisers respectively appointed by them and shall bear equally the expense of the appraisement and the charges of the umpire.

If for any reason not attributable to the insured, or to the appraiser appointed by him, an appraisement is not had and completed within ninety days after said preliminary proof of loss is received by this company, the insured is not to be prejudiced by the failure to make an appraisement, and may prove the amount of his loss in an action brought without such appraisement.

Option of company in case of loss

Option of company in case of loss—This company may, at its option, take all or any part of the property for which insurance hereunder is claimed at its ascertained or appraised value, and may also, at its option, in satisfaction of its liability hereunder, repair, rebuild, or replace any building or structure or machine or machinery used therein, with other of like kind and quality, within a reasonable time, upon giving notice within twenty days of its intention so to do after the receipt by it of the preliminary proof of loss, or if verified amendments have been requested, within twenty days after their receipt, or, within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments. There can be no abandonment to this company of any property.

Apportionment of loss.

Apportionment of loss—This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by, and expense of, removal from the premises endangered by fire, than the amount hereby insured bears to the entire insurance covering such property whether valid or not, or by solvent or insolvent insurers.

Assessment for deficiency

Assessment for deficiency—When the amount of any loss shall have been ascertained, which exceeds in amount the cash

funds of the company, the president shall convene the directors of this company, who shall proceed in the manner as provided in section 12 of this act.

Notice of assessment—It shall be the duty of the secretary, whenever assessment shall have been made, to immediately notify every person holding a risk in this company, personally, by an agent, or by letter directed to his usual post-office address, of the amount of such loss, and the sum due from him, as his share thereof, and of the time and to whom such payment is made; but such time shall not be less than thirty days, nor more than ninety days from date of such notice. No assessment or assessments can be levied under this policy in excess of five times the premium named herein. Notice of assessment.

Action for neglect or refusal to pay assessments—An action may be brought against the member whose property is insured herein and this policy is automatically suspended if the insured shall not have paid, before it is delinquent, his portion of any assessment levied or other liability due this company for a period in excess of ninety days. The directors of this company who shall wilfully refuse or neglect to perform the duties imposed upon them by law or the by-laws of the company, shall be liable in their individual capacity to the person sustaining such loss. An action may also be brought and maintained against this company by members thereof for losses sustained if payment is withheld after the amount of such losses have been determined and is due by the terms of the policy. Action for neglect or refusal to pay assessments.

Nonwaiver by appraisal or examination—This company shall not be held to have waived any provision or condition of this policy or any forfeiture thereof, by assenting to the amount of the loss or damage or by any requirement, act or proceeding on its part relating to the appraisal or to any examination herein provided for. Nonwaiver by appraisal or examination.

Subrogation—If this company shall claim that the fire was caused by the act or neglect of any person or corporation, this company shall, upon payment of the loss be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment. Subrogation.

Time for commencement of action—No suit or action on this policy for the recovery of any claim shall be sustained, until after full compliance by the insured with all of the foregoing requirements, nor unless begun within fifteen months next after the commencement of the fire. Time for commencement of action.

Definitions—Wherever in this policy the word "insured" occurs, it shall be held to include the legal representatives of the insured in case of death, and wherever the word "loss" occurs, it shall be deemed the equivalent of "loss or damage," and wherever the words "the time of loss or damage" are used they shall be deemed the equivalent of "the time of the commencement of the fire." Definitions.

There shall be printed on the outside fold of said policy in type not smaller than eleven point the following words in this form:

Read This Policy.

Liability

Insurance company is liable only for the actual cash value.

Policy is void in case of any fraud, false swearing, misrepresentation or concealment about material facts.

Policy void.

Policy is void, unless otherwise agreed in writing, if

1. It is assigned before loss;

2. Insured has or shall procure other insurance;

3. Any change occurs in location of property;

4. Insured building is on ground not owned in fee simple by the insured;

5. Insured is not sole and unconditional owner;

Policy suspended

Policy is suspended unless otherwise agreed in writing, if

6. Described building becomes vacant or unoccupied for ten days;

7. Mechanics are employed more than fifteen days in repairing same;

8. Property is or becomes encumbered by chattel mortgage;

9. Illuminating gas or vapor is generated in or adjacent to described building;

10. Explosives or prohibited quantities of gasoline, etc., (except the gasoline contained in automobiles and gas engine tanks), as are kept on the premises; and provided, also, that the insurance on live stock and automobiles shall cover wherever located at the time of the fire.

Insurance ceases if described building or any material part falls except as result of fire.

Policy does not cover certain enumerated personal property.

Note particularly duty of insured in case of loss; also provisions avoiding or suspending policy, including changes of ownership or possession.

Stats. 1929, p. 1535.

SEC. 8. Section 19 of said act is hereby amended to read as follows:

Agreed valuation.

Sec. 19. (a) By special agreement indorsed on the policy or added thereto, the provisions regarding appraisement or apportionment of loss may be waived and the valuations of all or any of the insured property in case of the total loss may be agreed upon in advance of loss.

Use of standard form.

(b) Said standard form of policy shall be plainly printed and no portion thereof shall be in type smaller than eleven point and subheads shall be in type larger than twelve point, and the lines of the policy shall be numbered consecutively.

(c) All county mutual fire insurance policies on property in California shall be on county mutual standard form, and except as herein provided, shall not contain additions thereto. No part of the standard form shall be omitted therefrom.

(d) The blanks in said standard form shall be appropriately filled. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders and history, and the address of its home

office, and principal office in the State; also in red ink any provisions respecting any limitations of liability of the company, its stockholders or members which it is required or permitted by law of the State or county of its organization to insert in its policies.

Optional clauses

(e) Clauses may be added to the standard form providing for and defining the rights, duties and obligations of mortgagees, assignees and other parties who have acquired or may acquire an interest in, right to or lien upon the insured property. Companies authorized to limit their assessment liability in accordance with the terms of this act may make such changes in the standard form as will properly accomplish that purpose.

Earthquakes.

(f) No clause shall be inserted or rider attached affecting the standard form liability of the insurer for loss or damage by fire occasioned either directly or indirectly by earthquake, hurricane, volcanic action or other disturbance of nature, unless the same shall be printed in red ink in twelve-point type and at the head of the policy there shall be printed in red ink in large bold-faced type the words, "This policy contains limitations of liability not permitted in the California standard form."

Optional clauses

(g) Clauses may be added to the standard form (a) covering property and risks not otherwise covered; (b) assuming greater liability than is otherwise imposed on the insurer; (c) granting insured permits and privileges not otherwise provided; (d) waivers of any of the matters, voiding the policy or suspending the insurance; (e) waivers of any of the requirements imposed on the insured after loss.

Riders.

(h) Except as herein otherwise provided clauses may be attached to the standard form by separate riders in type larger than twelve point imposing specified duties and obligations upon the insured and limiting the liability of the insurer.

Unlawful to use other than standard form

(i) Any insurer, or the agent countersigning or issuing a fire insurance policy covering in whole or part property in California varying from the California standard form of policy except as herein provided is guilty of a misdemeanor but any policy so issued shall notwithstanding be binding upon the company issuing the same.

CHAPTER 414.

An act to amend section 4278 of the Political Code, relating to the compensation of county and township officers in counties of the forty-ninth class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 882.

SECTION 1. Section 4278 of the Political Code is hereby amended to read as follows:

Plumas County: Salaries.

4278. In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Clerk.

1. The county clerk, one thousand eight hundred dollars per annum, except in the years when a general election is held, and in such years he shall receive two thousand seventy dollars per annum; and said clerk may appoint one deputy clerk, which office is hereby created, who shall receive a salary of ninety dollars per month. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the clerk is paid.

Sheriff

2. The sheriff, three thousand six hundred dollars per annum. He shall have one deputy at one thousand six hundred twenty dollars per annum, which office is hereby created.

Recorder.

3. The recorder, one thousand six hundred twenty dollars per annum. He shall have one deputy, which office is hereby created, at a salary of ninety dollars per month.

Auditor.

4. The auditor, three hundred sixty dollars per annum.

Treasurer.

5. The treasurer, one thousand eight hundred dollars per annum.

Tax collector

6. The tax collector, six hundred seventy-five dollars per annum.

Assessor

7. The assessor, two thousand three hundred forty dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one hundred twelve and 50/100ths dollars per month for a period of four months in each year, beginning March 1 and ending June 30; provided, however, that such compensation shall be in full for all services of every kind and description rendered by the assessor; and it is further provided, that in counties of this class from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the use of the county all commission and fees which would otherwise be allowed to him by the provisions of section 4290 of the Political Code, as compensation for the services therein mentioned.

District attorney.

8. The district attorney, one thousand eight hundred dollars per annum; provided that in counties of this class there is hereby allowed to the district attorney one stenographer, at a salary of sixty-seven and 50/100ths dollars per month, to be paid by the county at the same time, and in the same manner as the salaries of the other county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, one thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of the county. Said superintendent of schools may appoint one stenographer, which office is hereby created, who shall receive a salary of one hundred twelve and

50/100ths dollars per month, to be paid in the same manner as the salaries of the other county officers are paid.

Surveyor. 12. The county surveyors shall receive nine dollars per diem when engaged in county work; provided, however, that he shall be given all work for the county in which the county employs one surveyor or civil engineer; provided, however, the board of supervisors may, and they are hereby authorized, in their discretion, to employ a highway engineer, other than the county surveyor, for the purpose of laying out, maintaining and constructing highways and other structures incidental thereto in said county, the period of service and compensation of such highway engineer to be fixed by said board of supervisors and payment for such services to be out of such fund or funds as may be designated by said board. The county surveyor shall also receive all actual expenses when at work in the field.

Township classification. 13. Justices of the peace. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Townships having a population of one thousand two hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace. There shall be but one justice of the peace for each township of this class of counties. Justices of the peace shall receive the following salaries: In townships of the first class the sum of eight hundred ten dollars per annum; in townships of the second class the sum of one hundred sixty-two dollars per annum; in townships of the third class the sum of one hundred eight dollars per annum; in townships of the fourth class the sum of fifty-four dollars per annum.

Such salaries shall be paid in the same manner and out of the same funds as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

Constables. 14. Constables, such fees as are now or may hereafter be allowed by law.

Supervisors. 15. Each supervisor, nine hundred dollars per annum and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be in

full for services either as supervisor or for mileage as road commissioner.

Librarian. 15a. Librarian. There is created for counties of this class the office of county librarian; the librarian shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand eight hundred ninety dollars per annum, to be paid in equal monthly installments at the same time and in the same manner as other county officers are paid.

Reporter. 16. Reporter. In counties of this class, the official reporter of the superior court shall receive a salary of sixty-seven and 50/100ths dollars per month to cover all work done in criminal cases, both in the superior court and justices' courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of nine dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

License collector. 17. The license collector. The sum of nine hundred forty-five dollars per annum; provided, however, that such compensation shall be in full for all services of every kind and description rendered as such license collector; and it is further provided, that in counties of this class from and after the date upon which this act takes effect, the said license collector shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him as now provided by law as compensation for the services therein mentioned.

Jurors 18. Grand and trial jurors. Three dollars per day, and such mileage fees as may be allowed by law.

Witnesses 19. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law.

CHAPTER 415.

An act to amend section 4277 of the Political Code, relating to the compensation of county and township officers and jurors in counties of the forty-eighth class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1236. SECTION 1. Section 4277 of the Political Code is hereby amended to read as follows:

Modoc County Salaries. 4277. In counties of the forty-eighth class the county officers shall receive as compensation for the services required

of them by law, or by virtue of their office, the following salaries, to wit:

The county clerk, one thousand eight hundred dollars per annum; provided, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of one thousand dollars per annum; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; and provided further, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerk of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said county clerk by the board of supervisors as other county charges are allowed and paid. Clerk

The sheriff shall receive two thousand two hundred dollars per annum, and in counties of this class, there is hereby allowed to the sheriff, one deputy, to be appointed by him, who shall receive the salary of one thousand five hundred dollars per annum; provided further, that in counties of this class, there shall be and is hereby allowed to the sheriff, a jailer to be appointed by the sheriff, which office is hereby created, at a salary of four hundred dollars per annum. The salaries of said deputy and said jailer shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid. Sheriff.

The recorder, one thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the recorder, a copyist, who shall be appointed by the recorder and shall receive a salary of one thousand two hundred dollars per annum; said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid. Recorder.

The auditor, eight hundred dollars per annum, and such fees as are now or may hereafter be allowed by law. Auditor

The treasurer, one thousand five hundred dollars per annum. Treasurer.

The tax collector, one thousand five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector, said percentage to be paid by claim and allowed by the board of supervisors as other claims are allowed and paid; there is hereby allowed the tax collector such additional assistants as may be required, whose compensation in the aggregate shall not exceed five hundred dollars per annum. Tax collector.

The assessor, one thousand eight hundred dollars per annum; there is hereby allowed the assessor such additional assistants as may be required, and whose compensation in the aggregate shall not exceed six hundred dollars per annum. Assessor.

The district attorney, one thousand eight hundred dollars per annum; provided, that in counties of this class, the district attorney shall be allowed one stenographer, who shall be District attorney.

appointed by the district attorney, and paid a salary of six hundred dollars per annum, said salary to be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the district attorney is paid.

Coroner. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools. The superintendent of schools, one thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid; provided, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one secretary to be appointed by him at a salary of four hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor. The county surveyor shall receive six dollars per day for office work and ten dollars per day for field work; provided, however, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field.

Justices of the peace. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the State and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables. Constables shall receive the following salaries, to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of five hundred or more, twenty dollars per month; (2) in townships having a population of less than five hundred, ten dollars per month; provided further, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serv-

ing a coroner's subpena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law.

Effect. It is hereby declared that the salaries provided for in this subdivision do not constitute an increase and shall apply to present incumbents.

Supervisors. Each member of the board of supervisors to receive a flat rate of eight hundred dollars per annum, in full for all services.

Jurors. For attending as a grand juror or as a trial juror in the superior court, in criminal cases, three dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; provided, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

Jurors who serve in civil actions in the superior court shall receive the sum of two dollars per day, to be paid by the party or parties demanding the jury.

Librarian. The county librarian shall receive one thousand two hundred dollars per annum.

Reporter. The official reporter of the superior court, in counties of this class, shall receive the sum of one thousand two hundred dollars per annum, in equal monthly installments out of the salary fund and which said sum shall be in full for all services rendered the county in any action or proceeding, and which shall be in lieu of all per diem and transcription fees in which the county may have any interest.

Consolidation In the event the office of sealer of weights and measures is consolidated with that of agricultural commissioner, the holder of said consolidated office shall receive a salary of one thousand eight hundred dollars per annum.

CHAPTER 416.

Stats 1913, p 1086, amended *An act to amend section 16x49 of the Weights and Measures Act, relating to sealer of weights and measures in counties of the forty-ninth class.*

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1927, p. 1834 SECTION 1. Section 16x49 of the Weights and Measures Act is hereby amended to read as follows:

Plumas County Sealer.

Sec. 16x49. In counties of the forty-ninth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county; provided, that the aggregate amount which may be spent in any year for deputy superintendents of weights and measures shall not exceed two hundred dollars.

CHAPTER 417.

An act to amend section 2322x12 of the Political Code, relating to the office of agricultural commissioner in counties of the twelfth class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1999.

SECTION 1. Section 2322x12 of the Political Code is hereby amended to read as follows:

Riverside County Agricultural commissioner.

2322x12. In counties of the twelfth class the commissioner shall receive a salary of three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors, bookkeepers and stenographers to be appointed by said commissioners which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a salary of two thousand four hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed eleven inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed and one inspector at a compensation of five dollars per diem during the time actually employed, but the aggregate amount which may be spent in any year for said inspector employed on a per diem basis shall not exceed the sum of six hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one bookkeeper at a monthly salary of one hundred twenty-five dollars per month during the time actually employed.

(d) The commissioner is also authorized and empowered to appoint not to exceed one stenographer at a monthly salary of one hundred ten dollars per month during the time actually employed.

CHAPTER 418.

An act to amend section 19x12 of the Juvenile Court Law, relating to the probation officer in counties of the twelfth class. Stats 1915, p 1225, amended

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x12 of the Juvenile Court Law is hereby amended to read as follows: Stats 1931, p. 930.

Sec. 19x12. In counties of the twelfth class there shall be one chief probation officer whose salary shall be two thousand seven hundred six dollars per annum and one assistant probation officer whose salary shall be two thousand one hundred twelve dollars per annum, and one assistant probation officer whose salary shall be one thousand eight hundred forty-eight dollars per annum, and one assistant probation officer whose salary shall be one thousand one hundred twenty-eight dollars per annum. Riverside County Probation officer

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CHAPTER 419.

An act to amend section 16x12 of the Weights and Measures Act, relating to sealer of weights and measures in counties of the twelfth class. Stats. 1913, p. 1086, amended.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 16x12 of the Weights and Measures Act is hereby amended to read as follows: Stats 1931, p 929.

Sec. 16x12. The sealer of weights and measures in counties of the twelfth class shall receive a salary of one hundred seventy-six dollars per month, and deputies shall receive four dollars and seventy cents per day for each day actually employed. Riverside County Sealer.

CHAPTER 420.

An act to amend section 4241 of the Political Code, relating to the compensation of county and township officers in counties of the twelfth class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4241 of the Political Code is hereby amended to read as follows: Stats 1931, p. 885.

Riverside County Salaries.

4241. In counties of the twelfth class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their offices, the following salaries and fees, to wit:

Clerk.

1. The county clerk, two thousand eight hundred dollars per annum; and in counties of this class there shall be and is hereby allowed to the county clerk one chief deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall be paid a salary of one thousand eight hundred sixty dollars per annum; and two deputies who shall each be paid a salary of one thousand eight hundred dollars per annum and two deputies at salaries of one thousand four hundred ten dollars per annum, each; said deputies shall be appointed by the county clerk. The salary of said county clerk and his said deputies shall be paid in equal monthly installments out of the salary fund of the said county.

In counties of this class all fees and commissions received by the county clerk in his official capacity or by virtue of his position as county clerk, including fees or commissions allowed by the laws of the United States pertaining to the naturalization of citizens and to public lands which belong to the county of Riverside shall be paid into the county treasury at the close of each month, with a statement of the sources from which said fees and commissions were received.

The county clerk shall appoint such additional deputies as he shall deem necessary for the registration of voters, and each such deputy shall receive the sum of seven and one-half cents per name for each elector properly registered by him, said compensation to be paid out of the general fund of the county on claims therefor duly verified, presented and approved by the board of supervisors, in the same manner as other claims are presented, allowed and paid.

Sheriff.

2. In counties of this class the sheriff, three thousand three hundred dollars per annum; provided, that in counties of this class there shall be and there is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy qualified to act as fingerprint expert and photographer in charge of the department of identification which department is hereby authorized, at a salary of two thousand one hundred dollars per annum, and one assistant to said fingerprint expert and photographer at a salary of one thousand four hundred ten dollars per annum; two deputies at salaries of one thousand eight hundred dollars per annum, each; five deputies at a salary of one thousand six hundred eighty dollars per annum, each; five deputies at salaries of one thousand four hundred ten dollars per annum, each, two of whom must be qualified to act as court bailiffs in the several departments of the superior court; one deputy qualified to act as a typist at a salary of one thousand four

hundred ten dollars per annum; one stenographer at a salary of one thousand one hundred twenty-eight dollars per annum; one matron at a salary of one thousand one hundred twenty-eight dollars per annum. Said deputies and matron shall be appointed by the sheriff and the salaries herein provided for shall be paid in equal monthly installments out of the salary fund of the county at the time and in the same manner as the salaries of county officers are paid.

All commissions and fees for service of papers and process coming from courts other than from his own county and mileage for service of process or papers coming from courts within or without his own county shall be allowed the sheriff. All other fees or commissions for service of papers or process shall be the property of this county and shall be paid by him into the county treasury at the close of each month with a statement of the source from whence received.

Recorder. 3. The recorder, two thousand eight hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder two deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand four hundred ten dollars per annum. The salaries herein provided for shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid; and provided, further, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four and one-half cents per folio for recording any instrument or notice; provided, however, that on instruments that are partly typewritten and partly printed, and that for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instruments, the compensation shall be two and one-quarter cents per folio for the entire number of folios of written and printed matter in said instrument. The compensation of such copyists shall be paid monthly out of the same fund as the salaries of county officers are paid at the same time and in the same manner.

All fees and commissions now or hereafter received by the recorder by virtue of his office or in his official capacity, shall belong to the county of Riverside and shall be paid into the county treasury each month with a statement of the sources from which they were received.

Auditor. 4. The auditor, three thousand dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: One chief deputy, two thousand one hundred dollars per annum; one deputy, one thousand six hundred eighty dollars per annum; two deputies,

one thousand four hundred ten dollars per annum, each; one deputy, one thousand one hundred twenty-eight dollars per annum, and such other assistants as the auditor may require; provided, that the compensation of such other assistants shall not in the aggregate exceed the sum of two thousand dollars in any one year; and provided, further, that the auditor shall file with the county clerk a verified statement, showing the amounts in detail and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer. 5. The treasurer, two thousand eight hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer, the following deputies whose offices are hereby created and who shall be appointed by the treasurer and receive the following salaries; one deputy two thousand one hundred dollars per annum; one deputy one thousand four hundred ten dollars per annum. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as salaries of county officers are paid. All commissions and fees now or hereafter allowed by law to the treasurer, including State inheritance tax fee, shall belong to the county of Riverside and shall be paid into the treasury monthly with a statement showing the sources from whence received.

Tax collector. 6. The tax collector, three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector; one deputy at a salary of two thousand one hundred dollars per annum and such assistants as the tax collector may require; provided that the compensation of such assistants shall not, in the aggregate, exceed the sum of eight thousand four hundred dollars in any one year; and provided, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and persons to whom said compensation is paid; the salaries of the said deputy and other assistants shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

Assessor. 7. The assessor, three thousand dollars per annum, and his actual traveling expenses while away from his office on official business; provided that in counties of this class there shall be and there is hereby allowed the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor; one chief deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand six hun-

dred eighty dollars per annum; one deputy who shall be employed as draftsman at a salary of one thousand nine hundred twenty dollars per annum; three deputies at salaries of one thousand four hundred ten dollars per annum, each; one stenographer at a salary of one thousand eighty dollars per annum; one chief valuation deputy at a salary of one thousand eight hundred dollars per annum and his actual traveling expenses while away from his office on official business; two field deputies at a salary of one thousand seven hundred forty dollars per annum, each; and their actual traveling expenses while away from their office on official business; and such other deputies and assistants as the assessor may require together with their necessary traveling expenses and whose compensation and expenses in the aggregate shall not exceed twelve thousand dollars per annum; and provided that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid. The salaries and traveling expenses of such deputy and assistants and stenographer shall be paid by the said county in monthly installments and at the same time and in the same manner and out of the same fund as county officers are paid. All fees, commissions, including poll tax and fees for the collection of unsecured personal property tax collected by this office shall be turned over to the county and become the property of the county.

Coroner.

8. The coroner, two thousand six hundred forty dollars per annum, and his actual necessary expenses in traveling outside of the county seat, except as herein provided in the following section.

Public administrator

9. The public administrator, two thousand six hundred forty dollars per annum; provided that all fees and commissions now or hereafter received by the public administrator by virtue of his office or in his official capacity, shall belong to the county of Riverside and shall be paid into the county treasury once each month with a statement of the sources from which they were received; provided, further, that if and when the board of supervisors of this county by resolution shall consolidate the offices of coroner and public administrator, then and in that event the person discharging the duties of the offices of coroner and public administrator so consolidated shall receive as compensation therefor two thousand six hundred forty dollars per annum and said coroner and public administrator shall be allowed his actual and necessary traveling expenses incurred in the discharge of his official duties in traveling outside of the county seat. The coroner and public administrator shall be allowed one stenographer at a salary of one thousand one hundred twenty-eight dollars per annum who shall render all stenographic services for the coroner and public administrator, including the reporting of all coroner's inquests. The salary and allowances herein provided for shall be compensation in full for all services rendered by the coroner and public administrator and all fees and commissions

now or hereafter received by the coroner and public administrator by virtue of his offices or in his official capacity, shall belong to the county of Riverside and shall be paid into the county treasury each month with a statement of the sources from which they were received. Said stenographer shall be appointed by the coroner and public administrator and the salaries herein provided for shall be paid in equal monthly installments at the same time and in the same manner and out of the same fund as county officers are paid.

District attorney.

10. The district attorney, four thousand two hundred dollars per annum, and actual traveling expenses while away from his office on county business; one chief deputy at a salary of three thousand four hundred forty-four dollars per annum; one deputy at a salary of two thousand nine hundred fifty-two dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum. One stenographer at a salary of one thousand four hundred ten dollars per annum; one stenographer at a salary of one thousand one hundred twenty-eight dollars per annum. One investigator at a salary of two thousand one hundred dollars per annum; one investigator at a salary of one thousand six hundred ninety-two dollars per annum; said investigators shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code Said deputies, stenographers and investigators shall be appointed by the district attorney and shall be paid by said county in monthly installments and at the time and in the same manner and out of the same fund as county officers are paid.

Superintendent of schools.

11. The superintendent of schools, three thousand dollars per annum; his office shall be kept open on all business days from nine a.m. to five p.m.; he shall be allowed his actual traveling expenses when visiting the schools of the county; provided, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one deputy to be appointed by him who shall receive from the county a salary of two thousand one hundred dollars per annum, one deputy to be appointed by him at a salary of one thousand four hundred ten dollars per annum; and such other assistants as the said superintendent may require; provided, however, that the compensation of such other assistants shall not in the aggregate exceed the sum of six hundred dollars in any one year; and provided further, that the said superintendent shall file with the county clerk a verified statement, showing the amounts in detail and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

Surveyor.

12. The surveyor, two thousand four hundred sixty-four dollars per annum and in addition thereto all necessary field assistants; provided, that in counties of this class there shall be and there is hereby allowed the surveyor three deputies

who shall be appointed by the surveyor of the said county, and who shall be paid salaries as follows: One deputy at a salary of two thousand three hundred seventy-six dollars per annum; one deputy at a salary of two thousand one hundred twelve dollars per annum and one deputy at a salary of one thousand four hundred ten dollars per annum. The compensation of the surveyor is fixed upon the basis of part-time service and no provision of this section or of any other law shall prohibit or prevent him from also engaging in the general practice of his profession so long as he discharges the duties of his office. The salaries of the said deputies herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors.

Township classification

13. For the purpose of regulating the compensation of justices of the peace and constables in counties of the twelfth class, the townships of said counties are hereby classified as follows: Townships having a population of twenty-five thousand or more and less than forty thousand shall be townships of the first class; townships having a population of ten thousand or more and less than twenty-five thousand shall be townships of the second class; townships having a population of five thousand or more and less than ten thousand shall be townships of the third class; townships having a population of three thousand or more and less than five thousand shall be townships of the fourth class; townships having a population of one thousand or more and less than three thousand shall be townships of the fifth class; townships having a population of less than one thousand shall be townships of the sixth class; townships having an area of one thousand square miles or more and a population of less than ten thousand shall be townships of the seventh class.

Justices of the peace

14 The justices of the peace shall receive the following monthly salaries to be paid each month at the same time and in the same manner and from the same fund as the county officers are paid, in the respective townships, as follows: In townships of the first class, one hundred ninety-eight dollars per month; in townships of the second class, one hundred seventeen dollars and fifty cents per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty-five dollars per month; in townships of the fifth class, twenty-five dollars per month; in townships of the sixth class, ten dollars per month; and in townships of the seventh class, fifty dollars per month.

The board of supervisors may provide a suitable court room and necessary stationery supplies and equipment for the various justices of the peace and in the event that the justice of the peace uses a room in a building owned or occupied by

him for court room purposes the board of supervisors may pay to the justice of the peace a reasonable rental for the use of such room.

Justice's clerks.

For each justice's court in townships of the first class there shall be two justice's clerks who shall be appointed by the said justice of the peace; one of said clerks shall receive a salary of one thousand four hundred ten dollars per annum and the other said clerk shall receive a salary of one thousand one hundred twenty-eight dollars per annum. For each justice's court in townships of the second class there shall be one justice's clerk who shall be appointed by the said justice of the peace and who shall receive a salary of one thousand four hundred ten dollars per annum, which salaries of said justice's court clerks shall be payable in like manner and out of the same fund and at such times as county officers are paid. Said clerks shall take the oath of office prescribed for county officers and give a bond in the sum of one thousand dollars conditioned on the faithful performance of the duties of his office, which bond shall be approved and filed in the same manner as bonds of the county officers.

Said justice's clerks shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township in the name of the justice before whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

"----------,
Justice of the Peace

Attest ----------,
Clerk"

All legal papers of every kind in actions or proceedings in such justice's courts shall be issued by the said justice's clerks in the manner and form hereinbefore set out. The said justice's clerks shall issue, sign, and certify to any and all papers, transcripts, or records which are required to be issued, signed or certified by said justices of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerks shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk which, together with all fees, fines, for-

feitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerks shall render each month to the county auditor and the county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Each justice of the peace shall pay into the county treasury once each month all fines, fees and forfeitures collected by him with a statement showing the source from which received.

Constables.

15. Constables shall receive the following monthly salaries to be paid each month at the same time and in the same manner and from the same fund as the county officers are paid; for their respective townships as follows: In townships of the first class one hundred seventeen dollars and fifty cents; in townships of the second class one hundred seventeen dollars and fifty cents; in townships of the third class fifty dollars; in townships of the fourth class twenty-five dollars; in townships of the fifth class twenty dollars; in townships of the sixth class ten dollars; in townships of the seventh class fifty dollars.

In townships of the first class the constable shall receive and keep in addition to the compensation herein provided, all fees and commissions for service of papers and process coming from courts outside of Riverside County. The constable shall charge and collect such fees as are allowed by law and shall pay into the county treasury each month all fees, forfeitures, fines and commissions collected by him in the discharge of his duties as such constable excepting and excluding therefrom such fees and commissions as hereinabove allowed the constable.

In townships of the second class the salary herein provided shall be compensation in full for all services rendered by the constable in both civil and criminal cases.

The constable shall charge and collect such fees as are allowed by law and shall pay into the county treasury each month all fees, forfeitures, fines and commissions collected by him in the discharge of his duties as such constable; provided, however, that in townships of the first and second classes the constable shall be paid from the county treasury his actual traveling expenses while engaged in official business outside of his respective township.

In townships of the third, fourth, fifth, sixth and seventh classes, the constable shall receive and retain for his own use the fees allowed by law in civil cases and shall be paid out of the county treasury his actual traveling expenses outside of his own township, but within his own county, for the service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside his county, both going and returning in the service of any warrant of arrest in any criminal case, five cents per mile; for transportation of prisoners to the county jail, the actual cost of transportation.

Townsh p population

16. The population of the several judicial townships for the purpose of fixing compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd-numbered year.

Supervisors.

17. Each supervisor, one thousand five hundred dollars per annum; payable in monthly installments, and actual traveling expenses from his residence to the place of meeting of the board at the county seat; and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Each member of the board of supervisors of counties of the twelfth class shall be required to obtain and keep in force a public liability bond in the amount of fifty thousand dollars inuring to the benefit of any and all persons who may be injured or aggrieved by any act or omission of said supervisor in his official capacity; provided that the premium or charge of such bond shall not exceed one-half of one per cent per annum on the amount of such bond; and provided further, that premium or charge for such bonds shall be paid by the said county in the manner that the premiums or charges for the bonds of public officials are paid.

Constitutionality

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

Effect

Effect. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 421.

An act to amend section 4274 of the Political Code, relating to compensation of county and township officers in counties of the forty-fifth class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats. 1931, p 1116.

SECTION 1. Section 4274 of the Political Code is hereby amended to read as follows:

4274. In counties of the forty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Tuolumne County. Salaries.

1. The county clerk, three thousand two hundred forty dollars per annum, and during each year in which a general election is held throughout the State he shall in addition to said salary receive each month for the months of August, September, October and November, ninety dollars, and the same shall be so paid from the same fund as other salaries are paid. Clerk

2. The sheriff, four thousand fifty dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the State outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county. Sheriff

3. The recorder, three thousand two hundred forty dollars per annum; provided, that said recorder shall collect and pay into the county treasury for the use and benefit of the county all fees required by law to be collected by him. Recorder.

4. The auditor, one thousand six hundred twenty dollars per annum. Auditor.

5. The treasurer, two thousand one hundred sixty dollars per annum. Treasurer.

6. The tax collector, three thousand five hundred fifty dollars per annum, which shall be in full for all services as tax collector and as license collector. Tax collector.

7. The assessor, two thousand seven hundred dollars per annum; provided, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county, whose salary is hereby fixed at the sum of one thousand three hundred fifty dollars per annum; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor; and provided further, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salary of said last mentioned deputy assessor herein provided for is hereby fixed at the sum of ninety dollars per month during which months he shall hold office as herein provided; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor. Assessor.

8. The district attorney, one thousand eight hundred dollars per annum; provided, that in counties of this class the district attorney may appoint a stenographer or clerk who shall receive a salary of one thousand eighty dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as is the salary of the district attorney. District attorney.

Coroner. 9. The coroner, eight hundred ten dollars per annum.

Public administrator 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, two thousand one hundred sixty dollars per annum, and actual traveling expenses while visiting the schools of his county, he to devote all of his time to the duties of his office.

Librarian 11½. The county librarian, one thousand six hundred twenty dollars per annum.

Surveyor 12. The surveyor, nine dollars per day for each day's service rendered.

Supervisors 13. Supervisors, each the sum of one thousand two hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; provided, that each supervisor shall receive ten cents for each mile traveled by that ordinary route, in going from his residence to the county seat and returning, once during each month; provided, however, that supervisors in counties of this class shall not be allowed their traveling expenses in viewing and laying out roads and bridges and in attending to such other duties within their county as required by law.

Township classification. 14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the Federal census of 1910; townships having a population of two thousand four hundred and over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

Justices of the peace 15. In townships of the first class, justices of the peace shall receive one thousand thirty-seven dollars per annum to be paid out of the same fund and at the same time as the county officers are paid, and which sum shall be in full compensation for all services rendered by them.

In townships of the second class, justices of the peace shall receive nine hundred seventy-two dollars per annum to be paid out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them.

Constables. 16. Constables in counties of this class shall receive the following annual salaries to be paid out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a salary of nine hundred seventy-two dollars per annum, and constables of townships of the second class shall receive a salary of seven hundred seventy-eight dollars per annum; provided, further, that the constables in the respective townships be allowed mileage at the rate of

twenty-five cents per mile in the services of all papers pertaining to criminal cases, but shall not be allowed any sum for any other expenses.

Reporter. 17. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations and for coroners' inquests, and for transcribing notes in justices' courts preliminary examinations, a monthly salary of one hundred thirty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases, a per diem as is now or may be hereafter provided by law, to be paid by the litigants as the court may direct; and for transcription of said notes, in civil cases, and in criminal cases on appeal from the superior court, such fees as are now or may be hereafter provided by law; said compensation for transcriptions in criminal cases on appeal from the superior court to be audited and allowed upon a written order of the court, and paid out of the county treasury and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Jurors. 18. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents; and in criminal cases, the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same.

Witnesses. 19. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, shall be paid two dollars per day for each day's actual attendance, and twenty-five cents per mile for each mile actually traveled, in going only; and in criminal cases the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same.

CHAPTER 422.

An act to amend section 2322x45 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-fifth class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1931, p 905

SECTION 1. Section 2322x45 of the Political Code is hereby amended to read as follows:

Tuolumne County Agricultural commissioner.

2322x45. In counties of the forty-fifth class, the commissioner shall receive a salary of two thousand one hundred sixty dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following clerk, to be appointed by said commissioner, which position is hereby created, and the salary is hereby fixed as follows, to wit:

(a) One clerk, at a monthly salary of seventy-two dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed eight hundred sixty-four dollars.

CHAPTER 423.

An act to amend section 1105 of the Agricultural Code, relating to eggs.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 424.

An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Stats 1923, p 270

SECTION 1. Section 107 of the Penal Code is hereby amended to read as follows:

Punishment for escape of prisoner

107. Every prisoner charged with or convicted of a felony who is confined in any jail or prison or an inmate of any public training school or reformatory or county hospital or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such jail, prison, public training

school, reformatory or county hospital, or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and is punishable by imprisonment in the State prison not exceeding ten years, or fined not exceeding ten thousand dollars, or by both such fine and imprisonment.

CHAPTER 425.

An act to repeal "An act to regulate the distribution of date palms and date palm offshoots and to hold the same in quarantine under the supervision of the State Commissioner of Horticulture until they are free from Marlatt scale (Phoenicococcus Marlatti) and Blanchard scale (Parlatoria blanchardii) when introduced from, or grown in, any infested locality within this State or from other states, or if of foreign introduction, after they have been released by the Federal Horticultural Board, and to fix a penalty for violation of this act," approved April 1, 1915.

Stats. 1915, p. 19, repealed

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby repealed.

Repeal.

CHAPTER 426.

An act to amend sections 1011, 1022, 1030, 1036, 1038, 1043 and 1071 of the Agricultural Code, and to renumber Article IV of Chapter 7, Division V thereof, relating to agricultural chemicals and commercial feeding stuffs.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 427.

An act to add three new sections, to be numbered 51a, 51b, and 51c, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carry-

Stats. 1921, p. 906, amended.

ing on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the act cited in the title hereof to be numbered 51a and to read as follows:

Procedure for disincorporation of district.

Sec. 51a. A public utility district organized under the terms of this act may be disincorporated in the following manner:

Petition to board of supervisors

(a) A petition shall be presented to the board of supervisors of the county in which the largest portion of the area of such district is located, signed by at least twenty-five per cent of the qualified registered electors of the district and praying for the disincorporation of such district and briefly stating the reasons therefor. Upon the presentation of such petition the county clerk shall examine the same within ten days after such presentation and ascertain whether or not said petition is signed by the requisite number of qualified electors. For the purpose of such examination, such clerk shall make such inquiry or investigation as to the number of electors residing in other counties as may be necessary to ascertain the total number of electors in the district and whether or not a sufficient number thereof have signed the petition.

Certificate of county clerk.

(b) When the county clerk has completed his examination of the petition he shall attach to the same his certificate properly dated, showing the result of such examination, and if from such examination he finds that said petition is signed by the requisite number of qualified registered electors residing within the boundaries of such district, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Supplemental petition.

(c) If the same is found insufficient by him, supplemental petitions may be filed within ten days from and after the date of his certificate of such insufficiency in the same manner as in the case of the original petition for the disincorporation of the district. The clerk shall examine said supplemental petition or petitions in the same manner as in the case of the original petition and if the signatures on such supplemental petitions, together with the signatures on the original petition, constitute the requisite number of qualified registered electors residing within the boundaries of such district, he shall certify that the petition is sufficient and such supplemental petitions shall be attached to the original petition and for the purpose of all proceedings thereafter shall become a part of such original

petition. If the supplemental petitions together with the original petition are found insufficient, the county clerk shall so certify and thereafter no petition may be filed for disincorporation of the district within the period of six calendar months from and after the date of the certificate. The county clerk shall have ten days from and after the filing of any supplemental petition during which he may make such examination of said supplemental petition, but must complete such examination within said period. The sufficiency or insufficiency of such petition or supplemental petitions shall not be subject to review by the board of supervisors.

(d) If by the certificate of the county clerk such petition, or such petition as amended or supplemented, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. When such petition is presented by the county clerk, as aforesaid, the board of supervisors shall give notice of an election to be held in said public utility district for the purpose of determining whether or not the same shall be disincorporated and dissolved. Notice of election.

(e) Such notice of election shall be published in a newspaper published in said district and determined by such board most likely to give notice to those interested in said matter, or, if there is no newspaper published in the district, such notice shall be published in a newspaper published in the territory adjacent thereto determined by said board to be most likely to give notice to those interested in said matter. Such publication shall be made in the same manner and for the same period as in the case of petitions to incorporate such district. Said notice shall state that the question of disincorporating said district shall be submitted to the legal voters thereof at the time appointed for such election, and electors shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words "for disincorporation" or "against disincorporation."

(f) The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of the public utility district within five days after the date of the first publication thereof, and no election shall be held until proof of such mailing is furnished by affidavit of the clerk of the board of supervisors. Notice to directors of district

(g) Such election shall be held and conducted in the same manner as would be the case if it were an election on the organization of said district, as nearly as practicable in conformity with the general election laws of the State of California, in so far as said general laws may be applicable, except as in this act otherwise provided. Conduct of election.

(h) At the first regular meeting next after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found by the canvass of said votes that less than a majority of the votes cast were in favor Canvass of votes

of disincorporation, said board of supervisors shall declare the petition for disincorporation denied.

Declaration of disincorporation.

(i) In case it shall appear from said canvass that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall under their hands make and file in their office, and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that such district be disincorporated; said order to take effect at the time hereinafter provided. Said board of supervisors shall in case said district is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, by an order entered in its minutes, to make and transmit to the Secretary of State a certified copy of the notice of election hereinbefore provided for, the whole number of electors voting for said disincorporation and the whole number of electors voting against said disincorporation.

(j) Twenty days from and after the holding of the election, in case a majority of said votes were cast in favor of said disincorporation, said district shall be forever disincorporated.

New section.

SEC. 2. A new section is hereby added to said act to be numbered 51b and to read as follows:

Financial status of district.

Sec. 51b. Upon the disincorporation of any public utility district in the manner hereinbefore provided for, the board of supervisors of the county in which the largest portion of the area of the district is located shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said district, the amount of money in the treasury thereof and all indebtedness due or coming due the said district, and the directors of said district shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the said amount of money in the treasury and all indebtedness due or coming due said district, and said district shall before the expiration of thirty days turn over to the treasurer of said county all moneys of said district in his possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for.

Public property, records, etc.

Upon the disincorporation of said district every public officer of said district shall immediately turn over to the board of supervisors of the county in which said district is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description. Nothing contained in this act shall be held to relieve said district, or the territory included within it, from any liability or any debt contracted by said district prior to its disincorporation.

Warrants.

All warrants for said indebtedness shall be drawn on order of the board of supervisors of the county in which said public utility district is situated, on the fund hereinabove provided for in the county treasury.

All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for.

Levy of tax

If at any time after the disincorporation of said district it shall be found that there is not sufficient money in the treasury to the credit of the fund hereinbefore provided, with which to pay any indebtedness of said district, said board of supervisors shall succeed to and have all the powers of the directors of the district providing for the payment thereof, and shall have the power, and it shall be their duty, to cause to be levied and there shall be collected from the territory formerly included within said district, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts. As to taxes to be levied on land not in the county of which such supervisors constitute the board, the supervisors shall cause the levy thereof in the same manner and by the same means as is provided in this act for the levying of such tax by the board of directors of the district, who may levy such tax in their own county in the same manner as other county taxes.

Same—Land not in county.

Surplus.

If after payment of all debts of said district there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate said surplus and declare a dividend pro rata to the taxpayers of said district duly paid, and said taxpayers shall have the right to have the amount of such pro rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro rata to said taxpayers and each thereof.

Duty of supervisors if directors fail to act.

The board of supervisors of the county in which any such district has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of such district fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness of said district at the time of its disincorporation, the amount of money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said district, for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said district before disincorporation, and said county shall succeed to and possess all the right of said district in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred

by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

Outstanding bonds.

In case there are any bonds issued by the district outstanding and unpaid at the time of such disincorporation, the board of supervisors ordering the disincorporation of the district shall succeed to the powers of the board of directors of the district in providing for the payment of the bonds and shall levy such tax on property not embraced in the district prior to the disincorporation and shall continue such provisions for payment of the bonds as is specified in the bonds or was made or carried into effect by the directors of the district prior to the filing with the county clerk of the petition for disincorporation, and funds of the district devoted to such payment, or to matters incident thereto, shall become and be continued as such funds in the county treasury. No moneys in any fund of said disincorporated district devoted to the payment of the bonds thereof shall be used for the payment of any other indebtedness of the district until such bonds are paid in full.

New section

SEC. 3. A new section is hereby added to said act to be numbered 51c and to read as follows:

Transfer of powers

Sec. 51c. Whenever all the territory comprising a public utility district organized under this act becomes a part of any incorporated city or town, the legislative body of the city or town shall succeed to the powers of the board of directors of the district and shall thereafter, for all purposes, become such board of directors. All the property, records and documents of such district must be transferred and conveyed by the board of directors thereof to such legislative body upon the incorporation of such city or town.

CHAPTER 428.

An act declaring the bridge across the Sacramento River near the town of Meridian, between the counties of Sutter and Colusa, to be a part of the State highway system for maintenance purposes and providing for the relinquishment of jurisdiction over said bridge by the State to said counties.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

Bridge part of State Highway System.

SECTION 1. That certain bridge across the Sacramento River in the vicinity of the town of Meridian, Sutter County, and connecting the counties of Sutter and Colusa, or such portion thereof as may be used for highway purposes to the extent herein provided, is hereby added to and made a part of the State highway system and classified as a part of Route 15 of said system. Said bridge is hereby placed under the jurisdiction of the Department of Public Works for mainte-

nance purposes; provided, that the State of California hereby assumes only such obligation of maintenance of said bridge, or highway portion thereof, as is now imposed upon or assumed by the counties of Sutter and Colusa under any existing contract or agreement with any railroad company for the joint use or maintenance thereof. The Department of Public Works shall have authority to relinquish any interest of the State of California created hereby in said bridge, at any time in its discretion, to the counties of Sutter and Colusa, and thereupon the jurisdiction and control of said bridge shall revert to and thereafter be vested in said counties.

CHAPTER 429.

An act to amend section 4235 of the Political Code, relating to compensation of county and township officers in counties of the sixth class.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4235 of the Political Code is hereby amended to read as follows: Stats 1931, p. 1130.

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Fresno County Salaries

1. The county clerk, three thousand six hundred eighty dollars per annum; he shall have one deputy at two thousand three hundred eighty dollars per annum; three deputies at a salary of two thousand one hundred sixty dollars each per annum; four deputies at a salary of one thousand seven hundred twenty-eight dollars each per annum; three deputies at a salary of one thousand six hundred twenty dollars each per annum; one deputy at a salary of one thousand three hundred fifty dollars per annum; one deputy at a salary of one thousand seven hundred seventy-six dollars per annum. He shall also have three additional deputies for a period of not to exceed eight months during each and every even-numbered year at a salary of four dollars and fifty cents per day each during their said employment, and three deputies for a period of not to exceed six months during each and every odd-numbered year, such deputies to receive a salary of four dollars and fifty cents per day each during their said employment. He shall appoint such deputies in the county as are necessary for the purpose of registering the electors, such deputies to receive ten cents for each elector legally registered by them. Clerk.

2. The sheriff, four thousand eight hundred dollars per annum; he shall have an undersheriff at a salary of two thou- Sheriff.

sand five hundred eighty dollars per annum; one deputy at a salary of two thousand one hundred sixty dollars per annum; eight deputies at a salary of one thousand eight hundred dollars per annum each; seven deputies at a salary of one thousand six hundred twenty dollars per annum each; one criminal identification deputy who shall have charge of all criminal identification records and who shall act as a photographer and who shall receive a salary of two thousand one hundred sixty dollars per annum; two stenographers whose annual salary shall be one thousand six hundred twenty dollars each; one clerk whose annual salary shall be one thousand one hundred forty dollars; a matron whose annual salary shall be one thousand three hundred fifty dollars. The sheriff may retain for his own use and benefit all mileage now allowed by section 4300b of the Political Code, for traveling in the service of any paper required by law to be served in civil cases only.

Recorder. 3. The recorder, three thousand two hundred dollars per annum; one deputy at a salary of two thousand three hundred eighty dollars per annum; one deputy at a salary of one thousand nine hundred eighty dollars per annum; two deputies at a salary of one thousand seven hundred eighty-two dollars per annum each; one deputy at a salary of one thousand seven hundred twenty-eight dollars per annum; two deputies at a salary of one thousand six hundred twenty dollars per annum each.

The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation not to exceed four and one-half cents per folio; provided, however, that all instruments that are partly written or typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instrument, the compensation shall be two and one-quarter cents per folio for the entire number of folios of written and printed matter in said instrument.

Auditor. 4. The auditor, three thousand two hundred dollars per annum. He shall also have one chief deputy at a salary of two thousand three hundred eighty dollars per annum; one deputy who shall act as chief accountant, and who shall receive a salary of two thousand three hundred forty dollars per annum; one deputy who shall act as a redemption clerk and who shall receive a salary of one thousand nine hundred ninety-eight dollars per annum; one deputy who shall act as bookkeeper and who shall receive a salary of one thousand eight hundred ninety dollars per annum, one deputy who shall act as a warrant clerk and who shall receive a salary of one thousand six hundred twenty dollars per annum; two deputies at a salary of one thousand six hundred twenty dollars each per annum; two deputies at a salary of one thousand three hundred fifty dollars each per annum; and eight deputies for not to exceed one hundred twenty days in each year, at a salary of four dollars and fifty cents per day each.

5. The treasurer, three thousand two hundred dollars per annum; he shall have one deputy at a salary of two thousand three hundred eighty dollars per annum; one deputy at a salary of one thousand nine hundred thirty-five dollars per annum; two deputies at a salary of one thousand six hundred sixty-eight dollars per annum each. Treasurer.

6. The tax collector, three thousand two hundred dollars per annum; he shall have one deputy at a salary of two thousand three hundred eighty dollars per annum; one deputy at a salary of two thousand one hundred seventy-eight dollars per annum; one deputy at a salary of one thousand nine hundred thirty-five dollars per annum; one deputy at a salary of one thousand seven hundred forty dollars per annum; two deputies at a salary of one thousand six hundred twenty-nine dollars per annum each, and two additional deputies for not exceeding six months in each year at a salary of one hundred thirty-five dollars per month each; and nineteen additional deputies for not exceeding three months in each year at a salary of four dollars and fifty cents per day each; and seven additional deputies for not exceeding two months in each year at a salary of five dollars forty cents per day each. Tax collector

7. The assessor, four thousand dollars per annum; he shall have one deputy at a salary of two thousand three hundred eighty dollars per annum; one deputy at a salary of one thousand eight hundred ninety-nine dollars per annum; four deputies at a salary of one thousand six hundred twenty dollars each per annum; ten deputies for a period not to exceed six months in each year at a salary of four dollars and fifty cents per day each; seven deputies for a period of not to exceed four months in each year at a salary of six dollars and seventy-five cents per day each; thirty deputies for a period not to exceed three months in each year at a salary of six dollars and seventy-five cents per day each; one deputy for a period of not to exceed six months in each year at a salary of eight dollars and fifty cents per day; and two deputies for a period of not to exceed six months in each year at a salary of one hundred thirty-five dollars per month each. Assessor.

8. In counties of this class grand and trial jurors shall receive three dollars per day each while engaged in the performance of the duties required of them, and in addition thereto shall receive the mileage now allowed by law; except that jurors excused before twelve o'clock noon shall receive only two dollars for the day so excused. Justice court jurors shall receive two dollars per day but shall not be allowed any mileage. Jurors.

9. The district attorney, four thousand eight hundred dollars per annum; he shall have one assistant at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand three hundred sixty dollars per annum; one deputy at a salary of three thousand three hundred fifteen dollars per annum; one deputy at a salary of three thousand sixty dollars per annum; one deputy at a salary District attorney

of two thousand five hundred fifty dollars per annum. A detective at a salary of two thousand one hundred sixty dollars per annum; one stenographer at a salary of one thousand six hundred twenty dollars per annum; and one stenographer at a salary of one thousand five hundred twelve dollars per annum; and one stenographer at a salary of one thousand three hundred fifty dollars per annum; and one combination stenographer and telephone clerk at a salary not to exceed one thousand three hundred fifty dollars per annum.

None of these stenographers shall receive other compensation by reason of services as stenographic reporter in any action or proceeding wherein the fee or per diem of the stenographic reporter constitutes a charge against the county.

The district attorney and his deputies shall devote their entire time during office hours to the work of the county and State and are prohibited from engaging in private work within such office hours.

Coroner

10. The coroner, such fees as are now or may hereafter be allowed by law; provided, however, that from and after the first Monday after the first day in January, 1935, the coroner shall receive the sum of two hundred dollars per annum and shall be allowed all actual expenses necessary to the performance of his duties in place and stead of any fee of any kind or character.

Public administrator

11. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools

12. The superintendent of schools, three thousand two hundred dollars per annum; he shall have one deputy at a salary of two thousand two hundred ninety-five dollars per annum; two deputies at a salary of two thousand one hundred sixty dollars each per annum; two deputies at a salary of one thousand six hundred twenty dollars per annum each and one deputy at a salary of one thousand three hundred fifty dollars per annum.

Surveyor.

13. The surveyor, three thousand two hundred dollars per annum in full compensation for all services as county surveyor and as road overseer and inspector. He shall have one deputy at a salary of two thousand three hundred eighty dollars per annum; one deputy at a salary of one thousand eight hundred ninety dollars per annum; and one deputy at a salary of one thousand six hundred twenty dollars per annum. And in addition thereto the county surveyor shall be allowed to employ all necessary inspectors and field or office help needed in the preparation of any plans, specifications, surveys or construction of any public improvement, upon the approval of the board of supervisors.

The county surveyor shall be allowed all necessary traveling and field expenses of himself and chainmen or other necessary help in the field.

The surveyor and his deputies shall devote their entire time and service to the work of the county, and are prohibited from engaging in private surveying and engineering work, and shall

do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges.

A majority of the members of the board of supervisors may employ and direct the county surveyor to supervise and take charge of all construction and maintenance work on all highways in the county.

Township classification.

14. The registered population of the several judicial townships of this county is hereby determined to be as follows, to wit:

Township No.	1, Dos Palos	1,993
Township No.	2, Clovis	2,075
Township No.	3, Fresno	29,924
Township No.	4, Fowler	1,455
Township No.	5, Selma	2,880
Township No.	6, Coalinga	2,725
Township No.	7, Sanger	2,440
Township No.	8, Reedley	2,455
Township No.	9, Kingsburg	765
Township No.	10, Tollhouse	507
Township No.	11, Kerman	1,745
Township No.	12, Dunlap	320
Township No.	13, Laton	525
Township No.	14, Parlier	710
Township No.	15, Riverdale	730
Township No.	16, Del Rey	355
Township No.	17, Caruthers	1,055
Township No.	18,	155

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

Justices of the peace.

15. Justices of the peace in townships of the first class shall receive a salary of two hundred fifty dollars per month to be paid each month as the county officers are paid.

For each justice's court in townships of the first class there shall be one justice's clerk for each department or court thereof, who shall be appointed by the justices of the peace. Said clerk, or clerks, shall be appointed immediately on this act taking effect and shall take the oath of office prescribed for county officers, and give a bond in the sum of three thousand dollars, conditioned upon and for the faithful discharge

of the duties of the office, which bonds shall be approved and filed in the same manner as are bonds of county officers.

Said justice's clerk, or clerks, shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

"_____
Justice of the Peace.

Attest: _____
Clerk."

All legal papers of every kind in actions or proceedings in such justice's court shall be issued by the said justice's clerk, or clerks, in the manner and form hereinbefore set out. The said justice's clerk, or clerks, shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, or clerks, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk, or clerks, which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerk, or clerks, shall render each month to the county auditor and county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Said justice's clerk, or clerks, shall receive a salary of one thousand three hundred fifty dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid.

In the event that two justices' courts be established in any township of the first class, then and in such an event the justice of said additional court shall be entitled to and shall appoint a clerk for said additional court, which said clerk shall be vested with the same authority and charged with the same duties and entitled to the same compensation as the clerk of the justice's court hereinbefore provided for.

The board of supervisors shall provide, in a convenient locality, a suitable office and court room, including all neces-

sary office furniture, telephone, light, heat and water and all necessary stationery and office supplies for the justices and clerks thereof for all justices' courts in and for townships of the first and second class.

Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid and the same shall include their office rent except as heretofore provided for justices of the first and second class, to wit:

In townships of the second class	$95.00
In townships of the third class	85.50
In townships of the fourth class	71.25

For each justice's court in townships other than the first class, there shall be one justice's clerk, who shall be appointed by the justice of the peace; provided, that the total number of cases, civil and criminal, filed in said court during the calendar year preceding such an appointment be six hundred fifty.

Said clerk shall be appointed immediately on this act taking effect and shall have same qualifications, authority and duties as prescribed for clerks of justices' courts of the first class. Said justice's clerk shall receive a salary of nine hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid. On the first day of each calendar year, the justice of each court, entitled to a clerk under this provision shall file with the county clerk a certified list of all cases filed in his court for the preceding calendar year, giving titles of same.

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

Constables.

16. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class	$112.50
In townships of the second class	95.00
In townships of the third class	85.50
In townships of the fourth class	71.25

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; provided further, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in

going and returning outside of the county at the rate of five cents per mile.

Supervisors

17. The supervisors shall receive each the sum of three thousand dollars per annum, payable monthly in installments of two hundred fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

Sealer

18. The sealer of weights and measures shall receive a salary of one hundred eighty dollars per month and he shall have three deputies at a salary of one hundred thirty-five dollars per month each; provided, however, that from and after the first Monday after the first day in January, 1935, the sealer of weights and measures shall receive a salary of one hundred dollars per annum, and he shall have three deputies at a salary of one thousand six hundred twenty dollars per annum each.

Payment of salaries.

19. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

Expenses.

20. In counties of this class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses herein set forth; provided, that the members of the board of supervisors, clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, superintendent of schools, surveyor, sealer of weights and measures, and their respective deputies, shall be allowed all actual expenses which are necessary to the performance of their duties under the law; and said expenses and the salaries designated in this section for such officers and their deputies, except as in this section otherwise specifically provided, shall be as full and complete compensation for giving their entire time and attention to the duties required of them by law, or which are, for any reason imposed upon or performed by them under the laws of or on behalf of the United States or this State or any political subdivision thereof, or any public corporation. All other fees, statutory mileage or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States or this State or any political subdivision thereof or any public corporation, shall be by such officers named in this section paid into the county treasury; provided, that the requirements of this paragraph shall not apply to that portion of any such fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

Fees, etc

CHAPTER 430.

An act to amend sections 9, 14 and 15 of "The State Bar Act," relating to the Board of Governors. Stats. 1927, p 38, amended.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 9 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p 852

Sec. 9. There is hereby constituted a Board of Governors of the State Bar, which shall consist of fifteen (15) members. For the purpose of conducting elections of the members of the board, the State is divided into State Bar districts constituted by combining counties and designated by numbers, as follows: State Bar District No. 1, comprising the following counties: Del Norte, Humboldt, Mendocino, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Tehama, Glenn, Colusa, Butte, Yuba, Sutter, Lake, Nevada and Placer; State Bar District No. 2, comprising the following counties: El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono, Sacramento, San Joaquin, Yolo, Napa, Solano, Sonoma and Marin; State Bar District No 3, comprising the following counties: Contra Costa, Alameda and Santa Clara; State Bar District No. 4, comprising the City and County of San Francisco; State Bar District No. 5, comprising the following counties: Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern; State Bar District No. 6, comprising the following counties: San Mateo, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and Ventura; State Bar District No. 7, comprising the county of Los Angeles; State Bar District No. 8, comprising the following counties: Inyo, San Bernardino, Orange and Riverside; State Bar District No. 9, comprising the following counties: Imperial and San Diego. One (1) member of the board shall be elected from each of State Bar Districts 1, 2, 5, 6, 8 and 9; two (2) members shall be elected from each of State Bar Districts 3 and 4; and five (5) members shall be elected from State Bar District 7. The members of the board shall be elected for terms of three (3) years, five (5) members being elected each year. No person shall be nominated for, or eligible to, membership on the board who has served as a member for three (3) years next preceding the expiration of his current term, or would have so served if his current term were completed. Within the meaning of this section, the time intervening between any two successive annual meetings shall be deemed to be one (1) year. No person shall be eligible for membership on the board unless he is an active member of the State Bar and unless he maintains his principal office for the practice of law within the State Bar district from which he is elected. One member of the board from State Bar District 7 to be elected in 1933 for a three- (3) year term, and any

Board of governors.

State bar districts

Number, term, etc

successor to said member, at the time of his election shall, and any member from said district may, maintain his principal office for the practice of law outside of the city of Los Angeles. One member of the board from State Bar District 3 to be elected in 1933 for a two- (2) year term, and any successor to said member, at the time of his election shall, and any member from said district may, maintain his principal office for the practice of law outside of the city of Oakland. The term of office of each member of the board shall commence at the conclusion of the annual meeting next succeeding his election, and he shall hold office until his successor is elected and qualified.

Stats 1927, p 38.

SEC. 2. Section 14 of "The State Bar Act" is amended to read as follows:

Terms of governors.

Sec. 14. The provisions of section 9 hereof are subject to the provisions of this section. The eight (8) members of the board whose terms of office do not expire until the annual meeting to be held in 1934 shall continue in office until the expiration of their terms, and shall be deemed to have been elected from the respective State Bar districts in which their respective principal offices were located at the date of their election. In 1933 five (5) members of the board shall be elected for three- (3) year terms as follows: one (1) member from each of State Bar Districts Nos. 4, 6 and 8, and two (2) members from State Bar District No. 7; and, in 1933, two (2) members of the board shall be elected for two- (2) year terms as follows: one (1) member from each of State Bar Districts 3 and 7. In 1934, five (5) members of the board shall be elected for three- (3) year terms as follows: one (1) member from each of State Bar Districts Nos. 1, 3, 5, 7 and 9; and, in 1934, three (3) members of the board shall be elected for one- (1) year terms as follows: one (1) member from each of State Bar Districts Nos. 2, 4 and 7. In 1935, five (5) members of the board shall be elected for three- (3) year terms as follows: one (1) member from each of State Bar Districts Nos. 2, 3 and 4, and two (2) members from State Bar District No. 7. Thereafter, five (5) members of the board shall be elected each year, each for three- (3) year terms, and from the State Bar districts in which vacancies will occur in that year by reason of the expiration of the term of office of a member theretofore elected thereto.

Stats. 1929, p. 1256.

SEC. 3. Section 15 of "The State Bar Act" is amended to read as follows:

Election of governors

Sec. 15. Nominations of members of the board shall be by petition signed by at least twenty (20) persons entitled to vote for such nominees. Only active members of the State Bar maintaining their principal offices for the practice of the law in the respective State Bar districts shall be entitled to vote for the member or members of the board therefrom. Each place upon the board for which a member is to be elected shall for the purposes of the election be deemed a separate office. The election shall be by ballot. The ballots shall be mailed to those entitled to vote at least twenty (20) days prior to the

date of canvassing the ballots and shall be returned by mail to the principal office of the State Bar, where the same shall be canvassed at least five (5) days prior to the ensuing annual meeting, at which meeting the count shall be certified and the result officially declared. The board may by rule shorten either said twenty- (20) day period or said five- (5) day period, or both of said periods, as applied to the election to be held in the year 1933, if in its judgment the time elapsing after the effective date of this enactment renders such action reasonable and proper. In all other respects the elections shall be as the board may by rule direct.

CHAPTER 431.

Stats. 1931, p. 483, amended.

An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal title sixteen of part four of division one of the Civil Code, chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, by amending sections numbered 1.01, 3.02, 5.01, 6.01, 6.02, 6.03, 6.08, 7.06, 9.02, 9.04 to 9.12, both inclusive, 10.03, 10.05, 12.01, 13.01, and 15.16, by repealing section numbered 12.08 thereof, and by adding new sections to be numbered 9.13, 9.14, 9.15, 9.16, 9.17, 13.16a and 13.20 to said act, all relating to building and loan associations.

[Approved by the Governor May 16, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1.01 of an act entitled "An act to define building and loan associations and to regulate them and

Stats. 1931, p. 483

their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal title sixteen of part four of division one of the Civil Code, chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, is hereby amended to read as follows:

Definitions. Section 1.01. In General. The following terms, wherever used in this act, shall have the following meanings, except in cases where the context otherwise requires:

"Association" means a building and loan association, as defined in section 1.02 of this act, and except where otherwise indicated includes both domestic and foreign associations. "Domestic association" means an association incorporated under the laws of this State, and "Foreign association" means any other association. "Association on notice" and "Association on a pro rata basis" are defined in section 6.01 of this act.

"Commissioner" means the Building and Loan Commissioner. "Shares" means withdrawable shares of an association; which shares shall constitute and may be designated membership shares. "Pledged shares" means shares pledged as security for the payment of a loan from the association issuing such shares. "Free shares" means all other shares. "Full paid shares," "Installment shares" (including "serial" and "nonserial" installment shares), "Accumulative shares" and "Prepaid shares" are defined in section 3.02 of this act.

"Stock" means guarantee stock of an association.

"Investment certificates" means instruments issued by an association, pursuant to section 5.01 of this act, which expressly state that the right of the holder thereof to withdraw funds evidenced thereby is subject to the provisions of Article VI of this act, and which otherwise conform to the provisions of this act applicable thereto. "Full paid investment certifi-

cate," "Installment investment certificate," "Accumulative investment certificate," "Definite term investment certificate," "Prepaid investment certificate" and "Minimum term investment certificate" are defined in section 5.01 of this act.

"Shareholder" and "member" are synonymous and mean the holder of one or more shares or of a fraction thereof. "Stockholder" means the holder of stock. "Certificate holder" means the holder of one or more investment certificates. "Investor" includes shareholder, stockholder and certificate holder.

The "value" of shares or investment certificates means the amount paid in upon such shares or investment certificates, plus the accumulated earnings or interest accrued thereon, less any withdrawals therefrom and charges thereagainst. The "matured value" of a share shall be equal to the par value thereof.

"Redemption price" is defined in section 5.06 of this act, and "withdrawal value" in section 6.01 thereof.

The term "issuing" wherever used in this act with reference to an association issuing or not issuing shares, stock and investment certificates or any thereof, shall not be limited to issuance thereof at the particular time, but shall include prior issuance if such stock, shares and investment certificates or any thereof (as the case may be) are still outstanding.

"Advertisement" includes advertisement, circular, pamphlet, prospectus, circular letter, newspaper, and also oral statements broadcast by radio.

Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter, and in the neuter gender include the masculine and feminine; the singular number includes the plural, and the plural includes the singular; "writing" includes also printing and typewriting; "oath" includes also affirmation; and "county" includes also city and county.

SEC. 2. Section 3.02 of said act is hereby amended to read as follows: Stats 1931, p. 483.

Sec. 3.02. Description of Withdrawable Shares. Withdrawable shares shall be of the par value of one hundred or two hundred dollars each, as provided in the articles of incorporation or by-laws, and shall be paid for by the subscribers or shareholders as provided in the by-laws. Such payments may be, and are hereafter sometimes in this act, called dues. Certificates evidencing shares, with or without passbooks, shall be issued to each shareholder on the first payment of dues by him. When the dues paid on any share, together with the dividends or profits apportioned thereto, shall equal the par value thereof, such share shall have reached its matured value. Except in connection with mergers, consolidations or transfers pursuant to section 2.06 of this act, no shares shall be issued for any consideration other than cash or cancellation of outstanding shares of the same association Withdrawable shares.

Reissued.

of equal value or, with the approval of the commissioner, of different values. All shares matured in respect of which payment shall have been made by the association to the shareholder, and all shares surrendered or canceled, may be reissued. Accumulative shares may be issued with the provision that at all times the holder or holders thereof shall be the owners of as many shares and fractions thereof of such association as there are units of the par value of such shares invested with the association by such holders. In the case of all shares hereafter issued by associations issuing both shares and stock, and notwithstanding anything to the contrary hereafter contained in this section, the rate or rates of dividends upon the shares, unless agreed and unless specified in the certificates evidencing such shares, shall be prescribed by the by-laws. Shares may be issued as full paid shares, installment shares, accumulative shares or prepaid shares.

Dividends

Full paid shares Definition

(a) Full Paid Shares. Full paid shares shall be shares upon which a single payment of dues amounting to the par value of said shares shall be paid at the time of subscription and upon which the holder shall be entitled either (a) to dividends at such agreed rate, not exceeding six per cent per annum, as shall be specified in the body of the certificate issued; or (b) to such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors shall determine or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe. All such shares may be issued in one or more classes as to participation, under regulations prescribed in the by-laws and which must be fully set forth in or upon each certificate issued.

Dividends

Participation in profits.

Installment shares "Serial" and "nonserial"

(b) Installment Shares. Installment shares shall be either "serial" or "nonserial" in form. When issued in "serial" form the periodical dues on shares in each series shall commence with the date of the issue of such series and the holder must pay such dues per share and at such times as the by-laws provide, and such payments shall continue on each share until, with the dividends or profits apportioned thereto, it reaches its matured value or is withdrawn or canceled. On all serial issues the dividends or profits shall be apportioned and credited equally to each share in the same series. No share of a prior series shall be issued after the issue of shares in a new series, except by way of transfer. Installment shares issued in "nonserial" form may be issued at any time and the dividends thereon shall be credited to such shares. Shares of either form may be issued in "classes" with a different periodical payment for each class, to be specified in the by-laws, and shall be issued with full participation in the profits subject to apportionment as dividends; provided, however, that associations issuing stock may, if their by-laws so provide, issue installment shares limited to a maximum rate of dividend.

Dividends

"Classes"

Dividends

(c) Accumulative Shares. Accumulative shares are shares which shall participate in the apportionment of net profits

and be credited therewith at a rate not exceeding the rate apportioned to installment shares, as the board of directors shall determine or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe, and upon which the dues may be paid in at such times and in such amounts as the holder thereof may elect and as the association may permit until said shares reach their matured value or are canceled or withdrawn. Accumulative shares Participation in profits.

(d) Prepaid Shares. Prepaid shares shall be shares not full paid, upon which a single payment shall have been made, and which are to reach their matured value through crediting on such shares, dividends or earnings thereon. The holders of prepaid shares shall be entitled either (a) to dividends at such agreed rate, not exceeding six per cent per annum, as shall be specified in the body of the certificate issued; or (b) to such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors shall determine or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe. Prepaid shares: Dividends. Participation in profits.

SEC. 3. Section 5.01 of said act is hereby amended to read as follows: Stats. 1931, p 483.

Sec. 5.01. Description of Investment Certificates. An association may issue investment certificates, with or without pass books. The holders of investment certificates shall have no liability for debts or assessments, and shall be entitled upon liquidation of an association to receive payment in full before any payment or distribution shall be made to shareholders or stockholders. The holders of investment certificates shall have no right to participate in the profits or dividends. Except in connection with mergers, consolidations or transfers pursuant to section 2.06 of this act, no investment certificate shall hereafter be issued for a consideration other than cash or cancellation of outstanding investment certificates of the same association of equal value or, with the approval of the commissioner, of different values. Subject to the provisions of this act and of the respective investment certificates, certificate holders shall be entitled to have interest paid or credited at the rate specified in their respective certificates and to the return of their principal with accrued interest upon withdrawal, redemption or maturity. Investment certificates may be issued as full paid investment certificates, installment investment certificates, accumulative investment certificates, definite term investment certificates, minimum term investment certificates or prepaid investment certificates. If so provided in any investment certificate, interest thereon after a specified date or period shall be at a different rate of interest than the rate specified for the initial period. Subject to the provisions of sections 5.06 and 5.07 of this act, interest on installment investment certificates hereafter issued and on prepaid investment certificates hereafter issued shall continue to accrue after the maturity thereof at the same rate as before such maturity, until such certificates shall be withdrawn. Investment certificates. Mode of disposal. Interest. Types.

Full paid. (a) Full Paid Certificates. A full paid investment certificate shall be an investment certificate, without an expressed date of maturity, for which the association shall have received the principal amount thereof at or prior to the time of the issuance thereof.

Installment. (b) Installment Certificates. An installment investment certificate shall be an investment certificate not full paid, upon which the holder shall be obligated to make payments at the times and in the amounts specified therein.

Accumulative (c) Accumulative Certificates. An accumulative investment certificate shall be an investment certificate, not full paid and without an expressed date of maturity, upon which the holder shall have the option of making payments at such times and in such amounts as such holder may elect and as the association may permit.

Definite term (d) Definite Term Certificates. A definite term investment certificate shall be an investment certificate, for which the association shall have received a single payment equal to the principal amount thereof, and which shall have a date of maturity expressed therein, which date shall be at least one year from the issuance of such certificate. On or after such maturity date, without any prior notice of intention to withdraw, the holder of a definite term investment certificate shall be entitled, subject to section 6.02 of this act, to receive the full principal amount thereof together with accrued interest thereon, if any such interest be unpaid on such date. Unless otherwise specified in a definite term investment certificate, no interest shall accrue thereon after the date of its maturity except that if the association on or after the maturity date of any such certificate shall fail to make payment thereon upon such certificate being tendered for surrender, then interest shall continue to accrue on such certificate at the rate specified therein from such maturity date until such certificate is paid, or until such association shall have funds available for the payment thereof and shall have notified the holder of such certificate that such funds are so available. At the option of an association, any definite term investment certificate issued by it may provide that if the holder does not tender such certificate for surrender within a period specified therein (which period shall not be less than thirty days) after the date of maturity specified therein, then such maturity date shall be postponed until a future date specified in such certificate; and if any certificate containing such provision shall not be tendered for surrender within the period so specified, such future date shall thereafter become and be the date of maturity of such certificate for all purposes. Any certificate containing such provision may also provide for one or more additional postponements of the date of maturity, in the manner and with the effect aforesaid. No single postponement pursuant to either of the foregoing provisions shall be for a longer period than the initial term of the certificate. An association at its option may provide in any definite term investment certificate issued by it that if the

holder does not tender such certificate for surrender within a period specified therein (which period shall not be less than thirty days) after the date of maturity specified therein, then such holder shall have no right to withdraw as the holder of a definite term investment certificate; and if any certificate containing such provision shall not be tendered for surrender within the period so specified, such certificate shall cease to be a definite term investment certificate and shall become and be a full paid investment certificate, subject to the same withdrawal rights and restrictions as a full paid investment certificate.

Minimum term investment.

(e) Minimum Term Investment Certificates. A minimum term investment certificate shall be an investment certificate, for which the association shall have received a single payment equal to the principal amount thereof and which shall have a date expressed therein before which notice of intention to withdraw can not be given unless the association is on a pro rata basis, or which shall require written notice from the holder to the association for a period specified therein before the expiration of which period notice of intention to withdraw can not be given unless the association is on a pro rata basis. On and after such date, or upon and after the expiration of the specified period following such written notice, as the case may be, each such certificate shall cease to be a minimum term investment certificate and shall become and be a full paid investment certificate, subject to the same withdrawal rights and restrictions as a full paid investment certificate.

Prepaid.

(f) Prepaid Certificates. A prepaid investment certificate shall be an investment certificate not full paid, upon which the holder shall have made a single payment and which is to reach its principal amount through crediting on such certificate interest thereon not withdrawn.

Stats 1931, p 483.

SEC. 4. Section 6.01 of said act is hereby amended to read as follows:

Withdrawals.

Sec. 6.01. Notice of Intention to Withdraw. Each association must prescribe by its by-laws, or by contract with its shareholders or certificate holders, or by both, the period of notice of intention to withdraw which such association at its option may require, which period shall not be less than thirty days nor more than six months. All certificates hereafter issued evidencing shares or investment certificates shall state the period of such notice and shall also state that the right of the holder thereof to withdraw funds evidenced thereby is subject to the provisions of Article VI of this act. Each association may prescribe by its by-laws, or by contract with its shareholders or certificate holders, or both, the terms and conditions of withdrawal, provided such terms and conditions shall not be contrary to the provisions of this act.

Requisites of notice

Any notice of intention to withdraw shall be invalid unless it is given in writing to the office of the association at which the shares or investment certificates in question were issued, or at which the account of such association as to such shares

or investment certificates is kept, or to the principal office of such association, signed by a holder entitled to make a withdrawal, or by his attorney or agent. A shareholder or certificate holder may at any time revoke or waive, either in whole or in part, a notice of intention to withdraw and thereupon such notice shall become invalid either in whole or as to such part, as the case may be.

Filing of notice.

All notices of intention to withdraw shall be filed when and as received by each association or by the several offices thereof in the order in which they are received, and each shall be kept on file with the exact time of the receipt thereof noted thereon or recorded, until it is paid or becomes invalid. When any notice shall have been on file for the period prescribed therefor, or for the period stated in such notice as the period to elapse previous to making the withdrawal (whichever shall be longer) such notice shall be a "matured notice" for all the purposes of this act.

Pledged shares or certificates.

No shareholder or certificate holder whose shares or investment certificates are pledged as security for a loan from the association issuing such shares or investment certificates shall be permitted to make a withdrawal or be entitled to give any valid notice of intention to withdraw in respect of such shares or investment certificates until the indebtedness for which such shares or investment certificates are security has been fully paid, except that withdrawals therefrom may be made without notice provided the full amount of such withdrawals shall be used to pay such indebtedness or any part thereof; provided that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

Term certificates

No valid notice of intention to withdraw may be given in respect of minimum term investment certificates during the minimum term thereof or in respect of definite term investment certificates, nor shall the holders thereof be entitled to withdraw during the minimum term thereof or prior to the maturity thereof, respectively, except at the option of the association issuing such certificates; provided, however, that if an association is on a pro rata basis, as hereinafter defined, the holder of any minimum term investment certificate which has not reached the end of its minimum term or the holder of any definite term investment certificate which has not reached the date of its maturity may, notwithstanding the minimum term thereof or the expressed date of maturity thereof, give thirty days' notice of intention to withdraw, and at the expiration of such period such notice shall be a "matured notice" and such holder shall be entitled to withdraw, subject to section 6.02 of this act. Every minimum term investment certificate shall expressly state that such notice for said period of thirty days may be given at any time during the minimum term thereof in the event that such association shall thereafter be on a pro rata basis, and every definite term investment

certificate shall expressly state that such notice for said period of thirty days may be given at any time prior to the date of the maturity thereof in the event that such association shall thereafter be on a pro rata basis.

Withdrawal value.

If the shareholder or certificate holder shall tender his certificate for surrender, duly endorsed, within ten days after any valid notice of intention to withdraw shall have matured, he shall be entitled, subject to section 6.02 of this act, to receive the withdrawal value of his shares or investment certificates or of that part thereof referred to in such notice, which withdrawal value is hereby defined as the full amount paid in upon the shares or investment certificates surrendered exclusive of the entrance fee, if any, together with dividends, profits or interest, if any, applicable thereto, subject to such adjustment of earnings or interest as may be provided by by-law or contract.

Lapse of withdrawal notice.

Shareholders or certificate holders who shall have given notice of intention to withdraw and who shall fail to tender their certificates for surrender within ten days after notice from the association that funds are available for the payment thereof shall have no right to withdraw except after giving new notice of intention to do so and such prior notice of intention to withdraw shall become invalid for all of the purposes of this act; provided such notice from the association shall have stated that unless such certificates shall be tendered for surrender within such ten-day period the holder shall have no right to withdraw except after giving new notice of intention to do so.

Putting association on notice or pro rata basis

If in the case of any association the sum of the matured withdrawal claims, as defined in section 6.02 of this act, shall exceed five per cent of the value of all outstanding shares and investment certificates of such association, then such association, unless it is on a pro rata basis, shall be an "association on notice" for all the purposes of this act. An association which is on notice shall continue to be on notice notwithstanding the fact that the sum of the matured withdrawal claims may become less than said percentage, unless and until all of the matured withdrawal claims shall be paid or funds shall be set aside for the payment thereof; provided, however, that if, in the case of any association which is on notice, the sum of the matured withdrawal claims shall become less than four per cent of the value of all outstanding shares and investment certificates of such association, then, with the prior approval of the commissioner, its board of directors may at their option, by resolution, declare such association to be no longer on notice, and thereupon such association shall cease to be an association on notice for all the purposes of this act, subject to becoming an association on notice as before. If in the case of any association the sum of (a) the matured withdrawal claims, as defined in section 6.02 of this act, and (b) the value of all shares and investment certificates or parts thereof in respect of which valid unmatured notices of intention to withdraw shall be on file and unpaid, shall exceed

twenty per cent of the value of all outstanding shares and investment certificates of such association, then such association shall be an "association on a pro rata basis" for all the purposes of this act; provided, however, that if said sum shall exceed five per cent of the value of all outstanding shares and investment certificates of such association, then its board of directors may at their option by resolution declare such association to be on a pro rata basis, and thereupon such association shall be an "association on a pro rata basis" for all the purposes of this act. An association which is on a pro rata basis shall continue to be on a pro rata basis notwithstanding the fact that the sum of the foregoing items may become less than the respective percentages aforesaid, unless and until all of the foregoing items shall be paid or funds shall be set aside for the payment thereof; provided, however, that if, in the case of any association which is on a pro rata basis, the sum of the foregoing items shall be less than fifteen per cent of the value of all outstanding shares and investment certificates of such association, then, with the prior approval of the commissioner, its board of directors may at their option, by resolution, declare such association to be on notice rather than on a pro rata basis, and thereupon such association shall be an association on notice rather than on a pro rata basis for all the purposes of this act, subject to becoming again an association on a pro rata basis as before. In making computations for the purpose of this paragraph, shares and investment certificates shall not be deemed to be unpaid if the association has funds set aside for the payment thereof and has given notice of that fact to the respective holders thereof.

Option of directors.

Duration of condition.

Basis of computations

Stats. 1933, Ch 31; See next section.

SEC. 5. Section 6.02 of said act is hereby amended to read as follows for the emergency period as hereafter in said section 6.02 defined:

Limitations on withdrawals.

Sec. 6.02. Limitation on Withdrawals The term "matured withdrawal claims," as used in this article, shall include each and all of the following, to wit: (1) the value of all shares or investment certificates or parts thereof, in respect of which valid notices of intention to withdraw shall be on file, matured and unpaid, including notices of intention to withdraw by defaulting shareholders pursuant to section 3.05 of this act, as well as notices of withdrawal generally pursuant to section 6.01 of this act; (2) the value of all shares which shall have matured pursuant to section 3.03 of this act and which shall be unpaid; (3) the value of all investment certificates in respect of which the holders, pursuant to section 5.07 of this act but subject to section 6.02 of this act, shall be entitled to receive the redemption price, but which shall be unpaid; and (4) the value of all definite term investment certificates which shall have reached the expressed date of their maturity but which shall be unpaid.

Preferred claims.

Regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate

holders to receive payment of matured withdrawal claims, shall be secondary and subsequent to the right of such association to pay, and to provide reasonable reserves for the payment of, the following: taxes, assessments, insurance, repairs, alterations and other sums necessary to protect and preserve or to furnish or equip its properties and its interest in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association, otherwise than through the issuance of investment certificates; interest on investment certificates and dividends on shares; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association; and commitments on its incomplete loans or investments; provided, however, that an association on notice or on a pro rata basis shall not pay any dividends on its stock or distribute any profits to its stockholders or make any loans or investments, except loans or investments pursuant to its obligations incurred before it became an association on notice, and except loans expressly permitted by section 9.01 of this act; provided further, that an association on notice and not on a pro rata basis may with the prior consent of the commissioner, and an association not on notice and not on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, make or purchase loans or investments not exceeding the principal amount of moneys borrowed by such association from a Federal home loan bank, or other similar Federal agency, and not theretofore repaid; and provided further, that an association which is either on notice or on a pro rata basis may with the prior consent of the commissioner, and an association which is neither on notice nor on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, invest in stock issued by any Federal home loan bank or other Federal agency of which such association may be eligible to be a member. Moreover, regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be limited to payments from its cash on hand or in bank, proceeds from sale of investments and loans and other cash receipts of such association; and shall be further limited to payments pursuant to the subsequent provisions of this section. The cash, proceeds and other receipts aforesaid which shall remain after deducting therefrom all payments, reserves, loans and investments abovementioned in this paragraph, are hereafter in this section 6.02 called the "available funds."

Exceptions.

Obligation to pay limited to cash on hand, etc.

The term "free money," as hereafter used in this section 6.02, is hereby defined as that part of the available funds which may be used at the option of the association to pay any or all withdrawals without requiring notice of intention

"Free money" defined.

to withdraw or before the maturity of a notice of intention to withdraw and regardless of the nonpayment of any or all matured withdrawal claims, or to pay any or all definite term investment certificates before the expressed date of maturity subject to such adjustment of interest, if any, as may be provided in such certificates, or for the purpose of making loans or investments, or for any other purpose not prohibited by law.

When available funds are free money.

If the association is neither or notice nor on a pro rata basis, and if there are no matured withdrawal claims (excepting claims for the payment of which funds have been set aside by the association) then all of the available funds shall be free money.

Proportion of free money: Remainder for withdrawals

If there are matured withdrawal claims (for the payment of any of which funds have not been set aside by the association), then not to exceed twenty-five per cent of the available funds shall be free money (but in such case no part of such free money shall be used to pay dividends on stock or be distributed as profits to stockholders), and all the remainder shall be applied to the payment of withdrawals. The commissioner is hereby authorized, in the case of any or all associations, to reduce the amount of such free money from twenty-five per cent of the available funds to such smaller per cent of the available funds as he may from time to time prescribe, and in such case all the remainder shall be applied to the payment of withdrawals Whether or not the commissioner shall have reduced such amount of free money such remainder of the available funds shall be applied (regardless of whether or not the association is on notice or on a pro rata basis) at such times as the commissioner shall prescribe to the payment of matured withdrawal claims as follows:

Commissioner may reduce proportion

Payment of withdrawal claims.

Order of payments.

First: To all matured withdrawal claims in respect of investment certificates until all sums payable thereon are paid and, as between several holders thereof, pro rata according to the unpaid principal thereof at the time of each such payment.

Second: To all matured withdrawal claims in respect of shares until all sums payable thereon are paid and, as between the several holders thereof, pro rata according to the unpaid value thereof at the time of each such payment.

Exceptions Certain payments authorized.

Every association (whether or not it is on notice or on a pro rata basis) shall, from available funds exclusive of free money, and subject to such rules and regulations as the commissioner may prescribe, pay in each month, with or without requiring notice of intention to withdraw, and regardless of the nonpayment of any or all matured withdrawal claims, to any one or more of its shareholders or certificate holders who shall request such payment, not to exceed whichever of the two following amounts shall be the greater (1) twenty-five dollars per person, or (2) one per cent of the value of such person's shares or investment certificates (in addition to any free money which may be applied to the payment of

withdrawals); and withdrawals may be made at any time from pledged shares and investment certificates, whether or not the association is on notice or on a pro rata basis, and without notice; provided, the full amounts of such withdrawals shall be used to pay the indebtedness for which such shares or investment certificates are pledged, or any part thereof; and provided further, that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

Use of free money.

If in any accounting period an association has not used as free money the full amounts which such association is permitted by this section 6.02 to use for such purposes, then (unless the commissioner shall otherwise order in the case of such association) the amounts not so used shall be available to the association in any subsequent period for such purpose until such amounts shall have been so used, in addition to the amounts which would otherwise be available for such purpose in such subsequent period.

Waiver is void.

No association shall make any contract waiving in any manner any of the provisions of this section and, if any such contract shall be so made, such contract shall be void.

Effect.

The provisions of this act shall govern, during the existence of the emergency period as hereinafter defined and only during such period, the withdrawal and other rights of the holders of all shares and investment certificates whether heretofore or hereafter issued, and whether or not withdrawal claims shall have heretofore been filed or shall have heretofore matured.

"Emergency period" defined.

The term "emergency period" as used in this section 6.02 shall mean the period commencing with the effective date of this section 6.02 as amended and ending September 1, 1935; provided, however, that said emergency period may be terminated at any time prior to September 1, 1935, by order of the commissioner.

Stats 1933, Ch. 31; see preceding section.

SEC. 5a. Section 6.02 of said act is hereby amended to read as follows; provided, however, that such amendment to said section 6.02 shall not take effect until the expiration or termination of the emergency period defined in section 6.02 of said act as amended by chapter 31 of the Statutes of 1933:

Limitations on withdrawals.

Sec. 6.02. Limitation on Withdrawals. The term "Matured withdrawal claims," as used in this article, shall include each and all of the following, to wit, (1) the value of all shares or investment certificates or parts thereof, in respect of which valid notices of intention to withdraw shall be on file, matured and unpaid, including notices of intention to withdraw by defaulting shareholders pursuant to section 3.05 of this act, as well as notices of withdrawal generally pursuant to section 6.01 of this act; (2) the value of all shares which shall have matured pursuant to section 3.03 of this act and which shall be unpaid; (3) the value of all investment certificates in respect of which the holders, pursuant to section 5.07 of this act but subject to section 6.02 of this act, shall be entitled to

receive the redemption price, but which shall be unpaid; and (4) the value of all definite term investment certificates which shall have reached the expressed date of their maturity but which shall be unpaid.

Preferred claims.

Regardless of whether or not an association is on notice or on a pro rata basis, its obligations to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be secondary and subsequent to the right of such association to pay, and to provide a reasonable fund for the payment of, the following: taxes, assessments, insurance, repairs, alterations and other sums necessary to protect and preserve or to furnish or equip its properties and its interest in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association; interest on investment certificates and dividends on shares; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association; and commitments on its incomplete loans or investments; provided, however, that an association on notice or a pro rata basis shall not pay any dividends on its stock or distribute any profits to its stockholders or make any loans or investments, except loans or investments pursuant to its obligations incurred before it became an association on notice and except loans expressly permitted by section 9.01 of this act; provided further, that an association on notice and not on a pro rata basis may with the prior consent of the commissioner, and an association not on notice and not on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, make or purchase loans or investments not exceeding the principal amount of moneys borrowed by such association from a Federal home loan bank, or other similar Federal agency, and not theretofore repaid; and provided further, that an association which is either on notice or on a pro rata basis may with the prior consent of the commissioner, and an association which is neither on notice nor on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, invest in stock issued by any Federal home loan bank or other similar Federal agency of which such association may be eligible to be a member. Moreover, regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be limited to payments from its cash on hand or in bank, proceeds from sale of investments and loans and other cash receipts of such association; and shall be further limited to payments pursuant to the subsequent provisions of this section. The cash, proceeds and other receipts aforesaid which shall remain after deducting therefrom all payments, reserves, loans and invest-

Exceptions.

Obligation to pay limited to cash on hand, etc

ments above mentioned in this paragraph, are hereafter in this section 6.02 called the "Available funds."

"Free money," defined.

The term "free money," as hereafter used in this section 6.02, is hereby defined as that part of the available funds which may be used at the option of the association to pay any or all withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw and regardless of the nonpayment of any or all matured withdrawal claims, or any or all minimum term investment certificates before the end of their minimum term or any or all definite term investment certificates before the expressed date of maturity subject to such adjustment of interest, if any, as may be provided in such certificates, or for the purpose of making loans or investments, or for any other purpose not prohibited by law.

When available funds are free money.

If the association is neither on notice nor on a pro rata basis, and if there are no matured withdrawal claims (excepting claims for the payment of which funds have been set aside by the association) then all of the available funds shall be free money.

Proportion of free money; remainder for withdrawals.

If the association is neither on notice nor on a pro rata basis, and if there are matured withdrawal claims (for the payment of any of which funds have not been set aside by the association), then not to exceed fifty per cent of the available funds shall be free money, and all the remainder shall be applied to the payment of withdrawals. In applying such remainder to the payment of withdrawals, not to exceed twenty-five per cent of the available funds may be applied at the option of the association to pay not to exceed fifty dollars per person in each month to any one or more of its shareholders or certificate holders, with or without requiring notice of intention to withdraw and regardless of the nonpayment of any or all matured withdrawal claims (in addition to any free money so applied); and the balance (which in no case shall be less than twenty-five per cent of the available funds) shall be applied to the payment of matured withdrawal claims as follows:

Order of payments.

First—To the payment of withdrawals in respect of investment certificates pursuant to section 6.01 of this act, to the payment of definite term investment certificates which have reached the date of their maturity and to withdrawals through payments following notice of modifications pursuant to section 5.07 of this act, without preference of one type of such withdrawal over the other, according to the priority in time of the maturity of the claims for such withdrawals, which in the case of withdrawals pursuant to said section 6.01 shall be deemed to be the time notice of intention of such withdrawal shall have matured, in the case of withdrawals through payment of definite term investment certificates shall be deemed to be the date of maturity of such certificates, and in the case of withdrawals through payments following notice of modifications pursuant to section 5.07 of this act shall be deemed to be the date of the expiration of the period of such notice of modi-

fications; provided that as between the holders of certificates upon which the claim for withdrawal shall have matured at the same time, payment shall be made in the order of demand for or notice of such withdrawal, which in the case of definite term investment certificates shall be deemed to be the date of issuance thereof.

Second—To the payment of withdrawals in respect of shares pursuant to sections 3.05 and 6.01 of this act and withdrawals through payment of matured shares pursuant to section 3.03 of this act, without preference of one type of such withdrawal over the other, according to the priority in time of the maturity of the claims for such withdrawals, which in the case of withdrawals pursuant to said sections 3.05 and 6.01 shall be deemed to be the time notice of intention of such withdrawal shall have matured and in the case of withdrawals through payment of matured shares pursuant to said section 3.03 shall be deemed to be the time such shares shall be declared by the board to be matured. In respect of shares so declared to be matured at the same time, then such payment shall be made in the order provided in the by-laws, or in the absence of such provision in the numerical order of issuance.

Amount available for payments. When association on notice.

If the association is on notice but is not on a pro rata basis, then not to exceed twenty-five per cent of the available funds shall be free money, and all the remainder shall be applied to the payment of withdrawals. In applying such remainder to the payment of withdrawals, not to exceed twenty-five per cent of the available funds may be applied at the option of the association to pay not to exceed fifty dollars per person in each month to any one or more of its shareholders or certificate holders, with or without requiring notice of intention to withdraw and regardless of the nonpayment of any or all matured withdrawal claims (in addition to any free money so applied); and the balance (which in no case shall be less than fifty per cent of the available funds) shall be applied to the payment of matured withdrawal claims in the order provided in subdivisions First and Second of the preceding paragraph.

Same—When association on pro rata basis.

If the association is on a pro rata basis, then not to exceed ten per cent of the available funds shall be free money, and all the remainder shall be applied once in each period of three months to the payment of matured withdrawal claims as follows:

First—To all matured withdrawal claims in respect of investment certificates until all sums payable thereon are paid and, as between several holders thereof, pro rata according to the unpaid principal thereof at the time of each such payment.

Second—To all matured withdrawal claims in respect of shares until all sums payable thereon are paid and, as between the several holders thereof, pro rata according to the unpaid value thereof at the time of each such payment.

Withdrawals from pledged shares and certificates.

Notwithstanding anything to the contrary in this act, however, withdrawals may be made at any time from pledged shares and investment certificates, whether or not the association is on notice or on a pro rata basis, and without notice, provided the full amounts of such withdrawals shall be used to pay the indebtedness for which such shares or investment certificates are pledged, or any part thereof; and provided further, that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

Use of free money.

If in any accounting period an association has not used as free money or for payments of not more than fifty dollars per month per person the full amounts which such association is permitted by this section 6.02 to use for such respective purposes, then the amounts not so used shall be available to the association in any subsequent period for such respective purposes until such amounts shall be so used, in addition to the amounts, if any, which would otherwise be available for such respective purposes in such subsequent period.

Waiver is void.

No association shall make any contract waiving in any manner any of the provisions of this section and, if any such contract shall be so made, such contract shall be void.

Effect.

The provisions of this act shall govern the withdrawal and other rights of the holders of all shares and investment certificates whether heretofore or hereafter issued, and whether or not withdrawal claims shall have heretofore been filed or shall have heretofore matured.

Stats. 1933, Ch. 31.

SEC. 6. Section 6.03 of said act is hereby amended to read as follows:

Withdrawals without notice or before maturity.

Sec. 6.03. Withdrawals Without Notice or Before Maturity. No association shall agree in advance to pay withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw, nor to pay minimum term investment certificates before the expiration of the minimum term or definite term investment certificates before the expressed date of maturity. Except as otherwise provided in this act in respect of shares and investment certificates pledged to the association issuing the same and except as otherwise so provided in respect of free money or payments in each month not to exceed the amount per person permitted by section 6.02 of this act to any one or more shareholders or certificate holders, no association on notice or on a pro rata basis (and, until the expiration or termination of the emergency period defined in section 6.02 of said act as amended by chapter 31 of the Statutes of 1933, no association having matured withdrawal claims for the payment of any of which funds have not been set aside by the association) shall pay any withdrawals except upon matured notice of intention to withdraw, nor allow the withdrawal of any minimum term investment certificates before the expiration of its minimum term or of any definite term investment certificate before the expressed

date of its maturity; provided, however, that after the expiration or termination of said emergency period an association on notice but not on a pro rata basis may pay withdrawals before the maturity of such notices if such withdrawals are paid in the order provided in section 6.02 of this act in respect of associations on notice and not on a pro rata basis; and provided further that an association on a pro rata basis shall pay withdrawals of minimum term investment certificates and definite term investment certificates after the maturity of notices of intention to withdraw subject to the same conditions as investment certificates of other classes. Any agreement contrary to the provisions of this section shall be void.

Stats. 1931, p. 483.

SEC. 7. Section 6.08 of said act is hereby amended to read as follows:

Withdrawals from mutual associations

Sec. 6.08. Withdrawals from Associations Not Issuing Stock or Investment Certificates. The provisions of this section shall not be applicable to any association issuing stock or investment certificates, but shall be applicable to any association not issuing either stock or investment certificates in the event, but only in the event, its by-laws expressly provide that this section shall be applicable to such association. In such case, the provisions of the preceding sections of this article shall also be applicable to such associations, but only if and to the extent that they are not inconsistent with the provisions of this section. In all such associations, holders of free shares therein desiring to withdraw in whole or in part may do so by giving notice thereof in writing of the amount desired to be withdrawn. At all times the right of shareholders to receive payment of withdrawals shall be secondary and subsequent to the right of such association to pay and to provide a reasonable fund for the payment of the following: dividends on shares, taxes, assessments, insurance, amounts necessary to fulfill previous loan commitments, repairs, alterations, and other sums necessary to protect and preserve or to furnish or equip its properties and its interests in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association.

Rights prior to withdrawals

Withdrawals when association on notice

While such association is on notice and subject to the foregoing provisions, not more than one-half of the net monthly receipts from assets then owned, in any one month, shall be applied to withdrawals for that month without the consent of the board of directors, and such payment shall continue until the value of all shares with respect to which notices of withdrawal are on file has been reduced to an amount less than three per cent of the value of all outstanding shares. No shareholders shall be permitted to withdraw whose shares are pledged to the association as security for a loan until such loan is fully paid. Whenever the demands of withdrawing shareholders exceed the money applicable to their payment, the notices of intention to withdraw must be registered in the

Registration of withdrawal notices

order of filing and while such association is on notice payments thereon must be made in succession in the order that such notices were filed and registered. The remaining one-half of net receipts of such association may be used, in the discretion of the board of directors, for payment of withdrawals with respect to which notice has not been filed, subject to such limitations as the board of directors may fix, and for the operating expenses of the business and for making loans to members, or applied, in the discretion of the board of directors, to payment of withdrawals on notice. Such association shall at no time be on a pro rata basis, except as hereinafter provided.

Prior right of withdrawal

All new investments by shareholders after such association is on notice, whether made upon shares already issued or upon new shares issued, shall have priority and shall have a prior right of withdrawal as against all other shareholders.

Withdrawal claims

Whenever an application for withdrawal of free shares shall have been on file, or the payment of matured shares demanded, and either shall have remained unpaid for a period of one year, all the receipts of such association from dues, interest, premium, loans repaid, and the proceeds of all other investments, shall, after the payment of expenses and general indebtedness, be applied toward the payment of withdrawals and maturities; and the board of directors or the commissioner may direct that such payments shall be made upon a ratable and proportionate basis. Whenever such application or demands, whether heretofore or hereafter made, have been on file and remain unpaid in whole or in part for more than two years the commissioner may in his discretion forthwith take possession of the property and business of such association, and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association may be allowed to resume business upon such conditions as may be approved by the commissioner.

Liquidation by commissioner

SEC. 8. Section 7.06 of said act is hereby amended to read as follows:

Stats 1931, p 483.

Deficiency of capital.

Sec. 7.06. Assessments to Restore Impaired Capital. Whenever it shall appear from the report of any association, or the commissioner shall have reason to believe, that the value of the assets of any association after first deducting therefrom the amount of liabilities of such association, including its outstanding investment certificates and shares at the value thereof, is less than the aggregate par value of its outstanding stock, or, in the case of an association issuing both stock and investment certificates, is less than the investment certificate reserve required for such association pursuant to section 5.03 of this act, it shall be the duty of the commissioner and he shall have the power to examine such association and ascertain the facts, and in case he finds that such deficiency exists he shall require such association to make good such deficiency within sixty days after the date of such requisition. The directors of every

Assessment to cover

such association upon which such request shall have been made, shall levy an assessment upon the stock thereof to repair such deficiency, and shall cause notice of such request to be given to each stockholder of such association and of the amount of the assessment which he must pay for the purpose of making good such deficiency. If any stockholder shall refuse or neglect to pay the assessment specified in such notice within thirty days from the date of mailing or serving such notice, the directors of such association shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving a previous notice of such sale for ten days in a newspaper of general circulation published in the county where the principal office in this State of such association is located, and a copy of such notice of sale shall also be served on such stockholder by being served personally on him or by mailing to his last known address ten days before the day fixed for such sale, or such stock may be sold at a private sale and without such public notice; provided, however, that before making such private sale thereof an offer in writing shall first be obtained and a copy thereof served upon the owner of record of the stock to be sold, either personally or by mailing a copy of such offer to his last known address, and if, after service of such offer, such owner shall still refuse or neglect to pay such assessment within two weeks from the time of the service of such offer, the said directors may accept such offer and sell such stock to the person making such offer, or to any other person or persons making a larger offer than the amount named in the offer submitted to the stockholders; but such stock shall in no event be sold for less than the amount of such assessment so called for and the expense of sale. Out of the avails of the stock so sold, the directors shall pay the amount of assessment levied thereon, and the necessary cost of sale, and the balance, if any, shall be paid to the person or persons whose stock has thus been sold. A sale of stock as herein provided shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void and a new certificate shall be issued by the association to the purchaser thereof In the event no bid or offer shall be received equal to or more than the amount of such assessment and the expense of sale, then at the option of such association, such stock shall be declared forfeited to the association in satisfaction of such assessment and such expense, and shall have the status of authorized but unissued stock. Such stock shall not be reissued except in accordance with permit thereafter obtained from the commissioner pursuant to section 4.02 of this act. In case any stock shall be declared forfeited to the association as aforesaid the holders of such stock shall be subject to the stockholders' liability provided in sections 7.01, 7.02, 7.03 and 7.04 of this act if within sixty days thereafter the commissioner, or a receiver or trustee of the association appointed by any court, shall take possession of the property, business

Sale of delinquent stock.

Proceeds.

Forfeiture of delinquent stock

and assets of such association, or if at the time of such forfeiture such stockholders shall have had knowledge of impending failure of such association.

SEC. 9. Section 9.02 of said act is hereby amended to read as follows: Stats 1933, Ch 4

Sec. 9.02. Investments Generally. An association may invest in, hold, buy and sell the following: Authorized investments

(1) Real property used or to be used primarily as the principal office or branch of such association; provided that no association issuing either stock or investment certificates or both shall invest in such real property more than one-half of the sum of its aggregate paid-up nonwithdrawable capital and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation; Real property.

(2) Furniture, fixtures, furnishings and equipment necessary or proper for the business of such association, or for use in connection with properties owned by or securing loans of such association; provided that no association issuing either stock or investment certificates or both shall invest in furniture, furnishings and equipment for its offices, more than ten per cent of the sum of its aggregate paid-up nonwithdrawable capital and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation; Furniture, fixtures, etc.

(3) United States Government bonds and treasury certificates; or any bonds, debentures, notes or other obligations guaranteed by the United States of America; United States bonds.

(4) Bonds, debentures and notes issued by any Federal home loan bank, or other similar Federal agency; Bonds and notes of Federal agencies

(5) Bonds of this State or of any county, municipality or school district in this State; Bonds of State and certain subdivisions

(6) Bonds, other securities and bankers' acceptances which are legal as investments for or purchases by savings banks in this State; Investments legal for savings banks

(7) Bonds issued by any railroad corporation or any public utility corporation excluding street railway corporations, substantially all of the properties of which are located in the United States of America; provided the purchase of all bonds pursuant to the sole authority of this subdivision (7) shall be first approved by the commissioner; Approved public utility bonds.

(8) Notes or bonds secured by first mortgage or first deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of title two of part four of division one of the Civil Code of this State; Certain first lien securities.

(9) California street improvement bonds; provided the purchase of all bonds pursuant to the sole authority of this subdivision (9) shall be first approved by the commissioner and that no association at any one time shall have invested pursuant to the sole authority of this subdivision (9) an aggregate Approved street improvement bonds. Limitation

amount in excess of two per cent of the then total assets of such association; or

Stock of certain Federal agencies

(10) Stock issued by any Federal home loan bank or other similar Federal agency of which such association may be eligible to be a member.

Investment limit.

Provided that, except with the prior consent of the commissioner, no association at any one time shall have invested pursuant to subdivisions (6), (7), (8) and (9) of this section an aggregate amount in excess of ten per cent of the then total assets of such association.

Exemption: Bank deposits.

Associations may make deposits with any bank and such deposits shall not be construed as loans within the meaning of this act.

Stats 1931, p 483

SEC. 10. All of Article IX of said act, except sections 9.01, 9.02 and 9.03, is hereby amended to read as follows:

Loans Purchases.

Sec. 9.04. Purchases, Sales and Pledges of Loans. An association may purchase any notes or other obligations, together with the mortgages, trust deeds or other security therefor, if such notes or obligations evidence loans which, at the time of such purchase, such association would be authorized to make pursuant to this act in an amount at least equal to the amount so purchased. No association shall sell, exchange, transfer, pledge, hypothecate or otherwise dispose of or encumber any notes or other obligations held by it, evidencing any loan made or purchased by it, or the mortgages, trust deeds or other security therefor, except with the approval of the commissioner; provided, that any association may, without the necessity of obtaining such approval, sell and transfer without recourse any of the notes or other obligations held by it, together with the mortgages, trust deeds and other security therefor, to any bank, trust company or insurance company, or to any other association which is in nowise affiliated with such association, or to the holder of a junior encumbrance upon the same property; and provided, that any association may, without the necessity of obtaining such approval, pledge or otherwise hypothecate any of the notes or other obligations held by it, together with the mortgages, trust deeds and other security therefor, to the extent permitted by section 9.05 of this act.

Sale, pledge, etc

Limitations on power to borrow.

Sec. 9.05. Borrowings. No association shall be deemed to borrow money through the issuance of investment certificates. No association shall borrow money except as authorized by this article. Except with the approval of the commissioner, no association may borrow money for a period of more than one year, nor shall the aggregate amount of all borrowings of any association in force at any one time, excluding borrowings from Federal home loan banks, or other similar Federal agencies, exceed five per cent of the then total assets of such association. No excess loan made to any association, however, shall be invalid or illegal as to the lender. An association, as security for such borrowings, may pledge, hypothecate or otherwise encumber any of the notes, bonds or other securi-

Giving of security.

ties held by such association, together with the mortgages, trust deeds and other security therefor; provided, that except with the approval of the commissioner, the unpaid principal amount of such notes, bonds or other securities when so pledged, hypothecated or otherwise encumbered shall not exceed two hundred per cent of the amount borrowed by such association.

Borrowings from Federal agencies

Sec. 9.06. Borrowings from Federal Agencies. An association may borrow from a Federal home loan bank, or other similar Federal agency, or from the Reconstruction Finance Corporation. None of the restrictions and limitations of this act shall apply to such borrowings or to the securing thereof.

Security for loans made by association.

Sec. 9.07. Security for Loans. For each loan made by a building and loan association a note or other obligation expressing a rate of interest must be executed by the borrower and must be secured either (a) by a first mortgage or first trust deed upon fee title to real property, or (b) by the pledge of shares or investment certificates of such association, or (c) by the pledge of bonds or other collateral. Notwithstanding anything to the contrary in this act, any security, whether or not the same be a first encumbrance or charge, on property, either improved or unimproved and either real or personal, may be taken at any time and without limit as additional security for any loan held by such association.

Loans: "Mutual plan."

"Definite contract plan."

Sec. 9.08. Loan Plans. Loans may be made upon the "mutual plan" or upon the "definite contract plan." Loans made upon the mutual plan shall be loans accompanied by a pledge of shares having a matured or par value equal to the expressed principal of the loan. Subject to the provisions of this act loans upon the definite contract plan shall be repayable at a designated time or in installments to be specified in the notes or other obligations evidencing such loans.

Amortized loans.

Sec. 9.09. Loan Terms. For the purposes of this act, an amortized loan shall be one which provides for payments to be made on the principal in installments to be paid at regular intervals at least semiannually and to commence not later than one year after the date of the loan. Such installments may include interest and either as to principal alone or as to combined principal and interest, shall be approximately equal (except that the last installment may be unequal), and whether or not such loan be written for a shorter period such stipulated installments, if of principal alone shall be at least of a sufficient amount so that if continued at such regular intervals they would result in paying the entire principal in not more than fifteen years from their commencement, and if of combined principal and interest, shall be at least of a sufficient amount so that if continued at such regular intervals they would result in paying the entire loan both principal and interest in not more than fifteen years from their commencement. Such loans may provide for payment of interest or principal or both, in addition to such regular installments and in the event such regular installments are

Principal and interest.

not sufficient to pay the entire principal within the term thereof, such loans must provide that the entire amount unpaid come due and payable within not more than six months after the due date of the last regular installment. Provided, however, that the commissioner may by rules permit and prescribe a longer maximum term than as herein provided in the case of amortized loans upon particular classes of security, which classes he shall have power to prescribe and define.

Loans may be made by an association which may or may not provide for payments on account of the principal thereof during an initial period not to exceed three years. If any loan does not provide for the payment, commencing not later than one year after the date thereof, of installments either of principal alone or of combined principal and interest at a rate at least equal to the rate hereinabove provided for an amortized loan, the same shall not be an amortized loan for the purpose of section 9.10 of this act; but for the purpose of section 9.14 of this act, any loan held by an association may be classified as an amortized loan during any period within which payments are being made, or within which the note or obligation representing such loan provides for payments to be made, of installments either of principal alone or combined principal and interest thereof at a rate not less than that hereinabove provided for an amortized loan.

Loans on mutual plan: Installments.

Solely for the purposes of this section and section 9.14 of this act, but not for any other purpose, on loans made on the mutual plan where the installments are to be applied in payment of its own membership shares pledged therewith, such installments together with accumulated earnings thereon shall be construed as having been applied to the principal of such loans.

Express provisions.

In the case of all loans hereafter made on the mutual plan, the note or other obligation of the borrower shall expressly provide that in the event such association shall thereafter sell, exchange, transfer, or otherwise dispose of such note or obligation, or in the event such association shall thereafter be liquidated, either voluntarily or involuntarily, then the value of the shares pledged therefor, plus the accrued earnings thereon to the date of such sale or disposition or to the date of the commencement of such liquidation, shall be applied first to advances on account of such loans, second to the interest accrued and unpaid thereon, and third to the principal thereof; and said note or other obligation shall also expressly provide that in the event such association shall thereafter pledge, hypothecate or otherwise encumber such note or obligation, then the value of the shares pledged therefor, plus the accrued earnings thereon to the date of such pledge, hypothecation or encumbrance may, at the option of such association, be applied as aforesaid, and that if the association shall not exercise said option at the time of such pledge, hypothecation or other encumbrance then in the event such note or obligation shall be sold pursuant to such pledge, hypothecation or

other encumbrance, the value of such shares, plus the accrued earnings thereon to the date of such sale, shall be applied as aforesaid. In any such case such shares from the time of such application shall be deemed surrendered to the association and canceled. In computing accrued earnings in any such case, the rate used in the last apportionment shall be applied.

Real property loans. Extent.

Sec. 9.10. Loans Upon Real Property. Loans may be made upon the security of improved real property in an amount not in excess of sixty per cent of the appraised value of such real property; provided, however, that amortized loans may be made in an amount not in excess of seventy per cent of the appraised value of such real property; provided further, that amortized loans upon the security of improved real property may be made in an amount not in excess of eighty per cent of the appraised value of such real property, subject to each and all of the following conditions in the case of each such loan exceeding seventy per cent: (1) the principal improvement on such real property shall consist of a single family dwelling; (2) such loan shall not exceed six thousand dollars in principal amount; and (3) the note or other obligation evidencing such loan shall provide for reduction of principal by monthly installments commencing in the case of construction loans not later than six months after the date of such loan, and in case of any other loan not later than one month after the date of such loan.

Conditions.

Unimproved real property.

Loans may be made upon the security of unimproved real property in an amount not in excess of thirty-three and one-third per cent of the appraised value of such real property.

Construction loans.

In respect of any loan made upon the security of real property where it is agreed and/or contemplated that improvements will be made thereon to become a part of such security, said real property shall be deemed to be improved real property and the cost of such proposed improvements shall be included in the appraised value of such real property; provided, however, that at no time shall the amount advanced by the association on such loan exceed the ratio of loan to value authorized by this section in respect to such loan, excluding from such value the value of such proposed building or buildings but including in such value the actual cost of such building or buildings to such time.

Stats 1933, Ch 4. Loans on shares and investment certificates.

Sec. 9.11. Loans Upon Shares and Investment Certificates. Loans secured wholly by the pledge of shares or investment certificates of the lending association may be made to the extent of not more than ninety per cent of the then value of such shares or investment certificates. Such loans, together with the interest and arrearages due or accrued thereon, may be repaid at any time without the payment of any premium or bonus interest, and upon such payment being made the security pledged therefor shall be surrendered.

Loans on collateral security.

Sec. 9.12. Loans Upon Collateral Security. Loans secured by the pledge of notes or other obligations may be made by any association to the extent of not more than ninety per cent of

the unpaid principal of such notes or other obligations, if such notes or other obligations evidence loans which at the time of such collateral loans thereon, such association would be authorized to make pursuant to this act in an amount at least equal to the unpaid principal of such notes or other obligations. Loans secured by the pledge of bonds, treasury certificates, notes, mortgage participation certificates or other securities referred to in subdivisions (3), (4), (5), (6), (7), (8) and (9) of section 9.02 may be made by any association to the extent of not more than ninety per cent of the unpaid principal amount or market value thereof, whichever is less, if at the time of such collateral loans thereon such association would be authorized pursuant to this act to invest in such bonds, treasury certificates, notes, mortgage participation certificates or other securities in an amount at least equal to such unpaid principal amount or market value, whichever is less.

Arrears in payments.

Sec. 9.13. Arrears in Payments. Whenever a borrower shall be in arrears in the payment of his dues on his pledged shares, if any, or in the payment of his interest or loan installments, or shall be in default under the terms of any pledge, deed of trust or mortgage securing his loan, the whole loan shall become due at the option of the association, and the association may proceed to enforce collection upon such loan or the securities held by the association. Upon or after exercising such option, the withdrawal value of all shares pledged as collateral security shall be applied to the payment of the loan, and said shares from the time of such application shall be deemed surrendered to the association and canceled.

Limitations Classes of loans.

Sec. 9.14. Limitation as to Classes of Loans. No association shall make any loan other than an amortized loan unless at least ninety per cent of the unpaid principal of all its loans then in force be amortized loans as defined in section 9.09 of this act, and no association shall make any loan other than an amortized loan payable in monthly installments unless at least eighty per cent of the unpaid principal of all its loans then in force shall be amortized loans, the note or obligation for which provides for installments of principal to be paid monthly thereon. No association shall make any loan upon the security of unimproved real property if the unpaid principal of all its loans then in force on unimproved real property exceeds three per cent of the unpaid principal of all its loans of all classes then in force.

The limitations of this section 9.14 shall not apply to loans made pursuant to section 9.01 of this act.

Single loans.

Sec. 9.15. Limitation on Single Loans. Except with the consent of the commissioner no association issuing investment certificates shall hereafter make any one loan in an amount exceeding twenty-five per cent of the sum of its aggregate paid up nonwithdrawable capital and any surplus or reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation; but the pro-

visions of this section shall not apply to any loans which do not exceed ten thousand dollars principal each.

Appraisers to be approved.

Sec. 9.16. Appraisers to Be Approved. No loan shall be made upon the appraisement of, nor shall compensation for any appraisement be paid to, any appraiser, officer or member of any committee who shall not have been first approved in writing by the commissioner for such association. Such approval may be subject to such limitations as may be provided by the commissioner, and may be revoked, for cause, after a hearing and due notice thereof first given to the appraiser and the association.

Loans specifically forbidden. Loans to director or officer or to other corporations controlled thereby.

Sec. 9.17. Loans Specifically Forbidden and Penalties. No loans shall be made, for himself or as agent or as partner of another, directly or indirectly, to any director or officer of any association by such association, except that loans may be made to any corporation in which any director or officer of such association may be a minority stockholder, on authorization of or confirmation within thirty days after making such loan by a majority of all the directors of such association and the affirmative vote of all the disinterested directors of such association present at the meeting authorizing or confirming such loan; provided, however, that such loan shall in all other respects conform to and comply with the other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board upon such loan. Such authorization or confirmation shall be entered upon the records or minutes of such association. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such association who is a stockholder, officer or director of the corporation to which such loan is made, the amount of stock held by him in such borrowing corporation, the amount of such loan, the rate of interest thereon, the time when such loan will become due, the amount, character and value of the security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the association to the commissioner; provided that any loan made to any corporation of which any director, officer, agent or employee of such association owns not more than five per cent of the paid-in capital of such borrowing corporation and any loan made to any corporation of which any two or more directors, officers, agents or employees of such association own not more than twenty per cent of the paid-in capital of such borrowing corporation, need not be reported to the commissioner. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such association collectively, except with the previous consent of the commissioner. Any officer or director of any association who knowingly violates any of the previous provisions of this section shall be guilty of a felony. Any officer, director or employee of any

Exceptions.

Penalties.

association who asks or receives or consents or agrees to receive any commission, emolument, gratuity or reward or any money, property or any thing of value for his own personal benefit or of personal advantage for procuring or endeavoring to procure for any person, firm or corporation any loan from such association shall be guilty of a felony. It shall be unlawful for any association to loan any of its funds upon any of its stock as security. It shall be unlawful for any association to make any loan to, or purchase any loan or investment from, the commissioner or any deputy, attorney, examiner, accountant or appraiser appointed or employed by him. Any officer or director of an association who shall make any such loan for and on behalf of any association shall be personally liable to such association for the full amount thereof and shall also be guilty of a felony. It shall be unlawful for any association to make or purchase any loan or investment not authorized or permitted by this act; and any officer or director who on behalf of any such association shall knowingly make or purchase any loan or investment not authorized by this act or who shall knowingly consent thereto shall be personally liable to such association for the full amount of any such loan or investment and he shall also be guilty of a public offense and shall be punished by imprisonment in the State prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Loans to commissioner, etc

Unauthorized loan,

Stats. 1931, p. 483.

SEC. 11. Section 10.03 of said act is hereby amended to read as follows:

Apportionment of profits. Dividends on shares.

Sec. 10.03. Apportionment of Profits. Profits and losses shall be apportioned at least annually. In computing earnings or dividends on shares, the rate shall be applied to the value thereof, subject to regulations prescribed by the by-laws or directors in respect of payments on such shares since the last prior apportionment. Interest unpaid, although due or accrued, on debts owing to any association, shall not be included in calculation of its profits available for dividends; nor shall any association, except with the previous written consent of the commissioner, enter or at any time carry on its books any of its assets at a valuation exceeding its actual cost to such association. If the loan reserve mentioned in this section shall not equal five per cent of the aggregate unpaid principal amount of the outstanding loans at the time of each apportionment of profits, the directors, before declaring any dividends, shall set aside as a loan reserve not less than five per cent of the net profits accruing since the last prior apportionment and shall continue so to do until said loan reserve shall amount to at least five per cent of the aggregate unpaid principal amount of the loans in force secured by real property. Such loan reserve shall be available at all times to meet any losses, whether arising from loans or otherwise, but the directors of any association at their option may charge losses against earnings, undivided profits or surplus. If at any time

Loan reserve

said loan reserve shall be in anywise impaired, it shall thereafter be restored in like manner. In the case of each association said loan reserve shall include such sum as may, on August 14, 1931, have been in such association's reserve fund mentioned in section 641 of the Civil Code of this State; and also such other sum, if any, as the directors of such association may transfer from its surplus or undivided profits to said loan reserve. Every association issuing stock may, in addition to a dividend on such stock at a rate equal to that declared and paid or credited on installment shares, if any, set aside from and out of the net profits, if any, at each annual distribution thereof an amount not exceeding one per cent per annum on the average loans in force during such period, or a proportionate amount at each semiannual, quarterly or other distribution, from which to declare additional dividends on its stock; provided, however, that at least one-tenth of the amount so set aside shall be carried to stock surplus until such surplus shall amount to at least twenty-five per cent of the par value of the outstanding stock, and if at any time thereafter such stock surplus shall be in anywise impaired, it shall thereafter be restored in like manner. Subject to the requirements of this section as to the loan reserve and stock surplus, and subject to the provisions of other sections of this act expressly restricting the declaration or payment of dividends, the directors of any association issuing stock and not issuing shares may make, declare and pay dividends on the stock of so much of the surplus profits arising from the business thereof as to them appears advisable.

Dividend on stock.

Stock surplus.

Further dividends.

SEC. 12. Section 10.05 of said act is hereby amended to read as follows:

Stats 1931, p. 483

Sec. 10.05. Annual Audit by Public Accountant. Each association, at least once in each year, shall cause its books and accounts to be audited at its own expense by a certified or other public accountant or firm of certified or other public accountants selected by such association and approved by the commissioner. Such annual audit shall cover the fiscal year unless the commissioner shall fix a different period which he may do in the case of any association. Each association shall furnish to the commissioner annually, within ninety days after the end of the period covered by such audit, two signed copies of the report of such public accountant or accountants showing the result of such audit and including a balance sheet of such association at the date of such audit and a statement of the income and expenses of such association during the year ending with the date of such audit, which balance sheet and statement of income and expenses shall be certified by such public accountant or accountants. The commissioner shall have power to prescribe the scope of such audit, and to require such accountant or accountants to furnish him with information additional to that contained in the report of such audit. A copy of each report furnished to the commissioner pursuant to this section shall be kept at each office of the commissioner,

Annual audit.

Copies to commissioner

Scope

and shall be open to examination by any investor of the association in question, subject to section 13.01 of this act and to such reasonable regulations as the commissioner may prescribe. The audit required by this section shall be additional to, and shall not be in substitution for, the examination of associations by the commissioner or his deputies or examiners required by section 13.06 of this act.

Stats. 1931, p. 483.

SEC. 13. Section 12.01 of said act is hereby amended to read as follows:

Restricted to corporations

Sec. 12.01. Restriction on Building and Loan Business. No person, firm, copartnership, association, company or society, either domestic or foreign, except a corporation, shall conduct or carry on in this State the business of accumulating the savings of its shareholders, stockholders, members or investors, and of loaning such accumulations in the manner of building and loan associations; and no corporation shall conduct or carry on such business except in accordance with the provisions of this act. This act shall not apply to investment companies except in the case of investment companies which shall also be building and loan associations as defined in section 1.02 of this act.

Repeal

SEC. 14. Section 12.08 of said act is hereby repealed.

Stats. 1933, Ch. 4.

SEC. 15. Section 13.01 of said act is hereby amended to read as follows:

Office of building and loan commissioner created

Sec. 13.01. In General. The office of the Building and Loan Commissioner is hereby created, which office shall be a continuation of the office of Building and Loan Commissioner created by chapter 354 of the Statutes of 1911. The Building and Loan Commissioner shall be appointed by the Governor and shall hold office at the pleasure of the Governor. He shall receive such compensation as shall be prescribed or authorized by law. Before entering upon the duties of his office, he shall take and subscribe an oath of office and execute an official bond in the penal sum of fifty thousand dollars, with sufficient surety or sureties as provided by law. The commissioner shall be charged with the administration and enforcement of this act, and of all other laws relating to or affecting the incorporation, organization, business, operation, merger, consolidation, dissolution or liquidation of associations subject to this act, and shall have and may exercise all of the powers necessary or convenient for such purposes. Except as otherwise expressly provided by this act, none of the records of the commissioner shall be deemed to be public documents nor be open to the inspection of the public, except any report made by any association to the commissioner and the annual report made by a public accountant or accountants. If in the judgment of the commissioner, the public welfare or the welfare of any association demands that any such report or any information therein contained be not made public he may in his discretion withhold such report or such information from inspection by the public or by any investor for such time as in his judgment is necessary.

Oath and bond.

Records.

SEC. 16. A new section numbered section 13.16a is hereby added to said act to read as follows: New section

Sec. 13.16a. Other Powers Upon Liquidation. The commissioner in his discretion may accept approved claims against any association in his possession for liquidation, based on investment certificates, or on shares in the case of any association in which shareholders shall have heretofore been granted the right and option by the association to exchange their shares for investment certificates of equal value, issued by such association and approved claims of general creditors against it in partial or full payment for real property of such association, with the approval of the court, after a hearing on such notice as the court shall prescribe. Claims received in payment pursuant to this section shall be accepted at their respective surrender values as estimated by the commissioner and fixed and determined by the court and all such claims shall thereafter be canceled. Approved claims in payment for real property.

The commissioner in his discretion may reduce the rate of interest to be paid on any loan held by any association in liquidation, to a rate not less than 7.2 per cent a year; and may renew, extend the time of payment of, reduce the amount of the monthly payments of, or rewrite any such loan; and may make additional advances for the purpose of preserving the security of any such loan. Power to alter loans

SEC. 17. A new section numbered section 13.20 is hereby added to said act to read as follows: New section.

Sec. 13.20. Whenever the holders of seventy-five per cent in value of the outstanding investment certificates of an association, which association is not in the custody of the commissioner, together with the holders of seventy-five per cent in value of the outstanding shares of such association, together with either the board of directors or the holders of seventy-five per cent of the capital stock of such association, shall have agreed in writing to a plan of reorganization and shall have created and empowered a corporation or reorganization committee to act for them, they shall through such corporation or reorganization committee so notify the commissioner. Within fifteen days thereafter the commissioner shall give notice to each certificate holder, shareholder and stockholder in such association in the manner provided in section 8.08 of this act for notice by an association, which notice shall state that application has been made for reorganization and separation of assets. Thirty days after the mailing of such notices, the commissioner shall begin the segregation of assets of such association and within a reasonable time thereafter deliver to the corporation or reorganization committee, empowered to act for consenting investment certificate holders, shareholders and stockholders, their proportionate share of the assets of such association and the commissioner shall retain such assets as may fully protect all nonconsenting certificate holders, shareholders and stockholders and shall preserve to such nonconsenting certificate holders, shareholders and stockholders any Procedure for reorganization Notice Segregation of assets.

Petition to superior court

rights, preferences or priorities expressed in the Building and Loan Association Act. If the nonconsenting certificate holders, shareholders and stockholders, and the corporation or reorganization committee herein referred to, are unable to agree with the commissioner as to which assets are to be delivered to the corporation or reorganization committee, or as to those assets constituting the proportionate share of nonconsenting certificate holders, shareholders and stockholders, the commissioner shall then petition the superior court of the county in which the principal place of business of the association is located for an order to determine the assets to be taken by the corporation or reorganization committee and those assets to be retained by the association. All costs of reorganization, shall be paid by those consenting to such reorganization and no charge shall be made against those not consenting.

Stats. 1931, p. 483.

SEC. 18. Section 15.16 of said act is hereby amended to read as follows:

Supervision of mutual associations

Sec. 15.16. State Supervision and Control. Borrowers' mutual building and loan associations as in this article defined, doing business in this State, shall be under the supervision and control of the Building and Loan Commissioner. Each of the following sections of this act, and every section of each of the following articles of this act is hereby incorporated into and made a part of this article: Sections 2.02, 2.04, 2.05, 2.06, 2.09, 8.08, 9.17, 10.02, 10.04, 10.05, 10.06, 10.08; and articles eleven, twelve, thirteen and fourteen.

Sections applicable

CHAPTER 432.

An act to amend section 362c of the Civil Code, relating to the extension of the term of corporate existence.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1762

SECTION 1. Section 362c of the Civil Code is hereby amended to read as follows:

See Stats 1933, Ch. 533.

362c. Extension of Existence. Every corporation formed under the laws of this State for a limited period may at any time prior to the expiration of the term of its corporate existence extend such term by an amendment to its articles or certificate of incorporation removing any provision limiting the term of its existence and providing for perpetual existence. Such amendment may be made if adopted either by the vote or written consent of shareholders or members holding at least a majority of the voting power or by resolution of the board of directors adopted by a two-thirds majority of the members of the board, and a certificate of amendment

Extension of corporate existence

may be made accordingly and in the manner prescribed by section 362b of this code. This section shall apply to all corporations organized either before or since this code took effect and whether the corporations organized before have heretofore elected or shall hereafter elect to continue their existence under this code or not. Effect

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CHAPTER 433.

An act to amend section 4279 of the Political Code, relating to compensation of county and township officers in counties of the fiftieth class.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this nineteenth day of May, A.D 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

SECTION 1. Section 4279 of the Political Code is hereby amended to read as follows: Stats. 1931, p. 727.

4279. In counties of the fiftieth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Lake County. Salaries.

1. The county clerk, one thousand eight hundred dollars per annum and such fees as he may be by law allowed to retain; provided, that in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, who shall receive a salary of one thousand two hundred dollars per annum, one deputy who shall be appointed by the county clerk, to serve such times as may be required by the county clerk, and who shall receive a salary of fifty dollars per month; which said salaries of said deputies shall be paid by said county in the same manner and out of the same funds as the salary of the county clerk; and provided, that said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies to receive the sum of five cents per name for each name registered. Clerk

2. The sheriff, two thousand one hundred sixty dollars per annum, and the fees or commissions for the services of all papers issued by any court of the State outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters, said expenses to be allowed by the board of supervisors as other county charges are allowed; provided, that in counties of this class there shall be, and there Sheriff.

is hereby allowed to the sheriff one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand two hundred dollars per annum, which shall be paid by the county in equal monthly installments at the same time and in the same manner, and out of the same funds as the salary of the sheriff is paid.

Recorder. 3. The recorder, one thousand four hundred forty dollars per annum; provided, that when the amount of fees collected by said recorder in any month shall exceed the sum of three hundred dollars, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of three hundred dollars collected by him in such month, provided, that in counties of this class there shall be one deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand two hundred dollars per annum. The salary of said deputy to be paid at the same time and in the same manner and out of the same fund as the recorder is paid. Provided further, that the recorder may appoint assistants, not to exceed two, as may be required for the recording of all State tax deeds in his office, who shall receive as compensation for their services the sum of fifteen cents for each of said State tax deeds actually recorded. The compensation of said assistants shall be paid by the county in monthly installments at the same time and in the same manner, and out of the same fund as the salary of the county recorder is paid; provided further, that the county recorder shall file monthly with the county auditor a verified statement showing the persons employed as such assistants, and the number of State tax deeds recorded.

Auditor. 4. The auditor, one thousand nine hundred eighty dollars per annum in lieu of all fees and commissions; provided that in counties of this class there shall be one deputy auditor who shall be appointed by the county auditor and who shall receive a salary of one thousand two hundred dollars per annum; one deputy for one hundred fifty days at three dollars per diem; one assistant for fifty days at eight dollars per diem; two assistants for thirty days each at three dollars per diem each.

Treasurer. 5. The treasurer, eight hundred ten dollars per annum and the fees or commissions now or hereafter allowed by law.

Tax collector. 6. The tax collector, one thousand eight hundred dollars per annum; provided, that in counties of this class there shall be one deputy tax collector who shall be appointed by the tax collector and who shall receive a salary of one thousand two hundred dollars per annum as chief deputy; two deputies for seven months of each year to serve at such times to be designated by the tax collector and to receive a salary of eighty dollars per month each. In counties of this class the tax collector may employ such additional assistants as may be necessary, at a compensation of three dollars per diem each, for each day actually employed; provided, that the aggregate amount which may be expended in any one year shall not exceed six hundred dollars. The salaries of said deputies and

assistants shall be paid at the same time and in the same manner, and out of the same fund as the salary of the tax collector is paid.

Assessor

7. The assessor, one thousand eight hundred dollars per annum and the fees or commissions now or hereafter allowed by law; provided, he shall also have one deputy for a period of six months in each year at a salary of one hundred dollars per month; two assistants for a period of four months in each year at a salary of eighty dollars per month, each, and the salaries of which shall be paid by said county at the same time and in the same manner, and out of the same funds as the salary of the assessor; provided, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of two hundred forty dollars per year, to be allowed and paid as other claims against the county are allowed and paid, at the rate of ten cents for each mile actually traveled.

District attorney.

8. The district attorney, one thousand eight hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, one thousand nine hundred eighty dollars per annum; provided, that he shall have an assistant for a period of one hundred days in each year to serve at times to be designated by such officer at a salary of three dollars per diem, which office is hereby created, and the salary of which assistant shall be paid by the county at the same time and in the same manner, and out of the same funds as that of the superintendent of schools; provided, that the board of supervisors shall allow the superintendent of schools ten cents per mile for each mile traveled and other expenses necessarily incurred in the performance of his official duties; said mileage and traveling expenses not to exceed the sum of one hundred eighty dollars per year.

Surveyor.

12. The county surveyor, the sum of eight dollars per day not to exceed one hundred seventy days in any one year, for all work performed for the county; provided, that in counties of this class the board of supervisors shall provide the county surveyor with a suitable office, office furniture, heat, light and care for the same, office and record books and other necessary material, and also all traveling expenses at the rate of ten cents per mile in going to and from the county seat to where said work is performed for the county.

Justices of the peace

13. In counties of this class justices of the peace in all townships shall be paid the sum of three hundred dollars per annum, payable monthly, at the same time and in the same manner and out of the same fund as county officers are paid.

Constables

14. Constables, each the sum of three hundred dollars per annum, which shall be paid in the manner and the same time

and out of the same funds as county officers are now paid. The above compensation shall be in lieu of all other fees received for services, and said fees shall be accounted for to the auditor and paid into the county treasury.

Supervisors. 15. Each member of the board of supervisors shall receive a salary of eight hundred dollars per annum for his services as supervisor, and a further sum of ten cents per mile, mileage, in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive a salary of four hundred dollars per annum; and ten cents per mile, mileage, for every mile actually traveled in the performance of his duties as road commissioner; provided, that he shall not receive more than five hundred dollars in any one year for such mileage as road commissioner, nor more than three hundred dollars in any one year for such mileage as supervisor.

Board of education. 16. Each member of the board of education excepting the superintendent of schools shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as the claims against the county are allowed. The compensation of the members of the board of education herein provided for, is not in addition to that provided in section 1770 of this code.

Jurors 17. In counties of this class, for attending as a grand juror or as a trial juror, such fees and mileage as are now or may hereafter be allowed by law.

Witnesses. 18. In counties of this class witnesses shall be allowed such fees and mileage as are now or may hereafter be allowed by law.

Payment of salaries. 19. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

Constitutionality. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repeal. All acts and parts of acts in conflict with this act are hereby repealed.

Incumbents SEC. 2. This act shall apply to present incumbents.

CHAPTER 434.

An act to add a new section to the California Irrigation District Act, to be numbered 15a, relating to the use and distribution of water, declaring the urgency thereof.

Stats 1897, p. 254, amended.

[Approved by the Governor May 18, 1933. In effect immediately.]

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

SECTION 1. A new section to be numbered 15a is hereby added to the California Irrigation District Act, to read as follows:

New section.

Sec. 15a. The board of directors, when they deem it advisable for the best interests of the district, may regulate the amount of water in use or to be used for the purpose of irrigating crops on lands within the district when the seepage from such irrigation would damage adjacent lands or it may require, as a condition precedent to the delivery of water, the construction of adequate drainage facilities to prevent damage to adjacent lands. The board shall have power to make the necessary rules and regulations to carry out the provisions of this act.

Directors may regulate water usage to prevent seepage

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into effect immediately.

Urgency.

The following is a statement of the facts constituting such necessity: In certain irrigation districts at the present time large quantities of water are being held on land for a long period of time for the purpose of raising and maturing crops. Such water seeps and percolates to the adjacent land, forming stagnant pools thereon, which are a menace to health, injuring growing crops and causing the lands to become unfit for cultivation and habitation This act enables the board of directors of an irrigation district to remedy such conditions and should go into effect immediately.

CHAPTER 435.

An act calling a special election to be held on Tuesday, the twenty-seventh day of June, 1933, and providing for the submission thereat to the qualified electors of the State of certain questions herein provided, for the purpose of ascertaining the wish of the people of the State relating to the diversion of moneys from the gasoline tax funds to

the general fund of the State for certain purposes therein stated, the act to take effect immediately.

[Approved by the Governor May 18, 1933. In effect immediately.]

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

Special election.

SECTION 1. A special election is hereby called to be held throughout the State of California on Tuesday, the twenty-seventh day of June, 1933, for the purpose of submitting to the electors of this State the questions hereinafter set forth. The special election hereby called is hereby consolidated with that certain special election called by an act entitled "An act to call a special election to be held on Tuesday, the twenty-seventh day of June, 1933, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fiftieth regular session and for the purpose of electing delegates to a convention to consider and pass upon a proposed amendment to the Constitution of the United States and to provide that this act shall take effect immediately," enacted at the fiftieth regular session of the Legislature, and such special elections so hereby consolidated shall be conducted as one election and as provided in section 3 of said act.

Stats 1933, Ch 279.

Conduct of election

SEC. 2. Except as otherwise expressly provided by this act, said election shall be proclaimed, held and conducted and the ballots shall be prepared, marked, voted, counted, canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the laws governing elections in so far as the provisions thereof are applicable to the election called by this act.

Proposition submitted to electors

SEC. 3. At such special election there shall be submitted to the electors of the State two questions, each of which shall be printed on the ballot in the manner of a question submitted under section 1197, subdivision nine, of the Political Code, but which shall read, respectively, on the ballot as follows:

Stats 1931, p 1929

1. Shall the Legislature divert $8,779,750 from the gasoline tax funds to the general fund for payment of bond interest and redemption on outstanding highway bonds for the biennium ending June 30, 1933?

2. Shall the Legislature divert $8,449,326 from the gasoline tax funds to the general fund for payment of bond interest and redemption on outstanding highway bonds for the biennium ending June 30, 1935?

Calling election

SEC. 4. Inasmuch as this act provides for the calling of an election, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 436.

An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

See Stats. 1933, Ch 769.

[Approved by the Governor May 18, 1933. In effect June 27, 1933.]

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

License required

SECTION 1. No person, association or corporation shall hold or conduct or assist, aid or abet in holding or conducting, any meeting within the State of California, whereat horse racing with wagering on the results thereof shall be permitted, except and unless such persons, association or corporation shall comply with the provisions of this act and be licensed to conduct a horse race meeting, as provided in this act.

California Horse Racing Board.

SEC. 2. There is hereby created and established the California Horse Racing Board, hereinafter called the board, which shall be vested with the powers and charged with the duties in this act specified, and also with the powers necessary and proper to enable it to carry out fully and effectually the purpose of this act. The jurisdiction and supervision of said board shall extend to any and every person or persons, association or corporation that shall hereafter hold or conduct any meeting within the State of California whereat horse races shall be held or conducted upon the results of which there shall be wagering and to every such race and every such race meeting and each and every thing having to do with the operation thereof; and this board shall not have jurisdiction, supervision or control over any contests of speed and endurance of man or beast except horse races upon the results of which there shall be wagering.

Scope of authority.

Powers and duties Racing and wagering.

SEC. 3. Said racing board shall have full power to prescribe rules, regulations and conditions under which all horse races, upon the results of which there shall be wagering, shall be conducted within the State of California. Said board shall make rules governing, permitting and regulating mutual wagering on horse races under the system known as pari mutuel method of wagering, which shall be conducted only by such licensee and only within the enclosure and only on the dates for which such horse racing has been licensed by the board. All other forms of wagering or betting on the result of a horse race shall be and remain illegal and any and all wagering or betting on horse races outside the enclosure where such horse races shall have been licensed by the board shall be and remain illegal.

Other forms of wagering illegal.

To license participants and officials.

All horse owners, riders, agents, trainers, stewards, starters, timers, judges and others acting as officials at any such racing meeting shall be licensed by the board, pursuant to such rules and regulations as the board may adopt, and by the payment of a license fee as fixed and determined by said board. All licenses shall be granted for a period of one year and shall be valid at all race meetings in said State during said period. Said licenses shall be subject to revocation and no person shall be eligible to, or permitted to participate in such racing unless so licensed, and only during the time such license remains unrevoked. No qualified person shall be refused such license, nor shall such license be revoked without just cause.

To compel production of papers.

Said board shall have power to compel the production of any and all books, memorandum or documents showing the receipts and disbursements of any person, corporation or association licensed under the provisions of this act to conduct race meetings.

To remove employees or officials.

The board may at any time require the removal of any employee or official employed by any licensee hereunder in any case where it shall have reason to believe that such employee or official has been guilty of any dishonest practice in connection with horse racing and has failed to comply with any condition of such licensee's license, or has violated any law or any rule or regulation of said board.

To regulate accounting systems.

The board shall also have the power to require that the books and financial or other statements of any person, corporation or association licensed under the provisions of this act shall be kept in any manner which to the board may seem best, and the board shall also be authorized to visit, investigate, and place expert accountants and such other persons as it may deem necessary in the offices, tracks or places of business of any such person, corporation or association, for the purpose of satisfying itself that the board's rules and regulations are strictly complied with.

To summon witnesses.

The said board shall have power to summon witnesses before it and to administer oaths or affirmations to such witnesses whenever, in the judgment of the board, it may be necessary for the effectual discharge of its duties; and any person failing to appear before said board at the time and place specified in answer to said summons or refusing to testify, shall be deemed guilty of a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

Breeder's share of purse.

SEC. 4. It is hereby declared that since the purpose of this act is the encouragement of agriculture and the breeding of horses in the State of California, that three per cent of the first money of every purse won by an animal bred in the State of California shall be paid to the breeder of such animal. Every licensee shall run at least one race each racing day which shall be limited to horses foaled in California. If sufficient competition can not be had among such class of horses,

said race may be eliminated for said day and a substitute race provided instead.

Racing board Number, appointment and qualifications.

SEC. 5. Said board shall consist of five members, each of whom shall be an actual and bona fide resident of the State of California and must have been such resident for two years next preceding his appointment as a member of said board, all of whom shall be appointed by the Governor and confirmed by the Senate after this act shall have been in force and effect fifteen days.

Term and oath.

The Governor, at the time of making the appointment of said five members, shall designate one of said five members to serve for the term of two years, two to serve for the term of three years, and two to serve for the term of four years. Before entering upon the discharge of the duties of his office, each member of the board shall take oath of office as provided by law.

The term of office of each member thereafter appointed shall be four years from the expiration of the preceding term. Vacancies in said board shall be filled by the Governor for the unexpired term. Each member of said board shall be eligible for reappointment in the discretion of the Governor.

Vacancies

Removal

The Governor may remove any board member for cause, giving him a copy of the charges against him and an opportunity to be heard. No person shall be eligible for appointment or shall hold the office of board member or be appointed by the board or hold any office or position under the board, who holds any financial interest in a race track or in the operation thereof within the State of California or in the operation of licensed wagering on the results of races, or who accepts any pecuniary reward from any race track in this State or from its operation or from the operation of licensed wagering on the result of races; provided that any such board member shall not be disqualified and is hereby expressly permitted to receive, if otherwise qualified to receive, such share of any purse awarded him as the result of any race or as a breeder of California bred horses, as provided in section 4 herein.

Financially interested person not eligible.

Secretary of board Powers and duties

SEC. 6. The board shall appoint a secretary who shall be placed under bond, the cost of said bond to be charged as a part of the necessary expenses of said board, and whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers, as may be required of him by the board, and to perform such other duties as the board may prescribe; and who may, under the direction of the board, issue subpenas for the attendance of witnesses before the board with the same effect as if they were issued in an action in the superior court, and may, under direction of the board, administer oaths, in all matters pertaining to the duties of his office or connected with the administration of the affairs of the board. Disobedience of such subpena and false swearing before such secretary shall be attended by the same consequence and be subject to the

Penalty.

same penalties as if such disobedience or false swearing occurred in an action in the superior court.

Compensation Members.

The members of the board shall serve without compensation other than their necessary traveling expenses.

Secretary.

The secretary of said board shall receive a salary to be fixed by the commission but not to exceed the sum of four thousand dollars ($4,000) per year; out of the fund aforesaid.

The salary of the secretary and the necessary traveling expenses and other expenses of the secretary and members of the board shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certification of the chairman of the board out of the money appropriated to be used therefor.

Employees.

The board shall appoint such employees as may be necessary to carry out the provisions of this act and may with the approval of the Department of Finance fix their salaries which shall be paid out of any funds appropriated for the support of the board. All employees of the board shall be exempt from the State Civil Service Act.

General office in Sacramento.

SEC. 7. The board shall maintain a general office for the transaction of its business in the city of Sacramento. The board may hold meetings at any place, other than the place in which the general office is located, when the convenience of the members of the board so requires.

Quorum

A majority of the board shall constitute a quorum for the transaction of any business or for the exercise of any power of the board.

Biennial reports

Said board shall biennially make a full report to the Legislature of its proceedings for the two years ending with the first day of December, preceding the meeting of the Legislature, and shall embody therein such recommendations as it shall deem desirable.

Pari mutuel wagering.

SEC. 8. There shall be no wagering on the results of any such horse race or horse races except under the pari mutuel or mutual method of wagering, as hereinafter provided for, and then only by the installation and use of the totalisator or such mechanical equipment as may be adopted by the board; but such board shall not require any particular make of mechanical equipment; and no such horse races shall be held except during daylight hours.

License to hold race meetings.

SEC. 9. Upon the award to any applicant and upon payment of the license fees as hereinafter prescribed, the board shall issue a license which shall permit the licensee, during the dates awarded to such applicant and for which license fees shall have been paid, to conduct at its track a race meeting, or meetings, and wagering on the results thereof, as herein provided.

All licenses provided to be granted under the provisions of this act, including those granted pursuant to the provisions of section 3 hereof, shall be subject to all rules, regulations and conditions from time to time prescribed by the board and shall contain such conditions as shall be deemed by said board neces-

sary or desirable for the purposes of this act. Such license shall be subject to suspension or revocation by the board in any case where the board shall have reason to believe that any condition of its license has not been complied with or any law or any rule or regulation of such board shall have been broken or violated. If any license is suspended or revoked, said board shall state publicly its reason for so doing and cause an entry of such reasons to be made on the minute book of the board, and the action shall be final; provided, however, that the propriety of such action shall be subject to review, upon questions of law only, by the superior court of the county or city and county within which such license was to be exercised, the action of the board to stand unless and until reversed by the court. Suspension or revocation

SEC. 10. For the purpose of this act there shall be three classes of counties in the State of California, as follows: Racing days specified.

1. Counties of the first class shall be those having a population of one million or over;

2. Counties of the second class shall be those having a population of six hundred thousand or over and less than a million;

3. Counties of the third class shall be all those counties under six hundred thousand population.

In counties of the first class there may be allowed by said board not to exceed sixty-six (66) racing days per year;

In the area embraced within counties of the second class and such territory as may lie within twenty miles from the exterior boundaries thereof, there may be allowed, in the discretion of said board, not to exceed sixty-six (66) racing days per year for said entire area and county;

In counties of the third class, but outside the area specified in the next preceding paragraph hereof, there may be allowed by said board not to exceed fourteen (14) racing days per year, and in addition in counties of the third class having a population of over two hundred thousand, but outside of the area specified in the next preceding paragraph hereof, there may be allowed by said board not to exceed twenty-five (25) racing days additional per year.

In counties of either or any of said classes there may be allowed by said board not to exceed fourteen (14) racing days per year to county fairs and to rodeos having horse races on tracks less than a mile in circumference or length. That said fourteen days, when and if allowed by the board in any county or area of the first or second class, shall not diminish the sixty-six (66) days racing per year permitted to be allowed to tracks of a mile or more in circumference or length as set out in the preceding two paragraphs of this section.

The board may apportion racing days, not to exceed the maximum number of racing days permitted in the respective counties and/or areas above-mentioned, to one or more licensees as it in its judgment shall appear to be for the best interests of legitimate racing and of the public. Apportionment of racing days.

Restrictions on issuance of licenses

SEC. 11. Upon the filing of an application, in writing, for a license, as herein provided, if the same should be in accordance with this act, and upon the payment of the license fee hereinafter provided for, it shall be within the power of the board to issue a license to the applicant to conduct a horse race meeting in accordance with the provisions of the act at the place, enclosure or track specified in the application; and in counties of the first and second classes, as hereinabove defined, no license shall be granted to conduct a horse race meeting upon a track less than one mile in circumference and/or length, except that the board may in its discretion grant licenses to county fairs and to rodeos to conduct horse race meetings upon tracks less than one mile in circumference and/or length, in counties of the third class licenses may be granted in the discretion of the board to conduct race meetings on tracks of less than a mile in circumference and/or length.

Contents of license

Every license issued pursuant to this act shall specify the person, association or corporation to whom the same is issued, the place, enclosure or track where such race meeting is to be held or conducted, and the days and hours of the day upon which the same will be permitted, and shall recite the payment to and receipt by the board of the license fee herein provided for.

Nontransferable

No such license shall be transferable nor shall it apply to any place, track or enclosure except the one specified in the license.

License fees, certified check

SEC. 12. The license fee to be paid by licensees shall be four per cent of all money handled in the pari mutuel pools; payment of same shall be made by said licensee, daily, during each racing meeting; each application for a license to conduct such racing meeting shall be accompanied by a certified check payable to the Treasurer of the State of California, as ex officio treasurer of the racing board in either of the following sums, dependent upon the classification of the county where the said meeting is to be held.

Counties of the first class.....$10,000.
Counties of the second class..... 10,000.

Counties of the third class, at the rate of fifty dollars ($50) per day for such race meeting.

When the meeting for which said license is granted has terminated, and the licensee has fully paid said four per cent of said money handled in said pools, the said sum so deposited with such application for a license shall be returned to said licensee; in the event said licensee fails, refuses or neglects to pay said four per cent of said money handled in said pools, the amount thereof shall be deducted from said sum so deposited with such application for a license and the balance if any shall be returned to said licensee.

If by reason of any cause beyond control, and through no fault or neglect of any licensee, and when such licensee is not

in default, it should become impossible for such licensee to hold or conduct racing upon any date or dates licensed by the board, the board in its discretion and at the request of such licensee shall have power to return the fees paid by such licensee for racing upon the days upon which it is impossible for such licensee to hold or conduct racing or to specify any other day or days which may replace the days omitted and to take their place.

"Fair and exposition fund" created

SEC. 13. All fees, commissions and other moneys received by the board shall be paid into the State treasury immediately upon receipt of the same and credited to a special fund hereby created to be known as the "Fair and Exposition fund." All such moneys, to the amount of twenty thousand dollars ($20,000) annually, are hereby appropriated to be used to defray the expenses of the board and to pay the salaries and expenses of the officers and employees provided for herein. The balance of all moneys in said fund are hereby annually appropriated as follows: one hundred thousand dollars thereof for the support of the California State Fair; five per cent of the balance thereof for payment to and use of those certain citrus fruit fairs and expositions described and defined in section 94 of the Agricultural Code, said five per cent to be apportioned between such citrus fruit fairs and expositions upon the basis of the population of the several counties in which such fairs and expositions, respectively, are held, and if only one such fair and exposition is held, then it shall receive all of said five per cent; forty per cent of such balance after the deductions for the support of the board and the support of the California State Fair, for the encouragement of county, district or combined county and district agricultural fairs (exclusive of such citrus fruit fairs and expositions), to be apportioned by and expended under the supervision of the State Department of Finance in the manner and for the purpose prescribed by section 92 of the Agricultural Code and other applicable provisions of law. The balance of said moneys after all of the above deductions have been made shall be appropriated for the benefit of State institutions of learning, providing vocational training in agriculture, animal husbandry and kindred subjects, or for the relief of unemployment within the State of California, and the Legislature shall biennially allocate and apportion such balance to the institutions or organizations aforesaid as, in its judgment, may be proper.

Appropriation

Stats. 1933, Ch. 25.

Pari mutuel wagering.

SEC. 14. Any licensee conducting a horse race meeting shall provide a place or places in the race meeting grounds or enclosure at which such licensee may conduct, operate and supervise the pari mutuel or mutual method of wagering upon the results of said races so conducted and within its enclosure; and said system of wagering shall be operated only by the installation and use of the totalisator or such mechanical equipment as may be approved by the board, but such board shall not require any particular make of mechani-

cal equipment; provided, that such wagering shall not be held or construed to be unlawful, any other statute of the State of California to the contrary notwithstanding. No other method of betting, pool making or wagering shall be permitted or used by such licensee, and said mutual method of wagering shall be carried on and conducted in the manner aforesaid and not outside of the track or enclosure of a licensee.

Commission. The commission deducted by any licensee from pari mutuel pools shall not exceed eight per cent of the gross amount of money handled, and the odd cents of all redistributions to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten. The said amount so deducted shall be in addition to the license fee of four per cent of the gross amount of said money handled, as provided in section 12 herein.

Penalties. SEC. 15. Any corporation, organization, association or person who directly or indirectly holds any horse race meeting with mutual pools on the results thereof, without having first procured a license as hereinbefore prescribed, shall be guilty of a misdemeanor; and any corporation, organization, association or person who violates any of the provisions of this act, for which a penalty is not herein expressly provided, shall be guilty of a misdemeanor.

Any person wagering upon the results of a horse race, except in the pari mutuel or mutual method of wagering, when the same is conducted by a licensee and upon the grounds or enclosure of said licensee, shall be punishable as provided in the Penal Code.

Maximum license fee SEC. 16. No license or excise tax or fee in excess of one hundred dollars ($100) for each racing day, except as provided in this act, shall be assessed or collected from any licensee by the State or by any town, district, city, township, village or any other body having the power to assess or collect a tax, license or fee.

Repeal. SEC. 17. All acts or parts of acts in conflict herewith are hereby repealed.

Constitutionality SEC. 18. If any section or subsection of this act, or any part thereof, is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of such act. It is hereby declared that this act and each section, subsection, sentence, clause and phrase thereof would have been enacted irrespective of the fact that any one or more of the sections, subsections, sentences, clauses and phrases be declared unconstitutional.

It shall be the duty of the Attorney General of this State and of the district attorneys of the respective counties thereof to enforce the provisions of this act.

Effective date. SEC. 19. This act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

CHAPTER 437.

An act to amend section 3771, and to repeal section 3899 of the political code, relating to taxes, penalties, and costs, and the sale of property to the State therefor.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3771 of the Political Code is hereby amended to read as follows: Stats. 1921, p. 107.

3771. On the day and hour fixed for the sale in the delinquent tax list, all property upon which the taxes and assessments of all kinds, penalties and interest have not been fully paid, except as provided in section 3814 of this code, shall by operation of law and the declaration of the tax collector, be sold to the State, and said tax collector shall make in appropriate columns on the delinquent list, opposite each parcel of land to be sold an entry, "Sold to the State," the date of sale, and the total amount for which such parcel of land was sold, and he shall be credited with the amount thereof in his settlement, made pursuant to sections 3797, 3799; provided, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due; provided, further, that no suit shall be brought against the owner or person in possession of said property to recover any taxes, assessments, penalties, or costs if said property is real property. Property sold to State

SEC. 2. Section 3899 of the Political Code is hereby repealed. Repeal.

CHAPTER 438.

An act to add a new section to the California Air Navigation Act, to be numbered 11½, relating to the responsibility of owners or operators of aircraft for injury to or death of a guest riding in such aircraft. Stats 1929, p. 1874, amended.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the California Air Navigation Act, to be numbered 11½, and to read as follows: New section.

Sec. 11½. No guest riding in or upon any aircraft without giving compensation for such ride or riding in or upon any aircraft while engaged in a joint enterprise with the airman flying the same shall have, nor shall any other person have, any right of action for civil damages against the airman flying such aircraft or against any other person legally liable for the Liability for death or injury of guest.

conduct of such airman on account of personal injury to or the death of such guest during such ride, unless the plaintiff in any such action establishes that such injury or death proximately resulted from the intoxication or wilful misconduct of said airman.

CHAPTER 439.

An act to add a new section to the Political Code, to be numbered 596c, prohibiting any person or corporation from acting as agent for or in any manner aiding in the solicitation or advertising of any insurance corporation or insurer, unless such insurance corporation or insurer shall have received a certificate of authority to transact business in this State and prescribing a penalty for violation thereof.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 596c, to read as follows:

Agent for unlicensed insurer.

596c. No person or corporation shall act as agent for any insurance corporation or insurer in the transaction of any business of insurance within this State, or negotiate for or place a risk for any such insurance corporation, or insurer, or in any way or manner aid such insurance corporation or insurer in effecting insurance or otherwise in this State, unless such insurance corporation or insurer shall have obtained from the Insurance Commissioner a certificate authorizing it to transact an insurance business in this State; provided, however, that nothing in this section contained shall apply to any person or corporation duly licensed as a surplus line broker pursuant to the provisions of section 596 of the Political Code. Any person or corporation violating the provisions of this section shall be guilty of a misdemeanor, and, in addition to any other penalty provided by law, shall forfeit to the people of the State the sum of five hundred dollars for the first offense, and an additional sum of one hundred dollars for each month during which any such person or corporation shall continue to act in violation of this section.

Stats. 1929, p. 378

Penalties.

Advertising.

Any person, firm, corporation or association in this State broadcasting by radio or otherwise, or in any manner advertising any such insurance corporation or insurer shall be deemed to have violated the provisions of this section.

CHAPTER 440.

Stats. 1909, p. 87, amended.

An act to amend sections 19, 20, 21a, 46, 57, 62, 65, 67, 83 and 96 of an act entitled "An act to define and regulate the

business of banking," approved March 1, 1909, as amended, relating to the business of banking.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19 of the act cited in the title hereof, is hereby amended to read as follows: Stats 1923, p. 54.

Sec. 19. The aggregate of paid-up capital together with the surplus, of every commercial bank, must equal the following percentages of its deposit liabilities: Capital and deposit liabilities.

(a) Ten per centum of any amount up to and including one million dollars.

(b) Five per centum of any amount in excess of one million dollars.

The aggregate of paid-up capital together with the surplus of every savings bank having a capital stock, and the reserve fund of every savings bank without a capital stock, must equal the following percentages of its deposit liabilities:

(c) Ten per centum of any amount up to and including one million dollars.

(d) Five per centum of any amount in excess of one million dollars up to and including three million dollars.

(e) Three per centum of any amount in excess of three million dollars up to and including twenty-five million dollars

(f) One per centum of any amount in excess of twenty-five million dollars.

Any bank which maintains branch offices must, for each respective department, maintain an aggregate of paid-up capital and surplus equal to the foregoing percentages of its deposit liabilities, calculated on the basis of a separate total of such deposit liabilities for each city or town in which any such branch office may be maintained. The deposits shall not be increased if such proportion of paid-up capital and surplus or reserve fund to deposit liabilities is not maintained, and in no event shall said paid-up capital be less than the minimum paid-up capital provided by this act; provided, that such deposit liabilities shall be exclusive of the United States and postal savings deposits and deposits of the State of California, the counties, cities and counties, cities, towns, municipalities, irrigation districts and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California which are secured as required by law. Branch offices.

SEC. 2. Section 20 of said act is hereby amended to read as follows: Stats 1927, p. 1789

Sec. 20. Every commercial bank shall maintain total reserves against its aggregate deposits, exclusive of United States and postal savings deposits and deposits of the State of California and of any county, city and county, city, town, municipality, irrigation district and other public or municipal Commercial bank total reserves.

corporation in the State of California, which are secured as required by law, as follows:

1. Eighteen per centum of such deposits if such bank has its principal place of business in a city having a population of one hundred thousand or over.

2. Fifteen per centum of such deposits, if such bank is located in a city having a population of fifty thousand or over and less than one hundred thousand.

3. Twelve per centum of such deposits if such bank is located elsewhere in the State.

Of such total reserves an amount not less than six per centum of such deposits shall be maintained as reserves on hand and shall consist of gold bullion or any form of money or currency authorized by the laws of the United States; provided, however, that any bank acting as a reserve depositary shall maintain as such reserves on hand an amount not less than one-half of the total reserves required by the provisions of this section. The remainder of the total reserve so required shall be maintained as reserves on deposit or as reserves on hand, such reserves on hand to consist of gold bullion or any form of money or currency authorized by the laws of the United States; provided, further, however, that all or any part of the reserves may be deposited subject to call with a Federal reserve bank in the district in which said bank is located. If any bank shall have become a member of a Federal reserve bank, it shall comply with the reserve requirements of the Federal Reserve Act and its amendments, and its compliance therewith shall be in lieu of, and shall relieve such bank from compliance with, the provisions of this section. If any bank shall not maintain the total reserves required the Superintendent of Banks may impose a penalty upon it, based upon the length of time such encroachment upon its total reserves amounting to one per centum or more of its aggregate deposits shall continue, at the following rates:

If member of Federal reserve bank.

Penalty for not maintaining reserves

1. At the rate of six per centum per annum upon any such encroachment not exceeding two per centum of such deposits.

2. At the rate of eight per centum per annum upon any additional encroachment in excess of two and not exceeding three per centum of such deposits.

3. At the rate of ten per centum per annum upon any additional encroachment in excess of three and not exceeding four per centum of such deposits.

4. At the rate of twelve per centum per annum upon any additional encroachment in excess of four per centum of such deposits.

Reserve depositaries

The Superintendent of Banks shall, in his discretion, upon the nomination of any bank, designate a depositary or depositaries for the reserves on deposit of such bank provided for by this act. Except as otherwise provided in this section, such depositary shall be a bank or national banking association located in this State. Every reserve depositary, which has its principal place of business in a judicial township or

in a city located in this State in which the population is less than fifty thousand, shall have at all times as its total reserves an amount equal to the total reserves required by the provisions of this section for every bank which has its principal place of business in a city having a population of fifty thousand or over and less than one hundred thousand. But no bank or national banking association shall hereafter be designated as a depositary of any such reserves unless it shall have a combined capital and surplus of not less than the following amounts:

Capital and surplus of reserve depositaries.

1. Two hundred fifty thousand dollars, if located in a city which has a population of three hundred thousand or over;

2. Two hundred thousand dollars, if located in a city which has a population of one hundred thousand or over and less than three hundred thousand;

3. One hundred fifty thousand dollars, if located in a city which has a population of fifty thousand or over and less than one hundred thousand;

4. One hundred thousand dollars, if located elsewhere in the State.

Such depositary may also be a banking corporation with a capital and surplus of one million dollars or more, located in any city in the United States. If the total reserves of any bank shall be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or by paying any dividends from profits until the full amount of its total reserves has been restored. The Superintendent of Banks may notify any bank whose total reserves shall be below the amount herein required, to restore such total reserves; and, if it shall fail for thirty days thereafter to restore such total reserves, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act; provided, that all deposits of money herein permitted or required shall comply with the provisions of section 43 of this act. The term "reserves on hand," when used in this act, means the reserves against deposits kept, pursuant to the provisions of this act, in the vault of any bank or in any safety deposit box in any other bank in this State, said box to be under the exclusive control of the depositing bank. The term "reserves on deposit," when used in this act, means the reserves against deposits maintained by any bank pursuant to this act in reserve depositaries, or in a Federal Reserve Bank in the district in which such bank is located and not in excess of the amount authorized by this act The term "total reserves," when used in this act, means the aggregate of reserves on hand and reserves on deposit maintained pursuant to the provisions of this act. The term "reserve depositary," when used in this act, means a bank, trust company or banking corporation designated by the Superintendent of Banks on the nomination of the depositing bank as a depositary for reserves on deposit.

Banks with insufficient reserves.

"Reserves on hand"

"Reserves on deposit"

"Total reserves"

"Reserve depositary"

Stats 1929, p. 441.

SEC. 3. Section 21a of said act is hereby amended to read as follows:

Terms and conditions upon which bank may borrow or rediscount.

Sec. 21a. No bank, banker, or bank officer, shall give preference to any depositor or creditor except as otherwise authorized by law; provided, that any commercial bank or commercial department of a departmental bank, is authorized and empowered for temporary purposes, to rediscount or to borrow money, or to borrow money and to pledge or hypothecate as collateral security therefor, its assets not exceeding fifty per centum in excess of the amount borrowed, but only to the extent and upon terms and conditions as follows:

(1) Any amount up to, but not exceeding the amount of its capital and surplus, without consent of the Superintendent of Banks; provided, however, that any amount borrowed, except as otherwise provided in this section, in excess of the amount of its capital and surplus, at such time actually paid in and remaining undiminished by losses or otherwise, must first be approved in writing by the Superintendent of Banks; provided, also, that no excess loan made to any such bank shall be invalid or illegal as to the lender, even though made without the consent of the Superintendent of Banks; provided, also, that the rediscounting with or without guarantee or indorsement with a Federal Reserve Bank, of notes, drafts, bills of exchange and loans secured by obligations of the United States, is hereby authorized and shall not be limited by the terms of this act, and shall not be considered as borrowed money within the meaning of this section.

(2) In the manner authorized by law and without the approval of the Superintendent of Banks any amount of the moneys of the United States, State of California, the counties, cities and counties, cities, towns, municipalities, irrigation districts and other public or municipal corporations of said State of California and of any other governmental or political subdivision of the State of California, and may receive such moneys or funds on deposit; provided, however, that the total amount of moneys of the State of California, the counties, cities and counties, cities, towns, municipalities, and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at one time shall not exceed three hundred per cent of its entire capital, including all of its departments; and provided, further, that the total amount of moneys of the State of California, the counties, cities and counties, cities, towns, municipalities, irrigation districts and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at any one time, secured by surety bonds, shall not exceed one hundred per cent of its capital, nor shall the total amount of such moneys that any bank shall borrow, receive or have on deposit, secured by surety bonds, together with all borrowed

moneys of the class referred to in subdivision (1) of this section, at any one time exceed one hundred per cent of its capital, without the previous written consent of the Superintendent of Banks.

(3) Any amount of the United States moneys and postal savings moneys of the United States and moneys of bankrupt estates, and may receive such moneys on deposit, and pledge or hypothecate such of its securities and upon such terms as may be required by the laws of the United States or the rules and regulations of the Secretary of the Treasury of the United States, without the approval of the Superintendent of Banks.

(4) Any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States.

(5) To rediscount with and sell to a Federal Reserve Bank any and all such notes, drafts, bills of exchange, acceptances and other securities, with no other restrictions, and as fully, and to the same extent as this privilege is given to national bank members under the terms of the Federal Reserve Act, or by regulations of the Federal Reserve Board made pursuant thereto.

SEC. 4. Section 46 of said act is hereby amended to read as follows: Stats. 1923, p 54.

Sec. 46. No commercial bank shall purchase or agree to purchase or invest or loan more than five per centum of its assets in any one bond issue, except bonds of the United States, or interest-bearing notes or obligations of the United States or bonds of the State of California, or bonds for which the faith and credit of the United States or the State of California are pledged, or bonds issued under authority of the United States, or the bonds of any county, city and county, city, metropolitan water district or school district in the State or bonds of any irrigation district in this State that are legal for investments by savings banks. Investment in one bond issue.

SEC. 5. Section 57 of said act is hereby amended to read as follows: Stats. 1923, p 716.

Sec. 57. Whenever in this act it is required that loans or investments shall be secured by a first lien on real estate, the lien of any tax, assessment or bond levied or issued by this State or by any county, city and county, city, town, municipality, school district, reclamation district, irrigation district, or other public or municipal corporation, or any other political or governmental subdivision of this State, not including bonds given pursuant to any law authorizing the same by any person or corporation in lieu of payment of any tax or assessment levied against any particular real property, and the lien of any assessment levied to pay such bonds, and the lien created by any contract to secure the payment for water furnished thereunder for the irrigation of such real estate or any part thereof, shall not be deemed to be a prior encumbrance or lien on such real property unless an installment call or pay- Loans secured by first lien on real estate

ment of or under such tax, assessment bond or contract shall be due and delinquent; and any bonds given pursuant to any law authorizing the same by any person or corporation in lieu of payment of any tax or assessment levied against any particular real property and any lien given to secure the payment of assessments or subscriptions to meet the requirements of any law of the United States in respect to any irrigation project of the United States in this State which may be levied, made or received by any corporation or association formed to carry out the objects and requirements of any such law of the United States shall not be deemed to be a prior encumbrance or lien on such real property if the lien given to secure such assessments and subscriptions taken with the loan or investment so secured shall amount to not more than sixty per centum of the market value of the land securing the same.

Stats. 1925, p. 510.

SEC. 6. Section 62 of said act is hereby amended to read as follows:

Limitations upon deals and liabilities of savings banks.

Sec. 62. No savings bank shall, directly or indirectly, deal or trade in real or personal property in any other case or for any other purpose than is authorized by this act, and shall not contract any debt or liability for any purpose whatever other than for deposits, except as in this section provided.

Drafts.

Savings banks may pay regular depositors, when requested by them, by draft upon deposits to their credit with other banks, and charge current rate of exchange for such drafts.

Procedure for borrowing money.

No savings bank shall borrow money or pledge or hypothecate any of its securities, except to meet the immediate demands of its own depositors, and then only in pursuance of a resolution adopted by a vote of a majority of its board of directors, duly entered upon their minutes, wherein shall be recorded the ayes and nays upon each vote; also with the written approval of the Superintendent of Banks, and he shall have the authority to fix the amount to be borrowed, the amount and character of the securities to be pledged or hypothecated, and the term and rate of interest thereon; provided, that any savings bank may, for the purpose of performing its functions and transacting its business as authorized by this act, rediscount, with or without guarantee or indorsement, with the Federal Reserve Bank, or with any other bank, its acceptances, notes or any other securities, available for rediscount with Federal Reserve Bank, in any amount up to but not exceeding its capital and surplus or reserve without consent of the Superintendent of Banks, and shall not be considered as borrowed money within the meaning of this section; provided, also, that savings banks may, in the manner authorized by law, and without the previous approval of the Superintendent of Banks, borrow the moneys of the United States, the State of California, the counties, cities and counties, and cities, towns, municipalities, and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California, the funds of which are required by law to be

Public moneys.

secured if deposited in banks, and receive such moneys on deposit; provided, however, that the total amount of moneys of the State of California, the counties, cities and counties, cities, towns, municipalities, and other public or municipal corporations of said State of California and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at one time shall not exceed three hundred per cent of its entire capital, including all of its departments; and, provided, further, that the total amount of moneys of the State of California, the counties, cities and counties, cities, towns, municipalities, and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California, that any bank shall borrow, receive or have on deposit at any one time, secured by surety bonds, shall not exceed one hundred per cent of its capital; provided, also, that savings banks may, in the manner authorized by law, and without the previous approval of the Superintendent of Banks, borrow postal savings moneys of the United States, and receive such postal savings moneys on deposit; and, provided, further, savings banks may borrow any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States, but only in pursuance of a resolution of a majority of its board of directors, duly entered upon their minutes, and without the previous approval of the Superintendent of Banks, but the fact of such transaction shall forthwith be reported in writing to the Superintendent of Banks. No excess loan made to any savings bank with or without pledge of assets shall be invalid or illegal as to the lender.

Postal savings moneys.

Purchase of U S securities

SEC. 7. Section 65 of said act is hereby amended to read as follows:

Stats 1931, p 341.

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the indorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan; provided, however, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; provided, that, by and with the consent of the Superintendent of Banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are

Savings bank: Loans to interested directors, etc

owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer or director of the corporation, to which such loan is made, the amount of stock held by him in such borrowing corporation, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the Superintendent of Banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the Superintendent of Banks. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such savings bank collectively, except with the previous consent of the Superintendent of Banks. A loan may be made to any agent, employee or a member of the advisory board other than an officer or director, of any savings bank by such bank upon authorization or confirmation of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing or confirming such loan; provided, however, that such loan shall in all respects conform to and comply with all other provisions of this act; except that a written report to the Superintendent of Banks of such loan to an employee or to an advisory board member other than an officer or director shall not be required. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the Superintendent of Banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of

Loans to interested corporation.

Loans to employees.

which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the Superintendent of Banks. Any officer or director of any savings bank who knowingly procures a loan from such savings bank contrary to the provisions of this section shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues. This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such savings bank may be members or officers, but in which they have no financial interest. Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a savings bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, metropolitan water district, or school district of this State, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Penalties for violation of section.

Exemptions· Religious corporations.

Loans on certain collateral

SEC. 8. Section 67 of said act is hereby amended to read as follows:

Stats. 1921, p 1361.

Sec. 67. 1. No savings bank shall loan money except on adequate security of real or personal property, and no such loan shall be made for a period longer than ten years. No such loan shall be made on unsecured notes; provided, that a savings bank may discount or purchase bankers' acceptances of the kind and character and maturities defined and made eligible for rediscount with a Federal Reserve Bank; provided, also, that such bankers' acceptances are accepted or indorsed without qualification by a bank or trust company, which bank or trust company has a paid-in capital of at least one million dollars; and provided, also, that a savings bank may discount or purchase a bill, or a participating interest in a bill, evidenced by a participation certificate issued by a State or national bank in this State, which must comply with the following requirements:

Limitations on loans of savings banks.

(a) It must be a bill issued by a solvent individual or firm or corporation engaged in mercantile or manufacturing busi-

Requirements for bill of exchange.

ness in the United States that makes statements of its condition duly ascertained and certified to by a public accountant. Copy of such a certified statement shall be on file in the office of the savings bank discounting or purchasing such bill in a file maintained for such purpose. Said statement shall have been issued within the preceding fourteen months and shall be the latest issued by said individual or firm or corporation. Said statement shall consist of a balance sheet showing quick assets, slow assets, permanent or fixed assets, current liabilities and accounts, short term loans, long term loans, capital and surplus. Accompanying said balance sheet shall be a copy of a statement from the borrower or public accountant concerning the following:

(1) The nature of the business.

(2) All contingent liabilities such as indorsements or guarantees.

(3) Particulars respecting any mortgage debts and whether there is any lien on current assets.

(4) The maximum and minimum liabilities of the individual, firm or corporation during the twelve months previous to the date of audit.

(b) It must be issued by an individual, firm or corporation whose net worth is not less than two times the amount of its outstanding liabilities, including any contingent liabilities arising from the rediscount of bills receivable or other accommodation indorsements, nor less than three hundred thousand dollars. The quick assets of said individual, firm or corporation, consisting of merchandise, finished, raw, and in the process of manufacture, accounts receivable, bills receivable, bonds or obligations of the government of the United States at the then market value of said bonds or obligations and cash, shall not be less than two times its outstanding quick liabilities including any contingent liabilities arising from the rediscount of bills receivable or other accommodation indorsements, as shown by said statement.

(c) It must have a maturity of not more than six months.

(d) It must have arisen out of actual commercial transactions; that is, be a bill which has been issued or drawn for industrial or commercial purposes or the proceeds of which have been or are to be used for such purposes. No bill shall be eligible for discount or purchase by a savings bank, the proceeds of which have been used or are to be used for any of the following purposes:

Bills ineligible for discount or purchase

(1) For investments of a merely speculative character whether made in goods or otherwise.

(2) Must not have been issued for carrying or trading in stocks, bonds or other investment securities, except bonds of the government of the United States, and must not cover merely investments.

(3) Must not be a bill of any individual, firm or corporation which has under pledge or hypothecation any of its personal assets.

The word "bill," when used in this section, shall be construed to include notes, drafts, or bills of exchange, and the word "goods" shall be construed to include goods, wares or merchandise. Definitions

Any savings bank purchasing or discounting such paper shall have in a file maintained for the purpose, letters from banks and merchants or mercantile reports bearing upon the credit and standing of the person, firm, copartnership or corporation whose paper is under discount. Credit reports

No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, any such bills of any one person, firm, copartnership or corporation in any amount which shall exceed five per centum of the capital and surplus or reserve of such savings bank, nor shall any savings bank at any time acquire or hold, directly or indirectly, by discount or purchase, an amount of bills, of the character defined and limited by this section, greater than twelve and one-half per centum of the deposits of such bank. Limitation on amount

No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, any such bankers' acceptances from any one acceptor in any amount equal at any time in the aggregate to more than ten per centum of its paid-up capital and surplus or reserve, unless the said acceptance is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; provided, however, that any savings bank may, irrespective of any such security, acquire and hold acceptances equal to twenty-five per centum of its capital and surplus or reserve, of any one acceptor having a paid-in capital of not less than three million dollars.

No savings bank shall at any time acquire or hold, directly or indirectly, by discount or purchase, a combined total amount of bankers' acceptances and bills of the character defined and limited by this section, greater than twenty per centum of the deposits of such bank; provided, however, that any savings bank may acquire and hold bankers' acceptances in the amount of two thousand five hundred dollars.

2. No savings bank shall invest or loan an amount greater than fifty per centum of its actual paid-up capital and surplus in or on any one note or bond issue of the class specified in paragraph (f) of subdivision six of section 61 of this act, or in or on mortgage participation certificates issued by a mortgage insurance company pursuant to the provisions of chapter eight of title two of part four of division first of the Civil Code, nor more than five per centum of its assets in or on any one issue of bonds or notes or obligations of any other class, except bonds of the United States, or interest-bearing notes or obligations of the United States, or bonds of the State of California, bonds for which the faith and credit of the United States or of the State of California are pledged, or bonds of any county, city and county, city, metropolitan water district or school district in this State, or bonds of any irriga- Loans on notes and bonds.

tion district in this State such as are legal for investment by savings banks.

3. No savings bank shall loan money:

(a) On bonds of the character specified in paragraphs (a), (b), (c) and (d) of subdivision five of section 61 of this act, or on bonds of the character specified in paragraph (c) of subdivision six of section 61 of this act, unless such bonds shall have a market value at least ten per centum in excess of the amount loaned thereon; or,

(b) On bonds or notes or obligations of the character specified in paragraphs (d), (e), (g), (h) and (i) of subdivision six of section 61 of this act, when eligible as investments for savings banks pursuant to said sections, unless such bonds or notes shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(c) On bonds or equipment trust certificates legal for investment by savings banks in the States of New York or Massachusetts, unless such bonds or equipment trust certificates shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(d) On notes or bonds of the character specified in paragraph (f) of subdivision six of section 61 of this act when certified as legal investments for savings banks under the provisions of section 61a of this act, or on securities issued by a mortgage insurance company pursuant to the provisions of chapter eight of title two of part four of subdivision first of the Civil Code eligible for investment by savings banks, unless such bonds, notes or securities shall have a market value at least ten per centum in excess of the amount loaned thereon; or,

(e) On notes or bonds of the character specified in paragraphs (a) and (b) of subdivision six of section 61 of this act when certified as legal investments for savings banks in this State, unless such notes or bonds shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(f) On personal property unless such personal property shall have a market value at least fifty per centum in excess of the amount loaned thereon; or,

(g) On other bonds, or on capital stock of any corporation, unless such bonds or stock shall have a market value at least fifty per centum in excess of the amount loaned thereon; provided, however, that no loan shall be made upon the capital stock of any bank unless such bank has been in existence at least two years and has earned and paid a dividend on its capital stock.

Loans on real estate.

4. No savings bank shall make any loan on security of real estate, unless it be a first lien, and in no event to exceed sixty per centum of the market value of any real estate taken as security except for the purpose of facilitating the sale of property owned by such savings bank or except under the conditions specified in section 57a of this act; provided, that

a second lien may be accepted to secure the repayment of a debt previously contracted in good faith; and provided, also, that any savings bank holding a first mortgage or deed of trust on real estate may take or purchase and hold or loan upon another and immediately subsequent mortgage or deed of trust thereon, but all such loans shall not exceed in the aggregate sixty per centum of the market value of the real estate securing the same; provided, further, that a savings bank may loan not to exceed ninety per centum of the face value of a mortgage which constitutes a first lien upon real estate, but in no event shall any such loan exceed ninety per centum of sixty per centum of the market value of the real estate covered by said mortgage or deed of trust.

Loans on capital stock of corporation

5. No savings bank shall loan to any one borrower on the security of the capital stock of any corporation an amount exceeding ten per centum of the capital stock and surplus of such savings bank; provided, that all loans on the capital stock of any one corporation shall not exceed in the aggregate twenty-five per centum of the capital stock and surplus of such savings bank.

Mining stock.

6. No savings bank shall purchase, invest or loan its capital, surplus or the money of its depositors, or any part of either, in mining shares or stock and any president or managing officer who knowingly consents to a violation of any provision of this paragraph shall be guilty of a felony.

Stats 1931, p 341

SEC. 9. Section 83 of said act is hereby amended to read as follows:

Commercial banks Loans to officer, director, etc

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the indorsement, surety, or guaranty of any such officer; provided, that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent, or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent, or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the indorsement, surety, or guaranty of any such director other than an officer, agent, or other employee, can be made by any commercial bank; and provided, further, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer or director of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent, or other employee, or to any person, firm, copartnership, or corporation on the indorsement, surety or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit to any director of such bank; except that a written

Advisory board members.

Authorization.

report to the Superintendent of Banks of such loan or line of credit shall not be required. Loans herein authorized can be made only on authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan; provided, that by and with the consent of the Superintendent of Banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank. The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any creditor, agent, or other employee other than an officer, or to any firm, copartnership, or corporation in which any director, agent, or other employee other than an officer is a member, stockholder, director, officer, agent, or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, copartnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, obtaining such loan, or the name of the firm, copartnership or corporation in which such director is interested, or the name of the corporation of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the Superintendent of Banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such commercial bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation which any two

Credit authorization.

or more directors, officers, agents or employees of such commercial bank own not more than twenty per cent of the paid-in capital of such borrowing corporation shall not be reported to the Superintendent of Banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the Superintendent of Banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues. This section shall not apply to any loan made to a religious corporation, club or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members or officers, but in which they have no financial interest. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or directors and officers of such commercial bank collectively, except with the previous consent of the Superintendent of Banks. Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a commercial bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, metropolitan water district or school district of this State, notwithstanding anything in this section contained, and

Penalty for violation

Exemptions: Religious corporations

Loans to connected corporations.

Exemption Loans on certain security

such loans may be made in the usual manner of making loans in which no director of such bank is interested.

CHAPTER 441.

"Act for the protection of State highways" Stats. 1915, p. 642, repealed.

An act to provide for the care, management and protection of State roads and highways and the right of way thereof and providing penalties for the violation of the provisions thereof, and to repeal an act entitled "An act to provide for the care, management and protection of State highways and providing penalties for violations of the provisions of the act," approved May 20, 1915, Statutes of 1915, Chapter 400, as amended.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

Encroachments on State highways.

SECTION 1. It shall be unlawful for any State road or highway to be encroached upon by any tower, pole, pole line, pipe, pipe line, fence, billboard, stand, building, or other structure of any kind or character whatever, placed in, under, upon, across or over the right of way thereof, unless the same shall be authorized by permit issued by the Director of Public Works or his duly authorized representative in the manner provided by law or unless such encroachment is expressly provided for by law. If any such encroachment exists within the right of way of any State road or highway the Department of Public Works, or its appropriate officers, engineers, or employees, shall have authority to require the removal thereof in the manner herein provided. Notice shall be given to the owner, occupant, or to the person in possession thereof, or to any other person causing or suffering the encroachment to exist, or, in the case of a nonresident, his agent, by delivering to and serving upon any such person a demand, in writing, for the removal forthwith of such encroachment from within said right of way. Any such notice shall describe the encroachment complained of with reasonable certainty as to its character and location. Service of such notice by registered mail and the posting of a copy on the encroachment described therein for a period of five days shall be sufficient compliance with the requirements of this section.

Same—Removal by owner.

Same—Removal by Department of Public Works.

SEC. 2. If such encroachment be not removed or removal thereof commenced and thereafter diligently prosecuted prior to the expiration of five days from and after the service, or mailing and posting of the demand therefor, as herein provided, or when such encroachment obstructs or prevents the use of said road or highway by the public, or consists of refuse, or is an advertising sign of any description (unless excepted by the proviso of section 8 of this act), the Department of Public Works, or its appropriate officers, engineers or employees,

is hereby authorized forthwith to remove or cause to be removed such encroachment from within the right of way of any such road or highway, and said department, in the name of the people of the State of California, may commence and prosecute in any court having jurisdiction, an action to recover the costs and expenses of such removal and costs and expenses of suit and, in addition thereto, the sum of ten dollars for each day such encroachment is or was permitted to remain within the right of way of any such road or highway after service of the notice and demand as herein provided.

Abatement as a public nuisance.

SEC. 3. If the owner, occupant, or person in possession, or person causing or suffering the encroachment to exist, or the agent of any of them, disputes or denies the existence thereof, or refuses to remove or permit the removal thereof, the Department of Public Works, in the name of the people of the State of California, is hereby authorized and empowered to commence an action in any court having jurisdiction to abate the same as a public nuisance. If judgment is recovered by said Department of Public Works it may, in addition to having such encroachment adjudged a nuisance and abated, recover ten dollars for each day such encroachment remained, or was permitted to remain, after the service of the notice and demand, as herein provided, and also its costs and expenses incurred in such action.

Penalty for violation.

SEC. 4. Any person, firm or corporation owning, controlling, placing, or causing or suffering any encroachment to exist upon or within the right of way of any State road or highway after the service upon such person, firm or corporation of the notice and demand as herein provided, unless the same be authorized by law as provided in section 1 hereof, in addition to any civil liability therefor, is guilty of a misdemeanor and shall be punishable therefor as in the Penal Code provided.

Drainage and seepage water.

SEC. 5. It shall be unlawful for any person, firm or corporation to drain or to permit water to be drained from his or its lands onto any State road or highway by means of ditches or dams, or otherwise, to the damage thereof, or to divert, dam up, fill in, or otherwise obstruct any natural water course so as to prevent, impede or restrict the natural flow of waters from such State road or highway into and through such water course (unless other adequate and proper drainage has been provided) or so as to cause waters to be impounded upon or within the right of way of any State road or highway, to the damage thereof, or so as to cause interference with, damage or hazard to public travel, or to store or distribute water for any purpose so as to permit the same to overflow onto or to saturate by seepage any State road or highway, or to otherwise obstruct the same, to the damage thereof. Upon notification thereof by the Department of Public Works, or its appropriate officers, engineers or employees, in the manner provided by section 1 hereof, any person, firm or corporation permitting or suffering such damage to

be done to any State road or highway, or permitting or suffering any such condition to exist, shall immediately cease and discontinue such diversion of waters or cause to be discontinued and prevented such drainage, seepage, or overflow and shall repair, at his or its expense, the damage thereby occasioned to any State road or highway. Upon the neglect, failure, or refusal of any person, firm or corporation, so notified, to cease and discontinue such diversion, or to discontinue and prevent the drainage, seepage or overflow of such waters, or to make the repairs herein required, the Department of Public Works, or its appropriate officers, engineers or employees, may make such repairs and may also perform such work as may be necessary to prevent the further drainage, diversion, overflow, or seepage of such waters, and said department, in the name of the people of the State of California, may recover in an action at law in any court of competent jurisdiction, the amount expended for such repairs and works, and, in addition thereto, the sum of ten dollars for each day such drainage, diversion, overflow, or seepage of such waters is or was permitted to continue after the service of the notice as herein required, together with the costs and expenses incurred in such action.

Department may make repairs.

Ditches or excavations across highways.

SEC. 6. Any person, firm or corporation proposing or desiring to excavate or construct ditches across any State road or highway for the purposes of irrigation, drainage, or mining or other purposes shall erect, without expense to the State of California, such bridges, culverts, pipes, siphons, or other crossings as may be necessary adequately and properly to carry such waters across, over or under such State road or highway. Any such construction shall be done only in accordance with the plans and the terms of any permit that may be issued therefor by the Department of Public Works, and subject to the approval of the Director of Public Works, or the proper officer engineer or employee of said department. The issuance of any such permit may be withheld until the Director of Public Works is assured that proper and adequate provision has been made for the protection of such State road or highway and safety of travel thereon. Upon the neglect or refusal of any person, firm or corporation so to do, the Department of Public Works, in its discretion, may construct any such crossing and may recover, in the name of the people of the State of California, in an action at law in any court having jurisdiction, the cost thereof, together with the costs and expenses incurred in any such action.

Permit

Department may construct

Penalties for damaging bridge, etc

SEC. 7. Any person, firm or corporation wilfully injuring or damaging any bridge, culvert or other structure in or on any State road or highway, whether by transporting thereover loads of an illegal weight or otherwise, shall be liable for the repair thereof, and the Department of Public Works, in the name of the people of the State of California, may recover in an action in any court having jurisdiction, the amount expended therefor, together with the costs and expenses

incurred in any such action. Any person, firm or corporation so injuring any bridge, culvert or other structure in or on any State road or highway is guilty of a misdemeanor and shall be punishable therefor as provided by law.

Advertising display.

SEC. 8. It shall be unlawful to place, erect, or display in, upon, across or over any State road or highway any handbill, sign, picture, transparency, advertisement, or mechanical advertising device of any kind or character, unless and until a permit therefor has been obtained from the Department of Public Works, or its appropriate officer, engineer or employees, in the manner provided by law. If so placed without such permit, any such handbill, sign, picture, transparency, advertisement, or mechanical advertising device is hereby declared to be a public nuisance and the removal thereof forthwith from any State road or highway, or from within the right of way thereof, by the Department of Public Works is hereby authorized.

Penalty.

Any person so placing within, upon, across or over the right of way of any State road or highway any such handbill, sign, picture, transparency, advertisement, or mechanical advertising device of any kind or character, without a permit therefor, is guilty of a misdemeanor and shall be punishable therefor as in the Penal Code provided; provided, that nothing in this section contained shall be construed to prohibit the posting of any notice required by law or by order of any court of this State to be so posted.

Exemption.

Trees and plants on highways.

SEC. 9. It shall be unlawful for any person, firm or corporation to plant, dig up, cut down, prune, trim, injure, or destroy any tree, shrub, flowering plant, or other plants or flowers, or wild flowers, growing on or within the right of way of any State road or highway, unless such person, firm or corporation has been granted a permit therefor, in writing, by the Department of Public Works, or its appropriate officers, engineers or employees, or unless such person, firm or corporation is otherwise lawfully entitled to plant, dig up, cut down, destroy, or remove any such tree, shrub or other growth or flowers as herein enumerated. Any person, firm or corporation violating the provisions of this section is guilty of a misdemeanor and shall be punishable therefor as in the Penal Code provided.

Penalty

Vehicles, etc., standing on highways

SEC. 10. It shall be unlawful for any person, firm or corporation to have, erect, place, stand, or park, wholly or partly within the right of way of any State road or highway, any vehicle, motor vehicle, trailer, semitrailer, wagon, pushcart, stand, structure, or building for the purpose of selling the same or of selling, vending, displaying for sale, or offering for sale, therefrom or therein, any goods, wares, or merchandise, fruit, vegetables, produce, food, or any other article or thing of value, and any such vehicle, motor vehicle, trailer, semitrailer, wagon, pushcart, stand, structure, or building so had, erected, placed, stood, or parked for any such purpose or purposes is hereby declared to be a public nuisance and the

removal thereof forthwith from within the right of way of any such road or highway by the Department of Public Works, or its officers, engineers or employees, is hereby authorized.

Penalties. Any person, firm or corporation having, erecting, placing, standing, or parking any such vehicle, motor vehicle, trailer, semitrailer, wagon, pushcart, stand, structure, or building, wholly or partly within the right of way of any such road or highway, for the purpose of selling or vending therefrom, or displaying for sale, or offering for sale, therefrom or therein, any such goods, wares, and merchandise, fruit, vegetables, produce, food, or any other article or thing of value, or any person, firm or corporation selling or vending, or displaying for sale, or offering for sale in or from any such vehicle, motor vehicle, trailer, semitrailer, wagon, pushcart, stand, structure, or building so had, erected, placed, stood, or parked, any article as herein specified is guilty of a misdemeanor and shall be punishable therefor as provided by law.

Enforcement It shall be the duty of the California Highway Patrol and of all peace officers of the State or any political subdivision thereof to enforce the provisions of this section and to cooperate with the Department of Public Works, its officers, engineers and employees, to that end; provided, that nothing herein contained shall be construed to prohibit a seller from taking orders or delivering any commodity from a vehicle on that part of the right of way of any State road or highway immediately adjacent to the premises of the purchaser.

Disposition of penalties. SEC. 11. All penalties or forfeitures or other recoveries provided for and recovered under this act shall be paid into such fund or funds available to the Department of Public Works for highway purposes as the Director of Public Works may determine.

Procedure not exclusive. SEC. 12. The procedure herein provided for shall not be exclusive and shall not prohibit the Department of Public Works, or its proper officers, engineers or employees, from exercising any other remedy provided by law to prevent damage to or protect any State road or highway.

Short title. SEC. 13. This act shall be known and may be cited as the "Act for the Protection of State Highways."

Stats 1915, p. 642, repealed. SEC. 14. The act of the Legislature entitled "An act for the care, management and protection of State highways and providing penalties for the violation of the provisions of the act," approved May 20, 1915, Statutes of 1915, Chapter 400, as amended, and all acts and parts of acts in conflict herewith is and are hereby repealed.

Effect on Railroad Commission. SEC. 15. Nothing in this act is intended nor shall it be construed as limiting the powers and duties vested by law in the Railroad Commission of the State of California, and in the event of any conflict in jurisdiction, that of such Railroad Commission shall prevail.

CHAPTER 442.

An act to amend sections 67 and 68 of an act entitled "An act to provide for the organization of the Railroad Commission, to define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended. Stats 1915, p. 115, amended.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 67 of the act cited in the title hereof is hereby amended to read as follows: Stats 1915, p. 115

Sec. 67. Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may apply to the Supreme Court of this State for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order or decision or the order or decision on rehearing inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day, the cause shall be heard by the Supreme Court, unless for a good reason shown the same be continued. No new or additional evidence may be introduced in the Supreme Court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the Constitution of the United States or of the State of California. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review except as hereinafter provided; such questions of fact shall include ultimate facts and the findings and conclusions of the commission on reasonableness and discrimination. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the Supreme Court shall enter judgment either affirming or setting aside the order or decision of the commission. The pro- Application to supreme court for review. Findings on questions of fact

visions of the Code of Civil Procedure of this State relating to writs of review shall, so far as applicable and not in conflict with the provisions of this act, apply to proceedings instituted in the Supreme Court under the provisions of this section. No court of this State (except the Supreme Court to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, that the writ of mandamus shall lie from the Supreme Court to the commission in all proper cases.

Independent judgment.

In any proceeding wherein the validity of any order or decision is challenged on the ground that it violates any right of petitioner under the Constitution of the United States, the Supreme Court shall exercise an independent judgment on the law and the facts, and the findings or conclusions of the commission material to the determination of the said constitutional question shall not be final.

Stats 1915, p. 115

SEC. 2. Section 68 of said act is hereby amended to read as follows:

Order not stayed.

Sec. 68. (a) The pendency of a writ of review shall not of itself stay or suspend the operation of the order or decision of the commission, but during the pendency of such writ the Supreme Court in the manner hereinafter provided may, in its discretion, stay or suspend in whole or in part the operation of the commission's order or decision.

Stay order

(b) No order so staying or suspending an order or decision of the commission shall be made by the Supreme Court otherwise than upon five days' notice and after hearing, and if the order or decision of the commission is stayed or suspended the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to petitioner and specifying the nature of the damage; provided, however, that the Supreme Court may grant a temporary stay restraining the operation of the commission order or decision at any time before such hearing and determination of the application for a stay in the event it be of the opinion that irreparable loss or damage would result to petitioner unless such temporary stay be granted, but such temporary stay shall remain in force only until the hearing and determination of the application for a stay upon notice as aforesaid. The hearing of such application for a stay shall be given precedence and shall be expedited and assigned for hearing at the earliest practicable day after the expiration of notice hereinabove provided for.

Temporary stay order.

(c) No temporary stay shall be granted by the Supreme Court unless it shall clearly appear from specific facts shown by the verified petition that immediate and irreparable injury, loss or damage will result to the applicant before notice can be served and hearing had on a motion for a stay as herein-

above provided. Every such temporary stay shall be indorsed with the date and hour of issuance, shall be forthwith filed in the clerk's office and entered of record, shall define the injury and state why it appears to be irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry not to exceed ten days as the court may fix unless within the time so fixed the order is extended for a like period for good cause shown, and the reasons for such extension shall be entered of record. In case a temporary stay shall be granted without notice in the contingency specified the matter of the issuance of a stay shall be set down for hearing at the earliest possible time; and when the same comes up for hearing the party obtaining the temporary stay shall proceed with the application for a stay and if he does not do so the court shall dissolve the temporary stay.

Suspending bond.

(d) In case the order or decision of the commission is stayed or a temporary stay granted the order of the court shall not become effective until a suspending bond shall have first been executed and filed with and approved by the court, payable to the people of the State of California and sufficient in amount and security to insure the prompt payment by the party petitioning for the review, of all damages caused by the delay in the enforcement of the order or decision of the commission and of all moneys which any person or corporation may be compelled to pay pending the review of the proceedings, for transportation, transmission, product, commodity or service in excess of the charges fixed by the order or decision of the commission, in case said order or decision is sustained. The court, in case it stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges or classifications, may also in its discretion direct the public utility affected to pay into court from time to time, there to be impounded until the final decision of the case, or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum such corporation or person would have been compelled to pay if the order or decision of the commission had not been stayed or suspended.

Stay of order denying increase in rate, etc.

(e) In case the Supreme Court stays any order or decision denying to the utility an increase in any rate, fare, toll, rental, charge or classification, the court may condition such stay or temporary stay so as to permit petitioner to charge a higher rate pending the determination of the review and may attach such further conditions to such stay or temporary stay as may appear to be reasonable.

Stay of order lowering rates, etc.

In case the Supreme Court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge or classification or stays any order or decision denying petitioner the right to charge an increased rate, fare, toll, rental, charge or classification and as a condition thereof permits the charging of higher rates, the court shall require the public utility

affected to keep such accounts, verified by oath as may, in the judgment of the court, suffice to show the amounts being charged or received by such public utility, pending the review, in excess of the charges allowed by the order or decision of the commission, together with the names and addresses of the corporations or persons to whom overcharges will be refundable in case the order or decision of the commission is upheld. The court may from time to time require said party petitioning for a review to give additional security, or to increase the said suspending bond, whenever in the opinion of the court the same may be necessary to insure the prompt payment of said damages and said overcharges. Upon the final decision by the Supreme Court, all moneys which the public utility may have collected, pending the appeal in excess of those authorized by the order or decision of the commission, together with such interest as may be reasonable, shall be promptly paid to the corporations or persons entitled thereto in such manner and through such methods of distribution as may be prescribed by the court, should the commission order or decision be upheld.

CHAPTER 443.

An act to repeal section 4.71 of the School Code, relating to claims against the State school book fund.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

Sch Code, p. 155, repealed

SECTION 1. Section 4.71 of the School Code is hereby repealed.

CHAPTER 444.

An act transferring from the vocational rehabilitation fund to the general fund of the State the sum of $33,000.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

Transfer from vocational rehabilitation fund.

SECTION 1. There is hereby transferred from the vocational rehabilitation fund to the general fund of the State the sum of $33,000.

SEC. 2. On the effective date of this act, the State Controller shall certify to the State Treasurer such amount to be transferred and the State Treasurer shall thereupon transfer said amount.

CHAPTER 445.

An act to amend section 737v of the Political Code, relating to the salary of the judge of the superior court in and for the county of Mariposa.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737v of the Political Code is hereby amended to read as follows: Stats 1931, p 1408.

737v. The annual salary of the judge of the superior court in and for the county of Mariposa is five thousand dollars. Superior judge· Mariposa

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CHAPTER 446.

An act to amend sections 2436, 2439, 2440, 2457, 2458, 2459, 2460, 2465, 2466a, and 2468 of the Political Code, to amend section 2467 of said code and to add section 2457a to said code, relating to the pilotage of vessels to, from and within ports and bays of the State of California.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2436 of the Political Code is hereby amended to read as follows: Pol. C. 1872.

2436. Pilots for all the ports in this State, other than for Humboldt Bay and the bays of San Francisco, San Pablo and Suisun, and the ports of Los Angeles, San Diego and Long Beach, are governed by the following regulations: Regulations for certain pilots.

1. They must keep, for the purpose of piloting, at least one boat for every six pilots, in good condition, and seaworthy, sufficiently large to cruise in heavy weather, to be exclusively used as a pilot boat;

2. They must cruise at least ten marine miles seaward from the headlines at the entrance of the port;

3. They shall receive for piloting every vessel into or out of port the rates, now or hereafter established by section 2466 of this code;

4. When the person commanding any vessel refuses to take a pilot, the pilot first offering his services is entitled to half pilotage;

5. For incompetency, neglect of duty, or other good cause, the Governor may suspend or remove any pilot appointed by him;

6. They must strictly observe and obey all legally established quarantine regulations.

Pol C 1872.

SEC. 2. Section 2439 of the Political Code is hereby amended to read as follows:

Piloting vessels without license

2439. Any person not the master or owner, and not holding a commission or license as a pilot, who pilots any vessel into or out of any harbor or port of this State for which there are commissioned or licensed pilots, except to another port of the same bay or its tributaries, must be punished therefor as provided in the Penal Code, section 379, and must pay to the pilot entitled to pilot such vessel the amount of pilotage or towage collected by him.

Stats. 1927, p 1109.

SEC. 3. Section 2440 of the Political Code is hereby amended to read as follows:

Pilot Commissioners for San Francisco, San Pablo and Suisun bays.

2440. There must be appointed by the Governor, by and with the advice of the Senate, three experienced and competent ship masters or nautical men, citizens of the United States, and residents of the City and County of San Francisco, the counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, or Solano, as the Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun which shall be successor to the Board of Pilot Commissioners for the ports of San Francisco, Mare Island and Benicia and the present members of said last-named board shall continue in office for their unexpired terms as members of said first-named board. Each of the members of said board shall receive as compensation for their services such amount as may be determined from time to time by the board. The board shall have the power to appoint and fix the compensation of a secretary, a treasurer and such other employees as may be necessary. The members of the board and its officers and employees shall be allowed their actual necessary expenses in the performance of their duties.

C. A 1877-8, p. 46

SEC. 4. Section 2457 of the Political Code is hereby amended to read as follows:

Commissioners to examine and license pilots.

2457. The Board of Pilot Commissioners for the bays of San Francisco, San Pablo and Suisun must examine and license, in the manner prescribed, not less than fifteen nor more than twenty bar pilots who shall have exclusive authority to pilot ships to and from the high seas to the bays of San Francisco, San Pablo and Suisun, and the ports thereof, and from said bays and ports to the high seas, and subject, in respect to interior bay pilotage, to the provisions of section 2467 of this code, and, in addition thereto, shall have the same authority as bay pilots, as set forth in section 2457a of this code. For the purpose of this section high seas shall be construed as including the Pacific Ocean and all navigable waters of the Golden Gate, westerly of a straight line drawn between Anita Rock and Yellow Bluff. The twenty pilots now licensed for the port of San Francisco pursuant to the terms of this section before the passage of this amendment shall be continued in their respective positions and shall be bar pilots pursuant to the terms of this section as amended. The pilots for the ports of Mare Island, Vallejo and Benicia licensed pursuant

to the terms of this section, prior to the passage of this amendment, shall be continued as bay pilots pursuant to section 2457a of this code.

SEC. 5. Section 2457a is hereby added to the Political Code to read as follows: New section

2457a. Said Board of Commissioners must also examine and license, in the manner prescribed, not more than five bay pilots. The bay pilots so appointed shall be authorized to pilot ships between and within the ports of the bays of San Francisco, San Pablo and Suisun. Nothing herein shall be construed as making such interior pilotage, or the employing of such pilots, compulsory, or as prohibiting such interior pilotage by persons not licensed by such board. For the purposes of this article, the easterly boundary of Suisun Bay shall be longitude meridian 121° 47′ 30″ west of Greenwich. Pilots to act within San Francisco, San Pablo and Suisun bays.

SEC. 6. Section 2458 of the Political Code is hereby amended to read as follows: C. A. 1877-8, p 46

2458. Bar pilots must at all times keep, for their exclusive use, boats of such description and good condition as directed by the board. Pilots to keep boats

SEC. 7. Section 2459 of the Political Code is hereby amended to read as follows: Pol. C. 1872.

2459. Every bar pilot in charge of a vessel arriving in the bays of San Francisco, San Pablo or Suisun, or ports thereof, must safely moor the vessel in such place and in such position consistent with safe navigation and not contrary to law as the master of the vessel may direct, whether such place or position shall be at the port of San Francisco, port of Oakland, port of Alameda, port of Richmond or elsewhere in said bays or ports thereof. Every bar pilot in charge of a vessel leaving any of said bays or ports must pilot the same from any such bays or ports, or points or places within the same, beyond the San Francisco Bar. He must prevent all persons (except officers of the State or Federal governments, owners or consignees of the vessel or cargo, and persons admitted on the express order of the master) from boarding such vessel until she has been safely moored. To enforce the provisions of this section and other police regulations for the harbor, every pilot in charge of a vessel entering the bay of San Francisco from the high seas is authorized and empowered to arrest everyone who, in opposition to the master's orders, persists in boarding such vessel, or who having boarded her refuses to leave on the command of such master or pilot; when so arrested he must be immediately brought before the police judge's court, or admitted to bail, as provided in the Penal Code. Duties of pilots· Moor vessel. Prevent premature boarding. Arrest offenders.

SEC. 8. Section 2460 of the Political Code is hereby amended to read as follows: Stats 1927, p 1109.

2460. Every pilot licensed pursuant to the terms of this article must take an oath of office in the manner prescribed by law and must, once in each month, upon blanks to be furnished to them by the Board of Pilot Commissioners, render Monthly accounts of pilotage.

a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and pay five per cent of all bar pilotage fees to the board, in full compensation for its official services, for the services of its secretary and treasurer, and all incidental expenses. Such account shall give the name of each vessel piloted, and the master thereof, and of each vessel for which pilotage has been charged, or collected, and the amount charged to or collected from each, and any rebates made and allowed and the amounts thereof, where the same is registered, the depth of its draft, its tonnage, whether inward or outward bound, and whether the amount so received, collected, or charged is for full pilotage or half pilotage, and the secretary shall record such account in full detail in a book prepared for that purpose, which book shall at all times be open to public inspection.

Pilot commissioners' special fund.

Any and all moneys received by the board under the provisions of this section and any and all other moneys received by the board under or pursuant to the provisions of any other act or law, shall be accounted for at the close of each month to the State Controller in such form as the Controller may prescribe and at the same time, on the order of the Controller, shall be paid into the State treasury to the credit of the Board of Pilot Commissioners' special fund, which fund is hereby created.

Appropriation

The moneys deposited in the State treasury to the credit of the Pilot Commissioners' special fund are hereby appropriated without regard to fiscal years for the payment of the compensation and expenses of the board and of the officers and employees thereof.

Pol. C. 1872.

SEC. 9. Section 2465 of the Political Code is hereby amended to read as follows:

Certain pilotage to be agreed on.

2465. Pilotage between and within ports of the bays of San Francisco, San Pablo and Suisun, must be at such rates as agreed on between the parties.

Stats 1915, p. 296.

SEC. 10. Section 2466a of the Political Code is hereby amended to read as follows:

Pilotage rates in certain cases.

2466a. In the event a vessel not carrying cargo to any port of the bays of San Francisco, San Pablo and Suisun, nor seeking any thereat, shall enter any such bay or port: (1) for the purpose of anchoring, reporting or receiving orders, or taking on water, fuel for bunkers, stores or other supplies for use only on such vessel and not intended for transfer to and use on or transferred and used on any other vessel, provided such vessel does not discharge or take on any cargo or passengers; or (2) solely by reason of being in distress or requiring care; said vessel, if subject to the payment of bar pilotage charges, shall pay one-half the full pilotage rates provided in section 2466 of this code.

C. A. 1877-8, p. 46

SEC. 11. Section 2467 of the Political Code is hereby amended to read as follows:

Exemption from Pilotage of Certain Vessels. Any vessel in tow of a tug or being assisted by a tug within the bays of

San Francisco, San Pablo or Suisun, or between or within the ports thereof, shall be exempt from all charge for bay pilotage unless a pilot be actually employed. Exemption of certain vessels from pilotage

SEC. 12. Section 2468 of the Political Code is hereby amended to read as follows: Stats 1905, p. 815.

2468. All vessels sailing under an enrollment, and licensed and engaged in the coasting trade between any port of the bays of San Francisco, San Pablo and Suisun and any other port of the United States shall be exempt from all pilotage unless a pilot be actually employed. All foreign vessels and all vessels from a foreign port or bound thereto, and all vessels sailing under a register between any port of the bays of San Francisco, San Pablo and Suisun and any other port of the United States, except ports of said bays or the rivers tributary thereto, shall be liable for pilotage as provided in section 2466 of this code. Pilotage rates.

CHAPTER 447.

An act to amend sections 535 and 536 of the Fish and Game Code, and to add thereto sections 536.5, 536.6, 536.7, 536.8 and 536.9, relating to fish screens.

[Approved by the Governor May 18, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 448.

An act providing an in rem court proceeding for the purpose of determining the inability of an irrigation district to meet its bonded or other indebtedness, and to approve a plan for the compromise payment or satisfaction, funding or refunding thereof and of requiring the holders of outstanding bonds, warrants or other evidences of indebtedness to accept such compromise payment or satisfaction, funding or refunding bonds in lieu thereof; making the decree therein binding upon all persons whether appearing in said proceeding or not; providing a method of procedure and declaring this act to be an urgency measure.

[Approved by the Governor May 18, 1933. In effect immediately.]

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

SECTION 1. If any irrigation district of the State of California shall be in default in payment of any money due by reason of its bonds, warrants or other evidences of indebtedness, and if a plan of compromise payment or satisfaction or funding or refunding any bonds, warrants or other evidences Petition re funding or refunding of irrigation district obligations.

of indebtedness of such district shall have been approved or agreed upon by the California Districts Securities Commission and the holders of two-thirds (2/3) in amount of such bonds, warrants or other evidences of indebtedness, thus to be so paid, satisfied, funded or refunded, and if the board of directors of such district shall have likewise approved or agreed to said plan and if such payment or satisfaction or the issuance of funding or refunding bonds under such plan has been authorized by the voters of such district in the manner provided by law, then any one or more of the holders of the bonds, warrants or other evidences of indebtedness thus to be paid, satisfied or refunded may file a petition in the superior court in the county in which the principal office of said district is located, setting forth: (1) the fact that said default has taken place; (2) that the district is unable to pay its indebtedness or some part thereof in the manner required by law; (3) that unless a plan of compromise payment or satisfaction, reorganization, funding or refunding of its outstanding indebtedness or a portion thereof is accomplished, a substantial loss will be sustained by the holders of the bonds, warrants or other evidences of such indebtedness; (4) that it is necessary in order to prevent a substantial loss to such holders that a plan of compromise payment or satisfaction, reorganization, funding or refunding of the indebtedness of the district or a portion thereof be effected; and (5) that a plan of compromise payment or satisfaction or funding or refunding of said indebtedness has been approved or agreed to by the California Districts Securities Commission and the holders of two-thirds (2/3) in amount of the bonds, warrants or other evidences of said indebtedness thus to be paid, satisfied, or funded or refunded and has been agreed to by said district, and that such payment, satisfaction or refunding bonds have been authorized by the voters of said district pursuant to said plan in the manner required by law, and that said plan is fair and equitable and no other plan, procedure or action on behalf of such bondholders would be as advantageous to them or would enable them to receive as much money or other things of value as would be received by them under said plan.

Contents

Funding or refunding plan.

Notice

SEC. 2. Upon the filing of said petition the court shall first set a date for the hearing thereof, which date shall not be less than ninety (90) days from the filing of said petition and the court shall direct the manner of giving notice of the filing of said petition and of the date set for hearing of the same. In making such order the court shall direct that written notice thereof shall be mailed to all known bondholders and creditors of said district to such addresses as they may file with the secretary of the district, otherwise to their last known place of residence, and shall provide for the posting of said notice in three public places in the county and for the publication of such notice not less than once a week for four weeks in a newspaper of general circulation printed in the county, if there be one, and in similar newspapers in the

cities of Los Angeles, San Francisco, Oakland and Sacramento. Such order shall provide for such further notice as the court may deem proper under the circumstances of the particular proceeding.

Hearing. SEC. 3. Any bondholder or creditor of said district may appear and file an answer therein and the court may permit intervention by any party whose interest may be affected by such proceeding. Upon the date set for the hearing thereof or upon any date to which such hearing may be continued the court shall hear, try and determine the issues of fact involved therein, and shall take evidence for or against the ability of said district to meet its obligations or to continue to function as such, and the necessity and the fairness of said plan of compromise payment or satisfaction or funding or refunding of the bonded or other indebtedness of the district. If the court shall find that the essential allegations of said petition are true the court shall thereupon make and file its findings of fact and conclusions of law. If the essential allegations of the petition are not sustained, the proceeding shall be dismissed. If they are sustained the court shall enter its decree requiring all holders of the bonds, warrants or other evidences of indebtedness being so paid, satisfied or refunded to deposit their bonds pursuant to said plan, and the district shall thereupon and pursuant to said plan pay the money agreed in compromise payment or satisfaction thereof or issue its funding or refunding bonds in exchange therefor. The decree shall further provide that if any holder of bonds, warrants or other evidences of indebtedness shall not deposit his bond, warrant or other evidence of indebtedness as aforesaid, the district treasurer shall deposit the money agreed in compromise payment or satisfaction thereof or the refunding bond or bonds to be issued in exchange for the outstanding bond, warrant or other evidence of indebtedness of such nondepositing holder with the California Districts Securities Commission and upon such deposit and the issuance of the receipt of said California Districts Securities Commission therefor the obligation of such outstanding bond, warrant or other evidence of indebtedness shall terminate and the rights of the holder thereof shall be limited to his right to obtain such deposited money or refunding bond or bonds upon surrender by holder of his bond, bonds or warrants, as the case may be, and upon executing to the California Districts Securities Commission a receipt therefor. The California Districts Securities Commission is hereby authorized to, and it shall, act as the depositary of such evidences of indebtedness and shall perform all duties incident thereto as indicated by this act.

Court decree.

Proceeding is in rem SEC. 4. The proceeding hereinabove provided for shall be conclusively deemed to be in rem and the decree therein binding upon all persons whether appearing therein or not.

Appeal. SEC. 5. Any holder of any bonds, warrants or other evidences of indebtedness affected by any such court procedure provided for by this act or any other interested party shall

have the right to appeal to the Supreme Court at any time within the time allowed by law. The Supreme Court, in inquiring into the regularity, legality or correctness of any of said proceedings must disregard any error, irregularity or omission which does not affect the substantial rights of the parties and may approve the proceedings in part and disapprove the remainder thereof. The costs of the special proceedings may be allowed and apportioned between the parties in the discretion of the court. Any judge of the superior court of the county in which any such proceeding is brought shall be disqualified to act as judge of said court in passing upon any such proceeding.

Costs.

Disqualification of judge.

Urgency

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: Many irrigation districts organized under the laws of the State of California, are now in a bankrupt condition and unable to meet their obligations in full and are in the process of devising ways and means for the compromise payment or satisfaction thereof or funding or refunding their bonded indebtedness, and it is impossible to locate all of the owners of their securities to secure their assent thereto; that if this legislation is not made immediately effective and on the contrary shall become effective ninety (90) days after the final adjournment of this session of the Legislature, it will be too late to make such plans applicable to the tax rate levied by such districts for the calendar year 1934; that the inability to levy a rate in accordance with such plan for the calendar and fiscal year 1934 will in most instances result in serious and substantial prejudice of, and financial loss to, the bondholders, creditors and districts.

CHAPTER 449.

An act to amend section 375, as added by Chapter 798, Statutes of 1931, of the Penal Code, relating to offensive substances.

[Approved by the Governor May 18, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1660

SECTION 1. Section 375, as added by Chapter 798, Statutes of 1931, of the Penal Code is hereby amended so as to read as follows:

Offensive substances in places of assemblage

375 (1) It shall be unlawful to throw, drop, pour, deposit, release, discharge or expose, or to attempt to throw, drop, pour, deposit, release, discharge or expose in, upon or about any theater, restaurant, place of business, place of amusement or any place of public assemblage, any liquid, gaseous or solid

substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive to any of the senses.

(2) It shall be unlawful to manufacture or prepare, or to possess any liquid, gaseous, or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive, to any of the senses with intent to throw, drop, pour, deposit, release, discharge or expose the same in, upon or about any theater, restaurant, place of business, place of amusement, or any other place of public assemblage.

(3) Penalty. Any person violating any of the provisions hereof shall be punished by imprisonment in the county jail for not less than three months and not more than one year, or by a fine of not less than five hundred dollars and not more than two thousand dollars, or by both such fine and imprisonment. Penalty.

(4) Any person who, in violating any of the provisions of subdivision (1) of this section, wilfully employs or uses any liquid, gaseous or solid substance which may produce serious illness or permanent injury through being vaporized or otherwise disbursed in the air or who, in violating any of the provisions of subdivision (1) of this section, wilfully employs or uses any tear gas, mustard gas or any of the combinations or compounds thereof, or wilfully employs or uses acid or explosives, shall be guilty of a felony and shall be punished by imprisonment in the State prison for not less than one year and not more than five years. Use of certain gases, etc. Penalty

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CHAPTER 450.

An act to amend sections 1, 2, 3, 6, and 7 of an act entitled "An act regulating the sale, offering for sale, possession or transportation of machine rifles, machine guns and submachine guns, and providing a penalty for the violation thereof," approved May 16, 1927. Stats 1927, p. 938, amended

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1931, p 2203

Sec. 3. It shall be lawful for the Superintendent of the Division of Criminal Identification and Investigation of the Department of Penology to issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issuance thereof to the applicant for such permit; provided, that no permit shall be issued to a person who is under twenty-one years of age. Permits re machine guns

Stats 1931 p. 2203.

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Possession or sale of machine guns

Section 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as herein prescribed, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the State Prison not to exceed five years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Exceptions.

Provided, however, that nothing in this act contained shall prohibit the sale to, purchase by, or possession of such firearms by police departments and members thereof, sheriffs, and city marshals, or the military or naval forces of this State or of the United States for use in the discharge of their official duties.

Stats 1927, p. 938.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Machine gun defined.

Sec. 2. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns, or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, discs, drums, belts or other separable mechanical device and all firearms which are automatically fed after each discharge from or by means of clips, discs, drums, belts or other separable mechanical device having a capacity greater than ten cartridges.

Stats 1931, p 2203

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Revocation of permits

Sec. 6. Permits issued in accordance with this act may be revoked by the issuing authority at any time when it shall appear that the need for such firearms has ceased or that the holder of the permit has used such firearms for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

Stats 1931, p 2203

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Licenses to sell

Sec. 7. The Superintendent of the Division of Criminal Identification and Investigation of the Department of Penology may also grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of such firearm subject to all of the following conditions, upon breach of any of which the license shall be revoked:

Conditions

1. Such business shall be carried on only in the place designated in the license.

2. Such license or a certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such firearm shall be delivered to any person not authorized to receive the same under the provisions of this act.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the descriptions and serial numbers of the weapons purchased, the number and date of issue of the purchaser's permit, if any, and the signature of the purchaser or purchasing agent. This record shall be open to the inspection of any peace officer or other person designated by the Superintendent of the Bureau of Criminal Identification and Investigation.

CHAPTER 451.

An act to amend section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors.

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4041.11 of the Political Code is hereby amended to read as follows: Stats 1929, p 1450

4041.11. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source. Pounds, etc

(2) To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax. Protection of sheep.

(3) To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, plant diseases, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life. Pests

(4) To provide by ordinances, not in conflict with the general laws of the State, for the protection of fish and game, and may shorten the season for taking or killing of fish and game, within the dates fixed by the general State laws, but shall not lengthen the same. Protection of fish and game.

CHAPTER 452.

Stats. 19.5, p 1225, amended.

An act to amend section 19x14 of the Juvenile Court Law, relating to the salaries of the probation officer and assistants in counties of the fourteenth class.

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

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

Stats 1931, p 860.

SECTION 1. Section 19x14 of the Juvenile Court Law is hereby amended to read as follows:

Tulare County Probation officer.

Sec. 19x14. In counties of the fourteenth class, there shall be one probation officer whose salary shall be one thousand eight hundred dollars per annum, and the said probation officer shall be allowed two deputy probation officers, each at a salary of one thousand two hundred dollars per annum; and in addition thereto the said probation officer and deputies shall be allowed their actual and necessary traveling expenses incurred in performing any of the duties of this office; provided, however, that the said traveling expenses exclusive of meals and hotel accommodations, shall not exceed the sum of five cents per mile.

CHAPTER 453.

Stats. 1913, p. 1086, amended.

An act to amend section 16x14 of the Weights and Measures Act, relating to the sealer of weights and measures in counties of the fourteenth class.

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1006

SECTION 1. Section 16x14 of the Weights and Measures Act is hereby amended to read as follows:

Tulare County: Sealer.

Sec. 16x14. (a) The sealer of weights and measures in counties of the fourteenth class shall receive a salary of one thousand eight hundred dollars per annum, and he shall have one deputy at a salary of one thousand four hundred forty dollars per annum.

(b) In the event that the sealer of weights and measures, or his deputy travels by means of his private automobile, the said officer shall be entitled to compensation for the use of said automobile at the rate of five cents per mile each way for each mile actually traveled.

CHAPTER 454.

An act to amend sections 737d, 737yy, 737zz and 737fff of the Political Code, relating to superior judges.

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737d of the Political Code is hereby amended to read as follows: Stats 1931, p 1408.

737d. The annual salary of the judge of the superior court in and for the county of Butte is six thousand dollars. Superior judge Butte

SEC. 2. Section 737yy of the Political Code is hereby amended to read as follows: Stats 1931, p. 1427.

737yy. The annual salary of the judge of the superior court in and for the county of Sutter is six thousand dollars. Sutter

SEC. 3. Section 737zz of the Political Code is hereby amended to read as follows: Stats 1929, p 1746

737zz. The annual salary of the judge of the superior court in and for the county of Tehama is five thousand dollars, effective thirty days after this act takes effect. Tehama.

SEC. 4. Section 737fff of the Political Code is hereby amended to read as follows: Stats 1931, p. 1427.

737fff. The annual salary of the judge of the superior court in and for the county of Yuba is six thousand dollars. Yuba.

CHAPTER 455.

An act to amend section 9a38 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,'" approved February 25, 1911, as amended, relating to librarians in counties of the thirty-eighth class. Stats. 1911, p 80, amended

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 9a38 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p. 1145

Sec. 9a38. In counties of the thirty-eighth class the salary of the county librarian shall be one thousand five hundred dollars per annum. Tehama County Librarian.

CHAPTER 456.

An act to amend section 110a of the Code of Civil Procedure, relating to salaries of justices of the peace in townships of thirty thousand population or more in counties of the first class, and the determination of such population.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 2338

SECTION 1. Section 110a of the Code of Civil Procedure is hereby amended to read as follows:

Salaries, justices of the peace. Los Angeles County

110a. In counties of the first class, each justice of the peace in townships containing a population of thirty thousand or more shall receive a salary of four thousand eight hundred dollars per annum, payable by warrants drawn each month upon the salary fund, or if there be no salary fund, then out of the general fund of the county. For the purposes of this section, the population of the townships in counties of this class shall be determined by multiplying the number of registered voters at the last general election by three and one-half, or by taking the population of such township as fixed by the last United States census, and the method of determination selected must be the method which will give the larger population to a given township. Said determination of population shall be made by the board of supervisors of the county and until such determination is first made hereunder the population of such township shall be deemed to be above or below thirty thousand as may have been found by the Supreme Court of this State to be the fact in any proceeding in mandamus, prior to January 1, 1931, to compel the justices of such townships to exercise original jurisdiction in certain causes, otherwise as shown by the census taken under the direction of the Congress of the United States in the year 1930.

Determination of population

CHAPTER 457.

Stats. 1927, p. 1088, amended.

An act to amend section 9 of "An act to provide for the formation, management, alteration of boundaries, and dissolution of sewer maintenance districts in unincorporated territory of counties, defining the powers of such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 19, 1927, Statutes of 1927, page 1088.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1564.

SECTION 1. Section 9 of an act entitled "An act to provide for the formation, management, alteration of boundaries, and

dissolution of sewer maintenance districts in unincorporated territory of counties, defining the powers of such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 19, 1927, Statutes of 1927, page 1088, is hereby amended to read as follows:

Annexation of territory.

Sec. 9. The boundaries of any such sewer maintenance district may be altered and outlying territory be annexed thereto in the following manner:

Hearing, etc.

The board of supervisors may by resolution fix a time and place for a hearing upon the question of the annexation of such territory to an existing sewer maintenance district, said resolution describing the boundaries of such territory proposed to be annexed.

The date set for the hearing on such proposed annexation shall be at least three weeks from and after the date of the adoption of the resolution setting the hearing. The board of supervisors shall cause notices of such hearing to be posted in at least three conspicuous places within the territory proposed to be annexed and in at least three conspicuous places within the sewer maintenance district to which such territory is proposed to be annexed. Provided, however, that if the territory proposed to be annexed shall be in more than one existing sewer maintenance district, then, and in that event, the notices herein mentioned shall be posted in at least three conspicuous places within each sewer maintenance district wherein is situated any of the territory proposed to be annexed. Such notices shall be headed "notice of hearing" in letters not less than one inch in length and shall contain a description of the territory sought to be annexed to such sewer maintenance district and a statement of the time and place of the hearing. In lieu of such description the boundaries of said annexing territory may be shown by means of a diagram printed upon the notice. Such notices shall be posted not less than ten days prior to the date set for said hearing. In addition to such notices the board of supervisors shall direct the clerk of said board to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated within the maintenance district and within the territory proposed to be annexed which said board deems most likely to give notice to the inhabitants thereof, of said hearing.

At the time fixed for said hearing or to which it may be continued said board of supervisors shall hear and pass upon said proposal and any objections which may be filed to the inclusion of any property within the proposed annexation.

Determination of benefits.

Said board of supervisors shall have the power, by order entered upon its minutes, to determine that such territory or any part thereof will be benefited by annexation to said district and may order that the boundaries of said district be altered to include such benefited territory.

Annexation of portion of another district.

If the territory annexed to such sewer maintenance district shall comprise a portion of a sewer maintenance district theretofore formed under the provisions of this act, upon such

annexation becoming complete by the adoption of the order of the board of supervisors as in this section provided, such territory shall thereupon be withdrawn from the sewer maintenance district of which it theretofore formed a part; provided, however, that no withdrawal of territory under the provisions of this section shall become effective unless and until any outstanding contract of the sewer maintenance district from which a portion is sought to be withdrawn has expired or such contract, with the consent of the parties thereto, has been modified or canceled so as to relieve such sewer maintenance district of further obligation to pay for future maintenance within the territory so withdrawn, and the funds remaining on hand upon the completion of such annexation shall have been apportioned between the sewer maintenance district to which the territory was annexed and the sewer maintenance district from which it was withdrawn. The division of such funds shall be prorated in the proportion that the assessed value of the real property of the territory so withdrawn bore to the total assessed value of the real property within the sewer maintenance district immediately prior to such withdrawal.

Annexation of all of another district

If the territory annexed to such sewer maintenance district shall comprise all of one or more maintenance districts formed under this act, upon such annexation becoming complete by the adoption of the order of the board of supervisors as in this section provided, the theretofore existing maintenance district or districts so annexed shall thereupon be dissolved; provided, however, that any funds of said sewer maintenance district or districts remaining on hand at the time of the annexation shall be transferred to the sewer maintenance district to which such territory shall have been annexed and any contracts or obligations of said previously existing sewer maintenance district or districts shall become the obligations of the sewer maintenance district to which such territory has been annexed.

CHAPTER 458.

An act to add a new section to be numbered 5.408 to the School Code, relating to the exchange of teachers with foreign countries.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the School Code, to be numbered 5.408, and to read as follows:

Exchange teachers.

5.408. The governing board of any school district may, subject to such rules and regulations as may be prescribed by the State Board of Education, and notwithstanding anything to the contrary in an act entitled "An act to secure to native-

Stats. 1915, p. 690.

born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county and city government in this State, except in certain schools, to validate certain acts, and to repeal all acts in conflict therewith," approved May 19, 1915, enter into an agreement, through the State Department of Education, with the proper authorities of any foreign country for the exchange and employment of teachers employed by said school district and teachers employed in the public schools of such foreign country of a grade corresponding to that in which the teachers of said district are employed. Any teacher employed as herein provided shall be known as an "exchange teacher."

No exchange teacher may be employed by a school district in this State unless such teacher holds a valid credential issued by the State Board of Education authorizing such exchange teacher to teach in the school district proposing to employ such exchange teacher for a period not to exceed one year. The State Board of Education is hereby authorized to establish minimum standards for such credential. Credentials.

CHAPTER 459.

An act to add a new article to Chapter 3, Part 3, Division IV, to be numbered Article 6, embracing sections 1350, 1351, 1352 and 1353 of the Fish and Game Code, and to amend section 1410 thereof, relating to amphibia, and to renumber present Articles 6 and 7 of Chapter 3, Part 3, Division IV.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch 73

CHAPTER 460.

An act to amend sections 16f, 21, 37, 54, 55, 61, 96, 104 and 105 and to add sections 25a and 59 to the "Bank Act," defining and regulating the business of banking. Stats 1909, p 87, amended

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 16f of the Bank Act is hereby amended to read as follows: Stats 1931, p 341

Sec. 16f. Notice to any bank or trust company organized under the laws of, or doing business in, this State, of an adverse claim to a deposit standing on its books to the credit of any person, firm or corporation, shall not be effectual to cause Adverse claims to deposit

said bank or trust company to withhold such deposit unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate order against said bank or trust company from a court of competent jurisdiction in a cause therein instituted by said adverse claimant wherein the person, firm or corporation to whose credit such deposit stands is made a party and served with summons, or shall execute to said bank, or trust company in form, and in amount, and with sureties, acceptable to it, a bond, indemnifying said bank or trust company from any and all liability, loss, damage, costs and expenses, for and on account of the payment of such adverse claim or the dishonor of the check or other order of the person, firm or corporation to whose credit the deposit stands on the books of said bank or trust company; provided, that this section shall not apply in any instance where the person, firm or corporation to whose credit the deposit stands, is a fiduciary for such adverse claimant, and the facts constituting such relationship, as also the facts showing reasonable cause of belief on the part of the said claimant that the said fiduciary is about to misappropriate said deposit, are made to appear by the affidavit of such claimant served upon the bank or trust company and in such case the bank or trust company may refuse payment to anyone, without any liability whatsoever on its part.

Exception.

Stats. 1913, p. 136.

SEC. 2. Section 21 of the Bank Act is hereby amended to read as follows:

Dividends

Sec. 21. The directors of any bank having a capital stock may, at certain times, and in such manner as its by-laws prescribe, declare and pay dividends to depositors and stockholders of so much of the profits of the bank, and of the interest arising from the capital, surplus and deposits, as may be appropriated for that purpose under its by-laws or under its agreements with depositors, but every such bank shall, before the declaration of any such dividend, carry at least one-tenth part of the net profits of the stockholders for the preceding half year, or for such period as is covered by the dividend, to its surplus, until such surplus shall amount to twenty-five per centum of its paid-up capital stock. The whole or any part of such surplus, if held as the exclusive property of the stockholders, may at any time be converted into paid-in capital, in which event such surplus shall be restored in the manner above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock. Subject to the provisions of section 19 of this act, any losses sustained by any such bank in excess of its undivided profits may be charged to and paid from its surplus, in which event such surplus shall be restored in the manner above provided, to the amount required by law; provided, however, that any bank which has invested any portion of its surplus in its bank premises, furniture and fixtures, vaults, or safe deposit vaults and boxes necessary or proper to carry on its banking business shall not be permitted to charge any loss to that portion of its surplus so invested.

Surplus

Charging loss to surplus.

A larger surplus may be created and nothing herein contained shall be construed as prohibitory thereof. The capital and assets of any such bank are a security to depositors and stockholders, depositors having the priority of security over stockholders; provided, however, that any stockholder who is also a depositor and who has paid all assessments, debts or other obligations due from him to the bank, shall enjoy the same priority as other depositors. Priority of depositors.

SEC. 3. A new section to be numbered section 25a is hereby added to said act, to read as follows: New section.

Sec. 25a. Any bank holding or owning the whole or any part of the capital stock of a trust company in this State may receive deposits of such trust company and set aside, as required by section 105 of this act, bonds or securities of any kind in which savings banks are permitted by law to invest. Deposits of trust company.

SEC. 4. Section 37 of the Bank Act is hereby amended as follows: Stats 1923, p 54.

Sec. 37. No bank shall, except as otherwise provided in this act, purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on an obligation owned or on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within three years after such purchase or acquisition, unless the Superintendent of Banks shall extend the time of its sale for a period not to exceed two years. Investment in capital stock of corporation.

Any bank, with the previous written consent of the Superintendent of Banks, may purchase or otherwise acquire and hold the whole or any part of the capital stock of not more than one trust company organized and existing under the laws of this State, and doing business in the same county in which the principal place of business of such bank is located; provided, however, that not more than an amount equal to twenty-five per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such trust company or such other corporation; and provided, further, that no such trust company shall engage in or combine the business of a commercial bank or a savings bank or a title insurance company. Stock of trust company.

Any bank, with the previous written consent of the Superintendent of Banks, may purchase or otherwise acquire and hold the whole or any part of the capital stock of not more than one corporation authorized and empowered to conduct a safe deposit business, which such corporation is organized and existing under the laws of this State and doing business in the same city in which the principal place of business of such bank is located; provided, however, that not more than Stock of safe deposit corporation.

an amount equal to ten per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such safe deposit corporation.

Stock of Federal home loan bank.

Any bank, may, with the previous written consent of the Superintendent of Banks, become a member of a Federal home loan bank, in the manner provided in the Federal Home Loan Bank Act, and may, for the purpose of becoming a member, invest any part of its capital or surplus or reserve fund, in the capital stock of such Federal home loan bank, in accordance with the terms and provisions of the Federal Home Loan Bank Act.

Stock of joint stock land bank.

Any bank may purchase or otherwise acquire, own and hold any part of the capital stock of joint stock land banks organized and operating under "the Federal Farm Loan Act"; provided, however, that not more than an amount equal to ten per centum of the capital and surplus of any such bank may at any one time be invested in the capital stock of such joint stock land banks; and provided, further, that not more than an amount equal to five per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of any one such joint stock land banks.

Stats. 1917, p. 622.

SEC. 5. Section 54 of the Bank Act is hereby amended to read as follows:

Real estate to be sold within five years.

Sec. 54. Unless the time be extended by the Superintendent of Banks in writing all real estate purchased by any bank at sales under pledges, mortgages or deeds of trust for its benefit for money loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon and all other real estate owned or held by it, which is not necessary for carrying on its business, must be sold or exchanged for other real estate by such bank within five years after title thereto shall have vested in it by purchase or otherwise; provided, however, that no exchange of such real estate for other real estate shall be made unless and until written consent thereto shall first be given by the Superintendent of Banks; and provided, further, that any real estate so taken in exchange may be held for such period of time as the Superintendent of Banks may fix but not to exceed five years. Parcels of such real estate not sold or exchanged within said time may be purchased by any person wanting the same upon the conditions and proceedings following: The intending purchaser may file a petition in the superior court in and for the county wherein said real estate or any portion thereof is situated; upon the filing of such petition a citation shall be issued out of said court directed to the bank owning such real estate requiring such bank to show cause on a day certain which shall be not earlier than ten days after the service of such citation, why commissioners should not be appointed by said court for the purpose of appraising the value of the real estate described in the petition and of selling the same at public auction under the provisions of this section. If there shall be any liens or encumbrances of record against such real estate the person

Procedure for purchase

or persons holding such liens or encumbrances shall likewise be cited and the court shall in its final decree distribute the proceeds of such sale, if a sale thereof shall be made, according to the equities of the parties. If it shall appear at the hearing of such petition that the real estate therein sought to be purchased is held by such bank in violation of the provisions of this section or of the Constitution of this State, the court shall appoint three commissioners to appraise the value thereof and sell the same at public auction at the county seat of the county wherein said real estate or any part thereof is located. Notice of which said sale shall be given to the bank owning said real estate and to any other persons interested therein as shown by the records of such county at least ten days before the date of such sale and shall be published once a week for three successive weeks in some newspaper published in the county where such real estate or any part thereof may be located, or if no newspaper shall be published in such county then in a newspaper published in some neighboring county. Such notice shall state the time and place of such sale and shall describe the real estate to be sold with common certainty and state the value thereof as fixed by the appraisement of such commissioners and state that no bid less than such appraised value will be received therefor. No sale shall be made for an amount less than the appraised value of such real estate fixed by said commissioners, and in the event that no bid is received at such sale at least equal to said appraised value of said real estate no intending purchaser can institute the proceedings provided for in this section within one year thereafter. In case of any sale made under the provisions of this section and of the refusal of any bank owning such real estate or of any lienholder or encumbrancer to execute the conveyances or releases necessary or proper to vest the title of such bank, lienholder or encumbrancer in the purchaser thereof the court shall have power in such proceedings to direct said commissioners to execute such deeds, conveyances or releases upon the payment to them of the purchase price therefor. The fees of such commissioners and cost of sale shall be fixed by the court, upon making such appointment, but the entire expense thereof shall not exceed one hundred dollars. The cost of any such proceedings shall be borne by the intending purchaser if no sale shall be made, but if a sale shall be made the costs of such proceedings shall be borne by the purchaser of the property and the person who filed the petition and advanced the costs of such proceedings shall be reimbursed in case he shall not become such purchaser. All sales hereunder shall be returned to the court having jurisdiction of the matter in the same manner as in the case of sales, by commissioners, of real estate on foreclosure of mortgages. Nothing in this section contained shall be deemed to affect the power of the Superintendent of Banks to require the writing down of the value of the real estate held by any bank, at any time, when such writing down shall be proper.

Appraisal of value.

Notice of sale.

Minimum price.

Fees.

Cost.

Stats 1913, p 136

SEC. 6. Section 55 of the Bank Act is hereby amended to read as follows:

Stated capital.

Sec. 55. No bank shall reduce its stated capital to an amount less than the amount of paid-in capital required by this act to be paid in and maintained by such bank, or less than any indebtedness of such bank other than deposits. The

Definitions Deposits.

term "deposits," as used herein, shall mean deposits received or certificates of deposits, checks, and bills of exchange, and the like issued in the transaction of the ordinary business of a bank.

Real estate.

The terms "real estate," or "real property," or "personal property," when used in this act, shall have the meaning defined in, and shall be construed in accordance with the provisions of Title I of Part I of division second of the Civil Code.

New section

SEC. 7. A new section to be numbered 59 is hereby added to said act, to read as follows:

Association with Federal home loan bank.

Sec. 59. Any bank joining or associating itself with any Federal home loan bank shall have and exercise, subject to the restrictions and limitations of the Bank Act, all powers, not in conflict with the laws of this State, which are conferred upon any member bank in any such Federal home loan bank, by the provisions of the Federal Home Loan Bank Act, and the regulations of the Federal Home Loan Bank Board or any similar board. Such member bank and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by the Bank Act or by any other law of this State.

Examination

Any bank which shall have become a member of a Federal home loan bank shall be subject to the examinations required under the terms of the Federal Home Loan Bank Act, and the Superintendent of Banks may, in his discretion, accept such examination in lieu of the examination required under the provisions of this act, and he, his agents and employees, may furnish to the Federal Home Loan Bank Board, the Federal Home Loan Bank, or to examiners duly appointed by any such board or bank, copies of all examinations made, and may disclose to any such board, bank, or examiner, any information with reference to the condition or affairs of State bank members.

Stats 1931, p. 2183.

SEC. 8. Section 61 of the Bank Act is hereby amended to read as follows:

Savings banks· Purchase of real and personal property.

Sec. 61. Any savings bank may purchase, hold or sell real or personal property, as follows:

1. The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes and other personal property such as may be necessary or proper to carry on its banking business; but no savings bank shall hereafter invest an amount exceeding one-half of its paid up capital and surplus in such lot and building, and banking equipment, except with the written consent of the Superintendent of Banks and hereafter, the authority

of a two-thirds vote of all the directors shall be necessary to authorize the purchase of such a lot and building, or the construction of such building.

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at any sales under pledge, mortgage, or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

4. Gold or silver bullion, and United States mint certificates of ascertained value. Bullion

5. Bonds and other securities of the following classes:

(a) Bonds or other interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States; U. S. securities.

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those of any county, city and county, city, metropolitan water district or school district of this State: California bonds.

(c) Bonds or stocks or notes of any State in the United States, other than the State of California, that has not, within twenty-five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest, or those of any county, city and county, city or town, or school district, in any State in the United States other than the State of California, issued under authority of any law of such State, which county, city and county, city or town, or school district, had, as shown by the Federal or State census next preceding such investment, a population of more than twenty thousand inhabitants; provided, however, that the entire bonded indebtedness of such county, city and county, city or town, or school district, including such issue of bonds or stocks or notes, does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; and provided further, that such county, city and county, city or town, or school district, or the State in which it is located has not defaulted in payment of any part of either principal or interest due upon any legally authorized bond or stock or note issue within twenty-five years next preceding such investment; Bonds of other States.

(d) Bonds of any district organized under the laws of the State of California which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of this State to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks; District bonds

(e) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insur- Secured notes and bonds

ance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division one of the Civil Code; provided, however, that if the Superintendent of Banks shall ascertain that any mortgage participation certificate issued by any mortgage insurance company and owned or held by any bank exceeds fifty per centum of the market value of the real estate, with improvements, covered by the same, the Superintendent of Banks shall give thirty days written notice to the mortgage insurance company issuing such certificate of the facts ascertained by him, including a statement of the appraisals on which such ascertainment is based, and if such mortgage insurance company shall not within said period of thirty days have corrected such condition to the statisfaction of the Superintendent of Banks, he may order such mortgage participation certificate removed from the assets of the bank owning or holding such certificate;

Legal investments in N. Y. or Mass

(f) Bonds legal for investment by savings banks in the State of New York or the State of Massachusetts.

Securities of Federal home loan bank.

(g) Bonds, debentures and notes issued by any Federal home loan bank.

6. Bonds and other securities of the following classes; provided, that such bonds or securities shall first have been certified by the Superintendent of Banks after an investigation as provided for under section 61a of this act:

Foreign government bonds.

(a) Bonds or interest-bearing notes or obligations of any foreign country or government, or those for which the faith and credit of any foreign country are pledged for the payment of principal and interest;

Bonds of irrigation districts.

(b) Bonds of any district organized under the laws of any State in the United States other than the State of California for the purpose of irrigating lands within such district, which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of said State to conduct such investigation and give such approval; provided, that the entire indebtedness of such district, including the bonds under consideration, and all prior liens, within the meaning of section 57a of this act, do not exceed fifty per centum of the aggregate market value of the lands within said district, and of the irrigation system owned or to be acquired by said district with the proceeds of said bonds;

California district bonds.

(c) Bonds of any reclamation, drainage, street improvement, county waterworks, or any other district organized under the laws of the State of California not otherwise provided for in this section;

Railroad bonds.

Stats 1915, p 115

(d) (1) Bonds of any railroad corporation, as the same is defined in the "Public Utilities Act," incorporated under the laws of any State in the United States and operating exclusively in the United States; provided that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions

of section 61a of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

(2) Bonds of any railroad corporation, the payment of which is guaranteed, both as to principal and interest, by a railroad corporation whose bonds are a legal investment for savings banks in this State.

Other public utility bonds

(e) (1) Bonds of any other public utility corporation, as the same is defined in the "Public Utilities Act," incorporated under the laws of any State in the United States and operating exclusively in the United States; provided, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section 61a of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

(2) Bonds of any similar public utility corporation, the payment of which is guaranteed, both as to principal and interest, by a public utility corporation other than a railroad corporation, whose bonds are a legal investment for savings banks in this State.

Determination of income

In determining the income of any railroad or other public utility corporation mentioned herein, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income-producing property of which the corporation issuing such bonds has wholly acquired.

Security for utility bonds

All bonds issued by a railroad or other public utility corporation must be secured by a mortgage or deed of trust which at the time of said certification is: either

I. A closed first mortgage or deed of trust; or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements heretofore specified in either paragraph (d) or (e) of subdivision 6 of this section applicable to such corporation after including the additional bonds then proposed to be issued; or,

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or,

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust, or, if such income, maintenance charges or operating expenses can not be definitely ascertained on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust.

Bonds secured by first lien on real estate.

(f) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; provided, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; and provided further, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; and provided, also, in case said real estate is located outside of this State, that the provisions of this paragraph shall be subject to the limitations and modifications contained in section 57a of this act; and provided, also, that no such notes or bonds shall be disqualified as investments for savings banks for the reason that the payment thereof is guaranteed by a policy of mortgage insurance.

Determination of market value

In determining the market value of any real estate under the provisions of the preceding paragraph where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value. Nothing herein contained shall prevent savings banks from making loans secured by mortgage or deed of trust upon lands wherein redwood timber is included in fixing the market value thereof.

Purchase of entire issue.

Any bank, however, may, without such certification by the Superintendent of Banks, purchase any note or bond or issue of notes or bonds provided for in said paragraph (f) of subdivision 6 of this section, whenever such purchase constitutes the entire amount of notes or bonds executed by the makers thereof and secured by the same real estate; provided, that no savings bank shall hold any such notes or bonds unless such holding constitutes the entire issue thereof at any time outstanding; and provided, also, that nothing in this paragraph shall be construed to permit savings banks to invest in notes

or certificates evidencing participation in any mortgage on real estate unless by law specifically authorized, or in or on any form of obligation secured by any undivided interest in real estate designed to distribute the obligation so secured.

Collateral trust bonds or notes

(g) Collateral trust bonds or notes:

(1) When secured by deposit of notes or bonds authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or,

(2) When secured by deposit of notes or bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; provided, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section;

(3) When issued by a corporation organized and doing business under the laws of the State of California and having a paid-up and unimpaired capital of not less than one million dollars, and when secured by deposit, as hereinafter provided, of money, or of notes accompanied by mortgage or deed of trust constituting a first lien on real estate, improved or unimproved, in the State of California having a market value of not less than one and two-thirds times the amount of each note deposited, and when such security so deposited shall have an aggregate market value of not less than par value of the collateral trust bonds or notes issued and outstanding, and when such collateral trust bonds or notes have a maturity of not more than twenty (20) years from their date of issue; provided, that such security shall be deposited as a court trust with a trust company, authorized to transact business in this State, and under such conditions and regulations as may, from time to time, be prescribed by the Superintendent of Banks; provided, however, that in prescribing such conditions and regulations the Superintendent of Banks shall permit the exchange, withdrawal and redeposit of any security in this paragraph authorized, so long as the aggregate market value of the security remaining on deposit shall be not less than the par value of the collateral trust bonds or notes issued and outstanding, all securities deposited as herein provided being subject to approval by the Superintendent of Banks. No such bonds or notes shall be eligible for investment by savings banks, if issued by a corporation having outstanding bonds or notes in an amount greater than fifteen times its paid-up capital and surplus.

Railroad equipment trust certificates

(h) Railroad equipment trust certificates or obligations issued or guaranteed by a corporation to which a loan or loans for the construction, acquisition, purchase or lease of railroad equipment has or have been made with the approval of the Interstate Commerce Commission; provided, that the entire issue shall not exceed sixty per centum of the cost of such

equipment and shall mature serially not later than fifteen years from date of issue; provided further, that said certificates or obligations must be secured by or be evidence of a prior lien upon or reservation of title to such equipment, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchasing of said equipment.

Acceptances.

(i) Acceptances issued by a discount, acceptance or investment corporation, formed under the Federal Statute commonly known as the "Edge Act" or under the "Investment Companies Act" of New York, or by a corporation of identical character and capacity, organized under the laws of any State of the United States.

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this State as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Book value of bonds

Any bonds authorized by this section as a legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the Superintendent of Banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine or he may, by a plan of amortization to be determined by him, require such gradual extinction of premium as would bring such bonds to par at maturity.

Bonds of railroad operating exclusively in California

When it shall be necessary to prevent loss to any savings bank on an obligation owned or on a debt previously contracted in good faith, it may, with the previous written consent of the Superintendent of Banks, purchase or acquire bonds of any railroad corporation incorporated under the laws of the State of California and operated exclusively therein notwithstanding such bonds do not conform to the requirements in this section contained; provided, any bond so purchased or acquired must be sold for the best price obtainable by any bank within five years after such purchase or acquisition.

Conditions of loans on utility bonds.

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the Railroad Commission of this State, under the provisions of the "Public Utilities Act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either:

Stats. Ex Sess 1911, p 18

(1) Issued prior to the taking effect of the "Public Utilities Act"; or,

(2) Issued under authority of the Railroad Commission in accordance with the provision of said act; or,

(3) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section 52 of said act.

SEC. 9. Section 96 of the Bank Act is hereby amended to read as follows: Stats 1925, p 510

Sec. 96. Any such trust company, if its principal place of business is situated in a city the population of which does not exceed one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the State Treasurer, as herein provided, at least fifty thousand dollars, as security for the faithful performance and execution of all court trusts accepted by it; and shall also deposit with the State Treasurer at least fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it; and whenever any such trust company shall under the provisions of section 98 of this act be required to make the first additional deposit of securities with the State Treasurer such trust company must also deposit with the State Treasurer an additional fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it; and any trust company if its principal place of business is situated in a city the population of which exceeds one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the State Treasurer as herein provided, at least one hundred thousand dollars, as security for the faithful performance and execution of all court trusts accepted by it, and shall also deposit with the State Treasurer at least one hundred thousand dollars as security for the faithful performance and execution of all private trusts accepted by it. Any such deposit may be made either in lawful money of the United States, or in securities of either or any of the following classes: Security deposits with State Treasurer. Securities acceptable.

(a) Bonds, or interest-bearing notes, or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States;

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those issued by any county, city and county, city or school district of this State, metropolitan water district or bonds of any irrigation district such as are legal for investment by savings banks;

(c) Notes or bonds secured by mortgage or deed of trust constituting a first lien on improved and productive real estate in the State of California; such improved real estate being worth at least double the amount of such lien;

(d) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company, in accordance with the provisions of chapter eight of title two of part four of division

first of the Civil Code; provided, that such notes or bonds shall constitute, and such mortgage participation certificates shall evidence the ownership of, or participation in, notes or bonds which constitute a first lien on improved and productive real estate in the State of California, such improved real estate being worth at least double the amount of such lien.

Approval by Superintendent of Banks.

Such money or securities shall be first approved by the Superintendent of Banks and, upon his written order, deposited with the State Treasurer for the respective purposes herein specified, and said treasurer shall give his receipt therefor, and thereafter, subject to the provisions of this act, shall hold such deposits of money or securities separately, each for the sole benefit of the beneficiaries of the class of trust business, for the security and protection of which the same was deposited, and said treasurer shall give his receipt therefor and the State shall be responsible for the custody and safe return of any money or securities so deposited. Said securities or money so deposited may with the approval of the Superintendent of Banks, be withdrawn or exchanged from time to time for other like securities, or lawful money, receivable as aforesaid, and so long as the trust company so depositing said money or securities shall continue solvent, it shall have the right and shall be permitted by the State Treasurer to receive the interest and dividends on any securities so deposited. Said securities and money shall be subject to sale and transfer, and to the disposal of the proceeds by said State Treasurer, only on the order of a court of competent jurisdiction and for the benefit respectively of the beneficiaries of that class of trust business for the security and protection of which the same were deposited.

Exchange of securities.

Sale and transfer.

(e) Bonds, debentures and notes issued by any Federal home loan bank.

Stats 1925, p. 510

SEC. 10. Section 104 of the Bank Act is hereby amended to read as follows:

Participation certificates.

Sec. 104. (a) Any trust company may issue participation certificates approved as to form by the Superintendent of Banks on a trust deed or mortgage and the debt secured thereby which is a legal investment for savings banks, and which is owned by such trust company or by any department of a departmental bank of which such trust company is a department; and said trust company shall issue said certificates to the department owning such trust deed or mortgage and debt, and the department owning and holding any such participation certificates may sell and transfer the same to any department of the bank or to any trust or trusts administered by it and be held therein, anything in this act to the contrary notwithstanding. Any trust company, the whole or any part of the capital stock of which is owned by a bank, shall, for the purposes of this section, be deemed a department of such bank, and shall have the right to sell to such bank any such participation certificate and to buy from said bank any such certificate for itself or for any

Trust company a department of bank.

trust or trusts administered by it. The amount of participation certificates issued and outstanding at any time shall not exceed the face value of the trust deed or mortgage and debt upon which the same are predicated.

Holding security in trust

(b) The full legal title in such trust deed or mortgage and debt (hereinafter referred to as security) shall be held by the trust company issuing such certificates as trustee of an express trust, with all powers necessary to extend, renew, enforce, collect and liquidate the same, acquire title to the property covered thereby either through foreclosure or by voluntary conveyance; manage, lease, sell (either for cash or upon deferred payments), exchange, or otherwise realize upon such security or property and distribute the net proceeds thereof. All sums so realized shall, as and when received by said trustee, after payment of its compensation and all costs, charges and expenses, including brokers' commissions and advances for taxes and assessments, incurred or made in connection with the protection, administration and liquidation of said security or property, be distributed to the trusts or persons who are beneficiaries of said trust, as their interests may appear therein. The rights and interests therein of any such beneficiary failing to contribute on demand its or his pro rata of sums advanced, expended or required by said trust company in the protection, administration or liquidation of such trust shall be subject to a lien for all sums, with legal interest thereon, advanced, expended or required for any of such purposes by such trustee or by any other beneficiary of such trust.

Life of trust

(c) Such trust in said security or property shall continue in such trust company so long as any of said certificates are outstanding, irrespective of any distribution of said certificates from the trust in which the same are held. No such security nor certificate therein shall be rendered ineligible for investment of trust funds by reason of the fact that any participation certificate has been so distributed.

Declaration of purpose

(d) The purpose of this section is to define and clarify the rights and obligations of trust companies and of all persons and trusts interested in participation certificates issued under subsection (a) of this section, whether heretofore or hereafter issued. If any provision herein shall be determined to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have enacted this section and each subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the other subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality

SEC. 11. Section 105 of the Bank Act is hereby amended to read as follows:

Stats 1931, p 341.

Sec. 105. Except as otherwise provided by law every trust company shall invest its capital and surplus and any trust funds received by it in connection with its trust business, in

Trust company Investment of capital

accordance with the laws relative to the investment or loan of funds deposited with savings banks, unless the terms or provisions of the trust of which such funds constitute a part contain a specific agreement or provision to the contrary or unless it is otherwise ordered by the court in connection with any court trust.

Deposits in banks.

Any trust company holding funds awaiting investment or distribution may deposit such funds with any State or national bank which has been designated as a depositary by the Superintendent of Banks, and any trust department of any bank doing a departmental business may deposit such funds so held by it with the savings department or the commercial department of the same corporation or association; provided, however, that no such funds so held awaiting investment shall be deposited by any trust department of a departmental bank with the savings department or the commercial department of the same corporation or association or of any corporation or association holding or owning the whole or any part of the capital stock of the trust company making such deposit unless such corporation or association shall first set aside, as security for such deposit, bonds or securities of the kind in which savings banks are permitted to invest and which bonds or securities so set aside shall have a value not less than the funds so deposited.

Holding trust property

Every trust company may hold, during the life of the trust, all property, real and personal, received by it into the trust from any source, though such property be not legal for the investment of trust funds, in the same manner and upon the same conditions as if such property were legal for the investment of trust funds, unless the terms of the instrument creating or declaring the trust specifically provide to the contrary.

CHAPTER 461.

An act to add a new section to the Political Code to be numbered 3803, relating to the cancellation of personal property tax liens on real property when wrongfully entered and providing for a reassessment thereof.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

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

New section

SECTION 1. The Political Code is hereby amended by adding a new section thereto, numbered 3803, reading as follows:

Cancellation of tax liens on real property

3803. Upon receipt of satisfactory written evidence, duly verified, that taxes on personal property have been entered upon the assessment roll as a lien upon real property other than that owned by the person owning such personal property so assessed, or in which real property the person owning

such personal property had or has no interest, the assessor shall transmit such evidence, together with his statement of the facts, to the board of supervisors, who may direct the assessor to cancel the entry of said assessment as a lien upon said real property and add the assessment to the asssessment roll as an unsecured item, or if the owner of such personal property has other real property of sufficient value, in the opinion of the assessor, to secure the payment thereof such assessment and tax may be entered as a lien thereon.

CHAPTER 462.

An act to add two new sections to the School Code, to be numbered 6.734 and 6.735, relating to cafeterias.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the School Code, to be numbered 6.734, and to read as follows: New section

6.734. Moneys received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a fund which shall be known as the "cafeteria fund" of the particular school district. "Cafeteria fund"

SEC. 2. A new section is hereby added to the School Code, to be numbered 6.735, and to read as follows: New section

6.735. The cafeteria fund shall be used only for such expenditures as are necessary for the operation of school cafeterias. Use of fund

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CHAPTER 463.

An act to amend sections 1, 2, 3, 6 and 14 of an act entitled "An act to define motor club service, and to define, license and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles and providing penalties for the violation thereof, and repealing all acts in conflict herewith," approved June 15, 1929, as amended, and to add thereto two new sections to be numbered sections 3 (a) and 17. Stats 1929, p. 1728, amended.

[Approved by the Governor May 22, 1933 In effect August 21, 1933]

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

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1931, p. 230.

Section 1. The following words and phrases, when used in this act, shall, for the purpose of this act, have the mean-

Definitions. ings respectively ascribed to them in this section, except in those instances where the context of the act clearly indicates that they shall have a different meaning:

"Commissioner." The Commissioner of Insurance of the State of California or his assistants or deputies or other persons authorized to act for him.

"Company." Any person, firm, copartnership, company, association or corporation engaged in selling, furnishing or procuring either as principal or agent motor club service as herein defined.

"Agent." Whoever solicits the purchase of service contracts, as herein defined, or transmit for another any such contract or application therefor to or from the company, or acts or aids in any manner in the delivery or negotiation of any such contract, or of the renewal or continuance thereof.

"Towing Service." Any act or acts by a company, as herein defined, consisting of the drafting or moving of a motor vehicle from one place to another under other than its own power.

"Emergency Road Service." Any act or acts by a company, as herein defined, consisting of the adjustment, repair or replacement of the equipment, tires or mechanical parts of an automobile so as to permit it to be operated under its own power.

"Insurance Service." Any act or acts by a company, as herein defined, consisting of the selling or giving with a service contract, as herein defined, or as a result of membership in or affiliation with a company, as herein defined, a policy of insurance covering liability or loss by the holder of a service contract with any such company as the result of injury or damage to the person or property of such service contract holder or to any other person following an accident resulting from the ownership, maintenance, operation or use of a motor vehicle.

"Bail Bond Service." Any act or acts by a company, as herein defined, the purpose of which is to furnish or procure for any person accused of violation of any law of this State a cash deposit, bond or other undertaking required by law in order that the accused might enjoy his personal freedom pending trial.

"Discount Service." Any act or acts by a company, as herein defined, resulting in the giving of special discounts, rebates or reductions of price on gasoline, oil, repairs, insurance, parts, accessories or service for motor vehicles, to holders of service contracts with any such company.

"Financial Service." Any act or acts by a company, as herein defined, whereby loans or other advances of money, with or without security, are made to holders of service contracts with any such company.

"Buying and Selling Service." Any act or acts by a company, as herein defined, whereby the holder of a service con

tract with any such company is aided in any way in the purchase or sale of an automobile.

"Theft Service." Any act or acts by a company, as herein defined, the purpose of which is to locate, identify or recover a motor vehicle owned or controlled by the holder of a service contract with any such company which has been or may be stolen or to detect or apprehend the person guilty of such theft.

"Map Service." Any act or acts by a company, as herein defined, by which road maps are furnished without cost to holders of service contracts with any such company.

"Touring Service." Any act or acts by a company, as herein defined, by which touring information is furnished without cost to holders of service contracts with any such company.

"Claim Adjustment Service." Any act or acts by a company, the purpose of which is to adjust claims for the holder of a service contract with any such company, as the result of injury or damage to the person or property of such service contract holder or to any other person, following an accident resulting from the ownership, maintenance, operation and use of a motor vehicle.

"License Service." Any act or agreement by a company to assist any person or persons to obtain State registration of automobile, operator's license, chauffeur's license, transfer of legal or registered ownership upon the State records of the Department of Motor Vehicles.

"Motor Club Service." The rendering, furnishing or procuring of any one or more of the services in this section provided and defined to any person or persons in connection with the ownership, operation, use or maintenance of a motor vehicle by such other person or persons in consideration of such other person or persons being or becoming a member or members of any company, rendering, procuring or furnishing the same, or being or becoming in any manner affiliated therewith, or being or becoming entitled to receive membership or other motor club service therefrom by virtue of any agreement or understanding with any such company.

"Service Contract." Any written agreement whereby any company, as herein defined, for a consideration promises to render, furnish or procure for any other person or persons, whether they be members of such company or otherwise, motor club service, as herein defined.

SEC. 2. Section 2 of said act is hereby amended to read as follows: Stats 1929, p 1728

Sec 2. It shall be unlawful for any company to sell or offer for sale, directly or indirectly, any motor club service herein provided without first having deposited and thereafter continuously maintaining with the commissioner the sum of one hundred thousand dollars in cash or securities of a market value in said amount of a type legal for investment by insurance companies in this State and approved by the commissioner or in lieu thereof a surety bond in the principal sum of one hundred thousand dollars with a corporate surety com- Motor club companies regulated. Bond.

pany legally authorized to do business in this State as surety on said bond. Said bond shall be in favor of and for the protection, use and benefit of all persons whose applications for membership in a company have been accepted by such company or its representative, and conditioned that said company will faithfully furnish and render to said persons any and all of the motor club services in this act specified as may have been sold or offered for sale by such company, and also conditioned for the payment of any fines, fees or penalties imposed upon such company under or pursuant to this act; and any person defrauded or injured by any wrongful act, misrepresentation or failure on the part of a company with respect to the selling or rendering of any of its services may bring suit on such bond in his own name. A deposit of cash or securities, in lieu of such bond, shall be subject to the same conditions applying to the bond. Upon the depositing of such cash, securities or bond with the Insurance Commissioner, it shall be the duty of said commissioner to issue a certificate of authority to said company.

Stats 1929, p. 1728.

SEC. 3. Section 3 of said act is hereby amended to read as follows:

Agents to be licensed.

Sec. 3. No agent, as herein defined, doing business in this State shall execute, issue or deliver any service contract as herein defined to any person or persons owning or operating motor vehicles without first having obtained a license from the commissioner; nor shall any agent collect or receive from any person or persons in advance of the execution, issuance or delivery of any such service contract any money or other thing of value upon any promise or agreement to execute, issue or deliver any such service contract, without first having obtained a license from said commissioner. Such license may, upon a hearing duly noticed and had before the Insurance Commissioner, be suspended or revoked by said commissioner for misrepresentation, fraud or any other violation of this act.

Suspension or revocation

New section.

SEC. 4. A new section is hereby added to said act to be numbered section 3a and to read as follows:

Restrictions on company name.

Sec. 3a. The name under which any company hereafter is proposed to be formed or organized under the laws of this State shall be submitted to the commissioner before the commencement of business under the provisions of this act. The commissioner may reject any name so submitted when the same is an interference with or too similar to one already appropriated, or likely to mislead the public in any respect; and in such case a name not liable to such objections must be chosen. The commissioner shall not grant a certificate of authority to do business to any company until a name is chosen and approved by him under the provisions of this section.

Stats 1929, p. 1728.

SEC. 5. Section 6 of said act is hereby amended to read as follows:

Sec. 6. If the commissioner shall, at any time for cause shown and after a hearing, determine that a company has vio-

lated any provision or provisions of this act, or that it is insolvent, or that its assets are less than its liabilities, or that it or its officers refuse to submit to an examination, or that it is transacting business fraudulently, he shall thereupon revoke or suspend its certificate of authority and shall give notice thereof to the public in such manner as he may deem proper. The commissioner may on receipt of verified complaint reciting facts indicating that a company is insolvent or is transacting its business in a fraudulent manner, demand from the company a statement under oath setting forth its assets and liabilities and may, for the purpose of verifying the correctness of such statement, examine the books of the company, from which such statement purports to have been prepared. In the event such statement be not furnished within twenty days from the time of demand thereof or if upon the examination of such records the statement furnished or records examined contain any wilful misstatement of fact the expense of said examination shall be paid by the company.

Revocation or suspension of certificate of authority.

SEC. 6. Section 14 of said act is hereby amended to read as follows:

Stats 1929, p. 1738.

Sec. 14. (a) Any person or any officer, agent or representative of any company convicted of violating the provisions of section 2 of this act shall be punishable by a fine of not less than two hundred fifty dollars or more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days or more than twelve months, or by both such fine and imprisonment.

Penalties.

(b) Any person or any officer, agent or representative of any company convicted for violating any other provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

SEC. 7. A new section is hereby added to said act to be numbered section 17 and to read as follows:

New section

Sec. 17. This act shall be known and may be cited as the "Motor Service Club Act."

Short title

CHAPTER 464.

An act to amend section 5.162 of the School Code, relating to teachers' certificates.

[Approved by the Governor May 22, 1933 In effect August 21, 1933]

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

SECTION 1. Section 5.162 of the School Code is hereby amended to read as follows:

Sch Code, p. 225.

5.162. Junior high school certificates, authorizing the holders thereof to teach in the seventh, eighth, and ninth grades of any elementary or secondary school in the county;

Junior high school certificates.

CHAPTER 465.

An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

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

Stats 1915, p. 710.

SECTION 1. Section 1240 of the Code of Civil Procedure is hereby amended to read as follows:

Private property which may be taken

1240. The private property which may be taken under this title includes:

1. All real property belonging to any person;

State lands.

2. Lands belonging to this State, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use; provided, that all sixteenth and thirty-sixth sections, both surveyed and unsurveyed, owned by the State or the United States, which may now or may hereafter be included within the exterior boundaries of a national reservation, or of a reserve, or within the exterior boundaries of lands withdrawn from public entry, shall be and hereby are withheld from the operation of this title and shall not be condemned as against the State or the United States;

Property appropriated to public use

3. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has already been appropriated; provided, that where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a State highway or a public street or highway of the State, or a county, city and county, or incorporated city or town, joint highway district, or the use thereof by the State or a county, city and county, incorporated city or town, joint highway district, or irrigation or municipal water district, for the same public purpose to which it has been so appropriated, or for any other public purpose, shall be deemed more necessary uses than the public use to which such property has already been appropriated; and provided further, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by the State, a county, city and county, incorporated city or town, joint highway district, irrigation or municipal water district, for another public use or purpose, which is consistent with the continuance of the use of such property or some portion thereof for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by the State, such

county, city and county, incorporated city or town, joint highway district, or irrigation or municipal water district, and the court may fix the terms and conditions upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal or relocation of any structures, or improvements therein or thereon, so far as may be required by such common use. But property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, may not be taken by any other county, city and county, incorporated city or town, or municipal water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

Irrigation district property.

4. Property appropriated to any public use by any irrigation district, may be taken by another irrigation district for another public use and purpose, which is consistent with the use of such property for such existing purposes to the same extent as such property is then used; provided, that the right to such limited use in common shall include the right to enlarge, change or improve the property so taken; provided further, that such enlargement, change or improvement shall not interfere with the original use or any necessary extension or enlargement of such use.

Public utility franchises

5. Franchises for any public utility, and all kinds of property of any nature whatsoever used, either during the existence of or at the termination of said franchise, to supply and furnish the service of such public utility, but such franchise or property shall not be taken except for a more necessary public use.

Rights of way.

6. All rights of way for any and all the purposes mentioned in section 1238, and any and all structures and improvements on, over, across or along such rights of way, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by or embraced within any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury.

Other property

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law;

Condemnation of State property.

8. Proceedings to condemn lands belonging to this State are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the Governor, Attorney General, and Surveyor General of this State.

Stats 1913, p 549

SEC. 2. Section 1241 of the Code of Civil Procedure is hereby amended to read as follows:

Facts necessary for condemnation

1241. Before property can be taken, it must appear:

1. Authorized use. That the use to which it is to be applied is a use authorized by law;

2. That the taking is necessary to such use; provided, when the legislative body of a county, city and county, or an incorporated city or town, shall, by resolution or ordinance, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion, by such county, city and county, or incorporated city or town, of any proposed public utility, or any public improvement, and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence; (a) of the public necessity of such proposed public utility or public improvement; (b) that such property is necessary therefor, and (c) that such proposed public utility or public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury; provided, that said resolution or ordinance shall not be such conclusive evidence in the case of the taking by any county, city and county, or incorporated city or town, of property located outside of the territorial limits thereof.

Property already appropriated to public use

3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use; provided, that where such property has been so appropriated by any individual, firm or private corporation the use thereof for a public street or highway of the State, a county, city and county, or any incorporated city or town, or joint highway district, or the use thereof by the State, a county, city and county, or any incorporated city or town, or joint highway district, or a municipal water district for the same purposes to which it has been appropriated, or for any public purpose, shall be deemed a more necessary use than the public use to which such property has been already appropriated; and provided, further, that property of any character, whether already appropriated to public use or not, including all rights of any nature in water, owned by any person, firm or private corporation may be taken by a county, city and county, or any incorporated city or town or by a municipal water district, for the purpose of supplying water, or electricity for power, lighting or heating purposes to such county, city and county, or incorporated city or town, or municipal water district, or the inhabitants thereof, or for the purpose of supplying any other public utility, or for any other public use. And such taking may be made, either to furnish a separate and distinct supply of such water, and such electricity for power, lighting or heating purposes, or to provide for any such separate and distinct other public utility or other public use; or to furnish such a supply or provide for any such other public utility or other public use in conjunction with any other supply or with any other public utility or

other public use that may have been theretofore provided for or that may thereafter be provided for in so supplying or providing for such county, city and county, or incorporated city or town, or municipal water district or the inhabitants thereof; or in conjunction with any other supply or with any other public utility or other public use that may have been theretofore determined upon or that may thereafter be determined upon in accordance with law by the people of any such county, city and county, incorporated city or town or municipal water district. Nothing herein contained shall be construed as in any way limiting such rights as may be given by any other law of this State to counties, cities and counties, incorporated cities or towns or municipal water districts.

Private property appropriated to public use

But private property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, may not be taken by any other county, city and county, incorporated city or town, or municipal district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

CHAPTER 466.

An act to authorize and empower the State Director of Education, with the approval of the State Director of Finance, to sell and convey the lands and buildings now being used by the State Teachers College of Santa Barbara, and from the proceeds of such sale to improve the site for said school, acquired by the State in 1932, to erect and construct upon such site buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

[Approved by the Governor May 22, 1933 In effect August 21, 1933]

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

Authorization to sell former site of Santa Barbara State Teachers College.

SECTION 1. The State Director of Education, with the approval of the State Director of Finance, is hereby authorized and empowered to sell, at public auction, on such terms as may be determined by the said State Director of Education, with the approval of the State Director of Finance, the lands and buildings of the State Teachers College of Santa Barbara other than the site of the said teachers college acquired by the State in 1932 and improvements thereon.

Notice, bids, and sale

Notice of the time and place of such sale at public auction and the terms and conditions thereof, which the said State Director of Education, with the approval of the State Director of Finance, is hereby authorized to make, shall be published in

a daily newspaper printed and published in the city of Santa Barbara for at least two weeks prior to the appointed day of sale. The said State Director of Education, with the approval of the State Director of Finance, is hereby authorized to reject any and all bids and offers therefor, to continue the day of sale from time to time, as many times as in his judgment may be necessary, and also to appoint another day or other days of sale and publish notice thereof, until the said lands and buildings shall have been sold. In case the sale shall be continued, said notice of sale, with a statement added thereto stating that the same has been continued, and the day to which it has been postponed, shall be published daily in said newspaper until the day to which the sale is postponed.

Conveyances, etc

The State Director of Finance is hereby authorized to order and to have made all necessary deeds of conveyance and papers and searches, abstracts, and certificates of title and surveys of said lands, and to take all necessary and proper proceedings and bring the necessary suits to cure any defects in said title, the cost and expenses of all of which shall be paid out of the proceeds of said sale upon the warrant of the State Controller, and the State Treasurer is directed to pay the same out of the fund hereinafter created.

Execution of deed

SEC. 2. The State Director of Education is hereby authorized and directed to execute to the purchaser for and on behalf of and in the name of the State of California, a deed of conveyance of said lands and buildings in the usual form of grant, bargain, and sale, and deliver the same upon the payment of the full amount of the purchase price; and said deed shall be effectual to pass and convey to the said purchaser all of the right, title, interest and estate of the State of California in and to said lands and buildings.

Disposition of proceeds of sale

SEC. 3. The moneys received from the sale of said lands and buildings shall be paid into the State treasury to the credit of the "State Teachers College of Santa Barbara building and improvement fund," which fund is hereby created, and said moneys shall not be withdrawn therefrom except to pay the costs and expenses of carrying out the provisions of this act, and the expenses incidental thereto, for the rent of grounds and buildings as in this act provided, for the improvement of the new site for the State Teachers College of Santa Barbara acquired in 1932, and for the construction of new buildings and other improvements thereon as hereinafter provided.

Authority to rent necessary buildings

SEC. 4. Upon said sale of said lands and buildings being made, the State Director of Education, with the approval of the State Director of Finance, is hereby authorized to rent, for the purpose of said school, such of the grounds and buildings proposed to be sold hereunder as he may deem necessary, to be occupied temporarily until the completion of the necessary buildings upon the new site of the State Teachers College of Santa Barbara acquired by the State in 1932.

Expenditures authorized

SEC. 5. The State Director of Finance shall from time to time as presented, examine, audit, and allow all demands arising

under this act, and the State Controller shall thereupon draw his warrant on the aforesaid State Teachers College of Santa Barbara building and improvement fund for all demands for and on account of the improvement of the new site of the State Teachers College of Santa Barbara acquired by the State in 1932, and the construction of new buildings and other improvements thereon, and the rent of buildings and grounds for the temporary use of said school; and the State Treasurer is hereby directed to pay said demands out of the aforesaid State Teachers College of Santa Barbara building and improvement fund.

Fund available

SEC. 6. The money constituting the aforesaid State Teachers College of Santa Barbara building and improvement fund shall be available without regard to fiscal years for the purpose of this act from the time of the deposit of the same with the State Treasurer as aforesaid.

Authority to receive gifts.

SEC. 7. The State Director of Education, with the approval of the State Director of Finance, is hereby authorized to receive, in behalf of the State, any gifts or donations by any individuals or by the city of Santa Barbara, or by the city board of education of the city of Santa Barbara.

CHAPTER 467.

An act to repeal section 1069 of the Fish and Game Code, relating to fish.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 468.

An act to amend sections 1201, 1202 and 1203 of the Fish and Game Code, relating to quail.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 469.

An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

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

Stats. 1929, p. 1086.

SECTION 1. Section 4269 of the Political Code is hereby amended to read as follows:

Yuba County. Salaries

4269. In counties of the fortieth class the county officers shall receive. as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum, and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at one thousand eight hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid; provided, that in each year in which a new and complete or supplemental registration of voters is required by law, the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters in the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name, for each and every voter registered by them; said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of the county of a duly verified claim therefor, approved by the county clerk; provided, further, that the county clerk shall appoint one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed the sum of one thousand two hundred dollars for each such registration.

Sheriff

2. The sheriff, four thousand dollars per annum, and his actual traveling expenses in the pursuit or arrest of criminals either in or out of his county; and provided, that in counties of this class there shall be, and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of one thousand eight hundred dollars per annum; which salary of said undersheriff herein provided for shall be paid out of the same fund and in the same manner and at the same times as the salaries of other county officers are paid. Said undersheriff shall receive his actual traveling expenses in the pursuit or arrest of criminals either in or out of his county. In counties of this class the sheriff may appoint one deputy to act as jailer at an annual salary of one thousand eight hundred dollars.

Recorder.

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand five hundred dollars per annum, such salary is to be paid at the same time and in the same manner as the salary of county officers is paid.

Auditor

4. The auditor, one thousand five hundred dollars per annum; and the said auditor may appoint one deputy auditor, which said office of deputy auditor is hereby created. The salary of such deputy auditor is hereby fixed at one thousand eight hundred dollars per annum. Such salary is to be paid

at the same time and in the same manner as the salary of county officers is paid.

5. The treasurer, one thousand five hundred dollars per annum; and the said treasurer may appoint one deputy treasurer, which said office of deputy treasurer is hereby created. The salary of such deputy treasurer is hereby fixed at one thousand five hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid. Treasurer.

6. The tax collector, one thousand five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector. Tax collector.

7. The assessor, three thousand dollars per annum. In counties of this class the assessor may appoint one deputy assessor, which office is hereby created, and who shall receive an annual salary of one thousand five hundred dollars. The said assessor may appoint one office deputy assessor, which said office of office deputy assessor is hereby created, who shall serve as such only during five months of each calendar year. Said office deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of said services, at the same time and in the same manner as the salary of county officers is paid. The said assessor may also appoint one additional deputy assessor, who shall be designated as a "field deputy assessor," which said office of "field deputy assessor" is hereby created, who shall serve as such only during five months of each calendar year. Said "field deputy assessor" shall receive a salary of one hundred dollars per month payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid. Assessor.

8. The district attorney, four thousand dollars per annum. Said district attorney may appoint one clerk to the district attorney, which said office of clerk is hereby created. Said clerk to the district attorney shall receive a salary of one hundred dollars per month, payable at the same time and in the same manner as the salary of county officers is paid. The district attorney shall not engage in the private practice of law, and shall devote his entire time to the service of the county. In the event that the office of district attorney is consolidated with that of public administrator, the holder of said consolidated office shall receive a salary of four thousand dollars per annum, and all fees received by the holder of said consolidated office while said holder is performing the duties of public administrator shall be paid into the county treasury. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The foregoing salary of the Superintendent of schools.

superintendent of schools shall be in full for all services rendered, including the services rendered by such superintendent of schools as a member of the county board of education. Said superintendent of schools may appoint one deputy superintendent of schools, which said office of deputy superintendent of schools is hereby created, who shall serve as such only during ten months of each calendar year. The salary of such deputy superintendent of schools is hereby fixed at seven hundred fifty dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid.

Surveyor

12. The surveyor, one thousand two hundred dollars per annum; and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county.

Justices of the peace and constables.

13. In townships having a population of five thousand or more, the justice of the peace shall receive a salary of one hundred fifty dollars per month, and the constable of said township shall receive a salary of one hundred dollars per month.

In townships having a population of over five hundred and less than five thousand, the justice of the peace shall receive a salary of thirty dollars per month, and the constable shall receive a salary of thirty dollars per month.

In townships having a population of less than five hundred, the justice of the peace shall receive a salary of twenty dollars per month, and the constable shall receive a salary of twenty dollars per month.

The above salaries shall be in full compensation of said justices of the peace and said constables in criminal cases; provided, that in addition to the salaries herein allowed, said constables shall be paid out of the treasury of the county, their actual traveling expenses when engaged in the service of a warrant of arrest or any other paper in a criminal case.

Supervisors

14. Each member of the board of supervisors, one thousand two hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; provided, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

Jurors

15. In counties of this class grand jurors and trial jurors in the superior court shall each receive for each day's attendance the sum of three dollars, and mileage to be computed at the rate of fifteen cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

Construction of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof, and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment

of any person holding office or employment under the provisions of such statutes.

CHAPTER 470.

An act to amend an act entitled "An act to provide for the creation, organization, and government of port districts; to enumerate the powers thereof; to authorize the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes by such district; to authorize municipal corporations in such districts to surrender and transfer certain municipal powers and to grant certain municipal property to such districts for the purpose of carrying out the objects and purposes of this act," approved June 18, 1931 (Statutes of 1931, Chapter 1028), by amending the title thereof and by adding a new section thereto to be numbered section 13 (a), relating to the incurring of certain bonded indebtedness, prescribing the method of procedure for the incurring of such indebtedness, providing for the allocation, pledge and hypothecation of revenues for self-liquidating projects, and authorizing the borrowing of money from and the incurring of indebtedness to the United States of America or any of its departments, agencies or instrumentalities, including the Reconstruction Finance Corporation.

Stats 1931, p 2138, amended.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

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

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

Stats 1931, p 2138.

An act to provide for the creation, organization and government of port districts; to enumerate the powers thereof; to authorize the incurring of indebtedness, the borrowing of money and the issuance of bonds, and other evidences of indebtedness of such districts and to provide for the mortgaging, pledging, or hypothecating of property of such districts and the issuance of revenue notes, certificates or warrants payable solely and exclusively from the revenues to be realized from a particular utility or property acquired or to be acquired with the proceeds of such obligations; to provide for the levy and collection of taxes by such districts and the allocation, mortgage, pledge or hypothecation of the revenues of such districts or any property of such districts; to authorize municipal corporations in such districts to surrender and transfer certain municipal powers to such districts and to grant certain municipal property to such districts for the purpose of carrying out the objects and purposes of this act; to authorize port districts to enter into agreements with the State of California or any political subdivision therein or

Title

with the United States of America; and to authorize port districts to do and perform all acts and things necessary or appropriate to carry out the purposes of this act.

New section

SEC. 2. A new section to be numbered section 13 (a) is hereby added to said act to read as follows:

Creation of bonded debt

Sec. 13 (a) In addition to all other powers granted to port districts pursuant to this act, such districts shall have and are hereby granted the power to create a bonded debt up to but not in excess of one (1) per cent, of the assessed value of all taxable real and personal property within the port district for the purposes and in the manner following, to wit:

Purpose

Such bonded indebtedness shall be created solely for the purpose of issuing and selling bonds to the United States of America, or any of its departments, agencies or instrumentalities including the Reconstruction Finance Corporation. Such bonded indebtedness shall be issued solely for the purpose of providing funds for the acquisition or construction of revenue producing harbor improvements of a self-liquidating character. All such bonds issued pursuant to this section 13 (a) shall be authorized by ordinance passed by two-thirds of all of the members of the Port Commission, but no election need be held within the district and it shall be unnecessary to secure the approval of the electors within the port district to the issuance of said bonds for the purposes and within the limitations in this section 13 (a) set forth. Such bonds shall be payable within thirty years from their date and shall mature serially at such times as may be fixed by the Port Commission; provided that the earliest maturity of the principal of such bonds shall be fixed at a date not more than ten years from the date of issue of such bonds. Said bonds may be issued in such denominations as the Port Commission shall determine, except that no bond shall be of a denomination less than $100 nor of a greater denomination than $1000, and shall be payable on the day and at the place or places fixed in such bonds, with interest at the rate specified in said bonds, which rate shall not be in excess of six per cent per annum of the face amount thereof, payable annually or semiannually. Said bonds shall be in such form as may be prescribed by the Port Commission and shall be signed by such officer or officers as the Port Commission shall designate for that purpose. The coupons appertaining to said bonds shall be numbered consecutively and shall be signed by the facsimile signature of such officer or officers as the Port Commission shall determine. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser thereof, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of said bonds. Said bonds may be issued and sold by the Port Commission for not less than their par value and accrued interest to date of delivery, at such time and under such conditions as may be

Provisions regarding issuance

Coupons.

Sale of bonds.

designated by the Port Commission, and the proceeds shall be placed in the treasury of the Port Commission to the credit of the proper improvement fund and shall be applied exclusively to the objects and purposes mentioned in said ordinance.

Disposition of income and revenue

The income and revenue derived or to be realized from the harbor improvement acquired or to be acquired from the proceeds of said bonds shall be deposited in a special fund and the moneys in such fund shall be kept separate and apart from all other revenues of the port district and shall be applied, first, to the creation of an interest fund for the payment of the annual interest due or to become due upon said bonds during the next ensuing year and before the time for the fixing of the next general tax levy in the county in which such port district is located; second, to the creation of a sinking fund to provide for the payment of the principal of said bonds at or before their maturity date or dates; third, any additional revenues over and above the amount required to be deposited in said interest and sinking funds respectively referred to in subparagraphs first and second hereof, may be deposited in an operation fund to be applied to the costs of operation and maintenance, including reasonable repairs and depreciation of the particular revenue-producing harbor improvement so acquired by the issuance and sale of said bonds, and any surplus revenues in such maintenance or operation fund specified in this subparagraph third may be deposited either in the interest or sinking fund referred to in said subparagraphs first and second hereof, but no moneys allocated to said interest fund or sinking fund, respectively referred to in said subparagraphs first or second hereof shall be transferred to any other fund or used for any other purpose than the payment of said bonds and the interest thereon so long as said bonds shall be outstanding. The Port Commission in and by said ordinance authorizing the issuance of said bonds shall hypothecate and allocate all of the revenues to be realized from the revenue-producing harbor improvement to be acquired or constructed from the proceeds of said bonds to the payment thereof, both principal and interest as herein provided, and such allocation and hypothecation shall be irrevocable until all of said bonds and the accrued interest thereon shall have been paid. Such allocation and hypothecation shall be made in each case for the exclusive benefit of the bonds to be issued for the purpose of acquiring or constructing the particular revenue-producing harbor improvement in question. Such allocation shall be made as additional security for the payment of the principal and interest of said bonds and shall not constitute the exclusive source of payment thereof but, on the contrary, said bonds shall constitute general obligations of the port district and both principal and interest thereof may be paid from any moneys or sources of revenue of any kind, including taxes, on hand and available for that purpose.

Interest fund

Sinking fund.

Operation fund

Tax levy in case of deficiency

Whenever the revenues of the port district are, or in the opinion of the Port Commission will be insufficient to provide for the payment in full of the principal or interest on said bonds as the same becomes due, the Port Commission shall, and in the event the revenues in the interest fund referred to in subparagraph first hereof are insufficient to meet the next ensuing year's interest on the bonds issued hereunder and then outstanding or the moneys in the sinking fund referred to in subparagraph second hereof are insufficient to pay or provide for the payment of any bonds maturing during the next ensuing year, the Port Commission must cause a tax to be levied and collected upon all of the taxable property in the port district sufficient to meet all sums coming due for principal and interest on said bonds during the next ensuing year and before the time for fixing the next general tax levy in the county in which the port district is located. Such tax shall be levied and collected annually in the manner provided by section 15 of this act and shall be in addition to all other taxes in this act authorized or provided to be levied and collected, and when collected shall be used for no other purpose than the payment of said bonds and the accruing interest thereon.

CHAPTER 471.

An act confirming and validating the formation or organization and existence of port districts, and declaring that this act shall take effect immediately.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

Organization of port districts validated

SECTION 1. In all cases where the board of supervisors of any county in this State has purported to form or organize a port district under any law or laws of this State and such purported formation or organization has been completed for a period of six months previous to the taking effect of this act and such port district has acted or functioned as a district for a period of six months previous to the taking effect of this act, all acts and proceedings taken for the purpose of forming or organizing such district are hereby legalized, validated and declared to be sufficient, and such port district is hereby declared to be duly formed and organized under its appropriate name as of the time of its purported formation with boundaries as shown or indicated in the order of said board of supervisors, and shall have the rights and privileges and be subject to all the duties and obligations of a duly formed or organized port district.

CHAPTER 472.

An act to amend the Political Code by amending sections 3456, 3457, 3466, 3480 and 3480b, and by repealing section 3480c, all relating to reclamation districts, and containing a provision declaring this act to be an emergency measure stating the facts constituting such emergency and providing this act shall take effect immediately upon its passage.

[Approved by the Governor May 22, 1933. In effect immediately.]

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

SECTION 1. Section 3456 of the Political Code is hereby amended to read as follows: Stats 1931, p 754.

Sec. 3456. (a) If such reclamation district is located, in whole or in part, within the Sacramento and San Joaquin Drainage District, then if and when the said reclamation board shall have approved the plan or plans of the works of reclamation, after a hearing as provided in section 3455 of this code, then the board of trustees of the reclamation district shall so report to the board of supervisors of the county within which the district or the greater part thereof is situate, and shall set forth in their said report the estimated cost of the said works of reclamation, and petition the said board of supervisors to appoint three commissioners who shall have no interest in any real estate within said district, each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. Upon receipt of said petition from the board of trustees the board of supervisors to whom the same was presented must within not more than sixty days appoint said assessment commissioners above referred to. Said commissioners must view and assess upon the land within said district the said sum so estimated and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditures of said sums of money, and shall estimate the same in gold coin of the United States. Commissioners to assess land

The sums must be collected and paid into the county treasury as hereinafter provided, and be placed by the treasurer to the credit of the district, and paid out for the works of reclamation upon the warrants of the trustees, or, if bonds of such district have been issued upon said assessment, then said treasurer shall set the same apart as a separate fund for the purpose of paying the principal and interest of such bonds, and shall not pay any part of the moneys received from such assessment for any purpose other than the payment of the principal and interest of such bonds and the expenses of the county treasurer as hereinafter provided. Sums paid into county treasury

Report on maintenance, etc

In all cases when the work contemplated by the original or any supplemental plan of reclamation of any reclamation district shall have been completed, the trustees may so report to the board of supervisors of the county in which the district, or the greater part thereof is situate, together with a petition to the said board of supervisors to appoint assessment commissioners. Said report and petition shall set forth that the work contemplated by the original or supplemental plan of reclamation has been completed, and that hereafter the said reclamation district will only require funds for the maintenance and repair of the said works of reclamation. Upon filing said report and petition the said board of supervisors shall appoint three commissioners, each of whom shall be similarly qualified, and shall make and subscribe the same oath as is provided hereinabove for commissioners.

Assessment list.

When so appointed and so qualified such commissioners shall prepare an assessment list, which list shall contain the following information in separate columns:

1. A description of each tract assessed by legal subdivisions, swamp land surveys, or other boundaries sufficient to identify the same.

2. The number of acres in each tract.

3. The names of the owners of each tract, if known; and if unknown, that fact; but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid.

4. The assessment valuation per acre of each tract assessed.

5. The total assessment valuations of each said tract.

6. A blank column for rate to be fixed as shown hereinafter.

7. A blank column for amount of assessment to be computed as shown hereinafter.

Thereafter said assessment valuations shall be used as a basis for assessments in raising funds for the maintenance and repair of the works of reclamation and incidental expenses of said district. Said assessment list, when completed, shall be filed with the clerk of the board of supervisors in the same manner as a report made under an original or modified plan of reclamation.

Hearing on list

Thereupon the said board of supervisors shall appoint a time when it will meet for the purpose of hearing objections; said objections, if any, must be in writing, verified, and filed with the clerk of said board of supervisors. Notice of the said hearing shall be given in the same manner and for the same time as notice of hearing objections to an original assessment. At said hearing, the board of supervisors shall hear such evidence as may be offered in support of said written objections, and may modify or amend the said assessment valuations in any particular. No objections to said assessment valuations shall be considered by the board of supervisors, or allowed in any other action or proceeding, unless said objec-

tions shall have been made in writing to the board of supervisors before the date of such hearing.

Action in superior court

Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of the said district is situate, to have said assessment valuations corrected, modified or annulled. Such action must be commenced within thirty days after said assessment valuations have been approved by the board of supervisors. If said action shall not be commenced within thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment valuations in any respect.

Fixing assessment rates

Thereafter, whenever, in the opinion of the trustees of the district, it shall be necessary to raise any sum for the construction, maintenance or repair of the works of reclamation, or for the incidental expenses of the district, the said board of trustees shall make an order, which order shall be entered in the minutes of the board and shall recite the total amount necessary to be raised and shall fix a rate designating the number of cents to be levied on each one hundred dollars of assessment valuation shown on the list prepared and approved in the manner hereinabove provided. Incidental expenses, as used in this section and in section 3480a of the Political Code are hereby declared to include, among other things, the difference in amount between the par value of refunding bonds sold pursuant to section 3480a of this act and the amount less than par for which said bonds may be sold, and also the amount necessary to be made available for the payment of interest upon said refunding bonds directed to be sold from the date of sale thereof to the date of maturity of the bonds to be refunded out of the proceeds of such sale.

"Incidental expenses."

Thereafter the board of trustees must complete said assessment list by inserting the rate and the total assessment in columns six and seven as provided therefor.

Collection.

The assessment made in pursuance hereof shall be filed with the county treasurer and thereafter collected in the same manner provided for the collection of any original assessment; provided, however, that the board of trustees may, in their discretion, direct the payment of any such assessment in one installment. Said installment when called by the board of trustees shall constitute a lien on the lands and shall bear interest from the date of delinquency at the rate of seven per cent per annum.

Lien

Duration of list.

The report of assessment commissioners as herein provided, fixing the assessment valuations for reclamation purposes, after having first been approved by the board of supervisors as hereinabove provided, shall continue in force as the basis for raising necessary funds for construction, maintenance and repair of the works of reclamation, and for incidental expenses of the district until the trustees of said district, or the holders of title or evidence of title representing fifteen per cent or

New list

more of the lands within the district, shall petition said board of supervisors to make an order directing the commissioners who made the original assessment list or other commissioners, to be named in such order to prepare a new assessment list. Such commissioners must have the same qualifications and take the same oath as the original assessment commissioners.

Filing new list

The assessment list when so prepared by said commissioners shall be filed with the clerk of the board of supervisors, and shall thereafter in all respects be subject to the same provisions as an original assessment list. All provisions of this code relating to collection of unbonded assessments and sale of land for delinquent assessments, and for sale, leasing and other disposition of land as in section 3466a of this code provided, shall be applicable to assessments levied in accordance with the provisions of this section.

Code sections applicable

Stats. 1927, p. 1449

SEC. 2. Section 3457 of the Political Code is hereby amended to read as follows:

Form of reclamation district warrants

Sec. 3457. Except as herein otherwise provided, all warrants drawn by the trustees must be in substantially the following form:

Face.

No. ------ $------

Office of the board of trustees of
Reclamation District No. ------.

The treasurer of ------ county will pay to the order of ------ out of Reclamation District No. ------ fund the sum of ------ dollars for ------ allowed by the board of trustees of said Reclamation District No. ------.

Dated ------ 19--.

Trustees.

Attest:

Secretary.

Reverse.

When registered this warrant bears interest at the rate of seven per cent per annum, computed from the date thereof.

This warrant will outlaw and can not legally be paid four years after date, unless it is payable by its terms at a future date, in which event it will outlaw and can not be legally paid four years after maturity, or unless extended one or more times.

Pay to _____ or order _____.
Presented for payment but not paid for want of funds, this _____day of _____ 19__.

_____
Treasurer of _____ county.

Interest on warrants.

The warrants drawn by the trustees must be presented to the treasurer of the county, and if they are not paid on presentation, such indorsement must be made thereon, and they must be registered and bear interest from their date at the rate of seven per cent per annum, and such warrants are and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be the term of four years from the date of said warrants, unless said warrants are payable by their terms at a future date, in which event the said term of four years shall not commence until the maturity of said warrants.

Order of payment

All warrants shall be paid by the county treasurer strictly in the order in which they have been registered, except warrants which are by their terms payable at a future date and such warrants shall be considered as being registered as of the date of their maturity, if actually registered at or prior to maturity, otherwise as of the date of actual registration.

Warrants outstanding one year or more

Whenever a warrant shall have been outstanding one year or more, or where a warrant is by its terms not payable upon demand but is payable at a future date and payment thereof is overdue one year or more, the board of trustees shall on demand of the holder of said warrant cancel the same and issue a new warrant for the face value of the old warrant and a separate warrant for the amount of interest then due thereon in the event of any interest being due and unpaid; or, the board of trustees may allow a claim for the amount of any interest due and unpaid on any warrant so outstanding one year or more and may draw a warrant therefor; upon drawing this warrant they shall indorse on the reverse of the old warrant the fact that interest has been paid to the date of drawing the warrant for interest and the warrant drawn for interest must state that it is for interest on warrant No. _____ to _____(date); the board of trustees shall notify the county treasurer upon drawing those warrants for interest and he shall note on his register of warrants the fact that interest has been paid on such warrants; provided, that any warrant not paid or presented for reissuance may within four years after its date or within four years after its maturity if payable by its terms at a future date upon the demand of the holder, be extended one or more times until repayment or reissuance, for a like period of four years from the date of each extension, upon presentation to the board of trustees of the district, such extension being indorsed thereon by said board. The board of trustees and the county treasurer may cancel all warrants which have not been paid or reissued or which have not been

extended one or more times, within four years after their date, or within four years after their date of maturity, if payable by their terms at a future date. Warrants issued for interest shall not bear interest. All warrants which have been issued since January 1, 1915, by any reclamation district, and which have been extended one or more times, and which have not, before the passage of this act, been paid, reissued or canceled, are declared to be as valid and binding against said district as when originally issued.

Payment of judgment

In case an action or proceeding based upon any warrant or connected therewith, be commenced within four years after the date of such warrant, or within four years after the maturity thereof, if payable by its terms at a future date, and final judgment be obtained in favor of the holder or owner thereof, such warrant shall be paid the same as if it had been paid before the expiration of said four years from the date of said warrant.

Determination of amount due

In any proceeding or a writ of mandate to compel the trustees to issue a warrant, if a controversy arises as to the amount that may be due to the plaintiff, the court must determine the same in the manner provided for determining controversies in other civil actions, and shall cause a writ to issue for such sums as may be found to be due. The date of a warrant shall be the day on which the same is signed by the board of trustees.

Warrants payable at future date

The trustees may issue warrants payable at a future date, and more than three years from the date thereof, and for this purpose may use the form of warrant herein provided for, adding thereto upon the face thereof that it is not due or payable until a certain date, which shall be specified.

Warrants when assessment is unpaid

Where there is an existing assessment on the lands in any district which is wholly or in part unpaid the trustees may issue warrants, including warrants payable at a future date, on which the interest shall be paid semiannually on January first and July first of each year, until such warrant is paid, and for this purpose may use the form of warrant herein provided for, adding thereto upon the face thereof that interest thereon is payable semiannually on January first and July first of each year upon presentation of the warrant to the county treasurer. Said interest shall be paid upon presentation to the county treasurer who shall indorse upon the reverse side of such warrant the fact of such interest payment, specifying the amount thereof and date of payment.

Interest due on assessments

The interest due at any time on any unpaid assessment, or any part or installment thereof, may be called at any time by the trustees of the district without calling any installment of the said assessment. All interest hereafter paid on any assessment or any part or installment thereof shall be deposited with the county treasurer in a fund to be known as the "warrant interest fund" and shall not be used for any purpose except the payment of interest on warrants unless the trustees of the district request the county treasurer to trans-

"Warrant interest fund"

fer the same, or a part thereof, to the general fund of the district.

At least ninety days before any installment of interest is due on any warrants interest on which is payable semiannually the trustees of the district shall estimate the amount of money necessary to pay such interest after crediting thereon the funds in the "warrant interest fund" applicable to the payment thereof and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies and make a call on interest due on any unpaid assessment equivalent to said amount. All laws relative to the making of calls on any assessment, or installment thereof, and the sale of property for nonpayment thereof, and redemption thereof, shall be applicable to the making of calls for interest only as herein provided and for the sale of property for nonpayment thereof, and redemption thereof.

Payment before maturity.

Notwithstanding anything herein contained to the contrary it shall be the duty of the county treasurer to pay all or any warrants payable at a future date, before the maturity thereof, upon the request of the trustees of the district providing there is in the hands of such treasurer sufficient funds so to do, after payment of all outstanding warrants of the district payable upon demand.

Stats 1931, p. 754.

SEC. 3. Section 3466 of the Political Code is hereby amended to read as follows:

Collection of unpaid assessments.

SEC. 3466. At the end of said period of thirty days all unpaid assessments shall thereafter bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected by and paid to the county treasurer, or the board of trustees may designate an agent to effect such collection who shall file with the county treasurer a detailed report of any and all collections thereon and who shall deposit said moneys with the county treasurer to the credit of the district. Whenever the board of trustees shall appoint an agent to collect assessments, they shall require that such agent give a bond in such amount as they may consider sufficient for the faithful performance of his duties. All such payments shall be made in separate installments, of such amounts, and at such times, respectively, as the said board, from time to time, in its discretion by order entered in its minutes may direct. Upon making such order the secretary shall also enter in the minutes of the board a notice in substantially the following form:

Installment notice.

(Name of reclamation district, location or principal place of business.) Notice is hereby given that at a meeting of the board of trustees held on the (date), an installment of (amount) was ordered paid within sixty days from date thereof to _____ at _____. Any installment which shall remain unpaid on the (day fixed) will be delinquent together with the accrued interest thereon.

Service of notice.

The notice must be personally served upon each owner of land in said district, or in lieu of personal service, must be

sent through the mail addressed to such owner at his place of residence, if known, or entered upon the assessment-roll of the county, and if not known, at the place where the principal office of the district is situated, or be published two times, to wit: once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news, within the district, and if no such newspaper be published within the district then publication may be made in some newspaper published in the county seat of the county where the greater portion of said district is situated.

Districts in more than one county.

Whenever the district is situated in more than one county, the county treasurers of each county wherein any of the lands assessed are situated, shall, immediately following the expiration of said period of sixty days, report to the county treasurer of the main county all payments made of assessments on each tract of land respectively and shall also report all tracts which are delinquent, as hereinafter provided, together with the delinquencies thereon.

Delinquent installment.

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment shall become delinquent together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Delinquency list

Immediately after the said installment has become delinquent, the county treasurer of the main county must publish in each county where such delinquencies exist, a list in one notice of all said delinquencies in such county at least two times, to wit: once a week for two weeks in some newspaper of general circulation published in said county. Said notice shall contain a description of the property assessed, as described in the assessment list or by reference number as set forth in said assessment list on file in the office of the county treasurer (stating the date and time said list was so filed) or by other appropriate reference thereto sufficient to identify the same, and shall refer to said list for further particulars. Said notice shall also contain the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact; the amount of the delinquent installment, interest and penalty thereon calculated to the date of call and a notice that the property assessed will be sold by the county treasurer of the main county on the date therein stated, in front of the courthouse of said county to pay the amount of said installment with accrued interest and penalty. The date of said sale shall be not less than ten days after the date of the last publication of said notice. And at said time stated in said notice, or such other time to which said sale may have been postponed, the said county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer shall place the amount due on said property as shown in said notice in the proper funds of said district and shall pay to the owner of

Sale of property.

said property any surplus remaining. The county treasurer may postpone said sale from time to time for not less than ten nor more than thirty days at any one time by a written notice posted at the place of sale.

Purchase by treasurer.

If no bid is made for said property equal to the amount due thereon, the county treasurer of the main county shall bid in and sell said property to himself and his successors in office as trustee for the district, and said property shall be struck off to him for said amount. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the county treasurer, if the property shall have been struck off to him, and said certificate of sale shall be filed in the office of the county recorder in the county in which the lands described in said certificate are situated. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sums at the rate of seven per cent per annum from the date of said sale. Upon such redemption a certificate of redemption shall be issued by the county treasurer to the party so redeeming, which said certificate shall be filed in the office of the county recorder. If no redemption shall be made within said one year the purchaser, upon demand and surrender by him of certificate of purchase, or the county treasurer if said property shall have been sold to him, shall be entitled to a deed executed by said county treasurer and the effect of such deed shall be to convey said property free of all liens and encumbrances excepting any prior or subsequent district assessment.

Redemption.

Deed to purchaser

Sale of property purchased by treasurer.

Any parcel of land bid in and purchased by a county treasurer as aforesaid, as trustee of the district, may be sold and conveyed by him or his successors in office, at any time after the expiration of said redemption period at public or private sale, and with or without notice, to any person paying him the amount for which said parcel was bid in by said county treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly from the date of said delinquent sale together with any call that has been made upon any prior or subsequent assessment; and the deed executed by the county treasurer in pursuance of such sale shall convey said property free of all liens and encumbrances except any prior or subsequent district assessment. After the lapse of one year from and after the expiration of the period for redemption such parcel may be sold as in section 3466a of this code provided.

Stats. 1931, p 754

SEC. 4. Section 3480 of the Political Code is hereby amended to read as follows:

Special bond election

Sec. 3480. Whenever in any reclamation district in this State, now formed or which may hereafter be formed, any assessment has been levied and assessed upon the lands of said district, and remains unpaid in whole or in part where in the judgment and opinion of the board of trustees of said

district it would be for the best interest of said district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of reclamation, the indebtedness of the district, or any other legal charge, or when a petition signed by the owners of more than one-half of the land in the district is filed with the secretary of the board, the board of trustees of such district shall by order entered upon the records of said board, order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question of whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of trustees in its records and stated by them in the order for such special election.

Evidence of ownership and value.

For all purposes of this article relating to signing petitions and by-laws and voting at any election of reclamation districts the equalized assessment roll for the year last preceding, in each county wherein any land of the district is situated shall be sufficient evidence of ownership and of value of lands in the district as hereinafter provided. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may sign such petitions or by-laws or may vote without obtaining special authority therefor.

Notice of election.

Notice of such special election must be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of said district may be situated; and such notice must specify the time and place of holding such election, the aggregate face value of bonds proposed to be issued and the names of three landholders of the district to act as a board of election. Affidavits of the publication and posting of such notice must be filed with the county clerk of the county in which said district or the greater part thereof is situated (herein designated as the main county), together with a copy of said order calling the election, certified by the president of the board of trustees.

Who may vote.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment-roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment-roll of the said county or counties, which said certified roll shall be used

by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

Proxies. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Bonds—Yes" or the words "Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each and whether the same be cast for or against the issuing of the bonds.

Ballots.

Election officers. If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m., of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Canvass of votes.

Contest.

Issue of bonds. If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list, to the treasurer of said main county. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of said main county, and shall be numbered consecutively in the order of their maturity, and shall bear interest at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July in each year at the office of said county treasurer upon the presentation of the proper

coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the county auditor. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall be payable serially within twenty years from their date in the manner following, to wit:

(1) Not less than ten per centum of the aggregate face value of bonds issued shall be payable within ten years from their date.

(2) Not less than ten per centum of the aggregate face value of bonds remaining unpaid at the end of ten years shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds has been paid. Said bonds shall be substantially in the following form:

Form of bonds.

Form of bonds.

United States of America
State of California
County of ------

No. ------ $------

Reclamation District ------

Reclamation District No. ------, for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said county, in the State of California, on the first day of ------, 19--, the sum of $------, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of ------ per cent, per annum, payable at the office of said treasurer semiannually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached.

This bond is one of a series of ------ bonds of like tenor and effect, except as to denomination and maturity, numbered from ------ to ------ inclusive, amounting in the aggregate to ------ dollars, issued in accordance with section 3480 of the Political Code of the State of California pursuant to an election held in said reclamation district on the ------ day of ------, 19 --, authorizing its issuance, and is based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of ------ on the ------ day of ------, 19 --, and the said reclamation district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance

with the provisions of the law authorizing the issuance of reclamation bonds.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of _____ with his seal of office affixed this _____ day of _____, 19 __.

_____,
President of said board.

Attest _____

Auditor of the county of _____, State of California.

(Interest coupons, form of.) And the interest coupons may be substantially in the following form: Form of interest coupons.

No. _____ $_____

The county treasurer of _____ County, California, will pay to the holder hereof on the _____ day of _____, 19 __, at his office in said county of _____, the sum of $_____ in gold coin of the United States out of the funds of reclamation district No. _____ for interest on bonds of said district numbered _____.

_____
County Auditor.

The treasurer of said main county shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the trustees of the district, the treasurer of said county may sell the whole or any designated number of said bonds for the best price obtainable therefor, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making the sale of said bonds notice shall be given by the said county treasurer by publication at least once a week for two weeks in a newspaper of general circulation published in said main county, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed the county treasurer shall open the bids and award the bonds to the highest responsible bidder. He may, and upon written request of a majority of the trustees must, reject any and all bids. Any sale by the county treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the county treasury to the credit of said district, and a proper record of such transaction shall be made upon the books of said county treasurer. Sale of bonds. Notice. Bids.

At any time within thirty days after said bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by Action to test legality.

the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it), without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owners of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the Supreme Court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Warrants. The board of trustees of said district may draw warrants upon the said county treasurer against the funds provided by sale of bonds.

Bond fund. All moneys collected by any county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by the treasurer at any such sale, shall be by such treasurer forthwith paid into the main county treasury and except as otherwise provided in section 3466a of this code, shall be credited to the bond fund of such reclamation district and used exclusively for the payment of principal and interest of said bonds issued on such assessment, and of the principal and interest of any refunding bonds issued thereon, and the expenses of the county treasurer as hereinafter provided.

Bonds as legal investment. The bonds of reclamation districts issued pursuant to this code which have been investigated and certified by any officer of this State now or hereafter authorized to make such investigation and certification and by the authority of which certification are declared to be legal for investments by savings banks of this State may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this State or of any county, city or city and county or other municipal or corporate body within this State having or holding funds which they are allowed by law to invest or loan.

If the trustees deem it advisable they may order a special election to be held prior to making any assessment, to determine whether or not bonds shall be issued for an amount to be stated in the order for such election, but no bonds shall, in such instance, be issued until an assessment for the amount of the bonds authorized at such election shall have been made and filed with the county treasurer. Election prior to assessment

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds, and any refunding bonds which may be issued, shall have been paid in full except as hereinafter provided in reference to the use of bonds as payment of assessments, and if for any reason any part of such principal or interest of said bonds, or of refunding bonds shall remain unpaid after enforcement of said assessment as in this article provided, the board of supervisors of the main county shall order an additional or supplemental assessment to be made as provided in section 3459, sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment. Additional assessment

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed thirty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series, excepting refunding bonds. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds so far as applicable and also so far as applicable shall affect existing reclamation districts as well as those hereafter formed. Additional bonds

Any district which has issued bonds of different denominations, may, by an order entered in its minutes, upon request of holders thereof, and upon the deposit of the bonds issued and outstanding with the board of trustees, issue to the holders of such deposited bonds, bonds of the district in the same form but in different denominations, but having the same aggregate face value and maturity. Such bonds shall be executed by all of the persons who are required by law to execute the original bonds for which such exchange is made, and the said bonds so deposited shall be thereupon canceled by the treasurer of the main county and the board of trustees of the district. Bonds of different denominations.

Whenever in any reclamation district in the State a bond issue of said district has been authorized prior to this amendment then the provisions of this section hereby amended in respect to the manner of procedure by which the assessments are called in to meet payments on account of principal or interest of such bonds, and also the provision herein contained by which the assessment shall continue in full force and effect as constituting a lien upon the several tracts of land within said district under the provisions of section 3463 of this code until the principal and interest of all bonds issued on the Bonds heretofore issued.

basis of said assessment shall have been paid in full, and also the provisions in reference to refunding bonds, shall apply to and inure to the benefit of the bonds which may have been issued by any reclamation district in this State prior to the date of the enactment of this amendment.

Warrants in payment of bonds.

Upon a sale of any of the bonds provided herein (except refunding bonds) the county treasurer of the main county is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Interest on unpaid installments.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds originally issued thereon until such bonds and any refunding bonds issued thereon shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as the principal as the case may be.

Estimate of assessment installment to pay interest and principal.

At least ninety days before any interest date of the bonds, including refunding bonds, the county treasurer of the main county shall estimate the amount of money necessary to pay interest and principal maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof, and the expenses of the county treasurer hereinafter provided and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and said county treasurer shall thereupon cause to be published two times, to wit: once a week for two weeks in some newspaper of general circulation published in each county in which any of the district may be situate a notice substantially in the following form: (Name of reclamation district).

Form of notice.

Notice is hereby given that an installment of assessment (describing it) of $------, being ------ per cent is payable within thirty days from (date) by all assessed landowners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment which shall remain unpaid on the day (day fixed) will be delinquent, together with ten per cent of such installment added as penalty.

Dated (date)

(Signed)----------
Treasurer of ------ County

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county.

Payment of installments.

Said installment may be paid either in cash or in bonds of said district, or their interest coupons, issued upon said assess-

ment, then matured or to mature within ninety days from the date of the calling of such installment, taken at their face value, or part in cash and part in such bonds and/or coupons. Any bond or coupon so received in payment shall be by the treasurer forthwith canceled and filed in his office. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and ten per cent of the unpaid amount of said installment shall be added thereto and collected by said treasurer. Delinquencies

When any installment shall have become delinquent, said treasurer shall publish two times, to wit: once a week for two weeks in a newspaper of general circulation in each county in which any portion of the said delinquent land may lie (or if no newspaper is published therein, then in a newspaper published in an adjoining county), a notice of all said delinquencies. Said notice shall contain a description of each parcel of land assessed in the district whereon such installment is delinquent, as such description appears on the assessment list or by reference number as set forth in said assessment list on file in the office of the county treasurer (stating the date and time said list was so filed) or by other appropriate reference thereto sufficient to identify the same, and shall refer to said list for further particulars. Said list shall also contain the name of the person to whom it is assessed, to unknown owners if such is the fact; the amount of the installment delinquent on such parcel, the amount of said penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said main county, at a specified day and hour which shall not be less than thirty days nor more than sixty days from the date of delinquency to pay said delinquent installment with penalty. Delinquency list.

If said notice is published in more than one county, then each respective notice may include only the description of and the matters and things hereinabove provided in reference to the delinquent parcel of land situate in the county in which the notice is published.

At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment together with such penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon, with penalty, and such sale shall be made for cash (except the treasurer may receive from any purchaser at their face value in lieu of cash, bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale). Any bond or coupon so received in payment shall be by the treasurer forthwith canceled and filed in his office. If the entire amount of any such bond or coupon tendered in payment shall not be required Sale for delinquent installments.

to complete payment of the purchase money, the treasurer shall indorse thereon as paid, the amount of such purchase money credited thereon.

Sale may be continued.

The county treasurer may continue said sale from day to day by written notice posted at the place of sale but not to a day beyond the due date of bond principal or interest next following the date of said call.

Purchase by treasurer.

If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with penalty, the treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the district, as purchaser, for the amount of said installment, interest and penalty.

Certificate of sale.

The treasurer shall execute to each purchaser, including himself as trustee, a certificate of sale, and a duplicate thereof shall be filed in the county recorder's office of the county in which the land is situated.

Disposition of proceeds

Out of the proceeds of all sales hereafter held, and all sales heretofore held on which the period of redemption has not expired, the county treasurer shall place the amount due on said property as shown in said notice in the bond fund of the district and shall pay to the owner of said property any surplus remaining.

Redemption

Any person interested in the said property may redeem the same at any time within one year after the date of sale, by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of seven per cent per annum from the date of sale to such redemption.

Deed to purchaser

If no redemption shall be made within one year, the treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, or to himself as trustee of the district if the property shall have been sold to him, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except any portion of any reclamation assessment remaining unpaid at the date of said sale; each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the county treasurer as trustee of the district shall thereafter be subject to sale by the treasurer for delinquent installments but in case a call of any assessment on any such tract so sold, shall, during the period for redemption from such previous sale become delinquent said tract shall be again sold in the same manner as above provided, but only to the county treasurer as trustee of the district for the amount of such subsequent delinquent installment and penalty, and a certificate of sale issued therefor to him as in other cases. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described.

The treasurer shall credit to the bond fund of the district all money collected by him by sale or otherwise, upon assessment against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made for said assessment. The treasurer shall charge to the bond fund of the district the expenses of publication and such other necessary incidental expenses of the treasurer as are necessarily incurred by him in collecting and disbursing the moneys received and disbursed by him, as well as the cost of keeping such additional records as are made necessary for him to keep in order to carry out the provisions of this section. All claims by the county treasurer and such expenditures must be first approved by the board of trustees of the district and a warrant drawn by the trustees of the district on such bond fund of the district in favor of such county treasurer in payment for the same. Credit to bond fund.

Any parcel of land bid in and purchased by a treasurer as aforesaid, as trustee of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of one year, at public or private sale and with or without notice to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and the treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrance except the unpaid balance of said assessment and any other assessments of said district thereon After the lapse of one year from and after the expiration of the period of redemption, such parcel may be sold as in section 3466a of this code provided. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district. Sale of land purchased by treasurer

The provisions of this section, as hereby amended, shall apply to all sales for delinquencies, and the proceedings had in connection therewith, on all assessments heretofore or hereafter to be levied. Application of section

In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties Voting after change of ownership.

provided in the Penal Code of the State of California for persons illegally voting at elections.

Bonds in payment on assessment.

Any landowner of the district who shall desire at any time to lessen or remove the lien upon his land of any assessment on which bonds have been or hereafter may be issued may deliver to the county treasurer for cancellation any bonds payable out of said assessment, and the treasurer shall credit against the assessment on his land the principal and accrued interest of said bonds.

Endorsement.

In all cases where it is herein provided that bonds and/or interest coupons may be used in lieu of cash and the entire amount of any of such bonds or coupons tendered shall not be required to complete the particular transaction, the county treasurer shall endorse thereon, as paid, the amount thereof which has been tendered for payment or cancellation, and shall endorse on the unmatured coupons attached to any such bond the amount said unmatured coupons shall be redeemable for, said amount to be computed on the unpaid portion of such bond at the rate of interest provided in such bond.

Calling and retiring bonds.

The board of trustees, in their discretion, may provide at any time before sale of said bonds or before sale of any refunding bonds under section 3480a of this code that said bonds shall be callable at face value in the manner provided by law at any interest payment date together with accrued interest thereon, and either with or without a premium to be specified by said board and inserted in said bonds; and the method of calling and retiring said bonds shall be as follows:

Order calling bonds

Not less than one hundred twenty days before any interest payment date the trustees, by a two-thirds vote, may adopt an order calling bonds of the district, in any amount, for payment on such date. The order shall specify the maturities of the bonds called, commencing with the earliest maturities. If less than all bonds of any maturity are called then the trustees, by a drawing shall ascertain the bonds to be called in such maturity and the order shall designate the number of the bonds so drawn. A certified copy of the order shall be delivered to the county treasurer and he shall add the principal of said bonds, with any premium provided by the terms thereof, to the amount which he is required to collect for payment of the next maturing interest coupons. In his notice of call of assessment the county treasurer shall specify the amount which is included for payment of principal of bonds and premium. Bonds shall be paid in order of presentation.

Notice of call.

Not less than once a week for four weeks prior to the date on which bonds are called for payment the county treasurer, in a newspaper of general circulation printed and published in the main county, shall publish a notice wherein he shall set forth said order of the trustees and shall notify all holders of said bonds to present the same for payment on the date specified and that whenever, on or after such date, funds are

received by him for payment of said bonds with any said premium all interest thereon shall cease.

Redemption of property sold to treasurer.

In the event said land is sold to the county treasurer as trustee for the district, any person interested in said property may redeem the same within a like period of one year from the date of sale by paying to the county treasurer the said price stated in the certificate with interest thereon at the rate of seven per cent per annum from the date of sale to the date of said redemption, either in cash or in bonds of said district, or their interest coupons, issued on said assessment then matured or to mature within sixty days from the date of such payment, taken at their face value, or part in cash and part in said bonds and coupons.

Cancellation of proceedings.

If within one year after any issue of bonds is deposited with the county treasurer, none of such bonds shall have been sold, or if within one year from the date of the election authorizing the issuance of bonds, none of the bonds have been deposited with the county treasurer, the board of trustees, in their discretion may by an order entered in their minutes cancel all proceedings taken in connection with such bond issue. A certified copy of such order shall be filed with the county treasurer of each county wherein lands affected by the assessment on which said bonds were based are situated. The county treasurer with whom said bonds have been deposited, shall thereupon cancel said bonds together with all coupons attached thereto. Such cancellation shall not affect the validity of the assessment upon which said bonds were issued, and the board of trustees may call for the payment of such assessment, or any part thereof, in such installments from time to time as they shall determine and as provided in section 3466 of this code, or, in their discretion, and either before or after any installment of said assessment shall have been paid, they may cause bonds to be authorized and issued upon the unpaid portion of such assessment after proceedings therefor shall have been taken in the manner hereinabove in this section provided.

Cancellation of unsold bonds.

In case a portion of any issue of bonds remains unsold after the lapse of one year after the same shall have been deposited with the county treasurer or have not been deposited with the county treasurer within one year after the date of the election authorizing their issuance the board of trustees may in their discretion likewise, by an order entered on their minutes cancel said portion of said bonds so remaining unsold or not so deposited with the county treasurer and all proceedings in relation thereto; and a certified copy of such order shall likewise be filed with the county treasurer in each county wherein the lands affected by the assessment on which said bonds are based are situated.

Assessments represented by unsold bonds.

The county treasurer with whom said bonds have been deposited shall thereupon cancel the same together with all coupons attached thereto. In case a portion only of any bond issue shall have been canceled as above provided the board

of trustees shall call in and order paid the portion of the assessment represented by the bonds canceled, in such installment or installments as the said board shall determine, and as provided in section 3466 of this code, and the amount collected shall be deposited in the county treasury and paid out on warrants of the district in the order of their registration drawn in payment of the cost of the works, repairs, maintenance, charges or incidental expenses of the district, for the payment of which the said assessment upon which said bonds were issued was levied.

Limit on call of such assessments

Provided, that where a portion of the bonds based on such assessment have been sold are outstanding and remain unpaid in whole or in part only such portion of said assessment shall be so called in or ordered paid as above provided for the payment of warrants issued in payment of the costs of the works of the district, maintenance or repairs as will leave sufficient of said assessment on said land uncalled as will meet and pay the principal and interest of said bonds as and when due and payable.

Stats. 1931, p. 754.

SEC. 5. Section 3480b of the Political Code is hereby amended to read as follows:

Refunding bonds.

Sec. 3480b. (1) The board of trustees of any reclamation district organized under or pursuant to the laws of the State of California may, as hereinafter provided, cause refunding bonds to be issued for the purpose of refunding any or all outstanding bonds of the district, including original issues and refunding issues. Such refunding bonds may be in substantially the following form, to wit:

(Form of Bond)

Form of refunding bonds.

United States of America
State of California
County of ------

Refunding Bond of
Reclamation District No. ------

Reclamation District No. ------, in the county of ------, in the State of California, a reclamation district duly organized and existing under and pursuant to the laws of said State, is indebted to and promises to pay to the bearer hereof, for value received, the sum of ------ dollars ($------), on the ------ day of ------, 19--, (unless before that date this bond is called for redemption, and payment hereof provided for, in the manner set forth in the Refunding Plan hereinafter mentioned) with interest thereon at the rate of ------ per cent (--%) per annum from ------, 19--, to and including the date of maturity of this bond. Said interest shall be payable semiannually on the first day of January and the first day of July of each year. Said principal and interest are payable in

gold coin of the United States of America of the standard of weight and fineness existing on the date of this bond, at the office of the treasurer of the county of ------, State of California, and is payable only on presentation and surrender of the proper interest coupon hereto attached as the same mature.

This refunding bond is one of an authorized issue of refunding bonds of said district in the aggregate principal amount of ------ dollars ($------), known as the ------ Refunding Issue, all of like date and tenor, and all issued under and subject to the provisions of a Refunding Plan dated ------, to which Refunding Plan reference is hereby made for the statement of the nature and extent of the security, the rights of the holders of the refunding bonds and of the interest coupons in respect thereto, and the terms and conditions upon which the refunding bonds are issued and secured, to all of the provisions of which Refunding Plan, the bearer or registered owner of this refunding bond, by his acceptance hereof, assents. This refunding bond is issued by authority of section 3480b of the Political Code of the State of California, and pursuant to a vote of the landowners of said district at an election duly called, held and canvassed in conformity with the requirements of said section and the bonds of this issue are issued for the purpose of refunding ------ dollars ($------) of the principal amount of the bonds of this district, and outstanding on the ------ day of ------, 19--, and this bond is secured by an assessment or assessments levied on the lands of said district and filed in the office of the county treasurer of said county of ------ on the ------ day of ------, 19--.

It is hereby recited, certified and declared that this refunding bond is issued in strict conformity with the Constitution and laws of the State of California, and with proceedings of said reclamation district authorizing the same, and that all acts, conditions and things required to exist, happen and to be performed precedent to and in the issuance of this refunding bond, have existed, happened and been performed in regular and due time, form and manner as required by law, and that this refunding bond together with all other indebtedness and obligations of said reclamation district does not exceed any limit prescribed by the Constitution or Statutes of the State of California.

It is further certified, recited and declared that the indebtedness which this bond is issued to refund, is a valid, subsisting, outstanding and legally binding indebtedness, evidenced by bonds and coupons of said district, and that this refunding bond shall be applied only to the refunding of the indebtedness for which it is issued, and for no other purpose.

This bond is subject to call and redemption on any interest payment date at not exceeding the par value thereof and accrued interest as provided in said refunding plan.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of

_____ with his seal of office affixed this _____ day of _____, 19___.

_____
President of said board.

Attest: _____

Auditor of the county of _____,
State of California.

Form of interest coupons

The interest coupons to be attached to said bonds may be in substantially the following form:

No. _____ $_____

The county treasurer of _____ County, California, will pay to the holder hereof on the _____ day of _____, 19___, (unless before that date the within bond is called for redemption, and payment hereof provided for, in the manner set forth in the Refunding Plan referred to in said bond), at his office in the county of _____, the sum of $_____ in gold coin of the United States out of funds of Reclamation District No. _____, for interest due on said date on refunding bond of said district, No. _____.

_____
County Auditor.

Issuance.

(2) Such refunding bonds shall, except as otherwise provided herein, be issued in substantially the manner prescribed by section 3480a of the Political Code for the issuance of refunding bonds, and the provisions of said section concerning the authorization, issuance, exchange and/or sale of bonds issued pursuant to said section shall be applicable to refunding bonds issued pursuant to this section.

Filing of refunding plan

Prior to the issuance of any funding or refunding bonds pursuant to this section 3480b the board of trustees of the district shall cause a copy of the Refunding Plan together with a certified copy of the order of the board of trustees providing for the issuance of said funding or refunding bonds and a certified copy of the order of the California Districts Securities Commission approving said Refunding Plan and the issuance of said bonds to be filed with the county treasurer of the main county.

Special election to authorize refunding bonds

(3) The board of trustees of a reclamation district proposing to issue refunding bonds pursuant to this section, shall cause to be prepared a plan for the refunding of any or all of its outstanding bonds and shall submit said plan for the approval of the California Districts Securities Commission. If and when any such plan is approved by said commission, the board of trustees of such district shall call an election of the landowners within said district for the purpose of authorizing the issuance of such refunding bonds. Such election shall be called and held and the result thereof determined and declared

substantially in the same manner as provided by section 3480 of the Political Code. The maturity of said refunding bonds and the rate of interest thereon shall be fixed by the board of trustees of said district but in no case shall the maturity of any of said bonds exceed fifty years nor the rate of interest exceed six per centum per annum, payable semiannually. The board of trustees of any reclamation district may, with the approval of the California Districts Securities Commission, make expenditures, or incur indebtedness, and issue warrants therefor, for the purpose of paying the cost and expenses incident to any such Refunding Plan or in connection with such funding or refunding of its bonds. Maturity and interest.

(4) Any issue of refunding bonds issued pursuant to this section shall be based upon and payable out of the assessment or assessments from which the bonds so refunded were payable in accordance with the provisions of section 3480 of this code, and shall mature at one time. Prior to or at the time of the issuance of such refunding bonds, said board of trustees shall provide for the creation of an annual sinking fund for the payment of said bonds in such amounts as may be determined by the board of trustees with the approval of the District Securities Commission; and the county treasurer of the main county shall at least ninety days before the first day of January in each and every year so long as said bonds are outstanding, levy and collect a call against the assessment securing the payment of the principal and interest of said bonds, in addition to all other calls required by law to be made, sufficient to provide the amounts of such sinking fund payments for the then current year; provided, that at or prior to ninety days before the first day of January in any year the board of trustees may with the approval of the California Districts Securities Commission first obtained, modify the amount of such sinking fund payment and in the event of the California Districts Securities Commission approving such modification of the sinking fund payments said commission shall forthwith mail the county treasurer of the main county a copy of its order approving such modification. Any such order of approval made by the California Districts Securities Commission shall set forth specifically the amount to be called by the county treasurer if said amount be less than the amount set forth in the sinking fund schedule. Sinking fund.

(5) Whenever such sinking fund shall contain at least ten thousand dollars, the county treasurer shall, upon request of the board of trustees of the district, by notice published two times, to wit, once a week for two successive weeks in some newspaper published in the county where the office of the district is located, and, in its discretion, in any other newspaper or newspapers, invite sealed proposals for the sale to the district of any of its outstanding bonds or refunding bonds, payment of which is secured by the assessment out of which said sinking fund has been created through calls made as hereinabove provided. Said notice shall state the amount available Redemption of bonds

for the redemption of such bonds and shall specify the time and place when and where such proposals will be opened. All such proposals shall be opened at the office of said county treasurer at an open meeting of the board of trustees of the district to be convened in said office at the time specified in said notice or at some subsequent time to which said meeting shall be adjourned. Any or all of such proposals may be rejected in the discretion of the county treasurer and must be rejected by said treasurer if requested so to do in writing by a majority of the trustees of said district.

Purchase of bonds with balance

(6) If no bids are received, or if the bids received and accepted are not sufficient to exhaust the moneys so on hand and available for the purpose, the county treasurer may, by and with the written assent of at least two members of the board of trustees of the district, purchase at private sale with any available money in the sinking fund, any of said bonds for the payment of which said sinking fund was created. No proposal to sell bonds to the district at a price in excess of the par value thereof shall be accepted. All bonds so purchased from sinking fund moneys shall forthwith be canceled.

Investment of sinking fund moneys.

(7) The board of trustees may invest any money in the sinking fund in bonds of the United States or of the State of California and shall hold the bonds so purchased, together with the income therefrom, as part of the sinking fund until such time as the board of directors may determine that it is for the best interests of the district that such bonds or any of them be sold. The proceeds of sale of any bonds in which any part of said sinking fund shall be invested shall be deposited in the sinking fund.

Call and redemption of bonds.

(8) The board of trustees shall by resolution adopted at or prior to the time of issuing any funding or refunding bonds provide for the call and redemption of its funding or refunding bonds, in numerical order, or by lot, as may be prescribed in said resolution, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest, in which event a statement to that effect shall be set forth on the face of the bond. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published in the main county. The first publication of such notice shall be not less than thirty days nor more than ninety days prior to the date fixed for such redemption. After the date fixed for such redemption if the district shall have provided funds available for the payment of the principal and interest of the bonds so called, interest on said bonds thereafter shall cease.

Assessment for sinking fund

(9) Notwithstanding anything to the contrary herein contained, the board of trustees shall not be required to levy any such assessment for said sinking fund for said current year if the district shall have on hand surplus funds from other sources available for said sinking fund payment and shall have deposited the same in said sinking fund; and if the district shall have on hand funds available for the payment of

a portion only of said sinking fund payment and shall have deposited the same in said fund, said call of assessment for sinking fund purposes for such year shall be so made as to provide only for raising the amount by which the amount of such sinking fund payment shall exceed the amount deposited in said sinking fund as aforesaid.

Sale of bonds.

(10) Any funding or refunding bonds herein provided for may be sold from time to time in the same manner as other bonds of the district, or, may be exchanged for other bonds of the district upon such terms and conditions as may be approved by the California Districts Securities Commission. Any such outstanding bonds so funded or refunded or exchanged shall be immediately canceled by the treasurer.

Issuance of bonds.

(11) Whenever bonds shall have been authorized pursuant to this section the board of trustees of said district shall cause said bonds to be prepared and executed in behalf of said district and immediately after the execution thereof all of said bonds shall be deposited with the treasurer of the main county. At any time within thirty days after said bonds shall have been delivered to the treasurer of said county, an action may be commenced in the superior court of said county to have it determined that said bonds are a legal obligation of said district and said action shall be commenced and prosecuted in the same manner as is provided in subdivision 10 of section 3480a of the Political Code for the validation of bonds issued pursuant to said section.

Action to test legality.

Construction of section.

(12) The authority herein given to issue refunding bonds pursuant to the provisions of this section 3480b is in addition to the authority granted by section 3480a of the Political Code and nothing in this section contained shall be deemed to amend or modify said section 3480a or be applicable to bonds that may be issued under the provisions of section 3480a; provided, however, that the procedure specified in section 3480a, in so far as it is adopted by section 3480b, shall be a part thereof, it being the intent of the Legislature to provide an alternative method of issuing refunding bonds, either under the provisions of section 3480a or under the provisions of this section 3480b.

Constitutionality.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or unforceable such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional or unforceable.

SEC. 7. This act shall take effect immediately.

Urgency.

SEC. 8. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into effect immedi-

ately. The following is a statement of the facts constituting such urgency.

Many reclamation districts organized under the laws of this State have issued bonds for the purpose of acquiring works for the reclamation of the lands within such districts, which bonds mature in whole or in part on July 1, 1933. If this amendment does not go into effect until ninety days after the final adjournment of this session of the Legislature, such districts will be unable to take advantage of the provisions hereof prior to July 1, 1933. Unless such bonds and interest coupons are refunded pursuant to the provisions of this act such districts must advance large cash payment for maturing bonds and interest coupons on that date, thereby leaving them without sufficient funds to enable them to maintain and operate efficiently their works of reclamation. The proper and efficient operation of such works is necessary in order to prevent the failure of the projects and the failure of such reclamation projects would be a menace to the public health of the inhabitants of such districts and the adjacent communities If, however, the provisions of this amendment become a law immediately, such districts will be able to refund their bonds and coupons on or before July 1, 1933, thereby enabling such districts to maintain their said works of reclamation.

Repeal. SEC. 9. Section 3480c of the Political Code is hereby repealed.

CHAPTER 473.

Stats 1931, p. 1442, amended. *An act to amend the title of and sections 4, 9, 15, 27, 28, 35, 38, 38a, 40, 44, 49, 58, 68, 79, 83, 88, 91, 100, 104, 108, and 109 of, to add sections 38b, 84a, and 109a to, and to repeal sections 69 to 74, inclusive, of an act entitled "An act to establish a retirement system to provide for the retirement of employees of the State of California, and make an appropriation therefor, approved June 9, 1931, relating to retirement systems covering governmental employees in this State.*

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1442 Title. SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows: An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor.

Stats. 1931, p. 1442. SEC. 2. Section 4 of said act is hereby amended to read as follows:

"Employee" Sec. 4. "Employee" shall mean any person in the employ of the State of California whose compensation, or at least that portion of such compensation which is provided by the State,

is paid out of funds directly controlled by the State, excluding all political subdivisions, municipal, public and quasi public corporations;

SEC. 3. Section 9 of said act is hereby amended to read as follows: Stats 1931, p. 1442.

Sec. 9. "Prior service" shall mean the State service, as defined herein, rendered before the first day of January, 1932, and allowable as provided in section 49 of this act; "Prior service."

SEC. 4. Section 15 of said act is hereby amended to read as follows: Stats 1931, p. 1442.

Sec. 15. "Regular interest" shall mean interest at four per centum per annum, compounded at each June thirtieth, plus such additional interest as the board may credit from year to year in accordance with the provisions of this act; "Regular interest."

SEC. 5. Section 27 of said act is hereby amended to read as follows: Stats. 1931, p. 1442

Sec. 27. From and after the date this system becomes effective, every employee who has rendered one-half year of continuous service is a member of the retirement system, and every other employee shall become a member after the completion of six months of State service, uninterrupted by a break of more than one month, provided that an employee who has entered or enters State service after January 1, 1932, as the result of the assumption by the State of a governmental function previously exercised by a political subdivision thereof and under which function he was employed for at least such six months' period immediately preceding such assumption, shall be considered a member on and after the date of said entry into State service. Who are members.

SEC. 6. Section 28 of said act is hereby amended to read as follows: Stats 1931, p 1442

Sec. 28. Every employee who reenters State service after the date this system becomes effective, and who, prior to such reentry has completed six months of State service, uninterrupted by a break of more than one month, shall become a member of the retirement system upon such reentry.

SEC. 7. Section 35 of said act is hereby amended to read as follows: Stats 1931, p. 1442

Sec. 35. Persons in State service on June 30, 1933, or prior thereto, whose compensation equals or exceeds four hundred sixteen dollars and sixty-six cents per month, and who file, or have filed, with the Board of Administration an election not to become members. Persons exempt.

SEC. 8. Section 38 of said act is hereby amended to read as follows: Stats. 1931, p. 1442.

Sec. 38. Persons who, if the retirement system did not exist, would be subject to the provisions of Part IV of Division V of the School Code and who file requests for exemption with the board within ninety days after becoming employed in a status in which they will become eligible for membership in the retirement system. School teachers

Any person who was employed in a position which, if the retirement system had not existed, would have been subject to the provisions of Part IV of Division V of the School Code, but who was by the provisions of this act made a member of the retirement system, may withdraw from the retirement system and again become subject to the provisions of Part IV of Division V of the School Code by filing an election so to do with the Board of Administration on or before December 31, 1933. Upon the receipt of such election by the Board of Administration, said person shall cease to be a member of the retirement system and shall become subject to the provisions of Part IV of Division V of the School Code. Said person, solely for the purposes of section 75 of this act, shall be considered as permanently separated from State service. The Public School Teachers Retirement Salary Fund Board shall count as part of the service required for retirement under Part IV of Division V of the School Code, service rendered by such person as a member of the retirement system, and also service rendered by such person as a member of the retirement system whose termination of membership therein results from separation from State service because of the abolition of the position he holds in State service, if such service would have been so counted had not the act creating the retirement system become effective, and if, also, such person pays to the said retirement salary fund the amounts he would have paid had he never been a member of the retirement system.

Stats. 1931, p. 1442

SEC. 9. Section 38a of said act is hereby amended to read as follows:

U. of Cal employees.

Sec. 38a. All State employees coming within the meaning of this act, who are beneficiaries under the pension and retirement annuities system of the University of California.

New section

SEC. 10. A new section is hereby added to said act to be numbered 38b and to read as follows:

Members of other systems

Sec. 38b. Persons who are members of any other retirement or pension system supported wholly or in part by funds of the United States government, any State government or political subdivision thereof and who are receiving credit in such other retirement system for service, it being the purpose of this section to prevent a person from receiving credit for the same service in two retirement systems supported wholly or in part by public funds, and no person shall receive such credit under any circumstance.

For the purpose of this section, persons who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to other than the State and when such persons were not in State service, shall not be considered, because of such receipt, members of any other retirement or pension system.

Stats. 1931, p. 1442

SEC. 11. Section 40 of said act is hereby amended to read as follows:

Cessation of membership.

Sec. 40. Each member and each person retired shall be subject to all the provisions of this act and to the rules and

regulations adopted by the Board of Administration. Any person who renders less than five years of service in any period of ten consecutive years, who withdraws more than one-fourth of his normal contributions, or who is retired, ceases to be a member.

SEC. 12. Section 44 of said act is hereby amended to read as follows: Stats 1931, p 1442.

Sec. 44. The board shall determine who are employees within the meaning of this act and shall be the sole authority and judge under this act as to the conditions under which persons may be admitted to and continue to receive benefits under the retirement system and shall have exclusive control of the administration and investment of the retirement fund. As soon as practical after the close of each fiscal year it shall file with the Governor a report of its work for such fiscal year. Control of fund.

SEC. 13. Section 49 of said act is hereby amended to read as follows: Stats 1931, p. 1442.

Sec. 49. Credit for prior service shall be granted to each person who has rendered such service as defined in this act, and who has become a member of the retirement system on January 1, 1932, or within three years after last rendering prior service, the prior service credited, however, to be one-half year less than the total prior service rendered by him. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act only if the membership in the retirement system continues unbroken until retirement on a retirement allowance or until the granting of such other benefit, provided that termination of membership by withdrawal of accumulated contributions followed by the redeposit of such contributions upon reentrance into State service as herein provided shall not constitute a break in membership, but this section shall not be construed to entitle any person to credit as prior service for time during which he was not in State service as defined in this act. Credit for prior service

SEC. 14. Section 58 of said act is hereby amended to read as follows: Stats. 1931, p 1442

Sec. 58. In addition to rendering the annual report to the Governor required by section 44 of this act, it shall cause to be published annually a financial statement showing an actuarial valuation of the assets and liabilities of the retirement system created by this act and a statement as to the accumulated cash and securities in the retirement fund as certified by the State Controller, but until all prior service is verified, the Board of Administration may omit from the financial statement published annually, assets and liabilities resulting from such prior service, and may include assets and liabilities on account of service rendered as members in amounts equal only to accumulated contributions held on account of such service. Financial statement

SEC. 15. Section 68 of said act is hereby amended to read as follows: Stats 1931, p 1442.

Additional benefits contributions

Sec. 68. Subject to the rules and regulations to be established and promulgated by the Board of Administration, any member may elect to contribute at rates in excess of those provided for in section 65 of this act, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the State any additional financial obligation. The provisions of section 67, next preceding, shall apply also to additional contributions. The board, upon application, shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contributions.

Stats. 1931, p. 1442.

SEC. 16. Section 79 of said act is hereby amended to read as follows:

Twenty years service.

Sec. 79. Upon attaining the age of sixty or more years and completing twenty years of continuous State service credited under this act, among which must be included one year of service after becoming a member of the retirement system, any member may be retired upon written application to the board; and if such member selects one of the options set forth in sections 95 to 99, inclusive, of this act, the application must name a date not less than thirty days after the filing thereof, on which he desires to be retired.

Stats 1931, p. 1442.

SEC. 17. Section 83 of said act is hereby amended to read as follows:

Additional pension.

Sec. 83. An additional pension, purchased by the contributions of the State, which shall be equal to one-seventieth of the average annual compensation earnable by him during the three years ending December 31, 1931, multiplied by the number of years of prior service credited to him, except that if a member retires before attaining the age of sixty-five years, the additional pension shall be reduced to that amount which the value of the pension computed as provided in this paragraph as deferred to age sixty-five, will purchase at the actual age of retirement.

New section.

SEC. 17a. A new section is hereby added to said act, to be numbered 84a and to read as follows:

Service for political subdivision

Sec. 84a. The service rendered by a member while employed by a political subdivision and under a governmental function subsequently assumed by the State shall be added to the State service of such member in determining whether he qualifies for retirement. In addition to the retirement allowance on account of the State service provided for in this act, such member shall receive a retirement allowance, on account of service rendered for the subdivision and under the governmental function, in such an amount as may be provided by contributions, when applied according to the mortality, service and other tables adopted by the Board of Administration, paid to the retirement system by the said subdivision and/or said member for that purpose, and no contribution shall be required of the State for any retirement allowance based on such service.

SEC. 18. Section 88 of said act is hereby amended to read as follows: Stats. 1931. p 1442.

Sec. 88. If, in the opinion of the Board of Administration, such disability is not due to intemperance, wilful misconduct or violation of law on the part of the member, a pension purchased by the contributions of the State, which, together with his annuity provided by his accumulated normal contributions, shall make the retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, equal to (a) ninety per cent of one-seventieth of his final compensation multiplied by the number of years of service credited to him, if such disability retirement allowance exceed one-fourth of his final compensation; otherwise, (b) ninety per cent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age sixty-five, but in such case the retirement allowance shall not exceed one-fourth of such final compensation. In no event, however, shall the pension purchased by the contributions of the State be more than sufficient to make the disability retirement allowance, exclusive of the annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member should he retire at the lowest age at which he would be eligible for service retirement. Pension for disability.

SEC. 19. Section 91 of said act is hereby amended to read as follows: Stats 1931, p 1442.

Sec. 91. Should a disability beneficiary reenter the State service and be eligible for membership in the retirement system in accordance with section 26 of this act, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at that time, as based on a disabled life, but such amount shall not exceed the amount of his accumulated contributions as such amount stood at the time of his retirement for disability. Such member shall receive credit for prior service in the same manner as though he had never been retired for disability. Reentry into State service

SEC. 20. Section 100 of said act is hereby amended to read as follows: Stats 1931, p. 1442.

Sec 100. Upon the death of a member either while in the State service, or within four months after such member's discontinuance of State service, or while such member continuously, from the date of discontinuance of State service to death, is physically or mentally incapacitated to perform his duties, there shall be paid to his estate, or to such person having an insurable interest in his life as he nominates by written designation duly executed and filed with the Board of Death in service, etc

Administration, his accumulated contributions; and in addition, if the deceased has been a member of the retirement system for at least one year there shall be so paid an amount, provided from contributions made by the State, which shall be equal to one-twelfth of the annual compensation earnable by the deceased during the twelve months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed fifty per centum of such compensation. A person, while a member or after retirement, shall have the right to revoke the nomination of a beneficiary made by him under the retirement system, and to nominate a beneficiary in lieu thereof, all by written designation duly executed and filed with the retirement board, provided that this right shall not extend to beneficiaries nominated under options 2, 3, and 4 in sections 97, 98, and 99 of this act.

Funeral expenses.

The board of administration, however, in the event that the whereabouts of the nominated beneficiary can not be determined, or in the event that the nominated beneficiary be the estate of the deceased person, may pay in its discretion all or a portion of the amount payable under this section, but not to exceed the funeral expenses of such deceased person as evidenced by the sworn itemized statement of the undertaker who conducted the funeral and such other documents as the board may require, to said undertaker, and said payment shall be full and complete discharge and acquittance of the amount payable under this section up to the amount so paid, anything in this act to the contrary notwithstanding.

Stats 1931, p. 1442

SEC. 21. Section 104 of said act is hereby amended to read as follows:

Power of board.

Sec. 104. If it shall be impracticable for the Board of Administration to determine from the records the length of service, the compensation or the age of any member, or if any member refuses or fails to give the board a statement of his State service, his compensation or his age, the said board may estimate, for the purposes of this act, such length of service, compensation or age.

Stats 1931, p. 1442.

SEC. 22. Section 108 of said act is hereby amended to read as follows:

Appropriation. From general fund

Sec. 108. From and after the date the system created by this act takes effect, out of any moneys in the State treasury not otherwise appropriated, there shall be paid monthly into the "State employees' retirement fund" a sum equal to three and twenty-five one-hundredths per centum of the total compensation paid members of the retirement system whose compensation is paid from the general fund of the State. The Board of Administration shall certify to the State Controller at the end of each month the total amount of compensation paid such members of the retirement system, and the State Controller shall thereupon transfer three and twenty-five one-hundredths per centum of this amount from the general fund of the State to the "State employees' retirement fund." Contributions made to the retirement system under this section

Disposition of contributions.

and the section next following shall be applied by the Board of Administration to meet the State's obligations under the system in the order and amounts as follows: first, in an amount equal during each fiscal year to the liability accruing because of State service rendered during such year and on account of pensions provided for in section 82 and sections 86 to 89, inclusive, such amount to be determined by the actuarial valuation provided for in section 51, as interpreted by the actuary of said board; second, in an amount equal during each fiscal year to the payments made, from contributions by the State, during such year as provided in section 100; third, in an amount equal to the balance of such contributions, on the liabilities accrued on account of prior service benefits granted under sections 83 and 84, and sections 86 to 89, inclusive.

SEC. 23. Section 109 of said act is hereby amended to read as follows: Stats 1931, p. 1442.

Sec. 109. In addition to such payments out of the general fund, there shall be paid monthly, from and after the date the system created by this act takes effect, into the "State employees' retirement fund" out of every other fund directly controlled by the State, out of which the compensation of members is paid, a sum equal to three and twenty-five one-hundredths per centum of the total compensation paid members of the retirement system from the aforesaid fund. All such payments, whether heretofore or hereafter made are hereby validated and confirmed. The Board of Administration shall certify to the State Controller at the end of each month the total amount of compensation paid such members of the retirement system from each such fund and the State Controller shall thereupon transfer three and twenty-five one-hundredths per centum of this amount from each such fund, respectively, to the "State employees' retirement fund." Appropriation. From special funds.

SEC. 24. A new section is hereby added to said act to be numbered 109a and to read as follows: New section

Sec. 109a. All payments of the State into the "State employees' retirement fund," whether made as provided in sections 108 and 109 of this act, or heretofore made as otherwise provided, are hereby made and shall continue to be obligations of the State. Payments are State obligations.

SEC. 25. Sections 69 to 74, inclusive, of said act are hereby repealed. Repeals

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CHAPTER 474.

An act to amend section 2322x39 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-ninth class.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2322x39 of the Political Code is hereby amended to read as follows: Stats 1931, p 853

Lassen County Agricul ural commis sioner.

2322x39. In counties of the thirty-ninth class, the commissioner shall receive a salary of two thousand one hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors, and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a salary of one hundred fifty dollars per month, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy agricultural commissioner shall not exceed one thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors, at a monthly salary of one hundred twenty-five dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of not to exceed one hundred twenty-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk not to exceed one thousand five hundred dollars.

(d) From and after twelve o'clock meridian on the first Monday after the first day in January, 1935, the salary of the agricultural commissioner shall be two thousand four hundred dollars per annum.

CHAPTER 475.

Stats. 1911, p 80, amended.

An act to repeal section 9mm of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,'" approved February 25, 1911, as amended, relating to libraries in counties of the thirty-ninth class.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. Section 9mm of the act cited in the title hereof is hereby repealed.

CHAPTER 476.

An act to add section 843.5 to the Fish and Game Code, relating to nets.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 477.

An act to add section 11a to an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the 'Islais Creek Reclamation District,' fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid or assist such works of reclamation, granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to delinquent installments of assessments. Stats. 1925, p 87, amended.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the act cited in the title hereof, to be numbered 11a and to read as follows: New section.

Sec. 11a. Interest on delinquent installments of assessments shall be at the rate of seven per cent per annum of the amount of said delinquent installment. Penalties for delinquent installments of assessments levied under the provisions of this act shall be seven per cent of the amount of said installment. Delinquent assessments: Interest and penalties.

Any person interested in property sold for delinquent assessment installments under the provisions of this act may redeem the same at any time within three years from and after the date of said sale of such property for delinquent assessment installments. At the end of such three-year period the property shall be sold only at public sale for delinquent assessments, plus interest thereon and accrued penalties. Redemption.

CHAPTER 478.

Stats 1927, p 1581, amended

An act to amend section 14 of the California Terminal Weighing Act relating to the fees collected thereunder.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

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

Stats 1927, p. 1581.

SECTION 1. Section 14 of the act cited in the title hereof is hereby amended to read as follows:

Disposition of receipts.

Sec. 14. All money collected under the provisions of this act shall be paid into the State treasury and placed to the credit of the "Department of Agriculture fund."

Effect.

SEC. 2. This act shall not in any manner affect any moneys collected under the provisions of this act heretofore placed to the credit of the Department of Agriculture fund.

CHAPTER 479.

An act to add section 807.5 to the Fish and Game Code, relating to clams.

[Approved by the Governor May 22, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 480.

An act to amend section 2322x44 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-fourth class.

[Approved by the Governor May 22, 1933. In effect August 21, 1933.]

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

Stats. 1931, p 933.

SECTION 1. Section 2322x44 of the Political Code is hereby amended to read as follows:

Colusa County Agricultural commissioner.

2322x44. In counties of the forty-fourth class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a compensation of five dollars per diem, during the time actually employed, but the aggregate amount which may be expended

in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars.

CHAPTER 481.

An act to amend an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, requiring the licensing of producers and manufacturers of casing-head gasoline, kerosene distillates or other petroleum products used in, or which may be used in the blending, compounding or manufacture of motor vehicle fuel, and of brokers, jobbers and wholesale merchants dealing in petroleum products, requiring the execution and delivery by distributors of a surety bond upon application for license, providing for the collection and disposition of license taxes, declaring unlawful the withholding from export of motor vehicle fuel obtained for export, the diversion of motor vehicle fuel from interstate transit, or the improper return of motor vehicle fuel previously exported, prescribing penalties for violation of the provisions of this act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, Statutes of 1923, page 571, as amended, by adding a new section thereto to be numbered 13½, to provide for the uses and purposes to which the funds derived under said act may be used.

Stats 1923, p. 571, amended

[Approved by the Governor May 23, 1933 In effect August 21, 1933]

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

SECTION 1. A new section is hereby added to that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, requiring the licensing of producers and manufacturers of casing-head gasoline, kerosene distillates or other petroleum products used in, or which may be used in the blending, compounding or manufacture of motor vehicle fuel, and of brokers, jobbers and wholesale merchants dealing in petroleum products, requiring the execution and delivery by distributors of a surety bond upon application for license, providing for the collection and disposition of license taxes, declaring unlawful the withholding from export of motor vehicle fuel obtained for export, the diversion of motor vehicle

New section.

fuel from interstate transit, or the improper return of motor vehicle fuel previously exported, prescribing penalties for violation of the provisions of this act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, Statutes of 1923, page 571, as amended, which section shall be numbered 13½ and shall read as follows:

Additional uses for county funds

Sec. 13½. Notwithstanding the provisions of section 13 and in addition to the authority therein conferred for the expenditure of the funds therein mentioned the board of supervisors of any county, or city and county, may also in its discretion expend any portion of said sums so received by such county, or city and county, for the payment of any portion of the principal or interest of, or for the redemption or purchase at a discount of, or for transfer to the interest and sinking fund for the discharge and payment of, bonds of a special assessment district or districts within said county, city and county, or any incorporated city therein, for the payment of which special assessments (levied wholly or partly in accordance with the assessed value of lands) have been or are to be levied, which bonds have been issued in payment of, or the proceeds of which have been used for the acquisition of rights of way for the opening, widening, straightening, extending of, establishing of, or for the construction, improvement or repair of streets, roads, highways, bridges or culverts within such county, or city and county, or any incorporated city therein.

Resolution of county use

Before any such sums may be expended for the purpose provided in the next preceding paragraph the board of supervisors of any such county, or city and county, shall, by a resolution adopted by a four-fifths vote of the members thereof, determine that the streets, roads, highways bridges or culverts for the acquisition of rights of way for which, or the construction, improvement or repair of which, as the case may be, said bonds were issued are of general county use. It is the intention of this provision that no such funds shall be expended for any of the purposes herein enumerated if the streets, roads, highways, bridges or culverts are of only local use.

Restrictions

The authority conferred upon the board of supervisors of any county, or city and county, in this section, shall apply only to, and be restricted to, an amount or amounts equal to twenty per centum of the said sums so received by any such county, or city and county.

Said authority is further limited to bonds which shall have been issued prior to the taking effect of this section, or shall be issued under any proceeding initiated prior to January 1, 1933.

CHAPTER 482.

Stats. 1923, p. 517, amended

An act to amend section 159 of the California Vehicle Act, relating to the motor vehicle fund and the disposition of moneys placed therein, and to repeal the section 159½ of

said California Vehicle Act added by chapter 1026, Statutes of 1931.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 159 of the California Vehicle Act, as amended, is hereby amended to read as follows:

Stats. 1931, p. 2285. See Ch. 1031, Stats. 1933.

Sec. 159. (a) There is hereby created in the State treasury a fund which shall be known as the "Motor vehicle fund." The State Treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund.

Motor vehicle fund.

(b) There is hereby appropriated out of such fund all moneys received as transfer fees, operators' and chauffeurs' license fees, and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year thirty-five per cent thereof as may be necessary for the maintenance of the Division of Motor Vehicles to be expended by the division in carrying out the provisions of this act; and the Division of Motor Vehicles is hereby authorized out of said funds to purchase real estate and erect such buildings as it may require, subject to the approval of the Department of Finance. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the State Legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Department of Finance and by the Controller. The balance of said fund, after the expenditure of so much as may be permitted by this act for the support of the Division of Motor Vehicles, shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified.

Appropriation to Department of Motor Vehicles

Revolving fund

"Net receipts"

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this State in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction and maintenance of public roads, bridges and culverts; provided, that the board of supervisors of any county may in its discretion expend any portion of such sums so

Appropriation to counties for road work

Streets, etc., in incorporated cities

received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance or resolution authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county, may also in its discretion expend any portion of such sums so received by such county, or city and county, for payment of interest upon, or redemption of bonds, the proceeds of which have been used for the construction, maintenance and repair of streets, bridges and culverts within such county, or city and county The board of supervisors of any county, or city and county, is hereby empowered to expend any portion of the amounts paid to the said county, or city and county and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; provided, however, that the construction thereof is authorized by ordinance or resolution of the board of supervisors of the county or city and county, in which said highway is to be constructed. Where such authorization is given by ordinance or resolution as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own boards, officers or commissions expend the amounts herein authorized to be expended, or may, by resolution of its board of supervisors, transfer said amounts to the account of the Highway Commission of the State of California or to the account of the Secretary of Agriculture of the United States and may by said resolution specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission or said Secretary of Agriculture be expended for the purpose specified and determined in said resolution and not otherwise.

Roads outside of county.

(d) The board of supervisors of each county in the State shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided, and shall also make an annual report to the State Department of Public Works not later than three months after the close of the counties' fiscal year, upon forms to be provided by the State Department of Public Works, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

County road fund

Annual report

(e) The State Controller shall in the months of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which said county is entitled hereunder, except that the State Controller shall not draw his warrant

Payment to counties

upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money heretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required; provided, however, that in cases where the actual domicile, residence or place of abode of an owner, or part owner, of any motor vehicle, trailer or semitrailer is in a different county than the place which such owner has designated as his place of residence in his registration certificate, the county auditor of the county receiving such funds from the State as hereinabove provided may draw his warrant in favor of the county containing the actual domicile, residence, or place of abode of such owner, or part owner, in such sums as may properly be attributed to the latter county.

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the Legislature for the same purpose, shall be paid into the State highway maintenance fund and shall be expended under the direction of the State Department of Public Works for the maintenance, repair, widening, resurfacing and reconstruction of State roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in State parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such money to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the State Controller upon demands made by the State Department of Public Works and allowed and audited by the Department of Finance.

State highway maintenance fund

SEC. 2. Section 159½ of the California Vehicle Act, being the section added by chapter 1026 of the Statutes of 1931, is hereby repealed.

Repeal

CHAPTER 483.

An act to amend an act entitled "An act authorizing counties to construct, improve, maintain and repair streets lying in municipalities or to aid or assist by the appropriation of money and otherwise in establishing, laying out, opening, widening, extending, straightening, constructing, improving or altering streets or changing or separating the grades thereof within municipalities or in acquiring lands, rights of way or other property necessary therefor," approved April 30, 1923 (Statutes of 1923, page 123) by amending

Stats 1923, p 123, amended

section 1 thereof to authorize aid in the payment of bonds and/or interest thereon.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

Stats 1925, p 236

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Resolution extending county aid

Section 1. The board of supervisors of any county may by resolution adopted by a four-fifths vote of the members thereof determine that the proposed establishing, laying out, opening, widening, extending, straightening, construction, improvement or altering of any street or other public way or any portion thereof within an incorporated city or extending along or across the boundary thereof or the establishing, modifying or changing the grade thereof or the separation of the grades of any two or more streets or other public ways which intersect each other or the separation of the grades of any such street or other public way and any steam, electric or street railroad crossing such street or other public way or the construction of the necessary pavements, curbs, culverts, bridges, tunnels, subways, viaducts, drainage facilities or other structures incident to or a part of such street or other public way or the acquisition by purchase, condemnation or otherwise of any lands, rights of way or other property necessary for any of the purposes hereinbefore mentioned is of general county interest and that county aid shall be extended therefor. Such resolution must refer to the proposed new or existing street or portion of street or other public way, the general nature of the improvement proposed and the nature of the aid to be furnished by the county and the fund or funds from which it is to be paid.

Kind of aid

Thereafter and in accordance with such resolution the county may give aid in one or more of the following ways, viz: it may contribute money, acquire material and deliver the same, furnish engineering services or labor, or loan its road building machinery, or may pay, or contribute money to be used for payment of, interest upon, or redemption of, bonds, the proceeds of which have been used for, or which have been issued in payment for, work hereinbefore mentioned. The expense of such aid may be paid from one or more of the following funds, viz: the general fund, the general road fund, the fund composed of moneys received from the State pursuant to the California Vehicle Act or pursuant to chapter two hundred sixty-seven of Statutes of 1923 or from the proceeds of any county bond issue voted for the purpose of laying out, constructing, maintaining or repairing public roads, bridges or highways or for the acquisition of lands, rights of way or other property necessary therefor or from any other fund available for such purposes.

Moneys used

Stats 1923, p 317

Stats 1923, p 571

All moneys, materials and other aid so received by the city must be used by it in the improvements described in the resolution and any portion thereof not used shall be returned to the county. Unused money.

CHAPTER 484.

An act to amend section 4041.7 of the Political Code defining the powers of the board of supervisors.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4041.7 of the Political Code is hereby amended to read as follows: Stats. 1929, p. 1450

4041.7. (1) Under such limitations and restrictions, as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the board of supervisors, in their respective counties, shall have the jurisdiction and powers to acquire and take by purchase, condemnation or otherwise land for the uses and purposes of public roads, highways, boulevards, turnpikes and other public ways, and to lay out, maintain, control, construct, repair, and manage public roads, boulevards, highways, turnpikes and other public ways, and to incur a bonded indebtedness for any such purposes; provided, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at the next general election or at a special election called for that purpose, and two-thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section 4088 of this code. Said board shall also have power to make and enforce rules and regulations for the protection, management, control and use of such public boulevards, roads, highways, turnpikes and other public ways. Such board shall also have power to expend from the general fund of the county such moneys as may be necessary to pay the whole or any part of the cost of the improvement of any street, highway, lane, alley, court, or other public place within any incorporated city of the county, wherever any real property of the county used for public purposes is included within the assessment district formed to pay for any such improvement not exceeding the amount, however, which, but for such public ownership and use, would be properly chargeable to and assessed against such real property under the provisions of the law governing such work or improvement; provided, no liability shall be created against the county in connection with any such work General powers of supervisors Public roads.

or improvement unless the board shall, by resolution, determine and declare the amount to be so expended and direct that such sum be set apart and reserved out of any moneys in the general fund available for such purpose, to be used exclusively for paying the cost of such work or improvement.

Bridges and ferries.

(2) To construct, operate, manage or maintain summer bridges or ferries under such rules and regulations and at such times and places as they may deem necessary; such bridges or ferries to be paid for out of the county general fund.

Road fund tax.

(3) To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts; provided, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads of such district.

Road repair.

(4) To enact ordinances and regulations for the construction, alteration, repair and control of all public roads and highways in the county, unless otherwise provided by law.

Wagons and vehicles

(5) To enforce, by ordinance, within the limits of their counties all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

Purchase and redeem assessment district bonds

(6) To purchase or redeem at a discount bonds of any special assessment district for the payment of which special assessments (levied wholly or partly in accordance with the assessed value of lands) have been or are to be levied, the proceeds of which bonds are or have been used exclusively for the acquisition of rights of way, or easements, or for the construction, maintenance, improvement, or repair of roads, streets, highways, bridges or culverts within said county, city and county, or any incorporated city thereof and also to pay any portion of the principal or interest of, or to transfer such amount as the board deems proper to the interest and sinking fund for the discharge and payment of, any of said bonds. Said bonds may be redeemed or purchased at not to exceed eighty per cent of the face value of the unpaid principal and interest of said bonds. The expenditures herein authorized may be made from the general fund of said county, or from any moneys received by said county under the provisions of that certain act of the Legislature known as the Motor Vehicle Fuel License Tax Act, or the California Vehicle Act, as said

Source of moneys

Stats 1923, p. 571

statutes are amended or shall hereafter be amended, or from any other statutory source providing for the disposition of motor vehicle fuel license taxes or motor vehicle registration license fees. Provided, however, that when any purchase authorized herein is made from funds received pursuant to the provisions of the Motor Vehicle Fuel License Tax Act or the California Vehicle Act, or any other statute which may provide for the disposition of motor vehicle fuel license taxes or motor vehicle registration license fees, the proceeds received from any bonds purchased therefrom shall upon receipt be deposited in a special fund and expended by said board of supervisors exclusively for any of the purposes for which the funds derived under any of those acts may be used. Provided further, that the expenditure of the funds herein permitted to be made shall be authorized by resolution, adopted by a four-fifths vote of the members of the board of supervisors determining that the bonds which are to be purchased were issued to acquire rights of way, or easements, or to construct, maintain, improve or repair streets, roads, highways, bridges or culverts of general county use, and not of a purely local use. Stats. 1923, p. 517.

CHAPTER 485.

An act authorizing boards of supervisors to pay principal or interest, purchase or redeem, bonds the proceeds of which have been used for the acquisition, improvement or maintenance of parks within their respective counties or cities and counties.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

SECTION 1. The board of supervisors of any county or city and county of this State may in its discretion expend any portion of the moneys in any of the funds hereinafter named for the payment of principal or interest, the redemption or purchase of bonds of the county or city and county or of a special assessment district within said county or city and county for the payment of which special assessments have been or are to be levied, the proceeds of which bonds have been used for the acquisition of lands or the improvement or maintenance of such lands for public parks within said county or city and county. Payment of public park bonds.

SEC. 2. The moneys herein authorized to be expended by said boards of supervisors may be from any one of the following funds, to wit: the general fund of the county or city and county or any funds received by said county or city and county pursuant to the provisions of that certain act of the Legislature known as the California Vehicle Act, as said statutes Moneys authorized to be used

Stats 1923, p 517.

are amended or shall hereafter be amended, or from any other statutory source providing for the disposition of motor vehicle registration license fees, or from the proceeds of any county or city and county bond issue voted for the purpose of acquiring the lands or improving or maintaining the same as a public park within said county or city and county, or from any other fund available for such purposes; provided, however, that said moneys shall be appropriated to the purposes herein authorized only upon a vote of all of the members of the board of supervisors.

CHAPTER 486.

An act to amend sections 1035 and 1039 of the Fish and Game Code, relating to fish.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 487.

Stats 1915, p. 1225, amended

An act to amend section 19x39 of the Juvenile Court Law, relating to the probation officer in counties of the thirty-ninth class.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

Stats 1931, p 853

SECTION 1. Section 19x39 of the Juvenile Court Law is hereby amended to read as follows:

Lassen County Probation officer

Sec. 19x39. In counties of the thirty-ninth class there shall be one probation officer whose salary shall be twenty-five dollars per month; provided, that from and after twelve o'clock meridian on the first Monday after the first day in January, 1935, the salary of the probation officer shall be one hundred dollars per month.

CHAPTER 488.

An act to amend section 479 of the Agricultural Code, relating to dairies and dairy products.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 489.

An act to amend sections 4, 7, 8, 9, 14 of and to add new sections to be numbered 8a, 15a and 15b to an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, relating to vital statistics. Stats 1915, p 575, amended

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p 1941

Sec. 4. The clerk of each city and county, city and incorporated town having at least five thousand inhabitants at the last Federal census shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; provided, however, that in cities and counties and cities having at least five thousand inhabitants at the last Federal census wherein a health officer is provided for by a freeholders' charter or other applicable law or wherein the county health officer acts as city health officer under contract as authorized by law, the health officer shall act as local registrar and perform all the duties thereof. The State Registrar, subject to the approval of the State Board of Health or its secretary, shall appoint a local registrar for each primary rural district whose term of office shall be four years, and whom the State Registrar may remove forthwith for failure or neglect to perform his duty as prescribed by this act; provided, however, that in those counties wherein there is a county wide health department organization the county health officer shall be the local registrar for all territory in the county not included in a primary registration district as defined in section 3. Each local registrar, besides transmitting to the State Registrar each original birth and death certificate registered by him and besides retaining a complete and accurate copy of each such birth and death certificate for the local record of the registration district as required by section 19 of this act, shall also transmit to the recorder of Local registrars

Duties

the county for a special county record a complete and accurate copy of each original birth and death certificate transmitted by said local registrar to the State Registrar; provided, that the health officer of a city and county when acting as local registrar shall not be required to transmit copies of birth or death certificates to the county recorder thereof; and provided further, that in accordance with sections 3076, 3078, and 3079 of the Political Code, the county recorder shall be the sole local registrar for marriages performed anywhere in the county. Each local registrar shall immediately appoint a deputy in writing, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any registration district, the local registrar is hereby authorized, with the approval of the State Registrar, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forthwith forward all certificates to the local registrar of the district, and in all cases before the third day of the following month; provided, that each subregistrar shall be subject to the supervision and control of the State Registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the rules and regulations of the State Registrar, and shall be subject to the same penalties for neglect of duty as the local registrar.

Deputies.

Subregistrars.

All assistants and deputies of any health officer or clerk acting as local registrar shall be assistants and deputies registrar, and shall have all the powers and may perform all the duties of a local registrar in the name and stead of their principal.

Stats 1917, p 717.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

Certificate of death contents

Sec. 7. The certificate of death shall contain the following items, which are hereby declared to be necessary for the legal, social, statistical, and sanitary purposes subserved by registration records, and such other items as may be designated by the State Board of Public Health:

(1) Place of death, including State, county, and township, village or city. If in a city, the street and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "Unnamed." Residence; if nonresident, name of city or town and State.

(3) Sex.

(4) Color or race—as white, black, mulatto (or other Negro descent), Indian, Chinese, Japanese, Mexican, or other.

(5) Conjugal condition—as single, married, widowed or divorced.

(5a) Husband or wife of _____.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months and days. If less than one day, the hours or minutes.

(8) Occupation. The occupation to be reported of any person, male or female, who had any remunerative employment with the statement of trade, profession or particular kind of work.

(9) Industry in which work was done.

(10) Date deceased last worked at this occupation.

(11) Total years spent in this occupation.

(12) Birthplace; at least State or foreign country, if known.

(13) Name of father.

(14) Birthplace of father; at least State or foreign country, if known.

(15) Maiden name of mother.

(16) Birthplace of mother; at least State and foreign country, if known.

(17) Length of residence; (a) in place of death; (b) in California; (c) in the United States if of foreign birth.

(18) Signature and address of informant.

(19) Whether burial, cremation or removal; the place of such, together with the date.

(20) Signature and license number of embalmer; signature and address of undertaker, or person acting as such.

(21) Official signature of registrar, with date when certificate was filed; registered number.

(22) Date of death; year, month and day.

(23) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and date of onset or duration of each.

(24) Certification as to action of the coroner when compelled to act by law, stating kind of action taken, whether inquest, autopsy or inquiry, and the fact and cause of death.

(25) If death due to accidental or violent means, it shall be stated as to whether accident, suicide or homicide; date of injury; place of injury, whether in home, industry or public place; manner and nature of injury.

(26) Whether disease or injury is related to occupation.

(27) Signature and address of attending physician, or of the autopsy surgeon if done at the request of the coroner.

(28) Signature of the coroner, with the statement of the county of which he is an officer.

Authentication.

The personal and statistical particulars (items one to sixteen) shall be authenticated by the signature of the informant who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

Medical certificate

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased except in those cases where the attending physician is unable to state the cause of death or where a person has been killed or has committed suicide or his death is the result of an accident or where an injury is a contributing cause of death or where he has died under such circumstances as to afford a reasonable ground to suspect that his death has been caused by the criminal act of another, and said physician shall within fifteen hours after the death deposit the certificate at the place of death, or deliver it to the attending undertaker at his place of business or at the office of said physician. Said physician shall specify in the certificate the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the State Registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal.

New section

SEC. 3. A new section to be numbered 8a is hereby added to said act to read as follows:

Identification of unknown body.

Sec. 8a. In case an unknown body is identified after filing the death certificate, it shall be the duty of the coroner having jurisdiction to file with the State Registrar of Vital Statistics a death certificate giving the name of the unknown person and all statistical particulars which have been discovered concerning him. This shall be filed with the original record and shall become a part of it.

Stats. 1915, p. 575

SEC. 4. Section 9 of the said act is hereby amended to read as follows:

Duties of undertaker.

Sec. 9. The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. This certificate shall be signed by the attending physician, if any, or by the coroner or other proper official either directly or as directed by the local regis-

trar, giving the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections 7 and 8. And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of California, it shall be delivered to the person in charge of the place of burial.

Casket sellers' records

Every person, firm, or corporation selling a casket shall keep a record showing the name of the purchaser, purchaser's post-office address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the State Registrar at all times. On the first day of each month the person, firm or corporation selling caskets shall report to the State Registrar each sale for the preceding month, on a blank provided for that purpose; provided, however, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of a dead body.

Every person, firm or corporation selling a casket at retail, and not having charge of the disposition of the body shall inclose within the casket a notice furnished by the State Registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State Board of Health concerning the burial or other disposition of a dead body.

Stats. 1917, p. 717.

SEC. 5. Section 14 of said act is hereby amended to read as follows:

Certificate of birth, contents

Sec. 14. The certificate of birth shall contain the following items, which are hereby declared necessary for the legal, social, sanitary and statistical purposes subserved by registration records; and such other items as shall be designated by the State Board of Public Health:

(1) Place of birth, including State, county, township or town, village or city. If in a city, the street and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births.

(5) For plural births, number of each child in order of birth.

(6) Whether premature or full term.

(7) Date of birth, including year, month and day.

(8) Full name of father.

(9) Residence of father, giving city and State of residence.

(10) Color or race of father.

(11) Age of father at last birthday, in years.

(12) Birthplace of father; at least State or foreign country, if known.

(13) Occupation of father. The occupation of father to be reported if engaged in any remunerative employment, with the statement of the trade, profession or particular kind of work done.

(14) General industry or business in which work was done.

(15) Date last engaged in this work.

(16) Total time spent in this work.

(17) Full maiden name of mother.

(18) Residence of mother, giving city and State of residence.

(19) Color or race of mother.

(20) Age of mother at last birthday, in years.

(21) Birthplace of mother; at least State or foreign country, if known.

(22) Occupation of mother The occupation to be reported if engaged in any remunerative employment, with the statement of trade, profession or particular kind of work.

(23) General nature of industry or business in which work is done.

(24) Date last engaged in this work, giving month and year.

(25) Number of years spent in this work.

(26) If stillborn, period of gestation in months or weeks.

(27) Cause of stillbirth; whether before or during labor.

(28) Prophylactic for aphthalmia neonatorium.

(29) Crippling congenital deformities.

(30) Number of children of this mother (a) born alive and now living; (b) born alive but now dead; (c) stillborn.

Certification.

(31) The certification of attending physician or midwife as to attendance at birth, including statement of hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of such birth, as required by section 13 of this act.

(32) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided.

SEC. 6. A new section to be numbered 15a is hereby added to said act to read as follows: New section

Sec. 15a. Whenever a decree of adoption has been entered declaring a child legally adopted in any superior court in the State of California a certificate of the decree shall be recorded by the clerk of the court with the State Registrar of Vital Statistics upon a form provided for that purpose. This shall be filed with the original record of birth, which shall remain as a part of the records of the State Bureau of Vital Statistics, but which shall not be accessible to any one except upon request of the child or his foster or natural parents or upon order of a court of record. Upon request a certificate of birth shall be issued bearing the name of the child as shown in the decree of adoption, the names of the foster parents of said child, the age of the foster parents, the sex, date of birth and place of birth, but no reference in any birth certificate shall have reference to the adoption of said child. Decree of adoption.

SEC. 7. A new section to be numbered 15b is hereby added to said act to read as follows: New section.

Sec. 15b. The finding of an unknown child less than one year of age shall be immediately reported to the local registrar of vital statistics. Such report shall show the sex and color of the child, the date and place of finding the child, and the name of the person or institution with whom it is placed. The city, town or rural district in which the child is found shall be known as the legal place of birth, and the date of birth shall be determined as nearly as possible and shall be given on the certificate and shall be known as the legal date of birth. The person or institution with whom the child is placed shall give said child a name and shall report the same to the local registrar. The certificate of finding shall be forwarded to the State Registrar with the regular monthly report of births, and shall be filed and indexed by him with the regular birth certificates. If the child shall later be identified and a certificate of birth found or obtained, such fact shall be reported to the State Registrar and he shall indorse it upon the certificate of finding, with citation to the certificate of birth. Report on finding unknown child.

SEC. 8. Section 8 of said act is hereby amended to read as follows: Stats. 1915, p. 575.

Sec. 8. In case of any death occurring without medical attendance, or continued absence of the attending physician or where the attending physician is unable to state the cause of death or where the deceased was killed or committed suicide or died as the result of an accident or under such circumstances as to afford a reasonable ground to suspect that his death was caused by the criminal act of another, the certificate of death shall be made by the coroner. It shall be the duty of the physician, undertaker, or other person in charge of the Duties of coroner.

body to notify the coroner or other proper official of such death for investigation and certification. And the coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the State Registrar in order properly to classify the death. In every case the certificate must contain as many facts required by this act as can be ascertained.

Certificate of death

The coroner shall within three days after examining the body deliver the death certificate to the attending undertaker.

CHAPTER 490.

An act to amend sections 4.371, 4.373, 4.376 and 4.377 of the School Code, and to add two new sections to the School Code, to be numbered 4.378 and 4.379, all relating to district taxes.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

Sch Code, p 169

SECTION 1. Section 4.371 of the School Code is hereby amended to read as follows:

School district tax Amount

4.371. He shall determine this amount by deducting from the total estimated needs of the school district as shown by its budget the total estimated income of the school district from all sources other than a school district tax for the current school year as estimated in the budget. The remainder, if any remainder there be, thus obtained, shall be the minimum amount of the school district tax to be levied by the board of supervisors for the particular school district.

Sch Code, p 169

SEC. 2. Section 4.373 of the School Code is hereby amended to read as follows:

Same—Rate

4.373. The board of supervisors must fix such a rate for such district tax as will produce the amount of district tax money requested by the particular district.

Stats 1931, p 2492

SEC. 3. Section 4.376 of the School Code is hereby amended to read as follows:

Election to increase rate

4.376. Any maximum rate of tax for any district as hereinbefore in this article established may be increased by a majority vote of the qualified electors of the school district at an election which may be called by the governing board of the school district of its own motion and must be called whenever a petition requesting that such an election be called and signed by ten per cent of the qualified electors of the district shall be presented to the said governing board. The

election shall be called, held and conducted in as nearly the same manner as is practicable as are elections for governing boards. The ballot used in the election shall contain the words "For the proposed increase in the maximum tax rates from _____ to _____, to provide money for the purpose of _____, said rate to be in effect in the _____ school district for the year (or years) 19__ to 19__,—Yes" and "For the proposed increase in the maximum tax rates from _____ to _____, to provide money for the purpose of _____, said rate to be in effect in the _____ school district for the year (or years) 19__ to 19__,—No." Each voter shall stamp or print a cross after the answer he desires to give. Ballot

SEC. 4. Section 4.377 of the School Code is hereby amended to read as follows: Stats 1931, p 2492

4.377. Increase of tax rate as provided in this article shall remain in effect only for the period specified on the ballot. Increase

SEC. 5. A new section is hereby added to the School Code, to be numbered 4.378 and to read as follows: New section

4.378. The county auditor shall apportion school district tax collections to each school district as follows: He shall apportion to each school district all moneys collected from sources other than school district taxes as shown in its budget. From each school district's tax collections he shall apportion an amount which, when added to the moneys apportioned from all other sources, will equal the total amount of the school district budget. He shall not apportion to any school district any moneys that will cause said school district to receive more than the total amount of its budget. Apportionment by auditor

SEC. 6. A new section is hereby added to the School Code, to be numbered 4.379 and to read as follows: New section

4.379. All moneys accruing to the school district in excess of the apportionments above described shall be kept by the county auditor in reserve for the school district, and shall not be available for withdrawal by the school district except by the following procedure. The governing board of the school district shall, by formal action of the board, pass a resolution setting forth the need for any portion of said reserve. The resolution shall be submitted to the county superintendent of schools. If the resolution is approved by the county superintendent of schools it shall, if it involves a sum in excess of one thousand dollars, be published in the same manner as the budget of the school district concerned is published. Upon the approval of said resolution and, where its publication is required, following its publication, the auditor shall apportion from the reserve to the credit of the school district the sum of money set forth in such resolution. Withdrawal of reserves

On the first day of July of each year, the county auditor shall place to the credit of the school district all moneys that have been accumulated in such reserve during the preceding year, together with any remaining balance of current tax collections, and the school district shall include all moneys so

credited in the balance shown in the budget for the ensuing fiscal year.

CHAPTER 491.

An act to amend section 7371l of the Political Code, relating to salaries of the judges of the superior court of the City and County of San Francisco.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1028.

SECTION 1. Section 7371l of the Political Code is hereby amended to read as follows:

San Francisco Superior judges.

7371l. The annual salary of each of the judges of the superior court in and for the City and County of San Francisco is nine thousand dollars.

CHAPTER 492.

An act to amend section 611 of, and to add section 611.5 to, the Fish and Game Code, relating to trout.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 493

Stats 1911, p 1290, amended.

An act to amend sections 4, 5, and 6 of, and to add sections 4a and 4b to the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction by said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

Stats 1929, p. 113.

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Election of board of directors.

Sec. 4. At an election to be held within such water district under the provisions of this act and the laws governing general

elections not inconsistent herewith, the municipal water district thus organized shall proceed within ninety days after its formation to the election of a board of directors consisting of five members. The board of supervisors shall make an order dividing said district into five divisions according to and based upon the population as determined by the United States census for 1930 but no municipal corporation shall be divided in the formation of a division. Such divisions shall be numbered first, second, third, fourth and fifth, and one director shall be elected for each division by the electors thereof. Each director shall hold office for the term of four years from and after the date of his election and until the election and qualification of his successor except that at the election first held in any district after the effective date of this amendment, five members of the board of directors shall be chosen of whom two shall serve for the term of two years and three for four years as determined between them respectively by lot.

Term of office.

In each district heretofore organized hereunder, the first election for directors held hereafter shall be held in the year 1934. Thereafter the general district elections shall be held every two years and on the same day that the August primary election is held. Each candidate for director who at any election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office. If at such election, as to any such office, none of the candidates receive such majority, the two candidates who receive the highest number of votes cast on all of the ballots cast for candidates for such office, shall be the candidates for such office at the ensuing district election, which latter election, if other than the election for the first board of directors as mentioned in section 6, shall be held at the same time as the next succeeding November election. Candidates shall be nominated, election returns shall be canvassed and the election shall be held and conducted in the same manner as the nomination, election and canvassing of returns for county officers are made, held and conducted, so far as consistent with the provisions of this act and except as otherwise herein expressly provided. Said election held in August of each even-numbered year shall be known as the general water district election and each other election which may be held in any such district by authority of this act or the general laws shall be known as a special water district election.

General water district election.

Conduct of election.

SEC. 2. Section 4a is hereby added to said act to read as follows:

New section

Sec. 4a. Within ninety days after this amendment takes effect the board of directors of each municipal water district heretofore organized hereunder shall divide its district into five divisions according to and based upon the population as determined by the United States census for 1930, but no municipal corporation shall be divided in the formation of a division. Such divisions shall be numbered first, second,

Five subdivisions.

third, fourth and fifth, and one director shall be elected for each division by the electors thereof. If any such district board of directors neglects or fails to effect such division in its district within ninety days after this amendment takes effect then and thereupon it is the duty of the board of supervisors in which the district, or the greater portion thereof, is situate, to make and declare such division and the board of supervisors in such case shall consummate the same on or before one hundred eighty days after this act takes effect.

New section

SEC. 3. Section 4b is hereby added to said act to read as follows:

Records are public.

Sec. 4b All books, papers and records, including pay rolls and records of claims presented to or allowed by the district, belonging to or in the custody of any municipal water district organized under this act, are and shall be public records and subject to the inspection of any tax or assessment payer of the district, at the office of the district during ordinary business hours.

Stats 1929, p 113

SEC. 5. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Registration of voters.

Sec. 5. The registration which shall entitle an elector to vote at such water district election shall be the same registration as that employed at the primary election held in said county at said time, and for the purpose of registering voters who shall be entitled to vote at such election, the county clerk or registrar of voters shall be authorized, and he hereby is authorized, to cause to be printed or stamped with a rubber stamp upon the affidavits of registration used in any county in which there is a municipal water district an additional line to that required under the general laws of this State, which shall read substantially as follows: "Elector of the _____ Division of the _____ Municipal Water District, Yes—No," and in the registration of such electors he shall cross off the word "Yes" or "No" so as to indicate whether or not the elector is or is not an elector of said municipal water district.

Two forms of ballot within one precinct

In case the boundary line of a municipal water district crosses the boundary line of a county election precinct only those electors within such municipal water district and within such precinct who are registered as being electors of the municipal water district shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said municipal water district, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as electors of such municipal water district with the ballots upon which are printed the names of the candidates for office in said municipal water district.

Stats 1929, p 113

SEC. 6. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 6. The provisions of the law relating to the qualification of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all water district elections, except as in this act otherwise provided; provided, that the board of supervisors shall canvass the returns of the election or elections held to select the first board of directors, as herein provided, within ten days thereafter, and that in the case of the elections held to select the first board of directors the second election shall take place four weeks after the first election held for that purpose, and the board of supervisors shall canvass the vote cast at such elections within the time prescribed by law for the canvass of votes cast at a general election; and provided further, that the board of directors of a municipal water district shall meet as a canvassing board and duly proceed to canvass the returns within seven days after any water district bond election.

Conduct of elections

Canvass of returns

In counties in which municipal water districts are located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at the primary elections and the general elections in this act above specified a separate column in the same form as that provided by the general laws for nonpartisan officers, which column shall be marked "Municipal Water District," with a subheading "For a Member of the Board of Directors—Vote for One," and beneath which shall appear the names of the candidates for the office of member of the board of directors for such division of the municipal water district, with the appropriate blank space for the writing in of the name of a candidate if desired by the voters, and with a voting square placed opposite the space. The ballots thus provided shall be furnished by the election officers only to those electors within their respective precincts who shall appear on the register as duly registered electors of that division of the municipal water district, and in precincts which lie partly within such municipal water district and partly without the board of election shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of electors of such municipal water district, and the other of which shall be without such column containing the names of candidates for the office of member of the board of directors, and which shall be furnished to those electors who are registered as not being electors of the municipal water district and who are electors of the precinct.

Form of ballots.

CHAPTER 494.

An act to amend section 689 of the Political Code, relating to the costs of janitor and maintenance service furnished by the Department of Finance.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 843

SECTION 1. Section 689 of the Political Code is hereby amended to read as follows:

Collections from "self-supporting" departments

689. From any State department, officer, board or commission having any special fund in the State treasury made available by law for the use, support or maintenance of any part or all of the work and affairs of such department, office, board or commission, the Department of Finance may fix and collect:

(a) Motor vehicle insurance cost.

(a) The pro rata share of the cost of insuring motor vehicles belonging to such department, officer, board or commission against liability for damages resulting from the negligent operation of motor vehicles and arising under the provisions of section 1714½ of the Civil Code;

(b) Rentals of office space.

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the State and used or occupied by such State department, officer, board or commission where such space is utilized in carrying out the work and affairs, or that portion of the work and affairs, of such department, officer, board or commission, for the carrying out of which said special fund was created;

(c) Cost of janitor service

(c) The actual cost of janitor and maintenance service rendered to such department, officer, board or commission to enable it to carry out the work and affairs, or that portion of its work and affairs, for the carrying out of which the special fund was created; and

(d) Workmen's compensation insurance cost.

(d) The pro rata cost of workmen's compensation insurance covering the officers and employees of such department, officer, board, or commission.

Claim by department

The State Department of Finance may file a claim against any appropriations made from special funds for the support or maintenance of any part or all of the work and affairs of any State department, officer, board or commission for a pro rata share of the costs or services included within this section, when such State department, officer, board, or commission refuses to pay such pro rata share of such costs or services, and the State Controller shall draw his warrant in accordance with law upon such claim in favor of the State Department of Finance.

Report to State Controller

All moneys received by the Department of Finance under the provisions hereof shall be accounted for and reported at the end of each month by said department to the State Controller to be by said Controller credited as an abatement of the expenses of said department, and at the same time such moneys

shall be remitted to the State treasury to become a part of any appropriation made available by law for the use or support of said department from out of which said appropriation or the then corresponding current appropriation the expenses incurred were paid.

CHAPTER 495.

An act to repeal sections 716 to 719, inclusive, and to add section 716 to the Political Code, relating to the Capitol building and grounds.

[Approved by the Governor May 23, 1933. In effect August 21, 1933.]

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

SECTION 1. Sections 716 to 719, inclusive, of the Political Code are hereby repealed. Repeals.

SEC. 2. A new section is hereby added to the Political Code to be numbered 716 and to read as follows: New section.

716. The Department of Finance shall appoint, and fix the salaries of, a Superintendent of Capitol Buildings and Grounds, who shall be a civil executive officer, and a Chief of State Police, and such other police officers, assistants, clerks, and employees as may be necessary to properly guard and maintain the Capitol buildings and grounds. The department may establish rules and regulations for the government and maintenance of the Capitol buildings and grounds, and any person who violates or attempts to violate such rules and regulations shall be guilty of a misdemeanor. Superintendent of Capitol and Chief of State Police.

The Superintendent of Capitol Buildings and Grounds, the Chief of State Police, the police officers and such employees as may be designated by the department shall have the power of peace officers in all parts of this State.

CHAPTER 496.

An act to amend section 2322x50 of the Political Code, relating to the office of agricultural commissioner in counties of the fiftieth class.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-fourth day of May, A.D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

SECTION 1. Section 2322x50 of the Political Code is amended to read as follows: Stats. 1931, p. 906.

Lake County Agricultural commissioner

2322x50. In counties of the fiftieth class the commissioner shall receive a salary of one thousand six hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of four dollars per diem each, during the time actually employed, and four inspectors at a compensation of three dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand dollars per annum. Said commissioner and inspectors shall receive ten cents per mile for each mile traveled, and other necessary expenses, in the discharge of their official duties.

CHAPTER 497.

An act to amend section 737bb of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Napa.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-fourth day of May, A.D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

Stats 1931, p 1007

SECTION 1. Section 737bb of the Political Code is hereby amended to read as follows:

Napa· Superior judge

737bb. The annual salary of the judge of the superior court in and for the county of Napa is five thousand dollars.

CHAPTER 498.

Stats. 1901, p. 34, repealed

An act to repeal an act entitled "The Local Improvement Act of 1901," approved February 26, 1901, Statutes of 1901, page 34, as amended, with the provision that said repeal shall not apply to existing proceedings under said act.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. An act entitled "The Local Improvement Act of 1901," approved February 26, 1901, Statutes of 1901, page 34, as amended, is hereby repealed; provided, however, that

the repeal of said act above entitled as amended shall not operate to divest, limit or prevent the legislative body of any city authorized to conduct a proceeding under the provisions of said act, or any amendment thereof, from performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended, in any proceeding wherein the resolution proposing said improvement shall have been adopted before January 1, 1933. Effect of act.

CHAPTER 499.

An act to amend sections 8 and 17 of the State Medical Practice Act, relating to certificates licensing the practice of medicine, drugless healing, and chiropody, and to penalties for violation of the provisions of the act. Stats. 1913, p. 722, amended

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 8 of the State Medical Practice Act is hereby amended to read as follows: Stats. 1921, p. 995.

Sec. 8. Four forms of certificates shall be issued by said board under the seal thereof and signed by the president and secretary; first a certificate authorizing the holder thereof to use drugs or what are known as medical preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, which certificate shall be designated "physician and surgeon certificate"; second, a certificate authorizing the holder thereof to treat diseases, injuries, deformities or other physical or mental conditions without the use of drugs or what are known as medical preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord, which certificate shall be designated "drugless practitioner's certificate"; third, a certificate authorizing the holder thereof to practice chiropody; for the purpose of this act chiropody shall be held to be the medical, mechanical or surgical treatment of the human feet. Forms of certificates. Physician and surgeon certificate. Drugless practitioner's certificate. Chiropody certificate.

(a) Medical treatment shall be held to be the local application or recommendation of any therapeutic agent or remedy for the relief of foot ailments. Medical treatment defined.

(b) Mechanical treatment shall be held to be the employment of any forcible means for the correction of any deformity of the foot or feet and shall not permit the treatment of fractures of the bones of the foot or feet or the application of splints or casts; provided, however, that mechanical treatment shall not prohibit the manufacture, the recommendation or sale of either corrective shoes or appliances for human feet. Mechanical treatment defined.

Surgical treatment defined

(c) Surgical treatment shall be held to mean the surgical treatment of abnormal nails, corns, callosities, bunions, and other minor foot ailments, not involving the bony structure, and does not confer the right of amputation of toes or joints thereof except as hereinbefore specified, or any portion of the foot or the severing of any tendon, or the use of anaesthetic other than local; fourth, a certificate to practice midwifery, which shall be in the form designated by the board and in conformity with this act. Such certificate shall entitle the holder thereof to attend cases of childbirth. As used in this act, the practice of midwifery means the furthering or undertaking by any person to assist a woman in normal childbirth, but does not include at any childbirth the use of any instrument, except such instrument as is necessary in severing the umbilical cord, nor the assisting of childbirth by any artificial, forcible or mechanical means, nor the performance of any version, nor the removal of adherent placenta, nor the administering, prescribing, advising or employing in childbirth of any drug, other than a disinfectant or cathartic. The provisions hereof shall not authorize any midwife to practice medicine and surgery. A "reciprocity certificate" shall also be issued under the provisions hereinafter specified. Any of these certificates on being recorded in the office of the county clerk, as hereinafter provided, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate.

Midwife's certificate.

Reciprocity certificate

Stats. 1929, p 435

SEC. 2. Section 17 of the State Medical Practice Act is hereby amended to read as follows:

Practice without license

Sec. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this State, or who shall diagnose, treat, operate for, or prescribe for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word "doctor," the letters or prefix "Dr.," the letters "M.D.," or any other term or letters indicating or implying that he is a doctor, physician and surgeon, physician, surgeon or practitioner, under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law, or who shall in any sign or any advertisement or otherwise use the word "chiropodist," "foot specialist," or any other term or terms or letters indicating or implying that he is a chiropodist, or that he practices or holds himself out as practicing chiropody or foot correction, as defined in section 8 of this act, without having at the time of so doing a valid unrevoked certificate as provided for in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as designated in this act; provided, that nothing contained in this section shall be construed to

Penalty

prohibit the manufacture, the recommendation, or sale of either corrective shoes or of appliances for human feet.

CHAPTER 500.

An act to add a new section to the Political Code to be numbered 2610, relating to the power of the Director of Public Works to rescind or terminate leases of lands of Mission Bay.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 2610, to read as follows: New section.

2610. The Director of Public Works may negotiate for the rescission or termination or may rescind or terminate any existing lease, or leases, previously executed by the Board of Harbor Commissioners for the bay of San Diego, of the lands or any part thereof of Mission Bay (also known as False Bay) in the county of San Diego. Rescission or termination of leases on Mission Bay.

For the purpose of rescinding or terminating such leases, the Director of Public Works, in addition to any other method, may enter into agreements with the lessee, lessees, or his or their assignee or assignees, and may accept, in the name of the State of California, quitclaim deeds to the leased property executed by the lessee, lessees, or his or their assignee or assignees of such property.

The Director of Public Works, in consideration of the termination by mutual agreement of any such lease, may release any lessee, lessees, or his or their assignee or assignees, from his or their obligations under such lease or leases.

Any act of the Director of Public Works in respect to any such lease done prior to the effective date of this act, and which would have been authorized hereunder, is hereby confirmed, approved, ratified and validated. Validation.

CHAPTER 501.

An act to amend sections 3649 and 3672 of the Political Code, relating to the assessment, equalization and taxation of property escaping assessment between the first Monday of March and the first Monday of July.

[Approved by the Governor May 24, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 3649 of the Political Code is hereby amended to read as follows: Stats 1929, p 124.

Assessment of property that has escaped taxation

3649. In the event of the failure or neglect of any person to return to the assessor for taxation any property between the first Monday in March and the first Monday in July of any year, such property when discovered by the assessor to have escaped taxation for such year, if such property is in the ownership or under the control of the same person who owned or controlled it on the first Monday of March, shall be assessed and entry thereof immediately made upon the assessment roll. If personal property is discovered and assessed after the first day of December such entry shall be followed by the words "penalty for failure to return within the time required by law," and thereupon a penalty equal to ten per cent of the tax shall attach to the tax so levied.

Time for assessment and collection

The authority granted to assessors to assess property which has escaped taxation and to enter the same upon the assessment or tax roll of the year for which said property should have been assessed or taxed shall be limited to a period of not more than two years from the date upon which the lien for taxes of such year attached, and the authority to seize and sell said property for the nonpayment of such tax shall be extended for a like period of time. Property taxable under the provisions of subsection 4 of section 16 of Article XIII of the Constitution of the State of California and section 3627a of the Political Code of the State of California is not subject to the provisions of this section.

Exception.

Stats 1891, p. 438

SEC. 2. Section 3672 of the Political Code is hereby amended to read as follows:

Supervisors to act as board of equalization

3672. The board of supervisors of each county must meet on the first Monday of July in each year, to examine the assessment book and equalize the assessment of property in the county. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the third Monday in July; provided, however, that the board of supervisors shall sit as a board of equalization at the time of the first regular meeting of each month of the calendar year for the purpose of equalizing assessments made by the assessor subsequent to the first Monday of July.

CHAPTER 502.

An act to amend section 537 of the Penal Code, relating to defrauding proprietors of hotels, inns, restaurants, boarding houses, apartment houses, bungalow courts or furnished auto camps.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Stats 1929, p 1964

SECTION 1. Section 537 of the Penal Code is hereby amended to read as follows:

537. Any person who obtains any food or accommodations at an hotel, inn, restaurant, boarding house, lodging house, furnished apartment house, furnished bungalow court, or furnished auto camp, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an hotel, inn, restaurant, boarding house, lodging house, furnished apartment house, furnished bungalow court, or furnished auto camp by the use of any false pretense, or who, after obtaining credit, food, accommodations, at an hotel, inn, restaurant, boarding house, lodging house, furnished apartment house, furnished bungalow court, or furnished auto camp, absconds, or surreptitiously, or by force, menace, or threats, removes any part of his baggage therefrom, without paying for his food or accommodations is guilty of a misdemeanor. Defrauding proprietors of hotels, inns, etc

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CHAPTER 503.

An act to amend section 4082 of the Political Code, to provide for exempting certain claimants for duplicate warrants from the requirement to file a bond.

[Approved by the Governor May 24, 1933 In effect August 21, 1933]

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

SECTION 1. Section 4082 of the Political Code is hereby amended to read as follows: Stats 1933, Ch 54.

4082. Whenever any warrant legally drawn by the county auditor shall have been lost or destroyed before the same shall have been paid by the county treasurer, the amount due thereon may be recovered by the legal owner or custodian thereof, by filing with the county auditor: Recovery on lost or destroyed warrants

First—An affidavit setting forth the fact of the loss or destruction of such county warrant, giving the number, date, amount and name of the payee, together with all material facts relative to the loss or destruction of the same.

Second—A bond of indemnity, with two good and sufficient sureties, in double the amount of the face of the particular warrant, which bond shall be referred to the county auditor and to the district attorney, county counsel, or other officer who is the legal adviser of the board of supervisors, for approval or rejection.

It shall be the duty of the county auditor and of the district attorney, county counsel or other officer who is the legal adviser of the board of supervisors to examine and to pass upon the sufficiency of said bond and to approve or reject the same within thirty days after it shall have been filed with the county auditor.

Upon the filing of the approved bond, the county auditor is hereby authorized and directed to issue and to deliver to the

legal owner or claimant, on demand, a duplicate warrant for the full amount of the original warrant, and the county treasurer is hereby authorized and directed to pay the duplicate, in lieu of the original warrant; provided that, when such legal owner or claimant is a city, county, city and county, school district or other political subdivision of the State, no bond shall be required.

The auditor and the treasurer shall each make the proper entries on their books, showing such warrants to have been lost or destroyed and the issuance of duplicate warrants in lieu thereof.

Exception. Whenever any warrant legally drawn in favor of the State of California shall have been lost or destroyed, the State shall not be required to file such bond of indemnity as hereinbefore provided. Upon the filing of an affidavit as hereinbefore provided, the county auditor is hereby authorized to issue and deliver to the State of California, on demand, a duplicate warrant for the full amount of the original warrant and the county treasurer is hereby authorized and directed to pay the duplicate in lieu of the original warrant.

CHAPTER 504.

Stats 1913, p. 508, amended. *An act to add section 1a to an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended, relating to unfair competition.*

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

New section SECTION 1. Section 1a is hereby added to the act cited in the title hereof, to read as follows:

Sale of goods at less than cost prohibited Sec. 1a. Every person, partnership, firm, corporation, joint stock company, or other association engaged in business within this State, who shall sell any article or product at less than the cost thereof to such vendor, or give away any article or product, for the purpose of injuring competitors and destroying competition, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment not exceeding six months, or by both said fine and imprisonment. The term "cost" as applied to production is hereby defined

as including the cost of raw materials, labor and all necessary overhead expenses of the producer; and as applied to distribution "cost" shall mean the cost of the article or product to the distributor and vendor plus the cost of doing business by said distributor and vendor.

The provisions of this section shall not apply to any sale made: Exceptions.

(1) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing his trade in any such stock or commodity, that is, as in the case of the sale of seasonal goods, or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation;

(2) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(3) By any officer acting under the orders of any court.

CHAPTER 505.

An act providing for the deposit of county and city publications in the State Library and the University of California.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Of each printed book, pamphlet, report, bulletin, or other publication issued at the expense of a municipal corporation or of a county, or of a city and county, the city or county clerk, as the case may be, shall send one copy to the State Library at Sacramento, one copy to the bureau of public administration of the University of California, at Berkeley, and one copy to the library of the University of California at Los Angeles, for preservation and reference use in said institutions. For this purpose, it is hereby made the duty of the legislative body or of any office, officer, or employee of a municipal corporation or of a county, or of a city and county, to furnish the clerk three copies of each such publication issued by said body, office, or person. City and county publications.

CHAPTER 506.

An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor, Stats 1907, p 310 repealed.

and to repeal an act entitled "An act to define the duties of and to license land surveyors" approved March 16, 1907.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Land surveyors to be licensed.

SECTION 1. Any person practicing, or offering to practice, land surveying in this State shall hereafter be required to submit evidence that he is qualified so to practice, and shall be licensed as hereinafter provided, or registered under the provisions of chapter 801, Statutes of 1929, and any amendments thereto, and from and after the date on which this act becomes effective, it shall be unlawful for any person to practice, offer to practice, or represent himself, as a land surveyor in this State, or to set, reset, replace or remove any survey monument on land in which he has no legal interest, unless such person has been so duly licensed or registered or specifically exempted in accordance with the provisions of this act.

Stats 1929, p. 1645.

Definition.

SEC. 1a. Land surveying within the meaning and intent of this act shall comprise the surveying of areas for their correct determination and description and for conveyancing, or for the establishment or reestablishment of land boundaries or for the platting of lands and subdivisions thereof.

Board of Registration for Civil Engineers to administer act.

SEC. 2. The Board of Registration for Civil Engineers as created by chapter 801, Statutes of 1929, and any amendments thereto, hereinafter called the board, is hereby designated as the proper body to administer the provisions and requirements of this act and said board is hereby authorized to make and enforce such rules and regulations as may be necessary to carry out the provisions of this act. All records and papers heretofore submitted to or prepared by, the State Surveyor General or the Chief of the Division of State Lands in the Department of Finance, pertaining to the licensing of land surveyors as provided by statutes heretofore in force, are hereby transferred to the custody of the board.

Licensed surveyors fund created.

SEC. 3. The Department of Professional and Vocational Standards shall receive and account for all moneys derived from the operation of this act, and shall at the end of each month, report to the State Controller such moneys and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Licensed surveyors fund" which said fund is hereby created. Said fund shall be expended in accordance with law for the payment of all actual and necessary expenses incurred in carrying out the provisions hereof.

Records.

SEC. 4. The secretary of the board shall keep a complete record of all applications for license and the board's action thereon and shall transmit monthly to the county recorder of each county in the State lists of all licenses issued or revoked by the board, as hereinafter provided, since the date of preparation of the last preceding similar list, showing the names and addresses of such licensees, and it is hereby made the

duty of such county recorders to keep full and complete records of all such licenses and revocations. The secretary shall prepare annually a roster showing the names and addresses of all licensed land surveyors and containing all the rules and regulations adopted by the board for the administration of this act. Such roster shall be a part of the roster of registered civil engineers issued by the board and one copy thereof shall be filed with the Secretary of State, one copy shall be filed with the county recorder of each county in the State and one copy shall be furnished to each land surveyor licensed under the provisions of this act. Copies of such roster shall be available to the general public on application to the secretary at such price per copy as may be fixed by the board. The board, within thirty (30) days prior to the meeting of the regular session of the Legislature, shall submit to the Governor a full and true report of its transactions during the preceding biennium including a complete statement of the receipts and expenditures of the board during the period, attested to by the president and the secretary of the board. A copy of said report shall be filed with the Secretary of State. All records shall be public records. The Department of Professional and Vocational Standards is hereby empowered and authorized to employ such clerical assistance under civil service regulations as may be necessary to properly carry out and enforee the provisions of this act.

Application for license.

SEC. 5. Any application for a license as a land surveyor shall be made to the board on its prescribed form, accompanied by an examination fee of fifteen dollars ($15) to be retained by the board. Such application shall contain the following information:

(a) The age of the applicant, which shall be not less than 25 years.

(b) A statement by the applicant that he is thoroughly familiar with the procedure and rules governing the survey of public lands as set forth in "Manual of Instructions for the Survey of the Public Lands of the United States," published by the Commissioner of the General Land Office, Department of the Interior, Washington, D. C.

(c) A statement by the applicant setting forth his educational qualifications and experience in land surveying, which shall be not less than the following prescribed minimum:

Actual practice in land surveying for at least five years, including at least one year in responsible charge of land surveying work as a subordinate to a land surveyor or civil engineer duly qualified to practice in the State, territory or country in which such surveyor or engineer has conducted such practice;

Provided, however, that graduation from a four year course in civil or mining engineering in any school or college approved by said board shall be accepted as the equivalent of four years of such practice, but not including the one year of responsible charge as a subordinate, as herein in this paragraph provided

for; and credits earned toward such graduation from any such school or college shall likewise be accepted as the equivalent of their proportionate part of such four years of practice.

(d) Names and addresses of at least five land surveyors or civil engineers, duly qualified to practice in the State, territory or country in which such practice has been conducted, each of whom has sufficient knowledge of the applicant to enable him to certify to said applicant's professional integrity, ability and fitness to receive such license.

The applicant shall further state under oath that should he be licensed, he will support the Constitution of this State and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor.

Examination

SEC. 6. Examinations for license shall be held at such times and at such places within the State as the board shall determine. The examinations shall be conducted by one or more members of the board or one or more of their duly authorized representatives. The scope of examinations and the method of procedure shall be prescribed by the board. In determining the qualifications of any applicant for license a majority vote of the board shall be required. A candidate failing on examination, after an interval of not less than one (1) year, and upon the payment of an additional examination fee hereinabove provided for, may be examined again.

License To whom issued

SEC. 7. (a) Any applicant who has passed the examination prescribed by the board, upon payment of a license fee of ten dollars ($10), to be retained by the board, shall have issued to him a suitable license, signed by the president and the secretary of the board, authorizing him to practice as a land surveyor.

(b) The board may, upon application therefor, and the payment of a fee of ten dollars ($10), issue a license as provided for herein, to any person who holds a certificate of qualification as a land surveyor issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or possession of the United States, or of any other country, provided that the requirements for license under which said certificate of qualification or registration was issued do not conflict with the provisions of this act and are of a standard not lower than that specified in section 5 of this act.

(c) A new license to replace any license lost, destroyed or mutilated, may be issued subject to the rules and regulations of the board. A charge of one dollar ($1.00) shall be made for such reissue.

Surveyors previously licensed

SEC. 8. At any time on or before June 30, 1934, any person who holds an unrevoked license as a land surveyor, issued to him under any previous law of this State, upon the payment of five dollars ($5.00), shall have issued to him a license provided for in section 7 hereof for the period ending June 30, 1935. All licenses issued under such previous law and not

renewed as herein provided for shall be canceled as of July 1, 1934.

Renewals.

SEC. 9. (a) Except as provided for in section 8 hereof, any license issued under the provisions of this act shall remain in effect until the thirtieth (30th) day of June following the date of its issuance.

(b) Except as provided for in section 8 hereof, any land surveyor licensed under this act who desires to continue the practice of his profession beyond the thirtieth (30th) day of June following the date of issuance of his original license, shall on or before the thirtieth (30th) day of June of each year pay to the secretary of the board a fee of five dollars ($5.00) to be retained by the board, for which fee a renewal certificate of license for the current year shall be issued. Any license which shall have expired for nonpayment of the renewal fee may be restored within one year from the expiration thereof, under rules and regulations prescribed by the board, which rules and regulations may provide a penalty of not more than five dollars ($5.00) for such delinquency;

Provided, however, that the annual renewal or reinstatement of any certificate of registration as provided for in chapter 801, Statutes of 1929, and any amendment thereto, shall include the renewal or restoration of license as provided herein, without the payment of the above mentioned fee or penalty.

An unrevoked or unexpired license, or renewal certificate, issued by the board, as provided for in this act, shall be presumptive evidence in all courts and places that the person named therein is legally licensed hereunder.

Revocation of licenses

SEC. 10. (a) It shall be the duty of the board to enforce all of the provisions of this act and to cause to be prosecuted all violations thereof coming to its notice. The board shall have the power by a two-thirds (⅔) vote to revoke the license or certificate of any land surveyor or civil engineer, respectively, licensed hereunder or registered under the provisions of chapter 801, Statutes of 1929, and any amendments thereto, found by said board to be guilty of any fraud or gross incompetency in his practice of land surveying, or to be guilty of any fraud or deceit in obtaining his license, or to be guilty of any violation of any provision of this act, or of any act repealed hereby, or of any act relating to or involving the practice of land surveying.

(b) Proceedings for the revocation of any license shall be begun by filing with the secretary of the board written charges against the accused. Such charges shall be in detail and shall be sworn to by the complainant. The board shall designate for the hearing a time, not less than thirty (30) days nor more than ninety (90) days from the date of receipt of the complaint, and a place within the county in which occurred at least one alleged cause of complaint;

Hearing

Provided, however, that with the written consent of the accused, the board may fix another time and place for such

hearing. The board shall notify the accused in writing, by personal service, or, if he can not be found, by registered mail addressed to his last known address, of its action and shall furnish him a copy of all charges at least twenty (20) days prior to the date of such hearing. The accused shall have the right to appear personally or by counsel, to cross-examine witnesses and to produce and examine witnesses in his defense. The board shall have the power to compel the attendance of and to administer the oath to witnesses and to compel the production of papers and documents necessary to the proper conduct of the hearing.

The board may restore the license of any person whose license has been revoked; provided that two-thirds (⅔) or more of the members of the board vote in favor of such restoration for reasons the board may deem sufficient.

Seal of surveyor

SEC. 11. (a) Each licensee hereunder shall, upon being licensed, obtain a seal of the design authorized by the board, bearing the licensee's name, number of the license certificate, and the legend "Licensed Land Surveyor." Any map, plat, report or other document issued by a licensee may be stamped with the said seal during the life of the licensee's certificate and shall be so stamped when filed as a public record or when it is delivered by the licensee as a formal or final document. It shall be unlawful for any person to stamp or seal any map, plat, report or other document with said seal after the certificate of the licensee named thereon has expired or has been revoked, unless said license shall have been renewed or restored.

May administer oaths, etc.

(b) Every licensed land surveyor or registered civil engineer is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old, lost or obliterated corners; or if a corner or monument be found in a perishable condition, and it appears desirable that evidence concerning such corner or monument be perpetuated; or whenever the importance of the survey makes it desirable, to administer an oath for the faithful performance of duty, to his assistants. A record of such oaths shall be preserved as part of the field notes of the survey.

May make surveys, etc.

(c) Any licensed land surveyor or registered civil engineer is hereby authorized to make surveys and write descriptions relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each licensed land surveyor or registered civil engineer, whenever making any such survey, whether the survey be made for any private person, corporation, city, county or city and county, to set permanent and adequate monuments. Each such monument shall be permanently marked with the certificate number of the licensed land surveyor or registered civil engineer setting it; and each such number shall be preceded by the letters "L. S." or "R. E.", respectively, as the case may be.

(d) Except as hereinafter provided, within sixty days after the completion of any survey relating to the subdivision of land, the retracing or establishing of property or boundary lines, public roads or trails, the locating or relocating of lost or obliterated corners or any survey on which any permanent monument shall have been set, reset, replaced or removed, the registered civil engineer or licensed surveyor making such survey shall file or cause to be filed with the recorder of each county in which such survey or any portion thereof was made, a record of survey. Records of surveys.

Such record of survey shall be a map made in a good draftsmanlike manner on one or more sheets of tracing cloth of good quality, of the uniform size of eighteen by twenty-six inches, and shall show all the data necessary to enable any competent surveyor readily to retrace the survey.

The record of survey shall show: All authentic monuments found and all permanent monuments set, reset, replaced or removed, describing their size, kind and location, and giving a reference, if available, to the survey on which those found were set; all bearing or witness trees or monuments; the basis of bearings; the bearing and length of each line as measured in the field; the scale of the map, the date of survey, the name and legal designation of the tract or grant in which the survey is located, the signature and seal of the surveyor and the name of the owner of the land, but no parcel number, letter, name or designation shall be shown thereon except any number, letter, name or designation appearing on a recorded map of the particular property; What to show.

Provided, however, that nothing in this section shall require a record of survey to be made of any survey made by any public officer, a record of which has been filed by him as a permanent public record of his office; or of any survey of a preliminary nature; or when the survey reproduces without material change, and without the setting of any permanent monument, survey lines or boundaries of parcels as they appear on any map which shall have been recorded or filed in the office of the county recorder or county clerk; or when a map of the survey shall have been recorded under the provisions of that act commonly known as the "Subdivision Map Act" and being chapter 837, Statutes of 1929, and any amendments thereto. Provided further, that during the time that a subdivision map is actually under preparation under the provisions of said "Subdivision Map Act," the sixty-day period above provided shall be extended, not to exceed one year from the completion of the survey, and if such map shall not have been then so recorded under the provisions of said "Subdivision Map Act." a record of the survey shall be filed at once under the provisions of this act. Exceptions. Stats 1929, p 1790.

(e) Prior to the filing thereof, each such map shall be presented to the county surveyor of each county or city and county in which any permanent monument shall have been set, reset, replaced or removed in making such survey. Such county Map to be submitted to county surveyor.

Duty of county surveyor

surveyor, within twenty days after his receipt thereof, or within such additional time as may be reasonably necessary therefor, shall examine such map with respect to its accuracy of survey and mathematical data, its conformity to other records or satisfactory evidence of the error of such other records, and its compliance with the provisions of this act. If the county surveyor finds such matter sufficient, he shall indorse on the map a statement of his examination thereof and transmit it to the county recorder; otherwise he shall return it to the person who presented it, together with a written statement of the changes necessary to make the map conform to the requirements thereof. If the matters appearing on the map can not be agreed upon by the surveyor and the county surveyor, an explanation of the matters involved in such disagreement shall be indorsed on the map and it shall be so transmitted to the county recorder for filing. The map thus filed with the county recorder of any county must be by him securely fastened into a suitable book provided for that purpose, and he shall keep proper indexes of such map by the name of the owner of the particular land surveyed, by the name of the surveyor making the survey, and by name of grant, tract, subdivision, and United States subdivision. No charge shall be made for the filing and indexing of any such map.

To whom act applies.

SEC. 12. Nothing in this act shall be construed as prohibiting any land surveyor from practicing his profession through the medium of or as an employee of a partnership or a corporation, provided that any signature or seal affixed under the provisions of this act shall be the signature or seal of the licensed land surveyor or registered civil engineer in specific and responsible charge of the work performed. No person shall represent himself as, or use the title of, licensed land surveyor unless such person is the holder of a valid, unrevoked license provided for herein.

Exemptions

SEC. 13. The following shall be exempt from the provisions of this act:

(a) Officers and employees of the United States of America, practicing solely as such officers or employees.

(b) Any subordinate to any State, county, city, or city and county officer or to any other civil engineer or land surveyor registered or licensed as required by the laws of the State of California or to a land surveyor or civil engineer exempted under this act or under chapter 801, Statutes of 1929, and any amendments thereto in so far as he is acting in such subordinate capacity.

Penalty.

SEC. 14. Any person, who is not legally authorized to practice land surveying in this State is herein provided for and shall so practice, except he be exempt under this act; or any person presenting as his own, the license of another, or attempting to file as his own any record of survey under the license of another; or any person who shall give false evidence of any kind to the board, or to any member thereof, in obtain-

ing a license; or any person who shall falsely impersonate or use the seal of another practitioner, of like or different name, or who shall use an expired or revoked license, shall be deemed guilty of a misdemeanor and for each such offense of which he is convicted, shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for a period of not to exceed six months, or by both such fine and imprisonment.

It shall be the duty of the respective officers charged with the enforcement of laws to prosecute all persons charged with the violation of any of the provisions of this act.

SEC. 15. An act entitled "An act to define the duties of and to license land surveyors," approved March 16, 1907, and all acts amendatory thereof, and all other acts and parts of acts, in conflict with this act, are hereby repealed. Stats 1907, p 310, repealed

Provided, however, that such repeal shall not be deemed or construed to ratify or legalize any violation of any provision of said act nor to affect nor prevent the prosecution or punishment of any person for any act done or committed in violation of any provision of said act prior to the effective date of this act, and shall not affect any prosecution or action which may be pending in any court for the violation of any provision of said act; and further provided that as to any such violation of said act and as to any such prosecution and punishment and as to any such pending prosecution or action said act shall be deemed to continue and to be in full force and effect. Effect of repeal

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CHAPTER 507.

An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan Water District Act," by amending sections 5, 6, 7, 8, 10, 11 and 13¾, all relating to the powers, government and management of metropolitan water districts, and the exclusion of area therefrom, and declaring same an urgency measure. Stats 1927, p 694, amended

[Approved by the Governor May 24, 1933 In effect immediately.]

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

SECTION 1. Section 5 of the act cited in the title hereof, is hereby amended to read as follows: Stats 1931, p. 814

Powers of district.

Sec. 5 Any district incorporated as herein provided shall have power:

(1) To have perpetual succession.

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

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

Property

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the district and within and without the State necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without and within or without the district and within and without the State, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

Eminent domain.

(5) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property necessary to the exercise of the powers herein granted except water and water rights already devoted to beneficial use and power plants devoted to public use; and provided, further, that any district organized under the provisions of this act shall not have or exercise the power of eminent domain for the purpose of condemning or taking any water or right to water conserved or stored behind any flood control dam that has been or may hereafter be built or constructed by any flood control district created by act of Legislature of this State. Subject to the express limitations herein before set out, in any proceeding relative to the exercise of such power of eminent domain, the district shall have the same rights, powers and privileges as a municipal corporation.

Public works.

(6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any vacant public lands which are now, or may become, the property of the State of California, and to construct works and establish and maintain facilities across any stream of water or water course; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. The grant of the right to use such vacant State lands shall be effective upon the filing by such district with the Division of State Lands of the Department of Finance, of an application showing the boundaries, extent and locations of the lands, rights of way, or easements desired for such purposes. If the land, rights of way or easement for which application shall be made is for the construction of any aqueduct, ditch, pipe line, conduit, tunnel or other works for the conveyance of water, or for roads, or for poles, or towers and wires for the conveyance

of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the district therefor, unless, in the opinion of the chief of such Division of State Lands the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the district shall pay for the lands to be taken and for such portion of any legal subdivision which, in the opinion of said Chief of the Division of State Lands, are rendered valueless or unsalable, at the rate of one dollar and twenty-five cents per acre. If the lands for which application is made are for purposes other than the construction of roads or for works for the conveyance of water, or electricity or telephonic or telegraphic communication, such district shall pay to the State for such lands at the rate of one dollar and twenty-five cents per acre. Upon filing such application, accompanied by map or plat showing the location or proposed location of such works and/or facilities, the fee title to so much of such State lands as shall be found by the Chief of the Division of State Lands of the Department of Finance to be necessary or convenient to enable such district to construct or maintain its works and/or to establish or maintain its facilities, shall be conveyed to such district by patent executed by the Governor of the State of California, attested by the Secretary of State with the great seal of said State affixed, and countersigned by the register of State lands; if an easement or right of way only over such lands be sought by such district, such easement or right of way shall be evidenced by permit or grant executed by such Chief of the Division of State Lands. The Chief of the Division of State Lands may reserve in such patents, grants or permits, easements and rights of way across any lands therein described for the construction of streets, roads and highways. Before any such patent, grant or permit shall be executed any compensation due to the State under the provisions hereof, must be paid. In the event that the duties or titles of any of the officers herein mentioned shall be changed by lawful authority, the functions herein required to be performed shall be performed by the appropriate officer or officers of the State of California. No fee shall be exacted from such district for any patent, permit or grant so issued or for any service rendered hereunder. In the use of streets the district shall be subject to the reasonable rules and regulations of the county or city wherein such streets lie, concerning excavations and the refilling of excavations, the relaying of pavements and the protection of the public during periods of construction; provided, that the district shall not be required to pay any license or permit fees, or file any bonds. The district may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; provided, however, that no district incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) Borrow money.

per cent of the assessed valuation of all the taxable property included within the district, as shown by the assessment records of the county or counties, excepting property subject to taxation for State purposes under the provision of section 14 of Article XIII of the Constitution of the State of California.

Taxes

(8) To levy and collect taxes for the purposes of carrying on the operations and paying the obligations of the district; provided, however, that such tax levied under this section exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon shall not exceed five cents on each such one hundred dollars of assessed valuation; to enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the district, and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient.

Contract with public corporations

(9) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any other public agency thereof or this or any other State or any political district or subdivision thereof.

Water and water rights

(10) To acquire water and water rights within or without the State; to develop, store and transport water; to provide, sell and deliver water at wholesale for municipal and domestic uses and purposes; to provide, sell and deliver surplus water of the district not needed or required by member cities for domestic or municipal uses therein, for beneficial purposes, but giving preference to uses within the district; provided, that the supplying of such surplus water shall, in every case, be subject to the paramount right of the district to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic or municipal uses within the district, upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board of directors of the district whenever it shall

be determined and declared by resolution adopted by said board of directors by a two-thirds vote thereof that such water is needed or required by member cities of the district for domestic or municipal uses therein; to fix the rates therefor, and to acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient therefor.

Investments, etc.

(11) To invest any surplus money in the district treasury, including such money in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the district, in its own bonds, or in treasury notes, or bonds, of the United States, or of this State, and such investment may be made by direct purchase of any issue of such bonds or treasury notes, or part thereof, at the original sale of the same, or by the subsequent purchase of such bonds or treasury notes. Any bonds or treasury notes thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds or treasury notes, as above provided. Sales of any bonds or treasury notes thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds or treasury notes were originally purchased, was placed in the treasury of the district. The functions and duties authorized by this paragraph shall be performed by joint action of the Controller and Treasurer, with the approval of the attorney, under such rules and regulations as shall be prescribed by the board of directors of the district.

Refund indebtedness

(12) To refund bonded indebtedness incurred by the district under and pursuant to the provisions of section 7 of this act, such refunding to be made in the following manner:

(a) The board of directors by a two-thirds vote may refund such bonded indebtedness, or any portion thereof, and issue refunding bonds of the district therefor maturing not later than fifty (50) years from the date of the first issue of the refunded bonds, if said refunded bonds shall have been issued in one block, or from the date of the respective installment of such refunded bonds, if the same shall have been issued in installments, and bearing interest at a rate not exceeding the interest rate on the refunded bonds. The provisions of subsections (e), (f), (j), (k) and (l) of section 7 of this act, subject to the limitations and modifications imposed by this paragraph, shall apply to such refunding bonds. The provision in said subsection (e) for deferring the date of the earliest maturity of the principal of the bonds shall be construed to authorize the board of directors, in its discretion, to determine and fix the date for the earliest maturity of the principal of said refunding bonds, which date shall be not later than fifteen (15) years from the date of the first issue of the refunded bonds, or from the date of the respective installment of the refunded bonds, as the case may be.

(b) Said refunding bonds may be sold by the board of directors as it shall determine, in the manner provided in subsection (g) of section 7 of this act for the sale of the bonds to be refunded, and the proceeds of the sale of such refunding bonds, excepting premium and accrued interest, shall be placed in the treasury of the district to the credit of the "Refunding fund" and shall be applied only to the purchase, at not more than par and accrued interest, of the bonded indebtedness for which said refunding bonds shall have been issued. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the refunding bonds so sold. In lieu of selling such refunding bonds and purchasing with the proceeds thereof the bonds to be refunded, the board of directors of the district may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded.

(c) Whenever such outstanding bonds shall be refunded, they shall be surrendered to the treasurer of the district, who shall proceed to cancel the same by indorsing on the face thereof the manner in which the refunding shall have been effected (whether by exchange or purchase, and the amount for which so purchased, if any) and by perforating through each bond and each coupon attached thereto, the word "canceled" together with the date of cancellation. He shall keep a record of such bonds so refunded, and shall make a report to the board of directors at least once a month.

(d) All moneys which shall remain in said "Refunding fund" after all outstanding bonds which were proposed to be refunded therefrom have been taken up and canceled, shall be paid into the sinking fund of such district and become a part thereof.

Stats 1931, p 814.

SEC. 2. Section 6 of said act is hereby amended to read as follows:

Board of directors

Sec. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

Members

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars, or major fractional part thereof, of assessed valuation of prop-

erty taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no municipality shall have votes exceeding in number the total number of votes of all the other municipalities that are members of such district. In lieu of one representative any city may at its option designate and appoint several representatives not exceeding one additional representative for each two hundred million dollars of assessed valuation, but such representatives shall cast the vote to which such city would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) per cent of the total number of votes of all the members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. Members of the board of directors so constituted shall convene at the time and place fixed by the chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their successor shall be elected and qualified.

Powers of board.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the Constitution of the United States or of the State of California, or to the provisions of this act, necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances the roll shall be called and the ayes and noes recorded. Resolutions and orders may be adopted by viva voce, but on demand of any member the roll shall be called. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption except by unanimous vote of all the members of the board of directors present, provided there shall be present directors from not less than three-fourths of all cities composing said metropolitan water district and representing not less than three-fourths of the total votes of said district; provided, that in lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption. No ordinance adopted by the board of direc-

Powers of board

tors shall take effect until the expiration of thirty (30) days following the adoption thereof, except an ordinance ordering or otherwise relating to an election or to the issuance or sale of bonds or to the levying or collection of taxes or the fixing of water rates; and an ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which shall contain a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board of directors but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their adoption. All ordinances except those which shall take effect upon their adoption as provided in this section shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the offices of controller and of treasurer and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors' power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands; also to prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials or supplies, required for the carrying out of any of the purposes of this act; provided that, in cases where work is not to be done by the district itself by force account, and the amount involved shall be ten thousand dollars, or more, the board of directors shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, subject to the right of said board to reject any and all proposals. Provided, likewise, that the board of directors in advertising for bids and in letting contracts as above provided, may require all articles to be furnished to the district thereunder to be manufactured, produced or fabricated in the United States or its Territories, and may prohibit the use in, or employment in connection with, the carrying out of such contracts by the contractor or any subcontractor, of all machinery or materials except such as shall have been manufactured, produced or fabricated in the United States or its Territories, if such are available, the question of such availability to be determined by the board of directors.

Provided, further, that contracts, in writing or otherwise, may be let without advertising for or inviting bids, when any repairs, alterations, or other work, or the purchase of materials, supplies, equipment or other property, shall be deemed by the board of directors to be of urgent necessity, and shall be authorized by a two-thirds vote thereof.

(8) To fix the rates at which water shall be sold; provided, however, that rates shall be uniform for like classes of service throughout the district.

SEC. 3. Section 7 of said act is hereby amended to read as follows: Stats 1931, p 814

Sec. 7. (a) Whenever the board of directors of any metropolitan water district incorporated under this act shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works, or the incurring of any preliminary expenses, necessary or convenient to carry out the objects or purposes of said district the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring bonded indebtedness, for the purposes set forth in the said ordinance, to the qualified voters of such district, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the district are entitled to vote. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which ordinance, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the public works or improvements, or the estimated amount of preliminary expenses, as the case may be, the amount of the principal of the indebtedness to be incurred therefor and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six (6) per cent per annum payable semiannually. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the district

Bonded indebtedness

Election.

Precincts.

or any part thereof is situated, or by reference to any previous order or ordinance of the legislative body of the municipality, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties, to a number not exceeding six (6), may be consolidated for special elections held hereunder. In the event any bond election shall be called to be held concurrently with any other election or shall be consolidated therewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor.

Publication.

(b) The ordinance provided for in subdivision (a) of this section shall be published once, at least ten (10) days before the date of the election therein called, in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

Conduct of election.

(c) The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board of directors held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared. In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the board of directors of the district a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificates, it shall be the duty of the board of directors to tabulate and declare the results of the election held hereunder.

Results of election

(d) In the event that it shall appear from said returns that a majority of the electors voting on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to issue and sell bonds of the district in the amount and for the purpose or purposes and object or objects provided for such proposition in such ordinance, and at a rate of interest, not exceeding the rate recited in said ordinance.

(e) All bonds of such district, issued under the provisions of this act, shall be payable substantially in the following manner: A part to be determined by the board of directors which shall not be less than one-fiftieth (1/50) part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place or places to be fixed by said board of directors, together with the interest on all sums unpaid at such date; provided, that, in case such bonds are issued in installments at different times, each installment shall be payable substantially in the following manner: A part to be determined by the board of directors which shall not be less than one-fiftieth (1/50) part of the whole amount of such installment, shall be payable each and every year on a day and date, and at a place or places to be fixed by said board of directors, together with the interest on all sums unpaid at such date; provided, however, that said board may, in its discretion, determine and fix the date for the earliest maturity of the principal of the whole amount of such bonded indebtedness, or of each installment of such bonds, as the case may be, not more than fifteen years from the date of the first issue of such bonds, or of the respective installment of such bonds, as the case may be; in this event, the whole amount of such bonded indebtedness, or of the respective installment of such bonds, as the case may be, must be made payable in substantially equal annual parts in not to exceed fifty (50) years from the date of the first issue of such bonds, when the bonds are issued in one block, or from the date of the respective installment of such bonds, when the bonds are issued in installments. The bonds shall be issued in such denominations as the board of directors may determine, except that no bonds shall be of less denomination than one hundred (100) dollars, nor of a greater denomination than fifty thousand (50,000) dollars, and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of six per cent (6%) per annum, and shall be payable semiannually. Such bonds shall be signed by the chairman of said board of directors, or by such other officer as said board of directors shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose, and such bonds shall also be signed by the controller, or assistant controller, and countersigned by the secretary of said board of directors. The coupons of said bonds shall be numbered consecutively, and signed by said controller, or assistant controller. All such signatures and countersignatures excepting that of the controller, or assistant controller, on said bonds, may be printed, lithographed or engraved.

Bond issues

Denominations.

Interest.

Form.

(f) In case any of such officers, whose signatures or countersignatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall neverthe-

Coupons

less be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds.

Sale of bonds

(g) Such bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county wherein the principal place of business of said district shall be located. Said notice, calling for bids, shall state the time for the receipt of such bids, which shall not be less than ten (10) days after the first publication thereof. Such notice may offer the bonds at a fixed interest rate or with the interest rate undetermined, in which event the bids shall contain a statement of the lowest rate of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest. Bids for such bonds shall be opened publicly and the results thereof publicly announced. Such bonds shall be sold to the highest bidder. Temporary, or interim, bonds or certificates, of any denomination whatsoever, to be signed by the Controller, may be issued until the definitive bonds are executed and available for delivery.

Proceeds

(h) Such bonds may be issued and sold by said board of directors as they shall determine, and the proceeds thereof, excepting premium and accrued interest, shall be placed in the treasury of said district to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in said ordinance; provided, that the interest on said bonds accruing during the construction period and for one year thereafter shall be deemed to be a construction cost within the meaning of the purposes and objects mentioned in said ordinance, and such interest may be paid from said proceeds of the sales of such bonds. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold. For the purposes of this section, the construction period shall be deemed to end when the works, the construction of which shall have been authorized from the proceeds of any such bond issue, shall have been placed in operation to such extent as to result in the sale and delivery in the district, of water transported and provided by means of such works.

Action to test bonds

(i) The board of directors shall, within ninety (90) days from the date of the election authorizing the issuance of bonds, cause to be brought in the name of the district an action in the superior court of the county in which said district, or the greater portion of the property subject to taxation by said district, according to the most recent assessment, is located, to determine the validity of any such bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such action shall be in the nature of a proceeding in rem, and jurisdiction

of all parties interested may be had by publication of summons for at least once a week for three (3) weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten (10) days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten (10) days appear and by proper proceedings contest the validity of such bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid, and declaring the provision for the collection of an annual tax for said purposes, to be sufficient or insufficient. Either party may have the right to appeal to the Supreme Court at any time within thirty (30) days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety (90) days from the date of the election authorizing the issuance of bonds, no action may be brought to contest or question the validity of said bonds and proceedings in relation thereto or the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity. If there be more than one action or proceeding involving the validity of any of such bonds, or the sufficiency of the provision for the collection of an annual tax sufficient for the said purposes, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds or the sufficiency of such provision for the collection of an annual tax, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten (10) days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties or taxed to the losing party, in the discretion of the court.

Revenue from water

(j) The board of directors shall fix such rate or rates for water furnished as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by such district, pay the interest on any bonded

debt, and, so far as practicable, provide a sinking or other fund for the payment of the principal of such debt as the same may become due; it being the intention of this section to require the district to pay the interest and principal of the bonded debt from the revenues of such district, so far as practicable. If however, from any cause, the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt as the same becomes due, the board of directors shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the district set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, or such part thereof as shall not be met from revenues of the district, and also sufficient to pay such part of the principal of such bonds as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from revenues of the district; provided, however, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually sufficient when added to revenues of the district available for that purpose to pay the interest on such indebtedness as it falls due and also to constitute, together with the revenues of the district available for such purpose, a sinking fund for the payment of the principal of such bonds on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected and shall be used for no purpose other than the payment of such bonds and accruing interest.

Taxes.

Coupons and bonds registered

(k) Coupon bonds issued hereunder, at the request of the holder, may be registered as to principal and interest in the holder's name on the books of the treasurer of the district, and the coupons surrendered and the principal and interest made payable only to the registered holder of the bond. For that purpose the treasurer of the district shall detach and cancel the coupons, and shall endorse a statement on the bonds that the coupon sheet issued therewith has been surrendered by the holder, and the coupons canceled by such treasurer, and that the principal and the semiannual interest are thereafter to be paid to the registered holder, or order, by draft, check or warrant drawn payable at a place of payment specified in the bond, after which no transfer shall be valid unless made on such treasurer's books by the registered holder, or by his attorney duly authorized, and similarly noted on the bond. After such registration, the principal and interest of such bond shall be payable only to the registered owner. Bonds registered under this paragraph may, with the consent

of the district and the holders of the bonds, be reconverted into coupon bonds at the expense of the holder thereof, and again reconverted into registered bonds from time to time, as the board of directors of the district and the holders of the bonds may determine. In converting coupon bonds into registered bonds, coupon bonds may be exchanged for registered bonds of one hundred dollars ($100) each, or multiples thereof, but not exceeding fifty thousand dollars ($50,000) each, in which event new registered bonds shall be issued at the expense of the holder. Coupon bonds may be exchanged for other coupon bonds of one hundred dollars ($100) each, or multiples thereof, but not exceeding fifty thousand dollars ($50,000) each, in which event new coupon bonds shall be issued at the expense of the holder.

For each conversion or reconversion of a coupon or registered bond, the treasurer of the district shall be entitled to charge and collect such fee as the board of directors of the district may prescribe from time to time.

Bonds legal investments.

(l) All bonds heretofore or hereafter issued by any metropolitan water district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the State school funds, and for all sinking funds under the control of the State Treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds of such metropolitan water district; and whenever bonds of cities, cities and counties, counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of such metropolitan water district may be so used.

Stats. 1931, p. 814.

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Assessed valuation.

Sec. 8. (a) Immediately after equalization and not later than the fifteenth day of August of each year, it shall be the duty of the auditor of each county wherein such district or any part thereof shall lie, to prepare and deliver to the controller of the district a certificate showing the assessed valuation of all property within the district lying in the county, and also such assessed valuation segregated according to cities, the area of which lie within the district.

Rate of taxation.

(b) On or before the twentieth day of August the board of directors of the district shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding and shall fix the rate of taxation of the district, designating the number of cents upon each one hundred dollars assessed valuation of taxable property in each county and shall levy a tax accordingly:

(1) Sufficient to meet interest and sinking fund requirements on all outstanding bonded indebtedness of said district; and sufficient to meet the payment of the principal and interest on any refunding bonds, or on any bonds the issuance of which may have been authorized by the electors, and which bonds have not been sold but which, in the judgment of the board of directors, will be sold prior to the time when money will be available from the next subsequent tax levy, and in case such bonds are not so issued and sold or such tax for any other reason is not required for said purpose, the tax so levied shall be applied to the payment of interest and/or principal on any refunding bonds, or on any bonds authorized by the electors, then outstanding or subsequently issued and/or sold; and

(2) For all other district purposes.

Segregation as to cities

(c) The board of directors shall also cause to be computed and shall declare in said resolution the amount of money to be derived from the area of the district lying within each separate municipality by virtue of the tax levy. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any city may elect to make payment in lieu of taxes as hereinafter provided. The board shall immediately cause certified copies of such resolution to be transmitted to the presiding officer of the governing body of each such city.

Payment by cities

(d) On or before the twenty-fifth day of August of each year the governing body of each such city may elect to pay out of the municipal funds all or any portion of the amount of tax which would otherwise be levied upon property within such city. Such election shall be made by order upon motion, which order shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the district, or that such payment shall be made in installments and the times wherein such installments shall be payable and the amounts thereof, which amounts shall be in accordance with the requirements of the board of directors of the district as approved by resolution. In the event that any city shall elect to pay in cash, or by deferred installments, money or any part thereof which would otherwise be levied upon property within the city, it shall immediately certify to the controller of the district a copy of such order and a statement showing its financial condition, the funds from which such payments shall be made and the sources of revenue to be used therefor. Provided, however, that in the event any city shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such city to meet interest and sinking fund requirements on the outstanding bonded indebtedness of said district, such amount so elected to be paid shall be deposited with the treasurer of said district on or before the twenty-seventh day of August next following such election; and provided, also, that unless such payment is so made in the case of interest and sinking

fund requirements, and unless such election, as to all other taxes, shall provide for payments in accordance with the resolution of the board of directors as hereinbefore provided for, then such election shall be ineffective for any purpose.

Tax rate for cities

(e) Before the first day of September the controller of the district shall cause to be prepared and transmitted to the auditor of each county in which the district shall lie, a statement showing the tax rate to be applied to assessed property in each city, which rate shall be the rate fixed by resolution of the board of directors modified to the extent necessary to produce from each city only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such city, or credited thereto as herein provided, but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Collection of taxes.

(f) Upon receipt by the auditor of each county wherein such district, or any part thereof, shall lie, of a certified copy of the controller's statement showing the tax rate to be applied to assessed property in each city, and showing the cities, the assessed property in which is exempt therefrom, if any, it shall be the duty of the county officers to collect taxes for the benefit of the district at the rate specified as herein provided. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency, and the same provisions of law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected, such taxes shall be paid over to the treasurer of the district, subject to the deduction herein authorized.

Payment for services by county.

In consideration of services rendered hereunder, any county shall annually be entitled to deduct and withhold an amount not exceeding one per cent on the first twenty-five thousand dollars collected hereunder, and one-fourth of one per cent of any amount in excess of twenty-five thousand dollars collected hereunder. The board of supervisors of each such county may provide such extra help as in their judgment may be necessary for the proper performance of duties hereunder.

Enforcement of tax liens.

(g) Whenever any real property situated in any district organized hereunder and upon which a tax shall have been levied, as herein provided, shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such district in the proportion which the tax due to such district shall bear to the total tax for which such property shall have been sold. All taxes levied under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for State

and county taxes, and all of the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

Payment by cities to districts

(h) Cities, the areas of which are included within metropolitan water districts incorporated hereunder, are hereby authorized to pay to such districts, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies, or other bodies, boards, commissioners or officers having control of such funds, thereof, respectively. Such payments may be made in avoidance of taxes as herein provided, or otherwise, and shall not be deemed gratuitous or in the nature of gifts, but shall be deemed payments for water or services in connection with the distribution of water. Any city making any such payment to any district incorporated hereunder, whether in avoidance of taxes or otherwise, shall receive credit therefor and the amount of the payment so made by any city shall be deducted from the amount of taxes which would otherwise be levied against property lying therein as herein provided. In the event that payment so made by any city shall exceed the amount of taxes which would otherwise have been levied against property within such city, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied, or which would otherwise have been levied during the ensuing year or years. Any city, or body, board, commission or officer thereof having control of funds, which shall have incurred expenses (for which such funds have been, or will be, expended) in the investigation of or preliminary work upon any works or projects taken over by the district, may receive, and the district so taking over any such works or projects may make to such city, body, board, commission or officer thereof, reimbursement for all such sums so expended, or to be expended, for expenses incurred in such investigation of or preliminary work upon the works or projects so taken over by the district, to the extent that the board of directors of the district shall find that such expenditures have benefited such district, it being the intention of this provision to permit the district to purchase, and the city or body, board, commission or officer thereof, to sell, such works or projects taken over by such district, and for which such city, body, board, commission or officer thereof, has no further use or need. The sum so to be paid by such district to such city or body, board, commission or officer thereof, shall be mutually agreed upon, and if the expenses, for which such reimbursement is to be made by the district, shall have been incurred by a body, board, commission or officer, of the city, having control of the funds so expended, or to be expended, for such expenses, then the district shall pay such sum to said body, board, commission or officer, or if ordered so to do by such body, board, commission or officer, the district shall pay such sum to the city.

As an alternative to the purchase and sale of any works or projects taken over by the district, as hereinabove provided, any city, or body, board, commission or officer thereof having control of funds, which shall have incurred expenses for which such funds have been, or will be, expended in the investigation of or preliminary work upon any such works or projects taken over by the district, may certify the amount thereof, without interest, to the board of directors of said district at any time within four (4) years from the date of the incorporation of such district, or the incurring of such expenses, if such district be already incorporated, and if allowed by the board of directors, such amount shall be credited to the city, which itself, or whose body, board, commission or officer, incurred the same, and such expenditures shall be considered as a payment of money made as herein provided for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such city.

Any city which shall incur expenses in preliminary work in preparing for the incorporation of or in the incorporation of any district hereunder likewise may certify the amount thereof, without interest, to the board of directors of said district at any time within four (4) years from the date of the incorporation of such district, and if allowed by the board of directors, such amount shall be credited to the city incurring the same, and shall be considered as a payment of money made as herein provided, for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such city.

No such payments of money made in avoidance of taxes or otherwise, or such credit allowed by such board of directors, as hereinabove provided, shall apply to reduce the amount of taxes which would otherwise be levied against the property within such cities respectively, to meet interest and sinking fund requirements on outstanding bonded indebtedness of such district.

Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as herein provided, but such credit may, in the discretion of the board of directors, be considered in connection with the amount of money to be raised by the next tax levy, or may be spread over subsequent years, not to exceed five.

Failure of city to pay.

(i) If any city shall fail to comply with the terms of the order relating to payments to be made to the district in lieu of taxation, or if any city annexed to the district shall fail to comply with the terms and conditions fixed by the board of directors and upon which such annexation occurred, the amount of the delinquency, plus a penalty of eight per cent shall be added to the taxes to be collected during the ensuing fiscal year, from the property within such delinquent city, and thereafter for a period of two (2) years no order or ordinance

shall be sufficient to exempt the property in said city from taxation hereunder unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of property within the city, together with all moneys due but unpaid under any previous order, or annexation provision.

Stats 1927, p 694

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

City may withdraw from district.

Sec. 10. Any municipality whose corporate area has become or is a part of any water district may withdraw therefrom in the following manner:

The governing body of any such municipality may submit to the electors thereof at any general or special election the proposition of withdrawing from any water district incorporated thereunder. Notice of such election shall be given in the manner provided in subdivision (b) of section 9 hereof. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of municipal elections in said city. In the event that the majority of the electors voting thereon vote in favor of such withdrawal, the result thereof shall be certified by the governing body of such municipality to the board of directors of the district. A certificate of the proceedings hereunder shall be made by the secretary of the district and filed with the Secretary of State, and upon the filing of such certificate the area of the municipality so withdrawing shall be excluded from the said water district, and shall no longer be a part thereof; provided, however, that the property within the said municipality as it shall exist at the time of such exclusion shall continue taxable for the purpose of paying said bonded and other indebtedness outstanding or contracted for, at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied.

Stats 1927, p 694

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

Directors and employees not to be interested in contract

Sec. 11. Except as herein provided, no director or any other officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or made or to be made by such officer or employee pursuant to discretionary authority vested in him, or in the profits to be derived therefrom. Notwithstanding the fact that such director or other officer or employee of the district may be a stockholder or bondholder or director or other officer or employee of a corporation contracting with the district, contracts may be made with such corporation for its general benefit unless such director or officer or employee of the district shall own or control, directly or indirectly, stock or bonds to an amount exceeding five per centum (5%) of the total amount of the stock or bonds, respectively, of such contracting corporation issued and outstanding. For any violation of this section such director or other officer or employee of the district shall be deemed guilty

Penalty

of a misdemeanor, and such conviction shall work a forfeiture of his office, or employment, and he shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

SEC. 7. Section 13¾ of said act is hereby amended to read as follows: Stats 1929, p 1613.

Sec. 13¾. The treasurer of any district organized under the provisions of this act is hereby expressly authorized to deposit funds of such district in banks in the manner provided by law for the deposit of moneys of a municipality or other public or municipal corporation. Deposit of funds.

SEC. 8. If any section, subsection, sentence, clause or phrase of this act, or of the act or acts of which this act is amendatory or supplemental, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases of this act, or that any one or more sections, subsections, sentences, clauses or phrases of the act or acts of which this act is amendatory or supplemental, be declared unconstitutional. Constitutionality

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity: Urgency

The peace, health and safety of the citizens of various cities in the southern part of this State are dependent upon the obtaining of an adequate supply of water for municipal and domestic use therein, from the Colorado River, by means of an aqueduct, diversion works and other facilities of such magnitude as to be possible only through the medium of a metropolitan water district, organized and functioning for the purpose of bringing such water to its component cities; that there is now a metropolitan water district, comprised of thirteen cities in the southern part of this State, organized and functioning for this purpose; that at an election held therein on the 29th day of September, 1931, the issuance of bonds sufficient to enable such district to commence the construction of the necessary diversion works, aqueduct and other facilities, and the acquisition of the rights of way required therefor, was authorized; that if the provisions of this act become a law immediately, the sale by such metropolitan water district of its bonds so authorized, will be furthered, and such district thereby will be enabled to obtain without delay the necessary funds for the construction of such diversion works, aqueduct and other facilities and the acquisition of the rights of way therefor and the doing of the other things immediately

required of such district in order to function properly for the immediate preservation of the peace, health and safety of the citizens of the component cities of such district.

CHAPTER 508.

An act to add four new sections to the Civil Code, to be numbered 453h1 to 453h4, inclusive, all relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Civil Code to be numbered section 453h1 and to read as follows:

Money advanced to corporation may be repaid.

453h1. Any officer or director of a domestic corporation doing the business of insurance on the assessment plan under the provisions of this chapter, or any other person, may advance to such corporation any sum of money for the purpose of promoting or conserving its business or to enable it to comply with the requirements of the laws of this or any other State; and the return of such money, together with such interest thereon as may have been agreed upon, not exceeding eight per cent per annum, shall be payable only out of the surplus remaining after providing for all required reserves and other liabilities, whether required by the laws of this State or any other State in which the corporation does business and shall not otherwise be a liability or claim against the corporation or any of its assets. No commission or promotion expenses shall be paid in connection with the advance of any such money to the corporation, and the amount of such advance shall be reported in each annual statement. When any such corporation discontinues business, after the payment of or provision for all liabilities, the balance in this fund must be returned to such person, or, if the advance is repaid, to the corporation or disposed of as may be determined by the superior court of the county in which is its principal place of business.

New section

SEC. 2. A new section is hereby added to the Civil Code to be numbered section 453h2 and to read as follows:

Corporation may act as mutual company

453h2. Any domestic corporation subject to the provisions of this chapter and possessed of admitted assets equal to at least two hundred thousand dollars in excess of all liabilities may, at its option, without reincorporation, elect to operate as a mutual legal reserve company. Corporations doing business of the sixth, eighth, ninth and tenth classes defined in section 594 of the Political Code, in addition to life insurance, must have fifty thousand dollars of admitted assets in excess

Stats 1933, Ch. 863

of all liabilities, in order to enable such corporation to do the eighth, ninth and tenth classes of insurance, and must also have apart from assets required to do other classes of insurance, fifty thousand dollars of admitted assets in excess of all liabilities to do the sixth class of insurance.

SEC. 3. A new section is hereby added to the Civil Code to be numbered section 453h3 and to read as follows: New section.

453h3. Upon a two-thirds majority vote of its directors, or of the officers, by whatever name known, who serve in the same capacity, with relation to it, as directors of a stock corporation, such corporation may amend its articles and by-laws in such manner as to transform itself into a mutual legal reserve insurer, with the name by which it is then known, or such other name as the directors, or the officers in such capacity, determine. Such amendment must thereupon be confirmed or asserted to by a majority of the total number of members together with the policyholders. Amendment of articles.

Upon so doing, and upon procuring from the Insurance Commissioner a certificate of authority to transact business in this State as a mutual legal reserve insurer it may do the classes of business in this State permitted by such certificate and which it is entitled to do by virtue of assets held as required by section 453h2.

The corporation need not include in its policies thereafter executed the provisions required by this chapter, but shall be subject as to all its subsequent business to the tests of solvency provided for life insurance companies, accident and health insurance companies, or both such companies, as the nature of its business may require, and shall also be subject to all other provisions of law relating to such companies. But such election shall not affect the rights or obligations of the company or its members on any policy or certificate theretofore executed. What law governs.

SEC. 4. A new section is hereby added to the Civil Code to be numbered section 453h4 and to read as follows: New section.

453h4. Every company subject to the provisions of this act shall maintain on its books separate accounts for the money received and the disbursements of its funds for its life, disability, and general business. The accounts shall show the amounts received from initiation fees, dues, premiums, interest, assessments and general income according to class of business. Records and accounts

CHAPTER 509.

An act to add a new article to Chapter I of Part III of Division IV of the School Code, to be numbered Article Ib, comprising sections 4.280b to 4.284b, inclusive, relating to revolving funds for warehouse stock.

[Approved by the Governor May 24, 1933 In effect August 21, 1933]

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

New article

SECTION 1. A new article is hereby added to Chapter I of Part III of Division IV of the School Code, to be numbered Article Ib, and to read as follows:

Article Ib. Revolving Fund for Warehouse Stock.

Revolving fund for warehouse stock

Sec. 4.280b. The governing board of any high school district or junior college district, or the board of education of any city school district, may, if such school district maintains a stock of merchandise for school use, establish a revolving fund for budget control and stock accounting purposes, by adopting a resolution setting forth the necessity for such revolving fund, the purpose for which the fund shall be used, and the amount thereof. Three certified copies of such resolution shall be submitted to the county superintendent of schools, who, if he approves the establishment of such fund, shall indorse his consent upon such resolution, return one copy thereof to the governing board of the school district, and transmit one copy to the county auditor.

Amount

Sec. 4.281b. The amount of the revolving fund shall be determined as follows: The inventory of stores on hand at the time of the establishment of the fund, such stores having been paid for from school district funds and reported to the county superintendent of schools as such, shall be the amount to constitute the revolving fund. The fund is established through the sale of stores to the school district, paid by warrant in the same manner as is provided by law for such payments, such warrants to be made payable to the "revolving fund of _____ school district."

How used

Sec. 4.282b. The revolving fund, when established, shall be used for the purchase of stores to be placed in stock, such purchases to be made in the manner prescribed by law. Nothing herein contained shall be construed as repealing any other provisions of law relating to school district funds.

Where kept

Sec. 4.283b. The revolving fund shall be kept by the county treasurer as a separate fund and shall be subject to such uses only as are provided by law.

Warehouse a school plant

Sec. 4.284b. The warehouse shall be deemed a school plant and the costs of maintaining and operating such warehouse shall be deemed a legal charge of the school district, and must be audited and paid as other claims against the funds of the district are audited and paid.

CHAPTER 510.

An act to amend section 1 of an act entitled, "An act providing for the organization and regulation of reciprocal or interinsurance exchanges, to be known as 'the reciprocal or interinsurance act of the State of California,' and repealing the act entitled 'An act providing for reciprocal and interexchange of indemnities, prescribing regulations therefor and fixing a license fee, and repealing an act entitled "An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee," approved December 24, 1911,' " approved May 26, 1917, as amended," approved June 3, 1921, relating to reciprocal or interinsurance exchanges. Stats 1921, p 1599, amended

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1921, p. 1599.

Section 1. Individuals, partnerships and corporations of this State, hereby designated subscribers, are hereby authorized to exchange reciprocal or interinsurance contracts with each other, or with individuals, partnerships and corporations of other states, territories, districts and countries, providing insurance among themselves, from any loss which may be insured against under other provisions of law, except life and fidelity and surety insurance. The organization under which such subscribers so exchange contracts shall be termed a reciprocal or interinsurance exchange, hereinafter referred to as the exchange. Reciprocal or interinsurance exchange.

CHAPTER 511.

An act to amend section 1056 of the Code of Civil Procedure relating to sureties on undertakings or bonds, prescribing the amount of capital stock required and regulating the formation or admission of corporations to transact such business in this State, placing such corporations under the jurisdiction of the Insurance Commissioner, providing for examination and prescribing the duties of the said Insurance Commissioner in connection therewith.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1056 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1889, p 215.

1056. In all cases where an undertaking or bond, with any number of sureties is authorized or required by any provision of this code, or of any law of this State, any corporation with

Corporations may become surety on bonds etc

a paid-up capital of not less than two hundred fifty thousand dollars, incorporated under the laws of this or any other State of the United States for the purpose of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law, or which, by the laws of the State where it was originally incorporated has such power, and which shall have complied with all the requirements of the law of this State regulating the formation or admission of these corporations to transact such business in this State, may become and shall be accepted as security or as sole and sufficient surety upon such undertaking or bond, and such corporate surety shall be subject to all the liabilities and entitled to all the rights of natural persons' sureties; provided, that the Insurance Commissioner shall have the same jurisdiction and powers to examine the affairs of such corporations as he has in other cases; shall require them to file similar statements and issue to them a similar certificate. And whenever the liabilities of any such corporation shall exceed its assets the Insurance Commissioner shall require the deficiency to be paid up in sixty days, and if it is not so paid up, then he shall issue a certificate showing the extent of such deficiency, and he shall publish the same once a week for three weeks, in a daily San Francisco paper. And, until such deficiency is paid up, such company shall not do business in this State. In estimating the condition of any such company, the commissioner shall allow as assets only such as are allowed under existing laws at the time, and shall charge as liabilities, in addition to eighty per cent of the capital stock, all outstanding indebtedness of the company, and a premium reserve equal to fifty per centum of the premiums charged by said company on all risks then in force.

Jurisdiction of Insurance Commissioner.

CHAPTER 512.

An act to amend section 606 of the Political Code, relating to reports and accountings of moneys received by the Insurance Commissioner.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Stats 1929, p 283

SECTION 1. Section 606 of the Political Code is hereby amended to read as follows:

Disposition of funds

606. All moneys received by the commissioner for fees, fines, penalties, taxes, or from similar sources, and belonging to the State shall be accounted for and reported monthly by the commissioner to the State Controller and at the same time shall be remitted to the State Treasurer to the credit of the insurance fund, which fund is hereby created; provided, that unless otherwise provided by law, none of the moneys received

by the commissioner or coming into his possession under or pursuant to the provisions of section 597 of the Political Code or of the act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations," approved April 30, 1919, or from other similar sources, shall be deposited in the State treasury. The unencumbered balance in the insurance fund on June thirtieth of each year shall revert to and become a part of the general fund of the State.

Stats 1917, p 1320
Stats 1919, p. 265

CHAPTER 513.

An act to amend section 1161 of the Code of Civil Procedure, relating to unlawful detainer.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1161 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1931, p. 1532.

1161. A tenant of real property, for a term less than life is guilty of unlawful detainer:

Unlawful detainer.

1. When he continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; including the case where the person to be removed became the occupant of the premises as a servant, employee, agent, or licensee and the relation of master and servant or employer and employee or principal and agent or licensor and licensee has been lawfully terminated or the time fixed for such occupancy by the agreement between the parties has expired; but nothing in this subdivision contained shall be construed as preventing the removal of such occupant in any other lawful manner; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

1. Possession after expiration of term

2. When he continues in possession, in person or by subtenant, without the permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him and if there is a subtenant in actual occupation of the premises, also upon such subtenant.

2. Possession after default in rent.

Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty days after the expiration of the

Notice

term without any demand of possession or notice to quit by the landlord or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord or successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year.

3 Possession after failure to perform conditions of lease.

3. When he continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also, upon such subtenant. Within three days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; provided if the conditions and covenants of the lease, violated by the lessee, can not afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant, demanding the performance of the violated conditions or covenants of the lease.

Proceedings against subtenant.

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant or held by servant, employee, agent, or licensee, in case of his unlawful detention of the premises underlet to him or held by him.

4 Subletting, etc., in breach of lease.

4. Any tenant or subtenant assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his lease, thereby terminates the lease, and the landlord, or his successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provision of this chapter

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CHAPTER 514.

Stats. 1897, p 254, amended.

An act to amend section 61a of the California Irrigation District Act, relating to warrants of irrigation districts; providing for certain extensions of time for the payment of warrants; authorizing agreements for the payment of warrants or any portion thereof from time to time or at a fixed

time; authorizing the allocation of specified funds or any amount thereof for the payment of warrants.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 61a of the California Irrigation District Act is hereby amended to read as follows: Stats 1915, p 1367

Sec. 61a. Whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, other than warrants issued under the provisions of section 61 hereof, when funds of the district are not available to pay the same, the treasurer of the district shall endorse thereon the words "funds not available for payment," with the date of presentation and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date, be made and there is sufficient money available for such payments, the treasurer shall give notice in some newspaper published in the district, or, if none is published therein, then in some newspaper published in the county in which the district or any portion thereof is situated, or, if none is published in such county, then the treasurer shall post such notice conspicuously in the place in which the board of directors of the district holds its regular meetings, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication or posting of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication or posting of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates

Warrants not paid to draw interest

Order of payment.

of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

Time for action on warrants.

No action or proceeding shall be maintained to enforce the payment of any such warrant or to require the levy of assessment therefor unless such action or proceeding be commenced within four years from the date of the original presentation of such warrant to the treasurer for payment; provided, however, that the board of directors is hereby authorized, subject to the consent of the California Districts Securities Commission to enter into agreement, either individually or collectively, with the holder or holders of any such warrant or warrants, fixing the time and method of, provision for and allocation of funds for the payment thereof and may by such agreement, waive, as therein set out, or otherwise waive, the time of commencing any action or proceeding thereon.

CHAPTER 515.

Stats 1929, p. 1874, amended

An act to add a new section to be numbered 5a to "The California Air Navigation Act," approved June 18, 1929, relating to the requiring of authority of passenger air transport services.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section to be numbered 5a is hereby added to the act cited in the title hereof, to read as follows:

Federal certificate of authority required

Sec. 5a. It shall be unlawful for any person after the effective date of this act to operate or cause to be operated, for the transportation of passengers for hire, any aircraft between fixed termini over a route entirely within this State unless such person holds a Federal certificate of authority.

The term "Federal certificate of authority" shall mean a valid, unrevoked and unsuspended passenger air transport certificate issued by the Secretary of Commerce of the United States, or such other Federal officer as may be thereunto duly authorized, under the laws of the United States pertaining to aviation and air commerce and the rules and regulations thereunder and regulating the scheduled operation of passenger air transport services.

CHAPTER 516.

Stats. 1883, p. 93, amended.

An act to amend sections 850, 851, 852, 852a, 852b, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 862a, 863, 864, 865, 867, 868, 870, 870a, 871, 872, 873, 874, 875, 876, 877, 878,

879, 880, 882, 883, 884, 885 and 886, to add section 869, and to repeal section 881 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to organization, incorporation and government of cities of the sixth class.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 850 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1883, p. 93.

Sec. 850. Every municipal corporation of the sixth class shall be entitled the city of ------ (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city council and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit. Whenever the term "city" is used in this act it shall be deemed to include in meaning and effect the words "or town." Sixth class

SEC. 2. Section 851 of said act is hereby amended to read as follows: Stats. 1931, p. 187.

Sec. 851. The government of such city shall be vested in: Officers

1. A city council composed of five members.
2. A city clerk.
3. A city treasurer.
4. A chief of police.
5. A city judge.
6. Such subordinate officers or employees as are hereinafter provided for.

SEC. 3. Section 852 of said act is hereby amended to read as follows: Stats. 1931, p. 187.

Sec. 852. The members of the city council, the city clerk, and the city treasurer shall be elected by the qualified electors of said city at a general municipal election. Such a general municipal election shall be held therein on the second Monday in April in each even-numbered year. Members of the city council and the city clerk and the city treasurer shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified The respective terms of the members of the first city council elected under the provisions of this section shall be determined as follows: The two members elected by the highest number of votes shall hold office for four years, and the three members elected by the lowest number of votes shall hold office for two years. In the event that two or more persons should be elected by the same number of votes, the respective terms of each shall be decided by lot. Officers Election and appointment.

The city council shall appoint the chief of police and the city judge; it may also, in its discretion, appoint a city attorney, a superintendent of streets, a civil engineer, a court clerk, and such other subordinate officers or employees as in its judgment may be deemed necessary. The compensation of all appointive officers and employees may be fixed from time to time by the city council by resolution or ordinance, and said officers and employees shall hold office during the pleasure of said city council.

Stats 1931, p. 187.

SEC. 4. Section 852a of said act is hereby amended to read as follows:

Government.

Sec. 852a. The city council may at any time submit to the electors of any municipal or at any special election to be held for that purpose, an ordinance to divide the administration of the municipality into five departments and provide for the assignment of its several members to be the heads of such respective departments and to be appointed as the commissioners of such respective departments; provided, that if a department of public health be created the commissioner in charge may be given the powers and duties of the municipal board of health, and such health board be thereby abolished. Such ordinances shall define the duties, powers and responsibilities of each commissioner and may require such commissioner to devote a specified number of hours of each business day to the performance of such duties, in which event such commissioner may receive a compensation, the amount of same to be fixed by said ordinance. The city council may, by majority vote, subject to the provisions of this section, assign its several members to be and appoint them as the respective commissioners of such several departments and may by like vote from time to time change such assignment and appointment. It may assign employees to one or more departments, and may make such other rules and regulations as may be necessary or proper to the efficient and economical conduct of the business of the municipality. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: "Shall the administration of the municipality be divided into five departments as follows:" (Insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive.) "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter.

Commissioners.

City manager.

The city council may at any time submit to the electors at any municipal or special election, an ordinance providing for the establishment of the city manager form of government. Such ordinance shall define the powers and duties of

the city manager and may fix his compensation or amount of the minimum thereof. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: "Shall the city adopt the city manager form of government?" with the words "Yes" and "No" printed in connection therewith so that the voters may vote for or against such question. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast at such election were in favor of the ordinance, the same shall go into full force and effect on the tenth day thereafter. Thereupon the city council shall, within sixty days thereafter, appoint a city manager, who need not be a resident of the city at the time of his appointment. Upon his appointment the terms of the other subordinate officers theretofore appointed by the city council shall cease unless they be reappointed by the city manager, who shall have the power to appoint and dismiss the chief of police, city judge and other subordinate officers except the city clerk, the city attorney, and the city treasurer.

Initiative.

The ordinances provided for in this section may be submitted directly by the people under the general laws providing for exercise of the initiative. Any city adopting the commission plan or city manager plan of government as herein authorized may, by subsequent vote of the electors, abolish the same in the like manner as herein provided for their adoption.

Stats. 1911, p. 842.

SEC. 5. Section 852b of said act is hereby amended to read as follows:

Election on question of appointment of city officers.

Sec. 852b. The city council may submit to the electors at any municipal election, or at a special election to be held for that purpose, the question as to whether the elective officers, or any of them, other than councilmen, shall be appointed by said city council, instead of being elected as provided in the preceding section. The question so submitted shall be printed on the ballots used at such election substantially as follows: "Shall the city council hereafter appoint the _____ (naming the offices) of the city of _____," with the words "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast on any such proposition were in favor of the appointment of such officers or any of them, then at the expiration of the terms of office of any such officials then in office, and on the occurrence of a vacancy in any such offices, such elective officers or any of them, for the appointment of whom such majority vote was so cast, shall thereafter be appointed by the city council and hold office during the pleasure of such city council.

Stats. 1931, p. 187.

SEC. 6. Section 853 of said act is hereby amended to read as follows:

Official bonds.

Sec. 853. The city clerk and the city treasurer shall respectively before entering upon the duties of their respective offices, each execute a bond in accordance with requirements of the provisions of the Political Code relating to bonds of public officers. The penal sum of such bond shall be such amount as may be fixed by the city council by ordinance adopted not less than thirty days prior to the election of such officials but the amount of such bond shall not, in the case of the city treasurer, in any event be less than one-fourth of the amount of the general taxes levied for such city in the year last expiring previous to the election of such city treasurer. The bond of the city treasurer shall cover the faithful performance by the city treasurer of the duties of his office and of his duties with respect to all moneys coming into his hands as such city treasurer under this act, or under the ordinances of said city, or under any law of the State of California. The city council shall have power to require bonds of any other officer or employee of the city in addition to those herein specified. All bonds when approved, shall be filed with the city clerk except the bond of the clerk, which shall be filed with the mayor. Premiums upon said bonds, if executed by a surety company authorized to do business in the State of California, shall be paid by the city out of its general fund. All bonds shall be approved by the city council. All the provisions of any law of this State relating to the official bonds of officers shall apply to any bonds herein required or authorized, except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the city clerk the oath of office required by the Constitution and the laws of the State.

Stats 1931, p 187

SEC. 7. Section 854 of said act is hereby amended to read as follows:

Officers' Vacancy.

Sec. 854. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the city council; but in the event of said city council failing to fill such vacancy by appointment within thirty days after such vacancy occurs, they must, if said office be an elective one, immediately after the expiration of said thirty days cause an election to be held to fill such vacancy; provided, however, that any person appointed or elected to fill such vacancy shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the city council absents himself from all regular meetings of the city council for a period of sixty days consecutively from and after the last regular city council meeting attended by said member, unless by permission of the city council, his office shall become vacant and the same shall be filled as in the case of other vacancies.

Stats 1931, p 187.

SEC 8. Section 855 of said act is hereby amended to read as follows:

Council Compensation

Sec. 855. The members of the city council shall receive no compensation whatever; provided, that in all such cities the

question of whether the members of such city council or any of them shall receive any compensation for his services as such members and the amounts thereof, may be submitted to the qualified electors of such cities at any general election, and if a majority of such electors voting at such election shall vote in favor thereof, then such councilman or councilmen shall receive the compensation specified in the call submitting such question at such election; such compensation to begin at the beginning of the term of office of all members of the city council who take office subsequent to the canvass of the return of such election and the amount so fixed shall from such time be regularly charged against such city, payable as other salaries are paid. The compensation of any member of the city council appointed or elected to fill a vacancy shall be the same as that payable to such member whose office was vacated. No change in compensation shall apply to any member of the city council during his term of office. Such compensation may be increased or diminished at any general election thereafter, by submission of such question in the same manner and by the same vote as herein provided for the original creation of such compensation.

Officers Compensation.

The city clerk and the city treasurer shall severally receive, at stated times, a compensation to be fixed by ordinance adopted by the city council, which compensation shall not be increased or diminished after their election or during their several terms of office. Nothing herein contained shall be construed to prevent the city council from fixing such several amounts of compensation in the first instance upon the incorporation of the city, during the term of office of any such officer after his election.

Stats 1923, p 101.

SEC. 9. Section 856 of said act is hereby amended to read as follows:

Elections.

Sec. 856. All elections in such city shall be held in accordance with the general election laws of the State, applicable to cities of the sixth class, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least forty days next preceding such election.

Stats. 1931, p 187.

SEC. 10. Section 857 of said act is hereby amended to read as follows:

Councilmen. Eligibility

Sec. 857. No person shall be eligible to hold the office of councilman, city clerk, or city treasurer in such city unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of his election.

Stats 1931, p 187

SEC. 11. Section 858 of said act is hereby amended to read as follows:

Council Meetings

Sec. 858. The city council shall meet on the Monday next succeeding the date of said general municipal election. Each newly elected member of the city council before entering upon his duties shall take the oath of office. At said meeting the city council shall choose one of its number to act as mayor. The city council shall hold regular meetings at least once in

each month at such times as it shall fix by ordinance or resolution, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Such adjourned meeting may likewise be adjourned and when so adjourned shall be a regular meeting for all purposes.

Special meetings.

Special meetings may be called at any time by the mayor, or by three members of the city council, by written notice delivered personally to each member at least three hours before the time specified for the proposed meeting; provided, however, that any special meeting of the city council shall be a validly called special meeting, without the giving of such written notice, as above provided, if all members of the city council shall give their consent in writing to the holding of such meeting, and such consent is on file in the office of the city clerk at the time of holding such meeting. A telegraphic communication from a councilman consenting to the holding of the meeting shall be deemed to be a consent in writing, within the meaning of the terms as expressed in the foregoing sentence. At any special meeting the power of the city council to transact business shall be limited to matters referred to in such written notice or written consent; all meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance and shall be public.

Adjournment.

In the event that any order of adjournment of a regular meeting fails to state the hour at which any adjourned meeting is to be held, such adjourned meeting may be validly held on the day specified in the order of adjournment if held at the hour set forth in the ordinance or resolution prescribing the time for regular meetings.

Stats 1931, p. 187.

SEC. 12. Section 859 of said act is hereby amended to read as follows:

Council. Quorum

Sec. 859. At any meeting of the city council a majority of said council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance; and in the absence of all of the city council from any regular meeting or adjourned regular meeting the city clerk may declare the same postponed and adjourned to a stated day and hour, and must thereupon deliver or cause to be delivered personally to each member of the city council a written notice of such adjournment at least three hours before the time to which said regular or any adjourned regular meeting has been adjourned.

Stats. 1931, p 187

SEC. 13. Section 860 of said act is hereby amended to read as follows:

Council Proceedings

Sec. 860. The city council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. It may establish rules for

the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting. It shall cause the city clerk to keep a correct record of all its proceedings, and at the desire of any member, the city clerk shall call the roll and shall cause the ayes and noes taken on any question to be entered in the record journal.

SEC. 14. Section 861 of said act is hereby amended to read as follows: Stats. 1931, p 2180.

Sec. 861. No ordinance of any kind, where an ordinance is required by law, and no resolution granting a franchise for any purpose, shall be passed by the city council on the day of its introduction nor within five days thereafter nor at any time other than a regular or adjourned regular meeting. Every such ordinance or resolution shall be read in full unless after the reading of the title thereof, the further reading thereof is waived by motion of the city council regularly made and adopted by unanimous vote. In the event that such ordinance or resolution is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance or resolution was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. No resolution or order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting. No such ordinance or resolution, or any order for the payment of money, shall have any validity or effect unless passed by the votes of at least three members of the city council. No ordinance shall become effective until thirty days from and after the date of its final passage, except an ordinance calling or otherwise relating to an election and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths vote of the city council, and except ordinances relating to street improvement proceedings and other ordinances governed by particular provisions of State law prescribing the manner of their passage and adoption. Ordinance granting franchise, etc.

SEC. 15. Section 862 of said act is hereby amended to read as follows: Stats 1931, p. 187.

Sec. 862. The city council of said city shall have power: Council, powers.

1. To pass ordinances not in conflict with the constitution and laws of this State or of the United States. Ordinances

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; provided, it shall not have power to sell or convey any portion of any water front. Acquire property.

3. To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or Water supply.

proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

Streets, parks, bridges, etc

4. To establish, build, and repair bridges; to acquire by purchase or otherwise lands for squares, parks, playgrounds and places within the city and to improve, equip and maintain the same; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, tunnels, and other public highways, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways, tunnels, and places; and in the exercise of the powers herein granted to expend, in its discretion, the ordinary annual income and revenue of the municipality in payments of the costs and expenses of the whole or any part of such work or improvement.

Streets.

4a. To acquire property required for the opening and laying out of any street, alley, lane or tunnel from the point where the continuity of such street, alley, lane or tunnel ceases, to the point where such street, alley, lane or tunnel again commences; to lay out and improve said street, alley, lane or tunnel; and to pay the cost and expense incurred in the acquisition of the required property out of the general fund of the city.

Sewers

5. To construct, establish, and maintain drains and sewers.

Fire protection.

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires.

Poll tax.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city.

Dog tax

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city.

Property tax

9. To levy and collect annually a property tax, which shall not, without the assent of two-thirds of the qualified electors of such city voting at an election to be held for that purpose exceed one dollar on each one hundred dollars; provided, however, that in cities which have constructed or may hereafter construct embankments, sea walls, or other works to protect such cities from overflow, said city council may levy and collect annually a property tax which shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the construction and maintenance of embankments, sea walls, or other works to protect such city from overflow and for no other purpose.

Licenses.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and trans-

acted and carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

11 To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to acquire and improve public mooring places for water craft; to improve the water front of the city; including the ocean front thereof, and to build and construct breakwaters, jetties and sea wall; to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses and life-saving stations. Rivers, harbors, etc.

12. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated outside or inside of said city. Public buildings.

13. To acquire, own, construct, maintain and operate bus lines, street railways, steam railway spur tracks, telephone and telegraph lines, gas and other works for light, power and heat; public libraries, museums, gymnasiums, parks, and baths, and to grant franchises for the construction of public utilities as it may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein. Public utilities.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months. Fines

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city. Prisoners.

16. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality. Fire limits.

16a. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to regulate the erection, construction, reconstruction, conversion, repair or alteration of any building or buildings, as provided in section 84 of the State Housing Act; to prevent the erection and maintenance of insecure or unsafe building walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the Building regulation.

manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Signs, advertising, etc.

16b. To regulate the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures; or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to prohibit and prevent encroachments upon or obstruction in or to any sidewalks, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

Debris, weeds, etc.

16c. To compel the owner, lessee, or occupant of buildings, grounds, or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the buildings or grounds, and on his default, after such notice as the city council may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee or occupant, and by such procedure as the city council may prescribe, to make such expense a lien upon such buildings or grounds.

Witnesses

17. To issue subpenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the city council, which subpenas must be signed by the mayor, and attested by the city clerk and may be served in the same manner as subpenas are served in civil actions. Whenever any person duly subpenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpena, or shall refuse to testify before such city council, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the mayor to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction

of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpenaed to appear and give evidence on the trial of a civil cause before a superior court.

18. To expend such sum as the city council shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion. Music.

19. To accept such contributions of money, each contribution to be at least fifty dollars ($50), as may be tendered it, to be held in trust, the income from which to be used for the perpetual care and upkeep of a designated plot or plots in the local city and/or community cemetery; said contributions to be placed in the city treasury in a fund designated as the "cemetery fund." The city council shall appoint the city clerk or any competent resident of the city to administer said fund, the person so appointed to execute an official bond in the amount of a sum prescribed by said city council, and to receive annually one dollar for each plot cared for, said expenditure to be made only from the income of said fund. Any moneys remaining in said fund after the expenditures for care and upkeep of the designated plot or plots and the payment to the person administering said fund shall be used in the care and upkeep of the roads, walks or other portions of the cemetery. Cemeteries.

If the city should at any time disincorporate, the trust fund shall be turned over to the board of supervisors of the county within which the cemetery is located, in which event said board of supervisors shall act as trustees until such time as they may appoint some suitable organization to take charge of the fund.

20. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act. Other powers.

SEC. 16. Section 862a of said act is hereby amended to read as follows: Stats 1921, p. 688

Sec. 862a. In any city of the sixth class the city council shall have power: Council, powers

(a) Upon a petition signed by fifteen per cent of the registered, qualified electors of the city, to submit to the electors of the city, the question whether a municipal hospital shall be established in said city; provided, that no municipal hospital has been already established therein. Said proposition may be submitted either at a general or special election and said election shall be conducted and the results thereof declared in conformity with the general election laws governing elections in cities of the sixth class. If a majority of the votes cast at said election are in favor of said proposition, the municipal hospital for said city shall be deemed established and shall be managed and conducted in accordance with the provisions of this section. Hospital Election to establish.

Erection

(b) To erect and maintain a municipal hospital whenever the same has been established as provided in subdivision (a) of this section.

Government.

(c) To prescribe rules for the government and management of any such hospital and the terms upon which patients may be admitted thereto.

Physicians and employees

(d) To appoint and fix the compensation of physicians, surgeons and other necessary officers and employees of such municipal hospital who shall hold their positions during the pleasure of the city council.

Buildings

(e) To acquire any and all property, real or personal by purchase or donation, and construct and equip such buildings as the city council may deem necessary and suitable for the proper conduct of any such municipal hospital. In receiving any donation of money, the city may agree to pay the donor or donors interest upon the principal at a rate not exceeding seven per cent per annum, during the lifetime of the donors, or of any of them, or of the survivor, but not exceeding a period of forty years, and without repayment of the principal or any part thereof. In the case of the incurring of such indebtedness in favor of donors, the indebtedness shall be incurred and means for the payment thereof shall be provided in the manner prescribed by the provisions of the act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements and regulating the acquisition, construction and completion thereof," in effect February 25, 1901, as amended, so far as the same may be applicable; provided, however, that the ordinance calling the election shall not contain any statement as to bonds that are to be issued, but shall in general terms describe the proposed donation, the purpose for which it is to be used, and the terms upon which the same is to be made and accepted.

Tax for maintenance

(f) To levy and collect annually a property tax for the maintenance of such municipal hospital and the interest charged on any donation accepted in accordance with the provisions of subdivision (e) of this section, and also for interest upon any bonded indebtedness created for the purchase or acquisition of any real or personal property for any such hospital, and the construction and equipment thereof, including a sinking fund for the payment of such bonds in the amount provided for in any such bond issue.

Stats 1931, p. 2180

SEC. 17. Section 863 of said act is hereby amended to read as follows:

Ordinances

Sec. 863. The enacting clause of all ordinances shall be as follows: "The city council of the city of ------ does ordain as follows": Every ordinance must be signed by the mayor and attested by the city clerk. The city clerk shall cause such ordinance to be published within fifteen days after its passage at least once in a newspaper of general circulation published and circulated in such city; provided, that if there be no such newspaper published and circulated in such city, then all

ordinances must be posted in at least three public places therein; provided, further, that in all cities which have been incorporated less than one year, all ordinances may be either published or posted as aforesaid, as the city council may determine; and provided, further, that in no case shall the price charged for such publication of any ordinance exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

SEC. 18. Section 864 of said act is hereby amended to read as follows: Stats 1883, p 93.

Sec. 864. All demands against such city shall be presented, in accordance with such regulations as the city council may by ordinance prescribe; provided, that the same are hereby required to be audited by the city council and upon the allowance of any such demand, the mayor shall draw a warrant upon the city treasurer for the same, which warrant shall be countersigned by the city clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid. Demands.

SEC. 19. Section 865 of said act is hereby amended to read as follows: Stats 1927, p 575

Sec. 865. The city council shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors of said city voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted. When any order or demand is presented for approval and is not approved for want of funds and the amount of said order or demand does not exceed the income and revenue provided for the year in which the indebtedness was incurred, for which said order or demand was drawn, such city clerk must indorse thereon the words "not approved for want of funds," with the date of presentation and shall, in attestation thereof, affix his signature thereto; and shall number such indorsement and shall register said order or demand in the records of his office and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum. Such Indebtedness not to exceed income.

orders or demands so registered, as herein provided, shall be paid in the order in which the same are registered.

Stats 1883, p 93.

SEC. 20. Section 867 of said act is hereby amended to read as follows:

Violation of ordinances.

Sec. 867. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of California; or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail for such city; or if the city council by ordinance shall so prescribe, in the county jail of the county in which such city may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against such city.

Stats 1931, p 181.

SEC. 21. Section 868 of said act is hereby amended to read as follows:

Nuisances.

Sec. 868. The city council shall have the power to declare what constitutes a nuisance, and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance, and shall have the power by ordinance to make the expense of abatement of nuisances a lien against the property on which a nuisance is maintained, as well as to make such expense a personal obligation against the owner of such property. Said city council shall also have power by ordinance to require and provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise; and said city council likewise shall have power by ordinance to require or provide for the removal from property, lands, or lots of all weeds, rubbish or other material which may endanger or injure neighboring property or the health or welfare of residents of the vicinity, and to make the cost thereof a lien and charge upon such property, lands or lots and to make provision for the enforcement of such lien by the sale of such property, lands or lots or otherwise.

New section. See Stats. 1933, Ch. 150.

SEC. 21a. A new section is hereby added to said act to be numbered 869 and to read as follows:

Use of park land for buildings.

Sec. 869. Whenever the city council or board of trustees shall deem it necessary and for the best interests of a city that land heretofore purchased by said city for park or other purposes should be used for the construction of a city hall or other public buildings or the creation of a civic center, said council or board of trustees may, by a four-fifths vote, adopt an ordinance declaring such necessity and providing for the erection of a city hall or other public building or buildings or the creation of a civic center thereon.

Stats 1931, p. 181

SEC. 22. Section 870 of said act is hereby amended to read as follows:

Streets, rights of way, etc

Sec. 870. Whenever it shall become necessary for the city to take or damage private property for the purpose of estab-

lishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of rights of way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams, or the improvement of water fronts, or the acquisition or maintenance of public harbors, or for any other purposes authorized by law the city council may direct proceedings to be taken therefor in accordance with any law applicable thereto.

SEC. 23. Section 870a of said act is hereby amended to read as follows: Stats 1913, p. 10.

Sec. 870a. Whenever the city council shall deem it necessary for the city to construct a bridge connecting the municipal corporation with an adjoining road district and it shall become necessary in constructing such bridge to take or damage private property within or without or within and without the corporate limits of said city or town, the city council of said city may, by resolution, declare the necessity thereof and direct and maintain proceedings for that purpose in accordance with any law applicable thereto. Bridges.

SEC. 24. Section 871 of said act is hereby amended to read as follows: Stats 1931, p. 181.

Sec. 871. The city council shall have the power, and it shall be its duty, to provide by ordinance a system for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this chapter. Nothing herein shall prevent the city council from exercising the power granted by general laws of the State relative to the assessment and collection of taxes by county officers. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the redemption of property sold for State taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as in or may hereafter be provided by law for deeds for property sold for nonpayment of State taxes. Taxes. Liens.

SEC. 25. Section 872 of said act is hereby amended to read as follows: Stats. 1931, p. 181.

Sec. 872. Unless the city has availed itself or does hereafter avail itself, of the provisions of the general laws of the State relative to the assessment and collection of city taxes by county Equalization.

officers, the city council shall meet at its usual place of holding meetings on the second Monday of August of each year, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. It shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of its own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year.

Notice shall be given of the time and place of sitting in such manner as may be prescribed by ordinance.

Stats 1883, p. 93.

SEC. 26. Section 873 of said act is hereby amended to read as follows:

Construction of act.

Sec. 873. Nothing in this chapter contained shall be construed to prevent any city having a bonded indebtedness, contracted under the laws heretofore or hereafter passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties, and forfeitures, shall be paid into the general fund, except as may be otherwise expressly provided by law.

Stats 1931, p. 181

SEC. 27. Section 874 of said act is hereby amended to read as follows:

Public works.

Sec. 874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditures required for the same exceed the sum of five hundred dollars, the same shall be done by

Contract.

contract, and shall be let to the lowest responsible bidder, after notice which shall consist of the publication of a notice inviting bids by two or more insertions thereof, not less than five days apart, in a newspaper of general circulation, printed and published in such city, or if there be no newspaper of general circulation printed and published therein, by posting copies of said notice inviting bids in at least three public places in said city, which places shall be those designated by ordinance as the places for posting of public notices, not less than ten days prior to the date set in the notice for the opening of bids. Such notice shall distinctly and specifically state the work contemplated to be done; provided, that the city council may reject any and all bids presented and read-

Day labor.

vertise, in its discretion; provided, further, after rejecting bids, the city council may declare and determine by a four-fifths vote of all its members that in its opinion the work in

question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and provided, further, that in case of a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster, the city council may, by resolution passed by vote of four-fifths of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon it may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency. Emergency.

In the event that there is more than one newspaper of general circulation printed and published in such city the city council shall, annually, prior to the beginning of each fiscal year, publish a notice inviting bids, and, contract for the publication of all legal notices required to be published in a newspaper of general circulation printed and published in said city. Said contract shall include the printing and publishing of all such legal notices during the ensuing fiscal year. In the event there is only one newspaper of general circulation printed and published in said city, then the city council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. Call for bids

SEC. 28. Section 875 of said act is hereby amended to read as follows: Stats 1931, p 181.

Sec. 875. The mayor shall preside at the meetings of the city council, and in case of his absence or inability to act, the city council shall appoint a mayor pro tempore, who shall serve only until such time as the mayor returns and is able to act, and who for such period shall have all of the powers and duties of the mayor. The mayor shall have the power to make or second any motion and to present and discuss any matters, notwithstanding the fact that the mayor is the presiding officer of the council. In case of the absence of the city clerk, the deputy city clerk shall act. If there be no deputy city clerk then the mayor shall appoint one of the members of the city council city clerk pro tempore. The mayor shall sign all warrants drawn on the city treasurer, and shall sign all written contracts and conveyances made or entered into by said city. The mayor shall have power to administer oaths and affirmations, to take affidavits and to testify the same under his hand. The mayor is authorized to acknowledge the execution of all instruments executed by said city that are required to be acknowledged. Mayor president of council.

SEC. 29. Section 876 of said act is hereby amended to read as follows: Stats 1931, p 181.

Sec. 876. It shall be the duty of the city treasurer to receive and safely keep all moneys which shall come into his Treasurer.

hands as city treasurer. He shall comply with all provisions of law governing the deposit and securing of public funds. He shall also comply with all of the provisions of the general laws of the State governing the handling of such trust funds as may come into his possession. He shall pay out moneys only on warrants signed by persons designated by law as the proper persons to sign warrants and not otherwise. He shall at regular intervals, at least once each month, submit to the city clerk a written report and accounting of all receipts, disbursements and fund balances, a copy of which report he shall file with the city council. He shall perform such duties relative to the collection of city taxes and license fees as may be prescribed by ordinance.

Deputies

The city treasurer may appoint a deputy, or deputies, for whose acts he and his bondsmen shall be responsible; such deputy, or deputies, shall hold office subject to the pleasure of the city treasurer and shall receive such compensation as may be provided by the city council.

Stats 1921, p. 575.

SEC. 30. Section 877 of said act is hereby amended to read as follows:

Assessor

Sec. 877. Unless the city council has availed itself, or does hereafter avail itself, of the provision of the general laws of the State relative to the assessment and collection of city taxes by county officers, it shall be the duty of the assessor between the first Monday in March and the first day of August in each year, to make out a true list of all taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed, and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk on or before the first Monday of August of each year. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty.

Stats. 1931, p. 2029.

SEC. 31. Section 878 of said act is hereby amended to read as follows:

City clerk.

Sec. 878. It shall be the duty of the city clerk to keep a full, and true record of all the proceedings of the city council and of the board of equalization, in books that shall bear appropriate titles and be devoted exclusively to such purposes, respectively. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

The city clerk shall be the accounting officer of the city and shall maintain such financial records as shall readily reflect the financial condition of the city, and he shall prepare a summary statement of receipts and disbursements by departments and funds, at the end of each fiscal year, including

opening and closing fund balances in the treasury, which statement he shall present to the city council. The city clerk shall cause said statement to be published once in a newspaper of general circulation, printed and published within the city, and if there be no newspaper of general circulation printed and published therein, then he shall cause copies of such statement to be posted in three public places in said city. Said public places shall be those designated by ordinance as the places for posting of public notices. Said statement shall be printed, or posted, not later than one hundred twenty days after the close of the fiscal year for which said report is compiled.

The city clerk shall keep a book marked "Ordinances" into which he shall record all city ordinances with his certificate annexed to each of said ordinances stating the same to be a true and correct copy of an ordinance of said city, and giving the number of said ordinance, and stating that the same has been published or posted according to law. Said record with said certificate shall be prima facie evidence of the contents of each ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceedings.

The official records of the city in the custody of the city clerk shall not be filed in any court proceeding or other action but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way.

Unless the city council has availed itself, or does hereafter avail itself, of the provision of the general laws of the State relative to the assessment and collection of city taxes by county officers, the city clerk shall be ex officio assessor.

The city clerk shall be the custodian of the seal of the city. He shall perform such additional duties in relation to the issuance of licenses as may be prescribed by ordinance.

Deputies

The city clerk may appoint a deputy, or deputies, for whose acts he and his bondsmen shall be responsible; such deputy, or deputies, shall hold office subject to the pleasure of the city clerk and shall receive such compensation as may be provided by the city council.

The city clerk and his deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the city, which may be used in any court or proceedings in the State, and to certify the same.

Stats. 1931, p. 181.

SEC. 32. Section 879 of said act is hereby amended to read as follows:

City attorney.

Sec. 879. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city, to frame all ordinances and resolutions required by the city council, and perform such other legal services as said city council may require from time to time. Said city attorney shall receive such compensation as may be allowed by the city council.

Stats. 1931, p. 181

SEC. 33. Section 880 of said act is hereby amended to read as follows:

Police department.

Sec. 880. The department of police of said city shall be under the direction and control of the chief of police and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by laws of the State, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend his aid, when required for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized to, execute and return all process issued and directed to him by an legal authority. It shall be his duty to prosecute before the city court, all breaches or violations of or noncompliance with any ordinance which shall come to his knowledge. He shall have charge of the prison and prisoners, and of any chain-gang which may be established by the city council. He shall for service of any process receive the same fees as constables, but his fees for services in any criminal action or proceedings upon process issued from the city court shall not be a charge against the county. He shall perform such services relative to the collection of taxes and license fees as may be prescribed by ordinance. He shall keep a record in which must be entered, forthwith and in detail, all fees for service of process, or other moneys collected by his department or paid to him in his official capacity, which record shall be open for public inspection during office hours. He shall deposit all moneys collected by his department, immediately, with the city treasurer, in such manner as may be required by ordinance. He shall file with the city clerk a detailed statement, at least once each month, of all moneys handled by him in his official capacity during such preceding month. He may appoint, subject to the approval of the city council, one or more police officers. He may also, with the concurrence of the mayor, when the same may be by them deemed necessary for the preservation of the public order, appoint additional police officers. He shall perform such other services as this act and the ordinances of the city council shall require.

Duties of chief of police

Repeal.

SEC. 34. Section 881 of said act is hereby repealed.

Stats. 1931, p. 2519

SEC. 35. Section 882 of said act is hereby amended to read as follows:

See Stats 1933, Ch. 747.

City court.

Sec. 882. A city court is hereby established in such city, to be held by the city judge of said city. Such city court shall have jurisdiction, concurrently with the justice's court, of all civil and criminal actions arising within the corporate limits of such city, and which might be tried in such justice's court. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts

in like cases; and appeals may be taken to the superior court of the county in which such city may be situated, from all judgments of said city court, in like manner and with like effect as in cases of appeals from justices' courts.

SEC. 36. Section 883 of said act is hereby amended to read as follows: Stats. 1931, p. 181

Sec. 883. The city judge shall be judge of the city court, and shall have the powers and perform the duties of a magistrate. City judge.

He may administer and certify oaths of affirmation, and take and certify acknowledgments. A justice of the peace may, at the same time, hold the office of city judge.

SEC. 37. Section 884 of said act is hereby amended to read as follows: Stats 1931, p. 181.

Sec. 884. In all cases in which the city judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the city judge may call in a justice of the peace, residing in the city to act in his place and stead; or if there be no justice of the peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which such city may be situated. City judge Disqualification.

SEC. 38. Section 885 of said act is hereby amended to read as follows: Stats. 1883, p. 93.

Sec. 885. All moneys belonging to or collected or received for the use of such city by any officer or employee thereof shall immediately be deposited into the treasury in such manner as the city council shall prescribe by ordinance, for the benefit of the funds to which such moneys respectively belong. Every officer or employee collecting or receiving any such moneys shall report to the city clerk for the same on the first Monday in each month or at such shorter intervals as may be prescribed by ordinance. Collection of moneys

SEC. 39. Section 886 of said act is hereby amended to read as follows: Stats 1883, p 93.

Sec. 886. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof in their official capacity, or in doing any work or furnishing any supplies for the use of such city, or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the city treasurer. Any wilful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such. Officers not to be interested in public contracts.

CHAPTER 517.

Stats. 1917, p. 831, amended

An act to add a new section to the Workmen's Compensation Insurance and Safety Act of 1917 to be known as section 26a, relating to subrogation for payments on account of injuries or death.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the act cited in the title hereof to read as follows:

Subrogation of employer.

Sec. 26a. If an injury to and/or the death of an employee is the proximate consequence of the act of a person other than the employer, the employer shall be entitled to recover from such person all moneys paid to the injured employee during the period of his disability and/or to his dependents either as salary, wage, pension or other emolument and in the recovery thereof, the employer shall be entitled to invoke all of the provisions of section 26 of this act.

CHAPTER 518.

An act to add a new section to the Penal Code, to be numbered 1203a, relating to probation in courts having jurisdiction of misdemeanor cases.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section, to be numbered 1203a, is hereby added to the Penal Code to read as follows:

Probation.

1203a. In all counties and cities and counties the courts therein, having jurisdiction to impose punishment in misdemeanor cases, shall have the power to refer cases, demand reports and to do and require all things necessary to carry out the purposes of section 1203 of this code in so far as they are in their nature applicable to misdemeanors. Any such court shall have power to suspend the imposing or the execution of the sentence, and to make and enforce the terms of probation for a period not to exceed two years; provided, that when the maximum sentence provided by law exceeds two years imprisonment, the period during which sentence may be suspended and terms of probation enforced may be for a longer period than two years, but in such instance, not to exceed the maximum time for which sentence of imprisonment might be pronounced.

CHAPTER 519.

An act to add a new section to the Political Code, to be numbered 363k, relating to the Department of Public Works.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 363k and to read as follows: New section.

363k. The Division of Highways may be charged its pro rata share of the administrative expenses of the Department of Public Works; apportionment of such expenses to be made and determined by the Director of Public Works, subject to the approval of the Director of Finance. The amount thus charged to the Division of Highways shall be payable from the highway maintenance fund and shall become a part of any appropriation made available by law for the use or support of the Department of Public Works from out of which said appropriation or the then corresponding current appropriation the expenses so incurred were paid. Administrative expenses, Division of Highways

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CHAPTER 520.

An act to amend section 1181 of the Penal Code, relating to new trials.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1181 of the Penal Code is hereby amended so as to read as follows: Stats. 1927 p. 1037

1181. When a verdict has been rendered against the defendant, the court may, upon his application, grant a new trial, in the following cases only: When a new trial may be granted

1. When the trial has been had in his absence, if the indictment is for a felony;

2. When the jury has received any evidence out of court, other than that resulting from a view of the premises;

3. When the jury has separated without leave of the court after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented;

4. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors;

5. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial, and when the district attorney

or other counsel prosecuting the case has been guilty of prejudicial misconduct during the trial thereof before a jury;

6. When the verdict is contrary to law or evidence, but if the evidence shows the defendant to be not guilty of the degree of the crime of which he was convicted, but guilty of a lesser degree thereof, or of a lesser crime included therein, the court may modify the judgment accordingly without granting or ordering a new trial, and this power shall extend to any court to which the cause may be appealed;

7. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

CHAPTER 521.

An act to amend section 1089 of the Penal Code, relating to the selection of alternate jurors and the rights and duties of alternate jurors.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Stats. 1927, p 1062

SECTION 1. Section 1089 of the Penal Code is hereby amended so as to read as follows:

Alternate jurors.

1089. Whenever, in the opinion of a judge of a superior court about to try a defendant against whom has been filed any indictment or information for a felony, the trial is likely to be a protracted one, the court may cause an entry to that effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or more additional jurors, in its discretion, to be known as "alternate jurors."

Such jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; provided, that the prosecution and the defendant shall each be entitled to one peremptory challenge to such alternate jurors.

Such alternate jurors shall be seated near, with equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the

cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt.

They shall obey the orders of and be bound by the admonition of the court, upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and upon final submission of the case to the jury such alternate jurors shall be kept in the custody of the sheriff and shall not be discharged until the original jurors are discharged, except as hereinafter provided.

Drawing of alternate

If at any time, whether before or after the final submission of the case to the jury, a juror die or become ill, so as to be unable to perform his duty, or if a juror requests a discharge and good cause appears therefor, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box, and be subject to the same rules and regulations as though he had been selected as one of the original jurors.

CHAPTER 522.

An act to amend section 12 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to compensation and insurance of workmen.

Stats 1917, p 831, amended

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1929, p 553

Sec. 12. (a) The average annual earnings referred to in section 9 hereof shall be fifty-two times the average weekly earnings referred to in said section; in computing such earnings the average weekly earnings shall be taken at not less than six dollars and forty-one cents nor more than thirty-eight dollars and forty-six cents, and three times the average annual earnings shall be taken at not less than one thousand dollars, nor more than five thousand nine hundred ninety-nine dollars and seventy-six cents; provided, however, that the maximum limit of three times the average annual earnings referred to in subdivision (c) of section 9 of this act shall be taken at not more than five thousand dollars and between said limits said average weekly earnings shall be arrived at as follows:

Average annual earnings.

Average weekly earnings.

(1) Where the employment is for thirty hours a week or more, the average weekly earnings shall consist of ninety-five per cent of five times the daily earnings at the time of such injury, where the employment is for five working days a week. Where the employment is for five and one-half, six, six and one-half or seven working days a week, the average weekly

earnings shall be ninety-five per cent of five and one-half, six, six and one-half or seven times the daily earnings at the time of the injury, as the case may be.

(2) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earning shall be taken to be ninety-five per cent of the aggregate of such earnings from all employments computed into terms of one week; provided, that the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(3) If the earnings are at an irregular rate, such as piecework or on a commission basis, or are specified to be by the week, month, or other period, then the average weekly earnings mentioned in subdivision (1) above shall be ninety-five per cent of the average weekly earnings during such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

Employment for less than thirty hours per week.

(4) Where the employment is for less than thirty hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings of the injured employee can not reasonably and fairly be applied, such average weekly earnings shall be taken at ninety-five per cent of such sum as shall reasonably represent the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

Overtime, board, etc

(b) In determining such average weekly earnings, there shall be included overtime and the market value of board, lodging, fuel, and other advantages received by the injured employee, as part of his remuneration, which can be estimated in money, but such average weekly earnings shall not include any sum which the employer may pay to the injured employee to cover any special expenses entailed on him by the nature of his employment.

Injuries to minors.

(c) If the injured employee is under twenty-one years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed, to be the weekly sum that under ordinary circumstances he would probably be able to earn after attaining the age of twenty-one years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured, and if such probable earnings after attaining the age of twenty-one years can not reasonably be determined, such average weekly earnings shall be based upon three dollars a day for a six-day week.

CHAPTER 523.

An act to add a new section to the Bank Act, to be numbered 136½, relating to powers of trustees or receivers of closed banks.

Stats 1909, p 87, amended

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Bank Act, to be numbered 136½, and to read as follows:

New section

Sec. 136½. Whenever in the opinion of the Superintendent of Banks the liquidation or reorganization of any bank taken in charge by him, pursuant to the provisions of this act, would be facilitated thereby, or whenever in the opinion of the Superintendent of Banks the public interests and the interests of depositors or stockholders in any bank of which he has taken charge will be subserved thereby, the Superintendent of Banks shall have power to borrow money in behalf of such bank from Reconstruction Finance Corporation, or from any other Federal agency which may be hereafter authorized to lend money to the receivers, trustees, liquidating agents or other agents or supervisory authorities in charge of banks which are closed or in process of liquidation, and with consent of the superior court, the Superintendent of Banks may secure such borrowings by the pledge of the assets of any such bank in such manner and amount as may to the Superintendent of Banks seem necessary, proper or expedient.

Bank receivers may borrow Federal funds

CHAPTER 524.

An act to amend section 19x16 of the Juvenile Court Law, relating to the probation officer in counties of the sixteenth class.

Stats 1915, p 1225, amended

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x16 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1931, p 856

Sec. 19x16. In counties of the sixteenth class there shall be one probation officer whose salary shall be two thousand one hundred dollars per year; one assistant probation officer whose salary shall be one thousand eight hundred dollars per year; one assistant probation officer whose salary shall be one thousand five hundred dollars per year; and one office deputy whose salary shall be one thousand two hundred dollars per year. In addition to the salaries herein provided for, such officers and deputies shall be allowed the necessary incidental expenses allowed by section 19w of this act.

Santa Barbara County Probation officer

CHAPTER 525.

An act to amend section 2322x16 of the Political Code, relating to the office of the agricultural commissioner in counties of the sixteenth class.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Stats 1931, p 930

SECTION 1. Section 2322x16 of the Political Code is hereby amended to read as follows:

Santa Barbara County Agricultural commissioner

2322x16. In counties of the sixteenth class, the commissioner shall receive a salary of thirty-five hundred dollars per annum; provided, beginning January 1, 1935, the Agricultural Commissioner shall receive a salary of thirty-eight hundred dollars per annum; and provided further, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a salary of twenty-four hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one inspector at an annual salary of twenty-one hundred sixty dollars and two inspectors at an annual salary of one thousand nine hundred forty-four dollars, one inspector at an annual salary of one thousand five hundred sixty-six dollars and three inspectors at an annual salary of one thousand three hundred fifty dollars each, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eleven thousand six hundred sixty-four dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at an annual salary of one thousand five hundred sixty-six dollars and one clerk at a yearly salary of four hundred fifty dollars during the time actually employed but the aggregate amount which may be expended in any year for such clerks shall not exceed two thousand sixteen dollars.

CHAPTER 526.

An act to amend sections 1333 and 1567 of the Penal Code, relating to production of prisoners in court.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Stats 1915, p 731.

SECTION 1. Section 1333 of the Penal Code is hereby amended to read as follows:

Manner of producing prisoner as witness

Sec. 1333. When the testimony of a material witness is required in a criminal action, before a court of record of this State, or in an examination before a grand jury or magis-

trate for an offense triable in the superior court and such witness is a prisoner in a State prison or in a county jail, an order for his temporary removal from such prison or jail, and for his production before such court, grand jury or magistrate, may be made by the superior court of the county in which such action or examination is pending or by a judge thereof; but in case the prison or jail is out of the county in which the application is made, such order shall be made only upon the affidavit of the district attorney or prosecutor, or of the defendant or his counsel, stating that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of said superior court or a judge thereof. The order shall be executed by the sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, grand jury or magistrate, to safely keep him, and when he is no longer required as a witness, to return him to the prison or jail whence he was taken; the expense of executing such order shall be a proper charge against, and shall be paid by, the county in which the order shall be made.

Such orders shall be signed by the magistrate or judge making the order, and sealed with the seal of the court, if any.

Such order must be to the following effect: Form of order.

County of _____ (as the case may be).
The people of the State of California to the warden of _____ (or sheriff of _____, as the case may be):

An order having been made this day by me, that A. B. be produced in this court as witness in the case of _____, you are commanded to deliver him into the custody of _____.

Dated this _____ day of _____, 19___.

Pen C. 1872

SEC. 2. Section 1567 of the Penal Code is hereby amended to read as follows:

Manner of bringing prisoners before court

Sec. 1567. When it is necessary to have a person imprisoned in the State prison brought before any court, or a person imprisoned in a county jail brought before a court sitting in another county, an order for that purpose may be made by the court and executed by the sheriff of the county where it is made. Such order shall be signed by the judge or magistrate and sealed with the seal of the court, if any. Such order shall be to the following effect:

Form of order

County of _____ (as the case may be).
The people of the State of California to the warden of _____ (or sheriff of _____, as the case may be):

An order having been made this day by me, that A. B. be produced in this court as witness in the case of _____, you are commanded to deliver him into the custody of _____.

Dated this _____ day of _____, 19___.

CHAPTER 527.

Stats 1909, p 543, repealed

An act to repeal an act entitled "An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an act approved February 14, 1887, entitled: 'An act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an act approved February 27, 1897, entitled 'An act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909, and to provide for the transfer of moneys now in the State university fund to the general fund of the State treasury.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. The act cited in the title hereof is hereby repealed.

Balance transferred to general fund.

SEC. 2. The balance of all moneys in the State treasury to the credit of the State university fund shall upon the date upon which this act takes effect forthwith be transferred to and become a part of the general fund in the State treasury; and all moneys which by law are now or hereafter to be paid to the State university fund shall hereafter be paid into the general fund.

CHAPTER 528.

Stats 1913, p 1086, amended.

An act to repeal section 16x21 of the Weights and Measures Act, relating to sealers of weights and measures in counties of the twenty-first class.

[Approved by the Governor May 24, 1933 In effect August 21, 1933.]

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

Repeal.

SECTION 1 Section 16x21 of the Weights and Measures Act is hereby repealed.

CHAPTER 529.

An act to amend section 2322x21 of the Political Code, relating to the office of the agricultural commissioner in counties of the twenty-first class.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2322x21 of the Political Code is hereby amended to read as follows: Stats 1931, p 871.

2322x21. In counties of the twenty-first class the commissioner shall receive a salary of two thousand five hundred fifty dollars per annum; provided, that in counties of this class there shall be allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows: Monterey County Agricultural commissioner

(a) One deputy county agricultural commissioner at a salary of one thousand seven hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a salary of one hundred thirty-five dollars per month each during such time as actually employed and not to exceed two inspectors at a salary of one hundred twelve dollars and fifty cents per month each during the time such inspectors are actually employed, but the aggregate amount to be expended in any one year for all such inspectors shall not exceed the sum of six thousand dollars.

(c) One chief inspector of rodent control, at a salary of one hundred seventy dollars per month.

(d) One clerk, at a salary of eight hundred fifty-five dollars per annum.

CHAPTER 530.

An act to amend section 506b of the Penal Code, relating to theft by an insurance agent, broker, or solicitor.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 506b of the Penal Code is hereby amended to read as follows: Stats. 1925, p. 333

506b. All funds received by any agent, solicitor or broker, as premium or return premium on or under any policy of insurance, shall be received by such agent, solicitor or broker in his fiduciary capacity, and any agent, solicitor, or broker who diverts or appropriates such funds to his own use shall be guilty of theft and shall be punished as provided in this code therefor. Theft by insurance agent or broker

CHAPTER 531.

Stats 1917, p 1047, amended

See Stats 1933, Ch. 73

An act to amend sections 54 and 55½ of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 19, 1915," approved May 28, 1917, relating to fish and game districts 12A and 12C and the protection of fish in said districts, and declaring the urgency thereof.

[Approved by the Governor May 24, 1933 In effect immediately]

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

Stats 1929, p. 1181

SECTION 1. Section 54 of the act cited in the title hereof is hereby amended to read as follows:

Fish and game district 12A

Sec. 54. Fish and game district 12A shall consist of and include all the waters of the Sacramento River flowing between a point three miles below the mouth of the Feather River, and the Vina Ferry, near the town of Vina, in Tehama County.

Stats 1931, p. 1728

SEC. 2. Section 55½ of said act is hereby amended to read as follows:

Fish and game district 12C

Sec. 55½. Fish and game district 12C shall consist of and include all the waters of the Sacramento River flowing within the main channel between the drawbridge across said river at Rio Vista and a point three miles below the mouth of the Feather River, excluding that portion of the Sacramento River between the M Street bridge and a point three miles above the mouth of the American River; and the main channel of Steamboat Slough and Sutter Slough; also all waters of the San Joaquin River flowing in the main channel thereof, between a line drawn from Criminal Point on Venice Island directly across said river to the beacon light on the opposite shore and the Santa Fe railroad bridge across said river near Stockton; all waters of Old River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at Orwood; all waters of Middle River flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river; all waters of Connection Slough between the main channel of Old River and the main channel of Middle River; all waters of Columbia Cut flowing therein between the main channel of Middle River and the main channel of the San Joaquin River; all waters of Latham Slough flowing therein between the main channel of Middle River and Empire Cut; all waters of Burns cut-off around Rough and Ready Island. The provisions of this code relating to district 12A apply to that portion of the Sacramento River excluded from district 12C.

Gill nets.

SEC. 3. In that portion of the Sacramento River in district 12C above the M Street bridge at Sacramento, in which

gill nets may be used, the mesh of said gill nets shall not be less than seven and one-half inches in length.

SEC. 4. The provisions of this act shall terminate on July 1, 1935. Termination of act

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. Urgency

The facts constituting such necessity are as follows: In the area affected by this act there are many unemployed fishermen who are destitute. An ample supply of fish is found in said area and it is necessary for the relief of such destitute persons to immediately make such supply legally available.

CHAPTER 532.

An act to amend sections 2, 3, 4, 5, 6 and 13 of and to add a new section 15 to an act entitled "An act providing for the organization and regulation of reciprocal or interinsurance exchanges, to be known as 'The Reciprocal or Interinsurance Act of the State of California,' and repealing the act entitled 'An act providing for reciprocal and interexchange of indemnities, prescribing regulations therefor and fixing a license fee, and repealing an act entitled "An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee," approved December 24, 1911,' approved May 26, 1917, as amended," approved June 3, 1921, declaring the urgency hereof and to take effect immediately. Stats. 1921, p. 1599, amended

[Approved by the Governor May 24, 1933 In effect immediately.]

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

SECTION 1. Section 2 of said act is hereby amended to read as follows: Stats 1921, p 1599.

Sec. 2. Such contracts may be executed by an attorney, agent, or other representative herein designated as attorney, duly authorized and acting for such subscribers under power of attorney and such attorney may be a corporation. The principal office of such attorney shall be maintained at such place as is designated by the subscribers in the power of attorney. The power of attorney and contracts made thereunder may provide for the right of substitution and revocation and impose such restrictions upon the exercise of the power granted as may be agreed upon by the subscribers, and may provide for and limit liability of subscriber for the payment of losses or expenses of the exchange except as herein Contracts

provided, and may further provide for the exercise of any right reserved to the subscribers directly or through a board or other body which must be selected under such rules and regulations as the subscribers may adopt. This board or other body shall have supervision over the finances of the exchange and over its operations to the extent that said operations shall be in conformity with the subscriber's agreement and power of attorney. Said board or other body shall have authority to procure the audit of the accounts and records of the exchange and of the attorney in fact, at the expense of the exchange. Such board or other body shall be composed of subscribers or agents of subscribers, provided not more than one-third of the members serving on such board or body shall be an agent or employee of, or stockholder in, the attorney.

Powers of board

Filing of copies

A true copy of the form of the power of attorney and of the form of each application for insurance or form of policy, verified by the attorney, shall be filed with the Insurance Commissioner, and any amendment to said forms shall likewise be filed. If the name or designation of the exchange does not contain either of the words "interinsurance" or "reciprocal" or "exchange," then such forms shall have printed under such name or designation the words "an interinsurance exchange" in one prominent place on each of such forms.

Stats 1921, p 1599

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Declaration filed with commissioner

Sec. 3. Such subscribers so contracting among themselves shall through their attorney file with the Insurance Commissioner a declaration verified by the oath of such attorney, or where such attorney is a corporation, by the oath of the duly authorized officers thereof, setting forth:

(a) The name of the attorney and the name or designation under which such contracts are to be issued, which name and/or designation shall not be so similar, to any name and/or designation adopted by any attorney or by any insurance organization transacting business in this State prior to the adoption of such name and/or designation by the attorney as to confuse or to deceive.

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

(c) The kind or kinds of indemnity to be exchanged.

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

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

(f) That executed contracts or bona fide applications, to be concurrently effective, have been made for the exchange of indemnities by at least one hundred separate subscribers; provided, however, that in case of employer's liability or workmen's compensation insurance, there shall have been made executed contracts or bona fide applications, to be concurrently effective, representing a total pay roll of not less than one million dollars.

(g) That there are in the possession of such attorney in fact, subject to the supervision of the advisory board, assets conforming to the requirements of section 5 hereof.

(h) A financial statement under oath in such form as is prescribed by the Insurance Commissioner for the annual statement.

(i) The instrument authorizing service of process as provided for in this act.

(j) Certificate showing deposits of funds or securities.

SEC. 3. Section 4 of said act is hereby amended to read as follows: Stats 1921, p 1599

Sec. 4. Concurrently with the filing of the declaration provided for by the terms of section 3 of this act the attorney shall file with the Insurance Commissioner: Attorney to file instrument and bond

(a) An instrument in writing executed by him for said subscribers conditioned that upon the issuance of the certificate of authority action may be brought either in the county in which the person or property insured is located, or in which the exchange has its principal office or place of business in the State; and that service of process may be had upon the attorney in fact or upon the Insurance Commissioner in all suits against the exchange. In the event of process being served upon the Insurance Commissioner three copies of such process shall be served and the Insurance Commissioner shall file one copy, forward one copy to said attorney by registered mail addressed to the attorney at the principal office as fixed in the certificate filed, and shall return one copy with his admission of service. A judgment rendered in any such case where service of process has been so made shall be valid and binding against the subscribers as their interest appear.

The exchange may sue or be sued in its own name as in the case of an individual. No action shall lie against any subscriber, upon any policy, contract or agreement made or liability incurred in the name of the exchange, until a final judgment has been obtained against the exchange and has remained unsatisfied for thirty (30) days; provided, however, that any judgment rendered against the exchange shall be binding upon each subscriber only in such proportion as his interests may appear.

(b) A bond in favor of the people of the State of California executed by the said attorney with two sureties or with a surety company authorized to do business in the State of California as surety, to be approved by and filed with the Insurance Commissioner in the penal sum of fifty thousand dollars, conditioned that the attorney will faithfully account for all moneys and other property which may come into his hands or be handled by him under the terms of the said power of attorney and the said rules and regulations, and shall not withdraw or cause to be withdrawn, or convert or appropriate for his own use, from the funds of the exchange, any money or moneys or any other thing of value to which he is not Bond

entitled under the terms of the said power of attorney and the said rules and regulations.

Such bond may be sued upon in one and the same action by any subscriber or any number of subscribers suffering loss through a violation of the conditions thereof or by the receiver or trustee in liquidation of the exchange. Liability thereunder may be enforced by any individual subscriber, or any number of subscribers, or in case of liquidation or receivership, by the receiver or trustee in liquidation.

Any amount recovered under such bond shall be deposited in and become a part of the funds of the exchange as a whole; provided, however, that where the power of attorney executed by the subscribers or the rules and regulations adopted by the exchange for the conduct of its business thereunder, provide for the bonding of the attorney in fact against fraud and dishonesty and conditioned as the above-mentioned bond, in an amount at least equal to the amount above set forth, the bond executed in accordance with such powers of attorney or rules and regulations, may be filed with the Insurance Commissioner in lieu of any other bond required under this act, and such bond shall be actionable in similar manner and for similar purposes as said first above-mentioned bond; provided, further, that where the home office of an exchange is located outside of the State of California, such bond or a certified copy or duplicate thereof shall be filed with the Insurance Commissioner of this State, or, in lieu thereof, there shall be filed an affidavit from the Insurance Commissioner of the home State to the effect that such a bond has been filed with him. The Insurance Commissioner shall not accept for filing any bond executed by a corporate attorney, as principal, and executed by sureties who are officers of such corporate principal.

Stats. 1921, p. 1599.

SEC. 4. Section 5 of said act is hereby amended to read as follows:

Assets to be maintained.

Sec. 5. Every exchange shall maintain such assets as are hereinafter required to be maintained, in cash or invested in securities of the kind designated by the laws of the State where the principal office is located for the investment of funds of insurance companies.

Every exchange shall maintain at all times assets in a sum sufficient to discharge all liabilities and to provide a surplus over all liabilities of fifty thousand dollars, or, if an exchange does both liability and workmen's compensation insurance a surplus of one hundred thousand dollars; provided, any exchange licensed at the effective date of this act shall have until December 31, 1935, to make good any deficiency in such surplus requirement; provided, however, that prior to said date, every such exchange must maintain assets in an amount not less than fifty thousand dollars in excess of a sum sufficient to discharge all liabilities other than the unearned premium reserve.

Financial condition.

In estimating the financial condition of any exchange the Insurance Commissioner shall charge as liabilities the same

unearned premium reserve, loss reserve and other reserves required of stock and mutual insurance companies; there shall be allowed as admitted assets the surplus deposits of subscribers, provided that in the case of any individual subscriber whose premium deposit may be due and unpaid for ninety days, such premium deposit shall be first charged against such surplus deposit; the surplus deposits of subscribers shall not be charged as a liability; all premium deposits due and unpaid for a period not exceeding ninety days shall be allowed as admitted assets, as in the case of stock companies; any assessment levied, as hereinafter provided, and not collected shall in no event be allowed as an asset; the computation of reserves shall be based upon such premium deposits without any deduction for the compensation of the attorney.

Deficiencies

If, at any time, an exchange writing liability or workmen's compensation insurance is not possessed of admitted assets sufficient to discharge all liabilities and to maintain the surplus hereinbefore required, the attorney or the Insurance Commissioner, if the attorney fails to do so within thirty days after notice from the Insurance Commissioner so to do, shall make an assessment for the amount needed to make up the deficiency, or, if liquidation of such an exchange is ordered, the assessment shall be for such an amount as the Insurance Commissioner may determine to be necessary to discharge all liabilities of the exchange, including the reasonable cost of liquidation. Such assessments shall be made upon the members liable to assessment therefor, in proportion to their several liabilities.

Subscriber's share of deficiency

Except as herein provided, every subscriber of an exchange writing liability or workmen's compensation insurance shall be liable to pay, and shall pay, his proportionate part of any such assessment, in accordance with law and his contract covering any such deficiency, if he is notified of intention to levy such assessment within one year after the expiration or cancellation of his policy. Each such subscriber's share of the deficiency, for which an assessment is made, shall be determined by applying to the premium earned on the member's policy or policies during the period to be covered by the assessment, the ratio of the total deficiency to the total premiums earned during such period, upon all policies subject to assessment. Such subscribers liable to assessment shall pay the same without offsetting any claim for unearned premiums or losses payable to or for the account of the subscriber. All such proposed assessments shall be filed with the Insurance Department and shall not take effect until approved by the Insurance Commissioner after such investigation as he may deem necessary. All funds of such an exchange and the contingent liability of the subscribers thereof shall be available for the payment of any liability of the exchange. All such assessments, whether levied by the attorney, the Insurance Commissioner in the liquidation of such an exchange, or otherwise, shall be of no greater amount than specified in the power of attorney.

Limitation of subscriber's liability.

The power of attorney of such an exchange may limit the contingent liability of the subscriber for assessment, but such contingent liability shall not be less than an amount equal to the amount of, and in addition to, the premium deposit provided in the policy; each such subscriber may maintain with the exchange, in addition to the premium deposit provided in the policy, a further deposit to be held as the surplus deposit of such subscriber; each subscriber maintaining a surplus deposit equal to the amount of, and in addition to, the total current annual premium deposit or deposits provided in his policy or policies, shall have no liability for assessment during the period such surplus deposit is so maintained. If such an exchange be certified by the Insurance Commissioner as having a surplus of admitted assets over all liabilities in a sum equal to one and one-half times the minimum capital required of stock companies doing the same kinds of insurance, then during the continued maintenance of such surplus of assets, subscribers at such exchanges shall not be liable to assessment.

Distribution of credits.

Savings or credits may be returned to the subscribers irrespective as to the source from which the same accrue whenever such returns do not constitute an impairment of the assets or reserves to be maintained as herein required; provided, however, that there shall be no discrimination in the making of such returns as between persons or places. Where the subscribers are grouped by industries or otherwise under any ruling or agreement which exempts the funds of one group from liability in whole or in part for the payment of losses or expenses chargeable against another group, each independent group must maintain the reserves and surplus herein specified and comply with the requirements of subdivision (f) of section 3 hereof relative to the number and amount of risks to be assumed.

Stats 1921, p 1599.

SEC. 5. Section 6 of said act is hereby amended to read as follows:

Annual report by attorney.

Sec. 6. Such attorney shall, within the time limited for the filing of annual statements by insurance companies transacting the same kind of business, make a report, under oath, to the Insurance Commissioner for each calendar year, showing the financial condition of affairs at the office where such contracts are issued, and shall at any time furnish such additional information and reports as may be required; provided, however, that the attorney shall not be required to furnish the names and addresses of any subscribers except in case of an unpaid final judgment. The assets, business affairs and records of such organization and of the attorney shall be subject to examination by the insurance commissioner at any reasonable time, and such examination shall be at the expense of the organization; provided, such examination of the attorney shall be restricted to only such records and accounts as are concerned with the business of the exchange. The right of examination herein granted shall include the right to examine the records containing the names and addresses of the sub-

Examination by commissioner.

scribers, but any information obtained therefrom shall be regarded as confidential and the disclosure thereof, except under order of court, shall constitute a breach of official duty. Where the principal office of the attorney is located in another State, the Insurance Commissioner may, in lieu of the examination provided for in this section, accept a certified copy of the report of examination made by the Insurance Department of the State where the principal office is located, or by the Insurance Department of any other State.

SEC 6. Section 13 of said act is hereby amended to read as follows: Stats. 1921, p. 1599

Sec. 13. (a) Except as herein provided, the making of contracts as herein provided for and such other matters as are incident thereto shall not be subject to the laws of this State relating to insurance unless they are therein specifically mentioned This section shall not be construed, however, as depriving the Insurance Department of the State of the right of examination and of supervision over reciprocal or interinsurance exchanges, their attorneys, agents and brokers, or of the right to hold and conduct hearings in the manner and under the same procedure as provided by law in the case of mutual or other insurance companies, but such right is hereby expressly recognized and confirmed. Not subject to insurance laws

(b) It shall be unlawful for any reciprocal or interinsurance exchange, its attorney in fact, agent or broker to give or offer a rebate to a subscriber, directly or indirectly. A rebate is hereby defined as an allowance, gift, setoff or payment directly or indirectly made or offered as an inducement to secure the exchange of indemnities, other than a savings or credit to be returned to the subscriber in accordance with the provisions contained in the power of attorney or in the reciprocal or interinsurance contract executed by him. Rebates unlawful

(c) The insurance laws of this State regarding the appointment or licensing, qualification and regulation of insurance agents, brokers and solicitors, shall not apply to the attorney in fact of a reciprocal or interinsurance exchange, nor to the salaried representatives of such exchange or attorney, receiving no commissions, but shall apply to any agent, broker or solicitor of any reciprocal or interinsurance exchange receiving any commission; provided, however, that the fee for issuing the annual license of such agents or solicitors shall be one dollar. Laws regarding insurance agents, etc not applicable

(d) The provisions of section 595a of the Political Code and of Chapter 367, Statutes of 1919 shall be applicable to reciprocal or interinsurance exchanges. Statutes applicable

SEC. 7. A new section to be numbered 15 is hereby added to said act to read as follows: New section

Sec. 15. This act shall be known and may be cited as the "Reciprocal or Interinsurance Act of the State of California." Short title

Nothing contained in this act shall in any way affect the rights, duties, or obligations of members of or subscribers at any reciprocal or interinsurance exchange which has been Effect of act.

adjudged insolvent and ordered to be liquidated prior to the date this act takes effect.

Urgency

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The facts constituting the necessity are as follows:

The moneys in the insurance fund in the State treasury are almost exhausted. The entire expense of supervision and regulation of insurance companies is paid out of said fund. Unless additional revenues are immediately made available for the replenishment of this fund, such supervision and regulation can not efficiently be continued, and a breakdown of this vital function of State administration is thereby threatened. This act, by increasing the revenues payable into such fund, will tend to avert such a threatened breakdown and will thereby enable the State to continue to efficiently supervise and regulate the insurance business therein. As a failure of such supervision and regulation to efficiently function might result in tremendous losses to the people of this State, it is therefore necessary for the immediate preservation of the public peace, health and safety that this act take effect immediately.

CHAPTER 533.

Stats 1931, p 1762, amended

An act to amend sections 278, 290, 292, 293, 294, 295, 296, 300a, 300b, 301, 303, 305, 306, 307, 307a, 308, 309, 311, 312, 313, 314, 315, 319, 320a, 320b, 326, 328, 328a, 328b, 328d, 328e, 330.6, 330.13, 330.24, 331, 332, 333, 334, 334a, 336, 337, 341, 342, 342a, 342b, 343, 346, 346a, 348, 348a, 348b, 355, 357, 358, 359, 361, 362, 362a, 362b, 362c, 363, 364, 365, 366, 368, 369, 370a, 373, 399, 399a, 400, 400a, 401, 401a, 401c, 402, 402a, 403, 403a, 403b, 403c, 403d, 404, 404a, 404b, 405, 406, 406a, 408, 409, 411 and 412 of the Civil Code, and to add new sections 281, 304, 326b and 356 to the Civil Code, and to repeal sections 343a, 347, 375, 401b and 587 of the Civil Code, all relating to corporations.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1762

SECTION 1. Section 278 of the Civil Code is hereby amended to read as follows:

Definitions

278. Construction. The following are definitions of certain terms as used in this title:

"Articles" includes the articles of incorporation, amendments thereto, amended articles, certificates of incorporation,

certificates of determination of preferences, and agreements of consolidation or merger. Definitions

Unless the context requires otherwise, "shareholder" or "stockholder" or "holder of shares" means "holder of record of shares" or "shareholder of record" and includes a subscriber to shares in cases in which no certificates are outstanding, and a member of a nonstock corporation.

"Member" includes each person signing the articles of a nonstock corporation and each person admitted to membership therein.

"Incorporator" includes each person signing the articles of incorporation.

"Corporation," unless otherwise expressly provided, refers only to a domestic corporation.

"Domestic corporation" means a corporation formed under the laws of this State, and "foreign corporation" means any other corporation.

"Stock corporation" means a corporation authorized to issue shares of stock.

"Nonstock corporation" includes every corporation other than a "stock corporation."

"To represent shares" means to vote, to give written consent to corporate action, to dissent therefrom, and to execute waivers of notice of meetings.

"Majority vote" and "two-thirds vote" means votes of the holders of shares or members entitled to exercise, respectively, a majority and two-thirds of the voting power at a shareholders' or members' meeting.

"Directors" includes persons designated in the articles as such and persons designated, elected or appointed by any other name or title to act as directors and their successors.

"Directors," when used in relation to any power or duty requiring collective action, shall be construed to mean "board of directors."

"Mortgage" includes a deed of trust to secure a debt, or any pledge or form of security.

"Written" includes printed, typewritten, engraved, lithographed, telegraphed, cabled, radiogramed, photographed, photostated, telephotographed, or other form of transmitted and recorded messages.

"Redemption price" means the amount payable on shares of any class on the redemption of the shares.

"Liquidation price" or "liquidation preference" means amounts payable on shares of any class upon voluntary or involuntary dissolution, winding-up or distribution of the entire assets of the corporation, including cumulative dividends in arrears, in priority to shares of another class or classes.

"Shares" and "shares of stock" shall be construed to include membership in nonstock corporations unless the context requires otherwise.

"Treasury shares" means shares issued and thereafter acquired by the corporation, but not retired or restored to the status of unissued shares.

A "series" of shares means a subdivision of a class of shares, which shall not be construed to constitute a separate class for the purpose of voting or consent unless specifically so designated.

"Holding corporation"

If a corporation, domestic or foreign, has power either directly or indirectly or through another corporation or series of other corporations, domestic or foreign, to elect a majority of the directors of another corporation, domestic or foreign, any of such corporations having controlling power shall be deemed to be a "holding corporation" in its relation to any corporation which it so controls, and any such corporation which is subject to such control shall be deemed to be a "subsidiary corporation" in its relation to any such controlling corporation.

Section headings

Section headings, wherever they appear in this title, shall not be taken to govern or limit the scope of the sections of this title.

New section

SEC. 2. A new section is hereby added to the Civil Code, to be numbered section 281, and to read as follows:

Constitutionality

281. Constitutionality. If any provision of this title, or the application thereof to existing corporations, or to foreign corporations, or to any class of shares or securities issued by any corporation, be held invalid as to any class of corporations, shares or securities or the rights of any class of persons therein, the remainder of this title or the application of any such provision to other classes of corporations now existing or subsequently created or to other classes of shares or securities shall not be affected thereby.

Stats 1931, p 1762

SEC. 3. Section 290 Civil Code is hereby amended to read as follows:

Articles of incorporation

290 Articles of incorporation. Articles of incorporation shall state:

1. The name of the corporation.

2. The purposes for which it is formed.

3. The county in this State where the principal office for the transaction of the business of the corporation is to be located

4. If the corporation is to be authorized to issue only one class of shares of stock, the total number of shares which the corporation shall have authority to issue and the aggregate par value, if any, of all shares, and (a) the par value of each of such shares, or (b) a statement that all such shares of stock are to be without par value; or if the corporation is to be authorized to issue more than one class of shares, the total number of shares which the corporation shall have authority to issue and the aggregate par value of all shares that are to have a par value, and (a) the number of shares of each class that are to have a par value, and the par value of each share of each such class, and/or (b) the number of shares of each class that are to be without par value.

5. If the shares are to be classified, or if any class of shares is to have two or more series, a statement of the preferences, privileges, and restrictions granted to or imposed upon the respective classes or series of shares and/or upon the holders thereof, and of the number of shares constituting each series. Except as to matters and things so stated, no distinction shall exist between said classes or series of shares or the holders thereof; provided, however, that in lieu of a statement of the dividend rate, conversion rights, voting rights, the redemption price, or the liquidation preferences of any class or of any series of any class or the number of shares constituting any series, the articles may authorize the board of directors, within the limits and restrictions stated therein, to fix the dividend rate, conversion rights, voting rights, the redemption price, the liquidation preferences of any wholly unissued class or of any wholly unissued series of any class of shares, or the number of shares constituting any unissued series of any class, or all or any of them.

6. The number of its directors not less than three; the names and addresses of the persons who are appointed to act as the first directors. The number so fixed shall constitute the authorized number of directors until changed by amendment of the articles or, unless the articles provide otherwise, by a by-law duly adopted by the shareholders.

7. Any provisions which may be desired

(a) Granting, with or without limitations, the power to levy assessments upon the shares or any class thereof;

(b) Granting to shareholders preemptive rights to subscribe to any or all issues of shares or securities;

(c) Imposing such limitations and requirements as are authorized by this title and otherwise regulating the business and affairs of the corporation and the powers of the directors and shareholders in a manner not in conflict with law.

8. If the corporation is not to be authorized to issue shares of stock, or if it is not formed with a view to pecuniary gain or profit to its members, it shall be so stated.

The authorized number and qualifications of its members, the different classes of membership, if any, the property, voting and other rights and privileges of each class of membership, and the liability of each or all classes to dues or assessments, may be set forth either in the articles or in the by-laws

SEC. 4. Section 292 of the Civil Code is hereby amended to read as follows: Stats. 1931, p. 1762

292. Execution and filing of articles. Each person named therein as a director shall, and any other persons may, sign the articles. All signatures thereto shall be acknowledged before an officer authorized by the laws of the State or government where the acknowledgment is made to take acknowledgments. Any certificate of acknowledgment taken without the State must be authenticated by the certificate of an officer having the requisite official knowledge of the qualifications of the officer before whom the acknowledgment was made, when Execution and filing of articles

taken before any officer other than a notary public or a judge or clerk of a court of record having an official seal.

If the articles conform to law, the Secretary of State shall file them in his office and shall indorse the date of filing thereon. The corporate existence shall begin upon the filing of the articles and shall continue perpetually, unless otherwise expressly provided by law.

Filing of copy

A copy of the articles certified by the Secretary of State, and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.

Stats 1931, p. 1762.

SEC. 5. Section 293 of the Civil Code is hereby amended to read as follows:

Filing copy of articles in county where real property is held

293. Filing copy of articles in county where real property is held. Every corporation shall file a copy of its articles, certified by the Secretary of State, in the office of the county clerk of every county in the State in which it holds real property, except where certified copies have been filed heretofore or where original articles are on file under an act in force at the time of filing thereof. If any corporation acquires any real property in a county in which its articles, or a certified copy thereof, have not been so filed within ninety days thereafter it shall file with the clerk of said county a certified copy of its articles. The copies filed with the several county clerks and certified copies thereof shall have the same force and effect in evidence as the originals.

Penalty for failure to file.

The only penalty for, or effect of, a failure to comply with the provision of this section is that a corporation can not maintain any action or proceeding in relation to such real property, its rents, issues or profits until such certified copy of its articles is filed in the county in which such property is located.

Stats 1931, p 1762.

SEC. 6. Section 294 of the Civil Code is hereby amended to read as follows:

Classes and series of shares

294. Classes and series of shares. Stock corporations may issue one or more classes and/or series of shares, any of which classes or series may be with par value or without par value, and with full, limited or no voting rights, and with such other preferences, rights, privileges and restrictions as are stated or authorized in their articles. All shares of any one class shall have the same voting rights, conversion, redemption and other rights, preferences, privileges, and restrictions, unless a class be divided into series and in such case all the shares of any one series shall have the same voting rights, conversion, redemption and other rights, preferences, privileges and restrictions. There shall always be a class or series of shares outstanding which has complete voting rights except as limited or restricted by voting rights conferred on some other class or series of outstanding shares.

Redemption

If a class of shares be made subject to redemption by the articles, such right of redemption shall be exercisable at the option of the corporation only, but provision may be made for

the accumulation of a sinking fund from the net earnings of the corporation for any year or years which may be required to be applied to the purchase or redemption of such shares.

SEC. 7. Section 295 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

295. Certificates of determination of preferences. Before any corporation issues any shares of any class or of any series of any class of which the dividend rate, conversion rights, voting rights, redemption price and/or liquidation preferences, or the number of shares constituting any series, are not set forth in its articles but are fixed in a resolution adopted by the board of directors pursuant to authority given by its articles, a certificate setting forth a copy of such resolution and the number of shares of such class or series shall be made by its president or a vice president and by its secretary or an assistant secretary and acknowledged by such officers, and shall be filed with the Secretary of State and a copy thereof certified by the Secretary of State shall be filed with the county clerk of the county where the principal office of the corporation is located. Certificates of determination of preferences.

SEC. 7. Section 296 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

296. Option and conversion rights. Subject to any limitation or restrictions contained in its articles, a corporation may: Options and conversion rights.

(a) In connection with the issue, subscription or sale of any of its bonds, debentures, notes, or other obligations, grant to the purchasers or holders thereof the right to convert the same into shares of any class or classes upon such terms or conditions as may be deemed expedient; and

(b) Either in connection with the issue, subscription or sale of any of its shares, bonds, debentures, notes or other securities, or independently thereof, grant options to purchase or subscribe for shares of any class or classes upon such terms and conditions as may be deemed expedient.

The terms and conditions of any such options or conversion rights not fixed by the articles, shall be fixed by a resolution adopted by the board of directors.

The corporation may issue stock purchase or subscription warrants or other evidences of such option rights, setting forth the terms, provisions and conditions thereof, and such option rights may be transferable or nontransferable and separable or inseparable from other securities of the corporation. The terms and conditions of such conversion rights as are granted shall be set forth in the certificates or other instruments evidencing the securities in connection with the issue, subscription or sale of which such rights are granted. Terms of option

If at the time of granting such option or conversion rights or at any later time the corporation be not authorized by its articles to issue all the shares required for the satisfaction thereof, if and when exercised, at least the additional number of shares required to be issued upon the exercise of such option Number of shares

or conversion rights shall be authorized by an amendment to the articles.

Stats 1931, p 1762

SEC. 8. Section 300a of the Civil Code is hereby amended to read as follows:

Valuation of consideration for shares

300a. Valuation of consideration for shares. The board of directors shall state by resolution its determination of the fair value to the corporation in monetary terms of any consideration other than money for which shares with or without par value are issued. In the absence of fraud in the making of such determination of value, such determination shall be conclusive.

Stats 1931, p 1762

SEC. 9. Section 300b of the Civil Code is hereby amended to read as follows:

Stated capital

300b. Stated capital. Every stock corporation shall have a stated capital which shall be an amount made up of the sum of the following amounts:

(1) The aggregate par value of par value shares which have been issued from time to time, except as otherwise provided in this section. If par value shares have been issued as fully paid up for a consideration less than par, only the amount of the agreed consideration for such shares specified in dollars shall be credited to stated capital;

(2) The aggregate amount specified in dollars of the agreed consideration received or to be received by the corporation for all shares without par value which have been issued from time to time, except any portion of the consideration for such shares which has been expressly designated by the board of directors upon or prior to issue as paid-in surplus. In the absence of such designation by the board of directors, the entire amount of the consideration for shares without par value shall be credited to stated capital;

(3) Such amounts as are transferred from surplus to stated capital upon declaration of a share dividend or by resolution of the board of directors;

(4) Less the amounts of any reductions of stated capital made as authorized in this title.

If par value shares be issued for a consideration in excess of the par value thereof, the amount of such excess shall be credited to paid-in surplus.

In case of the issue of shares without par value having a liquidation preference, the entire amount of the agreed consideration therefor shall be credited to stated capital.

Agreed consideration

The agreed consideration for shares with or without par value shall be construed to mean the amount received or to be received by the corporation from the subscriber or person to whom the shares are originally issued, before deducting the charges and expenses of organization and any compensation for the sale or underwriting of such shares.

Stated capital not to be changed

Whenever issued shares having par value are changed or converted into the same or a greater or smaller number of shares without par value or into shares of a different par value, whether of the same or different classes, the stated capital

shall not be changed without proceedings for increase or reduction of stated capital in accordance with this title.

Whenever issued shares without par value are changed or converted into the same or a greater or smaller number of shares with or without par value, the stated capital shall not be changed thereby.

SEC. 10. Section 301 of the Civil Code is hereby amended to read as follows: Stats. 1931, p. 1762

301. Adoption of by-laws. By-laws may be adopted, amended, or repealed by the vote of shareholders entitled to exercise a majority of the voting power of the corporation or by the written assent of such shareholders. Subject to the right of shareholders to adopt, amend, or repeal by-laws, by-laws other than a by-law or amendment thereof changing the authorized number of directors, may be adopted, amended or repealed by the board of directors. Adoption of by-laws

The articles or by-laws may require the vote or written assent of the shareholders entitled to exercise more than a majority of the voting power for the amendment or repeal thereof or of particular by-laws or for the adoption of new by-laws. The articles or a by-law adopted by the shareholders may limit or restrict the power of the directors to adopt, amend or repeal by-laws, or may deprive them of such power.

SEC. 11. Section 303 of the Civil Code is hereby amended to read as follows: Stats. 1931, p. 1762.

303. What may be regulated in by-laws. The by-laws of a corporation may make provisions not in conflict with law or its articles for: What may be regulated in by-laws

1. The time, place and manner of calling, conducting and giving notice of shareholders' and directors' meetings. The by-laws may dispense with notice of all regular and/or annual meetings of shareholders or directors, except as required under section 312, Civil Code.

2. The requirements for a quorum for a shareholders' meeting, which shall be not less than a majority of the shares entitled to vote in case of a stock corporation.

3. The manner of execution, revocation and use of proxies.

4. The number, qualifications and duties of directors; the time of their annual election; the requirements of a quorum for a directors' meeting, in no case less than one-third of the authorized number of directors nor less than two. The authorized number of directors may be changed by amendment of the articles, or, unless the articles forbid, by a by-law duly adopted by the shareholders.

In any case in which it is proposed to reduce the authorized number of directors below five the votes or written consents of shareholders holding more than eighty per cent of the voting power shall be necessary for such reduction.

5. The appointment and authority of an executive committee and other committees of the board of directors.

6. The appointment, duties, compensation and tenure of office of officers other than directors, and the compensation of directors.

7. Special qualifications of persons who may be shareholders and reasonable restrictions upon the right to transfer or hypothecate shares.

8. The method of publication of notices of meetings of the shareholders or board of directors when publication is required; the mode of determination of shareholders of record; and the making of annual reports and financial statements to the shareholders or dispensing therewith.

9. The issue of certificates for shares prior to full payment.

10. The qualifications of members and different classes of memberships of nonstock corporations, and the property, voting and other rights, interests or privileges of each class.

11. The admission, election or appointment, suspension or expulsion of members.

12. The transfer, forfeiture and termination of membership, and whether the property interest of members shall cease at their death and the mode of ascertaining the property interest, if any, at death or termination of membership.

13. The time and manner in which profits arising from the business may be divided or distributed among members of nonstock corporations for profit. Cooperative corporations for profit may provide in their articles or by-laws for the distribution of the profits arising from the business in whole or in part among certain classes of persons other than the members or shareholders, if any, and the persons to whom and the manner in which such distribution may be made.

14. The fees of admission, transfer fees, dues and assessments to be paid by members or different classes of members of nonstock corporations and the method of collection. Such dues or assessments or both may be authorized upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership, and memberships of one or more classes may be made exempt from either dues or assessments or both.

The amount and method of collection of such dues or assessments or both may be fixed in the by-laws or the by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods as the directors prescribe. They may be made enforceable by action or by forfeiture of membership, or both, upon reasonable notice.

15. The manner of voting by members of nonstock corporations and whether they have the right of cumulative voting.

16. Any other proper and lawful regulations

New section

SEC. 12. A new section is hereby added to the Civil Code, to be numbered section 304 in Chapter V of the General Corporation Law, and to read as follows:

304. Term of office of directors. Directors named in the articles shall hold office until the next annual meeting of shareholders and until their successors are elected, either at an annual or a special meeting of shareholders. Directors, other than those named in the articles, shall hold office until the next annual meeting, unless a shorter term be provided for in the articles, and until their successors are elected. Term of office of directors.

SEC. 13. Section 305 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

305. Powers of directors. Subject to limitations of the articles and of this title as to action to be authorized or approved by the shareholders, all corporate powers shall be exercised by or under authority of, and the business and affairs of every corporation shall be controlled by, a board of not less than three directors. The first directors need not be shareholders of the corporation. Succeeding directors need not be shareholders of the corporation unless the articles or by-laws so require. Powers of directors

SEC. 14. Section 306 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

306. Vacancies in the board of directors. A vacancy or vacancies in the board of directors shall be deemed to exist in case of the death, resignation or removal of any director, or if the authorized number of directors be increased, or if the shareholders fail at any annual, regular or special meeting of shareholders at which any director or directors are elected to elect the full authorized number of directors to be voted for at that meeting. Vacancies in the board of directors

Vacancies may be filled by a majority of the remaining directors, though less than a quorum, or by a sole remaining director unless it be provided otherwise in the articles or by-laws, and each director so elected shall hold office until his successor is elected at an annual or regular or a special meeting of the shareholders.

The shareholders may elect a director or directors at any time to fill any vacancy or vacancies not filled by the directors. If the board of directors accept the resignation of a director tendered to take effect at a future time, the board or the shareholders shall have power to elect a successor to take office when the resignation is to become effective. Shareholders may fill vacancies.

No reduction of the authorized number of directors shall have the effect of removing any director prior to the expiration of his term of office.

SEC. 15. Section 307 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

307. Quorum of board of directors. A majority of the authorized number of directors shall be necessary to constitute a quorum of the board for the transaction of business unless the articles or by-laws provide that a different number shall constitute a quorum, which in no case shall be less than one-third the authorized number of directors, nor less than two. Quorum of directors

Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the board of directors, unless the law, the articles, or the by-laws require a greater number. In the absence of a quorum a majority of the directors present may adjourn from time to time until the time fixed for the next regular meeting of the board.

Stats 1931, p. 1762

SEC. 16. Section 307a of the Civil Code is hereby amended to read as follows:

Notice of directors' meetings

307a. Notice of directors' meetings. Unless provided otherwise in the by-laws, all meetings of the board of directors of a corporation shall be called by the president, or, if he be absent or be unable or refuse to act, by any vice president or by any two directors.

Except in the case of regular meetings notice of which has been dispensed with by the by-laws, written notice of the time and place of the meetings of the board of directors shall be delivered personally to the directors, or sent to each director by mail or by other form of written communication, at least seven (7) days before the meeting unless provided otherwise in the by-laws. If in any case the address of a director be not shown on the records or be not readily ascertainable, notice shall be given him by addressing such notice to him at the city or place in which the meetings of the directors are regularly held. Notice of the time and place of holding an adjourned meeting of a meeting need not be given to absent directors if the time and place be fixed at the meeting adjourned.

Stats 1931, p 1762

SEC. 17. Section 308 of the Civil Code is hereby amended to read as follows:

Officers and committees

308. Officers and committees. Every corporation shall have a president, a vice president, a secretary and a treasurer, who shall be chosen by the board of directors. A corporation may have such other officers as may be deemed expedient, who shall be chosen in such manner and hold their offices for such terms as may be prescribed by the by-laws. Any two or more of such offices, except those of president and secretary, may be held by the same person. Any vice president, assistant treasurer or assistant secretary, respectively, may exercise any of the powers of the president, the treasurer or the secretary, respectively, as provided in the by-laws or directed by the board of directors, and shall perform such other duties as are imposed upon him by the by-laws or the board of directors.

The by-laws may provide for the appointment by the board of directors of an executive committee and other committees and may authorize the board to delegate to the executive committee any of the powers and authority of the board in the management of the business and affairs of the corporation, except the power to declare dividends and to adopt, amend or repeal by-laws. The executive committee shall be composed of two or more directors.

SEC. 18. Section 309 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

309. Place of directors' meetings. Regular meetings of the board of directors shall be held at any place within or without the State which has been designated by the by-laws or from time to time by resolution of the board or by written consent of all members of the board. In the absence of such designation regular meetings shall be held at the principal office of the corporation. Special meetings of the board may be held either at a place so designated or at the principal office. Any regular or special meeting shall be valid wherever held, if held upon written consent of all members of the board given either before or after the meeting and filed with the secretary of the corporation. Place of directors' meetings.

SEC. 19. Section 311 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

311. Effect of common directorship and director's personal interest. Directors and officers shall exercise their powers in good faith, and with a view to the interests of the corporation. No contract or other transaction between a corporation and one or more of its directors, or between a corporation and any corporation, firm or association in which one or more of its directors are directors or are financially interested, shall be either void or voidable by reason of the fact that such director or directors are present at the meeting of the board of directors or a committee thereof which authorizes or approves such contract or transaction, or that his or their votes are counted for such purpose, if: Effect of common directorship and directors' personal interest.

(a) The fact of such common directorship or financial interest be disclosed or known to the board of directors or committee and noted in the minutes, and the board or committee authorize, approve or ratify such contract or transaction in good faith by a vote sufficient for such purpose without counting the vote or votes of such director or directors; or

(b) The fact of such common directorship or financial interest be disclosed or known to the shareholders and they approve or ratify such contract or transaction in good faith by a majority vote or written consent of shareholders entitled to vote; or

(c) The contract or transaction be just and reasonable as to the corporation at the time it was authorized or approved.

Such common or interested directors may be counted in determining the presence of a quorum at such meeting.

SEC. 20. Section 312 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

312. Annual meetings of shareholders. An annual meeting of shareholders shall be held at eleven o'clock in the morning on the first Tuesday of April in each year at the principal office of the corporation, unless a different time or place be provided in the by-laws. At such meetings directors shall be elected, reports of the affairs of the corporation shall be considered, and any other business may be transacted which is Shareholders' annual meetings.

within the powers of the shareholders, provided that written notice of the general nature of the business or proposal shall be given as in case of a special meeting, even though notice of regular or annual meetings be otherwise dispensed with, before action may be taken at such a meeting on:

(1) A proposal to sell, lease, convey, exchange, transfer or otherwise dispose of all or substantially all of the property or assets of the corporation except under section 344 of this title;

(2) A proposal to merge or consolidate with another corporation, domestic or foreign;

(3) A proposal to reduce the stated capital of the corporation;

(4) A proposal to amend the articles, except to extend the term of the corporate existence;

(5) A proposal to wind-up and dissolve the corporation;

(6) A proposal to adopt a plan of distribution of shares, securities or any consideration other than money in the process of winding-up.

Stats 1931, p 1762.

SEC. 21. Section 313 of the Civil Code is hereby amended to read as follows:

Special meetings of shareholders

313. Special shareholders' meetings. Special meetings of the shareholders, for any purpose or purposes whatsoever, may be called at any time by the president or by the board of directors or by one or more shareholders holding not less than one-fifth of the voting power of the corporation, or by such other officers or persons as the by-laws authorize.

Upon request in writing by registered mail to the president, vice president or secretary, or delivered to any such officer in person, by any persons entitled to call a meeting of shareholders, it shall be the duty of such officer forthwith to cause notice to be given to the shareholders entitled to vote that a meeting will be held at a time, fixed by such officer, not less than ten nor more than sixty days after the receipt of such request. If such notice be not given within seven days after the date of delivery, or the date of mailing of such request, the person or persons calling the meeting may fix the time of meeting and give the notice in the manner provided by law or by the by-laws.

Stats 1931, p 1762

SEC. 22. Section 314 of the Civil Code is hereby amended to read as follows:

Notice of shareholders' meetings

314. Notice of shareholders' meetings. Except in the case of regular or annual meetings, notice of which has been dispensed with by the by-laws, notice of all meetings of shareholders shall be given in writing to shareholders entitled to vote by the secretary or an assistant secretary or other person charged with that duty, or, if there be no such officer, or in case of his neglect or refusal, by any director or shareholder.

A notice may be given by the corporation to any shareholder, either personally or by mail or other means of written communication, charges prepaid, addressed to such shareholder at his address appearing on the books of the corporation or

given by him to the corporation for the purpose of notice. If a shareholder give no address, notice shall be deemed to have been given him if sent by mail or other means of written communication addressed to the place where the principal office of the corporation is situated, or if published at least once in some newspaper of general circulation in the county in which said office is located.

Notice of any meeting of shareholders shall be sent to each shareholder entitled thereto not less than seven days before such meeting, unless the by-laws provide otherwise.

Notice of any meeting of shareholders shall specify the place, the day and the hour of the meeting, and, in the case of special meetings, the general nature of the business to be transacted.

Adjourned meetings.

When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice of the time and place of the adjourned meeting or of the business to be transacted thereat other than by announcement at the meeting at which such adjournment is taken, unless the by-laws provide otherwise.

Stats 1931, p. 1762.

SEC. 23. Section 315 of the Civil Code is hereby amended to read as follows:

Contested elections.

315. Contested elections. Upon the filing of an action therefor by any shareholder, the superior court shall have the power to try and determine the validity of any election or appointment of any director of any domestic corporation, or of any foreign corporation if such election were held or such appointment were made in this State. In the case of a domestic corporation such action shall be brought in the county or the city and county in which the principal office of the corporation is located. In the case of a foreign corporation the action shall be brought in the county or city and county in which the corporation has its principal office in this State or in which the election was held or the appointment was made. The court may determine the person entitled to such office or may order a new election to be held or appointment to be made, and direct such other relief as may be just and proper.

Petition, hearing, etc.

Upon filing the complaint, and before any further proceedings are had, the court shall enter an order fixing a date for the hearing, which shall be within five days unless for good cause a later date is fixed, and requiring notice of the date for the hearing and a copy of the complaint to be served upon the corporation and upon the person or persons whose purported election or appointment is questioned and upon any person or persons (other than the plaintiff) whom the plaintiff alleges to have been elected or appointed, in the manner in which a summons is required to be served, or if the court so direct, by registered mail; and the court may make such further requirements as to notice as may appear to be proper under the circumstances.

Stats 1931, p 1762.

SEC. 24. Section 319 of the Civil Code is hereby amended to read as follows:

Place of shareholders' meetings

319. Place of shareholders' meetings. Meetings of shareholders shall be held at any place within or without the State designated by the by-laws or by written consent of all the shareholders entitled to vote thereat, or designated by the board of directors pursuant to authority granted in the by-laws. In the absence of any such designation such meetings shall be held at the principal office of the corporation.

Any meeting shall be valid wherever held if held by the written consent of all the shareholders entitled to vote thereat, given either before or after the meeting and filed with the secretary of the corporation.

Stats 1931, p. 1762

SEC. 25. Section 320a of the Civil Code is hereby amended to read as follows:

Voting rights

320a. Voting rights. Subject to the provisions of sections 320b and 320c of this title, only persons in whose names shares entitled to vote stand on the stock records of the corporation on the day three days prior to any meeting of shareholders, or, if some other day be fixed for the determination of shareholders of record, then on such other day, shall be entitled to vote at such meeting. In the absence of any contrary provision in the articles or in any statute relating to the election of directors or to other particular matters, each such person shall be entitled to one vote for each of said shares. If there be only one class of shares outstanding which is not divided into series, or if there be only one series of shares outstanding, no limitations or restrictions imposed on the voting rights of the shareholders shall be effective.

Written consents

When written consents are given with respect to any shares they shall be given by and accepted from the persons in whose names such shares stand on the books of the corporation at the time such respective consents are given, or their proxies. Any shareholder giving a written consent, or his proxy, or his transferee or personal representative, or their respective proxies, may revoke the same prior to the time that written consents of the number of shares required to authorize the proposed action have been filed with the secretary of the corporation, but may not do so thereafter.

Stats 1931, p 1762

SEC. 26. Section 320b of the Civil Code is hereby amended to read as follows:

320b. Voting by fiduciaries, incompetents, minors and corporations.

Voting by Fiduciaries

(1) Shares standing in the name of any person or persons as pledgee, trustee or other fiduciary may be voted and all rights incident thereto may be exercised only by such pledgee, trustee or other fiduciary in person or by proxy, and without proof of authority.

Incompetents

(2) Shares standing in the name of a person adjudged incompetent may be voted and all rights incident thereto may be exercised only by his guardian, in person or by proxy, and

of a deceased person only by his executor or administrator, in person or by proxy.

Minors

(3) Shares standing in the name of a minor may be voted and all rights incident thereto may be exercised by his guardian, in person or by proxy, or in the absence of such representation by his guardian, by such minor in person or by proxy.

Corporations

(4) Shares standing in the name of a corporation, domestic or foreign, may be voted or represented and all rights incident thereto may be exercised on behalf of such corporation by any officer or officers of such corporation authorized so to do by the by-laws of such corporation, and in the absence of vote or representation by such officer or officers, by any person authorized so to do by resolution of the board of directors or of the executive committee of such corporation, and in the absence of such vote or representation by any person authorized so to do by proxy or power of attorney duly executed by the president or vice president and secretary or assistant secretary.

Stats 1931, p 1762

SEC. 27. Section 326 of the Civil Code is hereby amended to read as follows:

Certificates for shares

326. Certificates for shares. All stock corporations must issue certificates for shares, when fully paid, which shall state:

Contents

(1) The name of the record holder of the shares represented thereby;

(2) The number, designation, if any, and class or series of shares represented thereby;

(3) The par value, if any, of the shares represented thereby, or a statement that such shares are without par value;

(4) If the shares of the corporation be classified or if any class of shares have two or more series, a statement of the rights, preferences, privileges and restrictions granted to or imposed upon the respective classes or series of shares and upon the holders thereof, and of the number of shares constituting each series, or a summary of such preferences, privileges and restrictions with a reference to the articles therefor, or a statement that the board of directors has authority to fix the dividend rate, conversion rights, voting rights, the redemption price and/or the liquidation preferences of any wholly unissued class or of any wholly unissued series of any class of shares or the number of shares constituting any unissued series of any class of shares;

(5) If redeemable, a statement of that fact and the redemption price;

(6) If convertible, a general statement of the essential terms and period for conversion;

(7) If the shares be subject to liens or to restrictions upon transfer or upon the voting power the fact shall be indicated;

(8) If the shares be assessable, or if assessments are collectible by personal action, the fact shall be plainly stated on the face of the certificate.

Rights of transferee determined by certificate

Subject to the provisions of sections 322, 330.15 and 334a of this title no restriction of the right to transfer shares stated in the articles or by-laws, and no power of assessment, and no liens on shares for assessments or for the unpaid subscription price or other lien in favor of the corporation, shall be effective against a transferee of such shares unless stated on the face of the certificate.

Signatures

Every certificate for shares issued by a corporation must be signed by the president or a vice president and the secretary or an assistant secretary, or must be authenticated by facsimiles of the signatures of its president and secretary or by a facsimile of the signature of its president and the written signature of its secretary or an assistant secretary. Before it becomes effective every certificate for shares authenticated by a facsimile of a signature must be countersigned by a transfer agent or transfer clerk and must be registered by an incorporated bank or trust company, either domestic or foreign, as registrar of transfers.

Death of signer

In case any officer or officers who have signed, or whose facsimile signature has been written, printed or stamped on any certificate or certificates for shares, cease to be such officer or officers of such corporation, because of death, resignation or otherwise, before such certificate or certificates have been delivered by such corporation, such certificate or certificates nevertheless shall be conclusively deemed to have been adopted by such corporation by the use and delivery thereof and shall be as effective in all respects as though signed by a duly elected, qualified and authorized officer or officers, provided it or they be countersigned and registered as above provided.

New section

SEC. 28. A new section is hereby added to the Civil Code, to be numbered 326b, and to read as follows:

Compulsory exchange of certificates

326b. Compulsory exchange of certificates. When the articles are amended in any way affecting the statements contained in the certificates for outstanding shares, or it becomes desirable for any reason, in the discretion of the board of directors, to cancel any outstanding certificate for shares and issue a new certificate therefor conforming to the rights of the holder, the board of directors may order any holders of outstanding certificates for shares to surrender and exchange them for new certificates within a reasonable time to be fixed by the board of directors.

Such order may provide that no holder of any such certificates so ordered to be surrendered shall be entitled to vote or to receive dividends or exercise any of the other rights of shareholders of record until he shall have complied with such order, but such order shall only operate to suspend such rights after notice and until compliance. Such duty of surrender of any outstanding certificates may also be enforced by action at law.

Stats 1931, p. 1762

SEC. 29. Section 328 of the Civil Code is hereby amended to read as follows:

328. Proof of right to transfer. When a transfer of shares of a domestic or foreign corporation on its books is requested and there is a reasonable doubt as to the right of the person seeking such transfer, the corporation or its transfer agent, before recording the transfer of the shares on its books or issuing any certificate therefor, may require from such person reasonable proof of his right to such transfer, and if there remain a reasonable doubt in respect thereto may refuse a transfer unless such person give adequate security or a bond of indemnity executed by a corporate surety or by two individual sureties satisfactory to the corporation as to form, amount and responsibility of sureties. If not satisfactory to the corporation, the surety or sureties shall justify before a judge of any court of record in the county where the transfer is sought and he shall determine the amount of the security or bond, and the responsibility or sufficiency of the sureties, after opportunity has been given the corporation to examine the surety or sureties as to their financial responsibility. The bond shall be conditioned to protect the corporation, its officers and/or its transfer agent or agents and/or registrar or registrars, against any loss, damage, expense or other liability to the owner of the shares by reason of the recordation of the transfer or the issuance of a new certificate for shares. Proof of right to transfer

If any such proof, security or bond be not furnished when required, as herein provided, neither the corporation nor any officer thereof shall be liable for refusing to record the transfer on its books or issue a new certificate for shares.

SEC. 30. Section 328a of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

328a. Adverse claims to shares. If a certificate for shares in a domestic corporation or in a foreign corporation keeping its transfer books in this State, endorsed by the record owner, be presented for transfer on the books and an adverse claim be made either by the record owner or by any other person, the corporation nevertheless may transfer the shares on its books at the instance of the person presenting such certificate without liability to the adverse claimant, unless the adverse claimant give written notice of his claim and within five days after giving such notice give adequate security or bond of indemnity, executed by a corporate surety or two individual sureties, satisfactory to the corporation as to form, amount and responsibility of sureties. If not satisfactory to the corporation the surety or sureties shall justify before a judge of a court of record of the county where the transfer is sought and he shall determine the amount of the security or bond, and the responsibility or sufficiency of the sureties, after opportunity has been given the corporation and the person demanding the transfer to examine the sureties. The bond shall be conditioned to protect the corporation, its officers, transfer agents and registrars, and the record holder, if other than the claimant, and the person demanding the transfer, against damage, expenses or other liability by reason of the refusal to record Adverse claims to shares

Bond.

Claimant to commence action.

the transfer and issue a new certificate for shares. The adverse claimant shall commence an action within sixty days after giving notice of his claim to establish his rights in such shares or the certificate therefor. The corporation, its officers, registrar and transfer agents shall be exempt from liability to an adverse claimant who fails to give the written notice or the security or bond or commence an action as provided in this section, if the corporation, its officers and/or transfer agent record a transfer at the instance of the holder of a certificate duly indorsed and issued a new certificate for shares.

Stats 1931, p 1762

SEC. 31. Section 328b of the Civil Code is hereby amended to read as follows:

Transfers by trustees

328b. Transfers by trustees. Whenever certificates for shares or other securities issued by a domestic or foreign corporation are to be or have been issued or transferred to a person or corporation as trustee on the books or records of the corporation, whether or not such certificates or other securities or the instrument of transfer describe the trust or identify any beneficiary, it shall be presumed in favor of such corporation and its transfer agent that such trustee has the power to accept and transfer title to such certificates or other securities and there shall be no duty upon the corporation or its registrar or transfer agent to inquire into or determine the existence or validity of any trust or the terms thereof, or whether the trustee is committing a breach of obligation or exceeding his authority. The corporation shall be liable for recording a transfer of such certificates or other securities only if this is done with actual knowledge of a breach of trust or the invalidity of the trust or if it has been enjoined therefrom by a court of competent jursidiction.

Stats 1931, p 1762

SEC. 32. Section 328d of the Civil Code is hereby amended to read as follows:

Transfers to and by foreign executors, etc

328d. Transfers to and by foreign executors, administrators, and guardians. If a certificate for shares or a registered bond or other security of a domestic or foreign corporation standing in the name of a deceased person, or of a minor, ward, or incompetent, not a resident of this State, be presented for transfer, accompanied by letters testamentary, or of administration, or of guardianship, issued by a court of the decedent's, minor's, ward's, or incompetent's domicile, or accompanied by a certified copy thereof, together with such other instrument or order of court or certified copy thereof as may be required under the law of such domicile to authorize a transfer, the shares or bond or other security shall be transferred to the executor or administrator or guardian, or at his order.

Consent of Controller.

No such transfer of shares or other security standing in the name of a deceased person shall be made except on the written consent of the State Controller or person by him authorized to issue such consent under the inheritance tax laws of this State.

SEC. 33. Section 328e of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

328e. Transfers by minors and incompetents. Neither a domestic corporation nor a foreign corporation keeping transfer books in this State shall be or become liable to a minor or incompetent person in whose name shares are of record on its books because of their transfer on its books at the instance of such minor or incompetent or the recognition of or dealing with such minor or incompetent as a shareholder whether or not such corporation shall have had notice, actual or constructive, of the nonage of such minor or of such incompetency. Transfers by minors and incompetents

SEC. 34. Section 330.6 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

330.6. Indorsement or delivery effectual in spite of fraud, duress, mistake, revocation, death, incapacity or lack of consideration or authority. The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby, or the delivery of a duly indorsed certificate, is effectual except as provided in section 330.7 of this title, though the indorser or transferor— Effect of indorsement

(a) Was induced by fraud, duress or mistake to make the indorsement or delivery; or

(b) Has revoked the delivery of the certificate or the authority given by the indorsement or delivery of the certificate; or

(c) Has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate; or

(d) Has received no consideration.

SEC. 35. Section 330.13 of the Civil Code is hereby amended to read as follows: Stats 1931, p. 1762.

330.13. Issue of new certificates. Except when a certificate has been lost or destroyed or the shares evidenced by a certificate have been sold for a delinquent assessment or nonpayment of the subscription price, a corporation shall not be compelled to issue a new certificate for shares until the old certificate is surrendered to it. In case any part of the delinquent shares represented by an outstanding certificate are sold or forfeited, such certificate must be surrendered to the corporation before the holder thereof shall be entitled to a new certificate for the unsold or unforfeited shares. Issue of new certificates

SEC. 36. Section 330.24 of the Civil Code is hereby amended to read as follows: Stats 1931, p. 1762

330.24. Mutual water companies. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the Mutual water companies

county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in section 331 of this title.

Stats 1931, p 1762.

SEC. 37. Section 331 of the Civil Code is hereby amended to read as follows:

See Stats 1933, Ch 928

331. Assessments, how levied. (1) Shares issued by stock corporations are not assessable, except as provided in the articles. If the articles expressly confer such authority upon the corporation or the board of directors, the directors, subject to any limitations contained in the articles, in their discretion may levy and collect assessments upon all shares of any or all classes made subject to assessment by the articles. This authority is additional to that of making calls for the unpaid subscription price of shares.

Assessments, how levied

Nonstock corporations

(2) Nonstock corporations may levy dues or assessments or both upon their members, if such authority be conferred either by the articles or by their by-laws, and subject to any limitations therein contained. Such dues or assessments or both may be levied upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership and memberships of one or more classes may be made exempt from either dues or assessments or both, in the manner and to the extent provided either in the articles or the by-laws.

Amount of levy.

The amount of the levy and method of collection of such dues or assessments or both of nonstock corporations may be fixed in the articles or by-laws, or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods of collection as the directors may prescribe. They may be made enforceable by action or by forfeiture of membership, or both, upon reasonable notice.

Water distributing corporations.

(3) Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or for domestic use, and which provides in its articles or by-laws that water shall only be sold, distributed, supplied, or delivered to owners of its shares and that such shares shall be appurtenant to certain lands described in the certificate issued therefor, may levy assessments upon its shares, whether or not fully paid, unless provided otherwise in its articles or by-laws. If any shares of any such corporation become delinquent in the payment of assessments, the right to receive water thereon may be denied, and such shares may be sold to pay such delinquent assessments and thereafter may be transferred without said lands as though not appurtenant thereto, and the purchaser or the holder of such shares shall acquire the right to receive the same quantity of water as though such shares had remained appur-

tenant to said lands, or such shares may be forfeited to the corporation.

SEC. 38. Section 332 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

332. Resolution levying assessment what to specify. Every resolution of a stock corporation levying an assessment must specify the amount thereof, to whom and where payable; fix a day on which the unpaid assessments shall be delinquent, not less than thirty nor more than sixty days from the date of passing the resolution levying the assessment; and fix a day for the sale of delinquent shares not less than fifteen nor more than sixty days from the date on which the shares become delinquent. The resolution also shall fix the hour and place of sale, which place must be in the county where the principal office of the corporation is located. Resolution levying assessment, what to specify.

SEC. 39. Section 333 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

333. Notice of levy and sale. Upon the passing of the resolution levying an assessment by a stock corporation, notice thereof shall be given in substantially the following form: Notice of levy and sale.

(Name of corporation in full. Location of principal office.)

Notice is hereby given that at a meeting of the board of directors held on the (date) an assessment of (amount) per share was levied upon the shares of the corporation payable (to whom and where). Any shares upon which this assessment remains unpaid on the (day fixed) will be delinquent, and unless payment be made prior to delinquency the said shares, or as many of them as may be necessary, will be sold at the (particular place) on the (date) at (the hour) of such day, to pay the delinquent assessment, together with a penalty of five per cent of the amount of the assessment on such shares, or be forfeited to the corporation. (Name of secretary with location of office). Form

SEC. 40. Section 334 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

334. Service of notice. The notice shall be served upon each shareholder personally. In lieu of personal service the notice may be sent through the mail addressed to each shareholder at his last address, as it appears on the books of the corporation, or if it does not appear, at the place where the principal office of the corporation is located, and published once in some newspaper of general circulation published at the city or town of the principal office of the corporation. If there be no newspaper published in the city of the principal office of the corporation, the publication must be made in some newspaper of the county if there be one, or if there be none then in some newspaper published in an adjoining county. Such personal service or service by mail and publication shall be made at least ten days prior to the date of delinquency. Service of notice

SEC. 41. Section 334a of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

Lien for assessments

334a. Lien for assessments. The assessment shall be a lien upon the shares assessed from the time of personal service or the publication of the notice of assessment, unless the articles or by-laws provide for such lien from the time of the resolution levying the asssessment. A transfer of the shares on the books after the lien of an assessment has attached shall be a waiver of such lien.

Stats 1931, p 1762

SEC. 42. Section 336 of the Civil Code is hereby amended to read as follows:

Sale or forfeiture

336. Sale or forfeiture. At the place and time appointed in the notice of levy and sale, the assistant secretary, secretary or any officer or an attorney of the corporation, shall, unless otherwise ordered by the directors, sell or cause to be sold to the highest bidder for cash as many shares of each delinquent holder of the assessed shares of stock as may be necessary to pay the assessment and charges thereon according to the notice. If payment be made after delinquency and before the sale, the shareholder shall pay a penalty of five per cent of the amount of the assessment on such shares in addition to the assessment. The person offering at such sale to pay the assessment and penalty for the smallest number of shares is the highest bidder, and the shares purchased must be transferred to him on the share register of the corporation on the payment of the assessment and penalty and a new certificate therefor issued to such purchaser. No corporation shall be required to accept an offer for a fraction of a share. If no bidder offer to pay the amount due on the shares, together with the penalty of five per cent thereof, the shares shall be declared forfeited to the corporation in satisfaction of the assessment and penalty thereon. The only remedy for the collection of an assessment on fully paid shares shall be by sale or forfeiture unless the remedy by action is expressly authorized in the original articles or by an amendment of the articles heretofore adopted, or by an amendment hereafter adopted by unanimous consent of the shareholders, and unless a statement of such remedy appears on the face of any share certificate hereafter issued.

Penalty.

Remedy by action

Stats 1931, p 1762

SEC. 43. Section 337 of the Civil Code is hereby amended to read as follows:

Surrender of old certificate

337. Surrender of old certificate. After a sale or forfeiture of shares for nonpayment of an assessment or of a call for the unpaid balance of the subscription price, the holder or owner of delinquent shares shall surrender his certificate for shares to the corporation for cancellation. This duty may be enforced by order or decree of court and such holder or owner shall be liable for damages to the corporation for failure to surrender the certificate for cancellation upon demand without good cause or excuse. Any certificate not so surrendered forthwith shall become null and void and shall cease to be evidence of the right or title of the holder or any transferee to the shares purporting to be represented thereby and neither the corporation nor the purchaser of such shares shall incur

any liability thereon to any such transferee. The purchaser of any shares, at a sale for delinquent assessments thereon, whether heretofore or hereafter made, shall be entitled to the issuance of a new certificate representing the shares so purchased.

SEC. 44. Section 341 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

341. Powers of corporations. Every corporation heretofore or hereafter organized has power: Powers of corporations

(1) To sue and be sued in any court;

(2) To adopt, use and at will alter a corporate seal, but failure to affix a seal shall not affect the validity of any instrument;

(3) To acquire, hold, lease, encumber, convey or otherwise dispose of real and personal property within or without the State and to take real and/or personal property by will, gift or bequest;

(4) To appoint such subordinate officers or agents as its business may require, and to allow them suitable compensation;

(5) To purchase or otherwise acquire its own bonds, debentures or other evidences of its indebtedness or obligations, and subject to the provisions of this title, to purchase or otherwise acquire its own shares;

(6) To assume any obligations, enter into any contracts or do any acts incidental to the transaction of its business or to the issue or sale of its securities, or expedient for the attainment of its corporate purposes;

(7) Subject to the provisions of its articles, to redeem shares thereby made subject to redemption;

(8) To make by-laws;

(9) To borrow money and to issue bonds, debentures, notes, and evidences of indebtedness, and to secure the payment or performance of its obligations by mortgage, deed of trust, pledge or otherwise;

(10) To qualify to do business in any other State, Territory, dependency or foreign country and to conduct business within or without the State;

(11) To acquire, subscribe for, hold, own, pledge and otherwise dispose of and vote and represent shares of stock, bonds and securities of any other corporation, domestic or foreign.

(12) To do any act authorized under this title.

SEC. 45. Section 342 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

342. Acquisition by a corporation of its own shares and shares of a holding corporation. A corporation may not purchase directly or indirectly any shares issued by it or by any corporation by which it is controlled, except as follows: Acquisition by a corporation of its own shares.

(1) To collect or compromise in good faith a debt, claim or controversy with any shareholder;

(2) From shareholders who by reason of dissent from any proposed corporate action are entitled under section 369 of this title to be paid the fair market value of their shares;

(3) From one who as an employee other than as an officer or director has purchased such shares from the corporation under an agreement reserving to the corporation the option to repurchase or obligating it to repurchase such shares;

(4) To eliminate fractional shares;

(5) To redeem or purchase shares subject to redemption at prices not exceeding the redemption price thereof;

(6) To carry out provisions of its articles authorizing conversion of its shares;

(7) Pursuant to section 348b of this title; or

(8) Subject to any limitations contained in its articles, out of earned surplus.

Shares may be acquired either out of stated capital or from any surplus under subdivisions (1) to (5) inclusive of this section. Purchases from earned surplus under subdivision (8) of this section are not limited to cases authorized under other subdivisions of this section.

Upon any purchase of such shares out of earned or paid-in surplus when authorized under this section, the earned or paid-in surplus shall be reduced by an amount equal to the purchase price of such shares, but the stated capital shall not be affected thereby.

A corporation may acquire its own shares or shares of any other corporation, domestic or foreign, by gift or bequest or upon a merger or consolidation with or by distribution of the assets of another corporation, domestic or foreign.

A corporation shall not purchase or redeem shares of any class under this section in any case when there is reasonable ground for believing that the corporation is unable, or, by such purchase or redemption, will be rendered unable, to satisfy its debts and liabilities when they fall due, except such debts and liabilities as have been otherwise adequately provided for. No redemption of shares shall be made if there be reasonable ground for believing that the net assets would be reduced thereby to an amount less than the lowest aggregate liquidation preferences of shares to remain outstanding having prior or equal claims to the assets.

The payment of a debt or liability shall be deemed to have been adequately provided for if the payment thereof shall have been assumed or guaranteed in good faith by a financially responsible person or persons.

Nothing in this section shall be construed to prohibit shares being forfeited to a corporation for delinquent assessments or nonpayment of the subscription price thereon.

A corporation shall be deemed to be controlled by another corporation when such other corporation is a holding corporation thereof as defined in this title.

Stats 1931, p 1762

SEC. 46. Section 342a of the Civil Code is hereby amended to read as follows:

Effect of acquisition of own shares

342a. Effect of acquisition of own shares. When a corporation acquires its shares out of earned surplus, pursuant

to subdivisions (1) to (8), inclusive, of section 342, Civil Code, or out of paid-in surplus under subdivisions (1) to (5), inclusive, of section 342, Civil Code or by gift or bequest, or upon the distribution of the assets of another corporation, or upon forfeiture, such shares may be carried as treasury shares or may (at the option of the board of directors) be retired, but no change in the stated capital shall be made either upon the acquisition or retirement of such shares unless proceedings are duly taken to that end under section 348, Civil Code, except that when a corporation acquires its shares by purchase or forfeiture upon which part of the agreed subscription price remains unpaid, the stated capital shall be reduced by the amount unpaid upon such shares without further proceedings.

Out of stated capital.

When a corporation acquires its shares out of stated capital, under subdivisions (1) to (5), inclusive, of section 342, Civil Code, such shares shall be restored to the status of authorized but unissued shares and the stated capital may be reduced by resolution of the board of directors by the amount of stated capital attributable to such shares. The amount of stated capital attributable to a share shall be determined by dividing the stated capital attributed to the class or series of shares to which such shares belong by the number of shares of such class or series outstanding immediately prior to the acquisition of such shares.

Out of surplus

When a corporation acquires its shares out of surplus arising from reduction of stated capital, such surplus shall be reduced by the amount of the purchase price thereof and such shares shall be restored to the status of authorized but unissued shares without reduction of stated capital.

If the articles prohibit the reissue of any shares acquired, then upon their acquisition the authorized number of shares of the class to which such shares belonged shall be reduced by the number of shares so acquired.

Shares of the corporation surrendered to it on the conversion or exchange thereof into or for other shares of the corporation pursuant to authority or provision of the articles, shall, after such conversion or exchange, have the status of authorized but unissued shares, and the stated capital shall remain unchanged thereby and by the issue of the new shares in place of those so retired.

Stats 1931, p 1762.

SEC. 47. Section 342b of the Civil Code is hereby amended to read as follows:

Treasury shares.

342b. Treasury shares. Treasury shares shall not carry voting or dividend rights and shall not be counted as outstanding shares for any purpose, nor as assets for the purpose of computing a surplus available for dividends or the purchase of shares issued by the corporation or the making of any other distributions to its shareholders. Unless otherwise provided in the articles, such shares may be retired and restored to the status of authorized and unissued shares without reduction of stated capital or may be disposed of for such consideration as the board of directors may fix, and the con-

sideration received shall be added to paid-in surplus except as far as needed to write off a deficit of net assets below the amount of stated capital.

Redeemable shares

Redeemable shares which have been acquired from earned surplus and carried as treasury shares may be retired by resolution of the board of directors and stated capital may be reduced thereon as if acquired out of stated capital without proceedings under section 348, Civil Code.

Stats 1931, p 1762

SEC. 48. Section 343 of the Civil Code is hereby amended to read as follows:

Sale or transfer of entire assets

343. Sale or transfer of entire assets. No corporation may sell, lease, convey, exchange, transfer or otherwise dispose of all or substantially all of its property and assets except under section 344 of this title, unless under authority of a resolution of its board of directors and with the approval of the principal terms of the transaction and the nature and amount of the consideration by vote or written consent of shareholders entitled to exercise a majority of the voting power of such corporation. Such approval may be given before or after the adoption of the resolution by the board of directors, and before or after any such transfer or disposition. Such sale, lease, conveyance, exchange, transfer, or other disposition may be made upon such terms and conditions and for such considerations, which may be money, property, shares of stock and/or other securities of any other corporation or corporations, domestic or foreign, as the board of directors may deem for the best interests of the corporation. The articles may require on such proposal the vote or consent of a larger proportion of the shareholders or the separate vote of a majority or a larger proportion of any class or classes of shareholders.

Stats 1931, p 1762

SEC. 49. Section 346 of the Civil Code is hereby amended to read as follows:

Cash or property dividends

346. Cash or property dividends. A corporation may declare dividends payable in cash or in property only as follows:

(1) Out of earned surplus; or

(2) Despite the fact that the net assets of the corporation amount to less than the stated capital, out of net profits earned during the preceding accounting period which shall not be less than six months nor more than one year in duration; or

(3) Out of paid-in surplus or surplus arising from reduction of stated capital subject to the provisions of section 348b, Civil Code, only upon shares entitled to preferential dividends; provided that notice shall be given to the shareholders receiving such dividends of the source thereof prior to or concurrently with the payment thereof.

Impaired assets

If the value of the net assets amounts to less, through depreciation, depletion, losses, or otherwise, than the aggregate amount of stated capital attributed to shares having liquidation preferences, the corporation shall not declare dividends out of net profits pursuant to subdivision (2) of this section, except upon such shares, until the value of the net assets has

been restored to such aggregate amount of the stated capital attributed to outstanding shares having liquidation preferences.

No dividends shall be declared when there is reasonable ground for believing that thereupon the corporation's debts and liabilities would exceed its assets, or that it would be unable to meet its debts and liabilities as they mature. Dividends

No dividends shall be declared out of the mere appreciation in the value of its assets not yet realized, nor shall any dividends be declared from earned surplus representing profits derived from an exchange of assets unless and until such profits have been realized or unless the assets received are currently realizable in cash.

A wasting asset corporation, that is a corporation engaged solely or substantially in the exploitation of mines, oil wells, gas wells, patents or other wasting assets, or organized solely or substantially to liquidate specific assets, may distribute the net income derived from the exploitation of such wasting assets or the net proceeds derived from such liquidation without making any deduction or allowance for the depletion of such assets incidental to the lapse of time, consumption, liquidation or exploitation; subject, however, to adequate provision for meeting debts and liabilities and the liquidation preferences of outstanding shares and to notice to shareholders that no deduction or allowance has been made for such depletion. Wasting asset corporations.

SEC. 50. Section 346a of the Civil Code is hereby amended to read as follows: Stats 1931, p. 1762.

346a. Share dividends. A corporation may declare dividends payable in shares of the corporation only as follows: Share dividends.

(1) Out of earned surplus; or

(2) Out of paid-in surplus and/or surplus arising from reduction of stated capital; provided that notice shall be given to shareholders receiving such dividends of the source thereof prior to or concurrently with payment thereof.

Unrealized appreciation of assets, if any, shall not be included in the computation of surplus available for a dividend in shares.

Upon the declaration of a dividend payable in shares the amount of surplus from which such dividend is declared shall be transferred to stated capital. If a dividend is declared in shares having a par value, the aggregate par value of such shares shall be deducted from the surplus and added to stated capital.

If the dividend is declared in shares without par value, then if such shares are preferred shares they shall be valued at the amount to which such shares are entitled in preference to shares of another class upon involuntary liquidation. If such shares are common shares or have no liquidation preference they shall be valued upon the basis of the estimated fair value of such shares upon issue, as determined and stated by resolution of the board of directors. Upon the declaration of a Nonpar shares

dividend payable in shares notice shall be given to the shareholders of the amount per share transferred from surplus and of the particular surplus from which such amount was transferred.

Nothing in this section shall be construed to forbid or limit the power of a corporation to split up or subdivide its shares into a larger number of shares without transferring surplus to stated capital. Upon any such split-up or subdivision of shares into shares without par value, the shareholders shall be given notice of the book value of each share prior and subsequent thereto.

Stats 1931, p 1762

SEC. 51. Section 348 of the Civil Code is hereby amended to read as follows:

Reduction of stated capital

348. Reduction of stated capital. A reduction of stated capital may be authorized by a resolution of the board of directors approved by the vote or written consent of the holders of a majority of outstanding shares regardless of limitations or restrictions on voting rights. The resolution of the directors shall set forth the amount of reduction of stated capital and the method by which outstanding par value shares, if any, shall be adjusted to the new stated capital, if any such adjustment be necessary.

Limit.

No such reduction in the stated capital of the corporation shall be made to an amount less than the aggregate par value of all par value shares without liquidation preference to remain outstanding after such reduction and the aggregate amount of the liquidation preferences upon involuntary liquidation of preferred shares with or without par value to remain outstanding after such reduction.

Stats 1931, p 1762

SEC. 52. Section 348b is hereby amended to read as follows:

Distribution of surplus resulting from reduction of stated capital

348b. Distribution of surplus resulting from reduction of stated capital. If the amount of stated capital be reduced in any manner permitted by law, including any reduction authorized upon retirement of shares, any surplus resulting therefrom shall be transferred to a reduction surplus account and assets in any amount or amounts not exceeding the amount of such surplus, subject to any limitations contained in the articles, may be distributed or withdrawn only as follows:

Shares· One class

(1) If there be but one class of shares outstanding, a distribution pro rata in cash or in property to the shareholders may be made by the board of directors, or a purchase of any outstanding shares may be authorized by the vote or written consent of the holders of two-thirds of such shares other than those to be purchased.

More than one class.

(2) If there be more than one class of shares outstanding, then with due regard to the relative priorities of the various classes of shares the board of directors may declare dividends on outstanding preferred shares subject to the conditions and restrictions imposed by law on the payment of dividends or may authorize the redemption or purchase of preferred shares subject to redemption at prices not exceeding the redemption

price thereof; or may authorize the purchase of preferred shares not subject to redemption upon reasonable and non-discriminatory terms not exceeding the lowest liquidation preference thereof.

No distribution or withdrawal of such reduction surplus may be made under the authority of this section unless the board of directors determine that by such distribution or withdrawal the corporation will not be rendered unable to satisfy its debts and liabilities when they fall due and that the assets of the corporation after such distribution or withdrawal taken at their fair present value will at least equal one and one-quarter times its debts and liabilities. No director shall be held liable to the corporation or any creditor or shareholder thereof for any determination made under this section if he acted in good faith and with reasonable care.

Filing of financial statement before distribution

At least fourteen days before any distribution or withdrawal of such reduction surplus there shall be filed with the Secretary of State a certificate signed and acknowledged by the president or a vice president and also by the treasurer or an assistant treasurer of the corporation stating that the stated capital has been reduced, specifying the amounts from which and to which it has been reduced, the estimated amount of its debts and liabilities, the estimated fair present value of its assets, the amount of the reduction surplus and the amount proposed to be distributed or withdrawn, and stating that the board of directors has determined that by the proposed distribution or withdrawal of such surplus the corporation will not be rendered unable to satisfy its debts and liabilities when they fall due and that the assets of the corporation after such distribution or withdrawal taken at their fair present value will at least equal one and one-quarter times its debts and liabilities.

After such certificate is filed with the Secretary of State, a copy thereof certified by him shall be filed by the corporation in the office of the county clerk in the county in which the corporation has its principal office.

Stats 1931, p 1762

SEC. 53. Section 348a of the Civil Code is hereby amended to read as follows:

Adjustment of shares to reduction

348a. Adjustment of shares to reduction. Adjustment of outstanding par value shares to correspond with the stated capital of a corporation as reduced may be effected:

(1) By the voluntary exchange or substitution of par value shares of any class for a different number of shares of the same class or for the same or a different number of shares of another class of a different par value or without par value; or

(2) By the redemption, purchase and/or retirement of shares subject to redemption, purchase and/or retirement in accordance with the provisions of this title; or

(3) By the change of one or more classes of shares from shares having a specified par value into shares having a lesser

specified par value or into shares without par value, pursuant to amendment of the articles.

Stats 1931, p 1762

(4) In any other way not repugnant to law.

Inspection of corporate records.

SEC. 54. Section 355 of the Civil Code is hereby amended to read as follows:

355. Inspection of corporate records. The share register or duplicate share register, the books of account, and minutes of proceedings of the shareholders and the board of directors and of executive committees of the directors of every domestic corporation and of foreign corporations keeping any such records in this State, shall be open to inspection upon the written demand of any member or shareholder or holder of a voting trust certificate at any reasonable time, and for a purpose reasonably related to his interests as a shareholder or as the holder of such voting trust certificate, and shall be exhibited at any time when required by the demand of ten per cent of the shares represented at any shareholders' meeting.

Such inspection may be made in person or by agent or attorney, and includes the right to make extracts. The right of the shareholders to inspect the corporate records may not be limited in the articles or by-laws.

Demand of inspection other than at a shareholders' meeting shall be made in writing upon the president, secretary, assistant secretary or general manager of the corporation.

New section

SEC. 55. A new section is hereby added to the Civil Code, to be numbered section 356, and to read as follows:

Director's right to information

356. Director's right to information concerning corporation and its subsidiary corporations. Every director shall have the absolute right at any reasonable time to inspect all books, records, documents of every kind and the physical properties of the corporation, domestic or foreign, of which he is a director, and also of its subsidiary corporations, domestic or foreign. In the case of foreign corporations the right given by this section shall extend only to such books, records, documents and properties of such corporations as are kept or located in this State.

Stats 1931, p 1762.

SEC. 56. Section 357 of the Civil Code is hereby amended to read as follows:

Investigation by order of court

357. Investigation by order of court. Upon refusal of a lawful demand for inspection or upon petition of the holders of ten per cent (10%) of the issued and outstanding shares, the superior court of the county in which the principal office or in which the records are located may enforce the right of inspection with just and proper conditions, or may appoint one or more competent inspectors or accountants to audit the books and records kept in the State, and to investigate the property, funds and affairs of any domestic corporation or any foreign corporation keeping records in this State and of any subsidiary corporation thereof, domestic or foreign, keeping records in this State, and to report thereon in such manner as the court may direct.

It shall be the duty of all officers and agents of the corporation to produce to the inspectors or accountants so appointed

all books and documents in their custody or power, under penalty of punishment for contempt of court.

All expenses of the investigation or audit shall be defrayed by the applicant unless the court shall order them to be paid or shared by the corporation.

SEC. 57. Section 358 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

358. Annual report. The board of directors of every stock corporation shall cause to be sent to the shareholders not later than one hundred twenty days after the close of the fiscal or calendar year an annual report unless such report be expressly dispensed with in the by-laws. Annual report

Such annual report shall include a balance sheet as of such closing date and a statement of income or profit and loss for the year ended on such closing date. Such financial statement shall be prepared from the books and shall be in accordance therewith and shall be certified by the president, secretary, treasurer, or a public accountant, and shall be prepared in a form sanctioned by sound accounting practice for the particular kind of business carried on by the corporation. Contents

Such balance sheet itself or comments accompanying it shall set forth (1) the bases employed in stating the valuation of the assets and any changes in such bases during the preceding year; (2) the amount of the surplus, the sources thereof and any changes therein during the past year; (3) the number of shares of each class of stock authorized and outstanding and the number of shares, if any, carried as treasury shares, the cost thereof and the source from which such cost was paid; (4) the amounts, if any, of loans or advances to or from officers, shareholders and employees. Balance sheet.

Such statement of income or profit and loss shall be of such form as to disclose the amount of income or loss, in such classification as may be appropriate to the business of the corporation, and the additions thereto and deductions therefrom, setting forth in particular the amounts of depreciation, depletion, amortization, interest and extraordinary income or charges, whether or not included in operating income, and the amount and nature of income from subsidiary corporations. Statement of income.

The balance sheet of a holding corporation may be either its separate balance sheet or a consolidated balance sheet of the holding corporation and its subsidiary corporations. If not consolidated, it shall show as separate items the aggregate amount of the investment in shares of subsidiary corporations, the aggregate indebtedness of the holding corporation to subsidiary corporations, the aggregate indebtedness of subsidiary corporations to the holding corporation, and how and in what amounts the profits or losses of subsidiary corporations have been taken into the accounts of the holding corporation. If consolidated, the balance sheet shall state or be accompanied by a statement of the name of each subsidiary corporation and shall be accompanied by a separate balance sheet of the Form of balance sheet.

holding corporation, which separate balance sheet shall contain the same information as though it were not accompanied by a consolidated balance sheet.

Stats 1931, p 1762.

SEC. 58. Section 359 of the Civil Code is hereby amended to read as follows:

Financial statement to shareholders

359. Financial statement to shareholders. Shareholders holding at least ten per cent of the number of shares of any corporation other than a bank, a building and loan association, an insurance company, a public utility, or a nonprofit corporation, may make a written request to the secretary, and assistant secretary or treasurer of the corporation for a statement of its affairs in case no full or adequate statement has been given in written form to its shareholders within the preceding six months.

Form

The statement shall be in the form prescribed for the annual report in so far as such form may be applicable to a balance sheet at a date other than the end of the fiscal year and to a statement of income and profit or loss for a period less than a full fiscal year. The balance sheet shall be as of the end of the calendar month preceding the date of receipt of the written request and the statement of income and profit or loss shall be for the period between the end of the preceding fiscal year and the end of said preceding calendar month. The statement shall be certified to by the president, secretary, treasurer or a public accountant and shall be delivered or mailed to the person or persons making the request within thirty days thereafter, and a copy thereof shall be kept on file in the principal office of the corporation for twelve months, and at all reasonable times shall be exhibited to any shareholder demanding an examination thereof or a copy thereof shall be mailed to such shareholder. Except upon order of court for good cause shown, the corporation shall not be required to prepare more than one such statement in any one period of six months. The superior court shall enforce the duty of the making and mailing or delivering of the financial statements required by sections 358 and 359 and, for good cause shown, may extend the time therefor.

The corporation, upon the written request of any shareholder, shall mail to him a copy of the last annual, semiannual or quarterly profit and loss statement and balance sheet, together with a copy of the certificate, if any, of the company's auditors on said statement and balance sheet.

Applicable to foreign corporations.

This section shall also apply to foreign corporations having the principal place for the transaction of their business in this State or customarily holding meetings of their boards of directors therein.

Stats. 1931, p 1762.

SEC. 59. Section 361 of the Civil Code is hereby amended to read as follows:

Merger and consolidation of corporations

361. Merger and consolidation of corporations. Any two or more corporations may be (a) merged into one of such constituent corporations, which is herein designated as "the surviving corporation," or (b) consolidated into a new corpo-

ration, which is herein designated as "the consolidated corporation," as follows:

(1) The board of directors of each corporation by resolution shall approve an agreement which shall set forth the terms and conditions of merger or consolidation, and the mode of carrying the same into effect, as well as the manner and basis of converting the shares of the constituent corporations into the shares of the consolidated or surviving corporation. The agreement also may provide for the distribution of cash, property, or securities, in whole or in part, in lieu of shares, to shareholders of the constituent corporations or any class of them; provided, however, that upon such distribution of cash, property or securities, the liabilities of the consolidated or surviving corporation, including those derived by it from the constituent corporations, plus the amount of the stated capital of the consolidated or surviving corporation, shall not exceed the value of the assets of such consolidated or surviving corporation. Approval by board

If the agreement be for a consolidation, it shall state the matters required to be stated in articles of incorporation, and these statements shall be deemed to be the articles of the new or consolidated corporation. Statements in agreement

If the agreement be for a merger, it shall state any matters with respect to which the articles of the surviving corporation are amended, and the articles shall be deemed to be amended accordingly upon the filing thereof with the Secretary of State.

(2) The agreement shall be signed by the president or a vice president and the secretary or an assistant secretary of each corporation, and acknowledged by the officers executing the same on behalf of their respective corporations. Signatures.

(3) The agreement must be approved by the vote of the holders of not less than two-thirds of the issued and outstanding shares of each class, even though their right to vote be otherwise restricted or denied, of each of the constituent corporations, at a meeting duly called upon notice of the time, place and purpose thereof, duly given to each shareholder at least twenty days prior to the date of such meeting. There shall be mailed with the notice of such meeting a statement of the general terms of the proposed agreement. Different series of the same class of shares shall not be construed to constitute different classes of shares for the purposes of voting by classes. Approval by shareholders.

The approval of the shareholders may be given either before or after the approval of the agreement by the board of directors

After such approval by the directors and shareholders has been given, the president or a vice president and the secretary or an assistant secretary of each corporation shall execute a certificate, which shall be verified by their oath and shall set forth: Certificate, contents.

(a) The time and place of the meeting of the board of directors;

(b) A copy of the resolution adopted thereat;

(c) The vote in favor of such resolution;

(d) The time and place of the meeting of the shareholders, and the total vote of each class of shares by which the agreement was approved;

(e) The total number of outstanding shares of each class;

(f) A statement of the mailing of the notice of the time, place and purpose of the meeting of the shareholders.

Amendments to agreement.

(4) Any amendment to the agreement may be adopted, and the agreement so amended may be approved, by like vote at such meeting of any of the constituent corporations, and if the agreement so amended be approved by like vote at such meeting and by the board of directors of each of the constituent corporations, the agreement so amended shall be signed and acknowledged and shall have certified therewith the approval of the directors and of the shareholders in the same manner as provided for the original agreement, and shall then be considered the merging or consolidating agreement.

Filing of agreement.

(5) The agreement so approved, executed and acknowledged and the certificates of its approval shall be filed with the Secretary of State, and shall thereupon become effective, and the several parties thereto shall be one corporation. A copy of said agreement, certified by the Secretary of State, shall be filed with the county clerks of the counties in which the principal office of each corporation is located and a copy of said agreement so certified shall be filed in the office of the county clerk of each county in which each corporation holds real property. A copy of such agreement or of a certified copy thereof certified by any official having custody thereof shall have the same force in evidence as the original, and, except as against the State, shall be conclusive evidence of the performance of all conditions precedent to such consolidation or merger, and the creation or existence of the consolidated or surviving corporation.

Surplus.

(6) The surplus appearing on the books of the constituent corporations, to the extent to which it is not capitalized by the issue of shares or otherwise, may be entered as earned or paid-in surplus, as the case may be, on the books of the consolidated or surviving corporation, and may thereafter be dealt with as such.

Separate existence

(7) Upon the merger or consolidation, as provided herein, the separate existence of the constituent corporations shall cease, except that of the surviving corporation in case of merger, and the consolidated or surviving corporation shall succeed, without other transfer, to all the rights and property of each of the constituent corporations, and shall be subject to all the debts, and liabilities of each, in the same manner as if the surviving or consolidated corporation had itself incurred them.

Creditors' rights

All rights of creditors and all liens upon the property of each of said former corporations shall be preserved unimpaired, limited in lien to the property affected by such liens immediately prior to the time of the consolidation or merger.

Any action or proceeding pending by or against any of such constituent corporations may be prosecuted to judgment, which shall bind the consolidated or the surviving corporation, or the consolidated or surviving corporation may be proceeded against or substituted in their place.

The directors of the corporation may, in their discretion, abandon such merger or consolidation subject to the rights of third parties under any contracts relating thereto, without further action or approval by the shareholders of the corporation, at any time before the merger or consolidation has been completed.

SEC. 60. Section 362 of the Civil Code is hereby amended to read as follows: Stats. 1931, p 1762.

362. Amendment of articles. By complying with the following provisions, a corporation may amend its articles for any or all of the following purposes: Amendment of articles.

(1) To adopt a new name, subject to the restrictions contained in section 291 of the Civil Code; Purposes.

(2) To change or add to its powers or purposes; or to set forth different or additional powers or purposes;

(3) To change the location of its principal office or place of business to any other county or city and county within the State; but no amendment need be made to change the principal office from one location to another in the same county or city and county;

(4) To change the authorized number of directors or to state the authorized number of directors as changed by amendment of the by-laws or other lawful proceeding, or to limit or forbid change thereof by the by-laws;

(5) To increase or decrease the authorized number of its shares of any class, issued or unissued, or the par value thereof; or to increase or decrease the authorized number of shares of any series, issued or unissued;

(6) To provide for the classification of its shares, or for the subdivision of any class or classes of shares into series, in which event there must be set forth a statement of the number of shares of each class or series and of the preferences, privileges and restrictions granted to or imposed upon the respective classes or series of shares and/or upon the holders thereof;

(7) To change the statement, as to shares issued or unissued, of the classification of shares and/or of the subdivision of any class of shares into series, and/or of the preferences, rights, privileges or restrictions of the shares of any class or series, or to repeal such statement of classification of shares, or of the subdivision of any class of shares into series;

(8) To authorize the board of directors, within limitations and restrictions stated in the amendment, to fix or alter, from time to time, the dividend rate or the redemption or liquidation price of any class or of any series of any class, or the number of shares constituting any series of any class or all classes or any of them, in respect of shares then unissued;

(9) To change shares having par value into the same or a different number of shares without par value; to increase or reduce the par value of shares; to change shares without par value into the same or a different number of shares with or without any par value;

(10) To create classes of par value shares together with classes of shares without par value, or to create classes of shares of different par values, or to restrict, limit, create or enlarge the voting rights of certain classes of shares, or to grant to any class or classes of shares preemptive rights to subscribe for shares, or to enlarge or restrict or revoke existing preemptive rights of any class or classes of shares;

(11) To readopt and restore any provision of its articles which has been superseded or changed by any certificate, instrument or proceeding pursuant to law.

(12) Generally, to add to, omit from, remove or otherwise alter the provisions thereof in any respect lawful at the time of the amendment and not inconsistent with the law under which the corporation exists.

No corporation shall amend its articles to alter the statements which appear in the original articles of the names and addresses of the first directors or of the number of shares subscribed and by whom.

No amendment changing the aggregate par value of par value shares or the number of shares without par value shall affect the stated capital of a corporation.

Stats 1931, p 1762

SEC. 61. Section 362a of the Civil Code is hereby amended to read as follows:

Proceedings to amend articles

362a. Proceedings to amend articles. Amendments of the articles may be adopted as follows:

(1) Before any shares have been issued or subscriptions for shares other than those set forth in the articles have been accepted or before any members of a nonstock corporation have been admitted other than the incorporators, any amendment may be adopted by a writing signed by two-thirds of the incorporators of any such corporation.

(2) After any shares have been issued or subscriptions for shares have been accepted or members have been admitted by a nonstock corporation other than the incorporators, amendments may be adopted by resolution of the board of directors and the vote or written consent of shareholders holding at least a majority of the voting power given either before or after the adoption of the resolution of the board of directors.

Purposes To change preferences, etc.

If the purpose of an amendment be to change the preferences or restrictions of any class or series of outstanding shares or to authorize the corporation to levy assessments on fully paid shares, such amendment must be approved by resolution of the board of directors and by the vote or consent of the holders of at least two-thirds of the outstanding shares of each class regardless of limitations or restrictions on the voting power thereof. Different series or subdivisions of the same

class of shares shall not be construed to constitute different classes of shares for the purpose of voting or consent by classes except when such series is adversely affected by an amendment in a different manner than other shares of the same class.

To reduce number of directors

If the purpose of an amendment be to reduce the authorized number of directors of a stock corporation below five such amendment must be approved by resolution of the board of directors and by the vote or consent of the holders of more than eighty per cent of the voting shares.

The resolution of the board of directors and the resolution or consents of such shareholders approving any amendment, or the writing signed by the incorporators, shall establish the wording of the amendment or amended articles by providing that the articles shall be amended to read as therein set forth in full, or that any provision thereof, which shall be identified by the numerical or other designation given it in the articles or by stating the wording thereof, shall be amended to read as set forth in full in such resolution or consent and/or that the matter therein stated shall be added to or stricken from the articles.

Stats 1931, p 1762.

SEC. 62. Section 362b of the Civil Code is hereby amended to read as follows:

Certificate of amendment. Filing

362b. Certificate of amendment. Upon the adoption of any amendment to the articles a certificate stating the manner of its adoption shall be filed as follows: In case of an amendment adopted by the incorporators the certificate shall state that the signers thereof constitute at least two-thirds of the incorporators and that they adopt the amendment therein set forth, and in the case of a stock corporation that it has issued no shares and accepted no subscriptions therefor since the filing of its articles with the Secretary of State or in the case of a nonstock corporation that it has admitted no members other than the incorporators. The certificate shall be signed by at least two-thirds of the incorporators and shall be verified by the oath of each signer thereof.

Contents

In case of an amendment adopted by the shareholders or by the directors or by the board of directors and shareholders, the certificate shall be signed by the president or a vice president and the secretary or an assistant secretary and shall be verified by their oaths. The certificate shall set forth a copy of the resolution of the board of directors, if required, the time and place of the meeting of the shareholders and a copy of the resolution adopted thereat, if the vote or consent of the shareholders be required, and the total vote by which the amendment was approved or adopted, or, if the approval or adoption was by written consent, the number of shares or members consenting thereto and a copy of the form of written consent, and the total number of shares or members entitled to vote on or consent to the adoption of such amendment; provided, however, if the amendment be required to be adopted by the vote of different classes of shares, the certificate, in addition to the foregoing requirements, shall state the total

number of outstanding shares of each class and the number of shares of each class consenting to or voting in favor of the resolution amending the articles.

The certificate shall be submitted to the Secretary of State, who shall file the same and put an indorsement of filing thereon if he find that it shows a compliance with the provisions of the law. Thereupon the articles of incorporation shall be deemed amended in accordance with such certificate and a copy of such certificate, certified by the Secretary of State, shall be prima facie evidence of the performance of the conditions necessary to the adoption of such amendment.

Filing of copy

A copy of said certificate certified by the Secretary of State shall be filed with the county clerk of the county in which the principal office of the corporation is located and of every county in which the corporation holds real property.

Stats 1933, Ch 432.

SEC. 63. Section 362c of the Civil Code is hereby amended to read as follows:

Extension of existence

362c. Extension of existence. Every corporation formed under the laws of this State for a limited period may at any time prior to the expiration of the term of its corporate existence extend such term by an amendment to its articles or certificate of incorporation removing any provision limiting the term of its existence and providing for perpetual existence. Such amendment may be made if adopted either by the vote or written consent of shareholders or members holding at least a majority of the voting power or by resolution of the board of directors adopted by a two-thirds majority of the members of the board, and a certificate of amendment shall be made setting forth the vote or consent by which the amendment was adopted, in the manner and with the effect prescribed by section 362b of this code. This section shall apply to all corporations organized either before or since this code took effect and whether the corporations organized before have heretofore elected or shall hereafter elect to continue their existence under this code or not.

Stats. 1931, p 1762

SEC. 64. Section 363 of the Civil Code is hereby amended to read as follows:

Unlawful dividends, purchases and distribution

363. Unlawful dividends, purchases and distribution. Except as provided in this title, the directors of a corporation shall not authorize or ratify the purchase by it of its shares or declare or pay dividends or authorize or ratify the withdrawal or distribution of any part of its assets among its shareholders.

Liability of directors.

In case of any wilful or negligent violation of the provisions of this section, the directors under whose administration the same shall have happened, except those who may have caused their dissent therefrom to be entered on the minutes of the meeting at which such action was authorized, or who were not present at the time the board acted, shall be jointly and severally liable to the corporation or to its receiver, liquidator or trustee in bankruptcy for the benefit of the creditors of the corporation or any of them and of the share-

holders and owners of shares at the time of such violation, for its debts and liabilities existing at the time of such violation, and for the full amount of any loss sustained by such holders and owners of shares other than shares upon which any such payment or distribution was made, in any such case not exceeding the amount of such unlawful dividends, purchase price, withdrawal or other distribution.

Action by creditor

Any judgment creditor of the corporation, or two or more such creditors, if the debt or claim arose prior to the time of such violation, may sue the corporation and any or all of its directors in one action and recover judgment for the amount due such creditors or claimants from the corporation against any or all of such directors guilty of any such violation up to the amount of such unlawful dividends, purchase price, withdrawal or other distribution. An action against such directors for any such violation may be brought by the corporation or by its receiver, liquidator or trustee in bankruptcy for the benefit of all of such creditors, owners of shares and shareholders without the necessity of any prior judgment against the corporation, for the recovery of the amount of such dividends, purchase price, withdrawal or other distribution as far as needed to satisfy such debts and liabilities and the full amount of loss sustained by such shareholders.

Reimbursement and contribution

Any and all directors who satisfy a judgment or claim against the corporation or other liability under this section shall have a right of reimbursement and contribution against any and all shareholders who received any dividend, purchase price, withdrawal or distribution with knowledge of facts indicating that it was not authorized by this title, and such shareholders shall pay or contribute in proportion to the amounts received by them respectively, unless they have returned such amount to the corporation.

Except in case of participation in a fraud, any director who satisfies more than his share of a claim asserted under or pursuant hereto, shall be entitled to contribution from other directors who are liable, pro rata according to the number of such directors. Any number of directors may be sued in the same action.

When directors not liable

A director shall not be held to have been negligent within the meaning of this section if he relied and acted in good faith upon a balance sheet or profit and loss statement of the corporation furnished or exhibited to him by the president or the officer of the corporation having charge of or supervision of its accounts, or certified to be correct and according to the books of the corporation by a public accountant or firm of public accountants selected with reasonable care.

Stats 1931, p 1762

SEC. 65. Section 364 of the Civil Code is hereby amended to read as follows:

Improper dividend

364. Improper dividends. Any shareholder or owner of shares who receives any dividend not authorized by this title with knowledge of facts indicating the impropriety thereof shall be liable to the corporation or to its receiver, liquidator

or trustee in bankruptcy for the amount so received by him with interest thereon at seven per cent per annum until paid in the event that the corporation is adjudged insolvent or bankrupt in any action or proceeding begun within one year after the receipt of such dividend. Any number of shareholders may be sued in the same action.

Stats 1931, p 1762

SEC. 66. Section 365 of the Civil Code is hereby amended to read as follows:

Unauthorized sale of shares

365. Unauthorized sale of shares. When a corporation, in violation of any provision of this title, purchases shares issued by it, any shareholder or owner of shares who sells such shares knowing that the corporation is the purchaser with knowledge of facts indicating the impropriety of such purchase shall be liable to the corporation or its receiver, liquidator or trustee in bankruptcy to the extent of the payments received therefor and for the unpaid balance of the subscription price due thereon, if any, in the event that the corporation is adjudged insolvent or bankrupt in any action or proceeding begun within one year after such purchase.

Stats. 1931, p 1762.

SEC. 67. Section 366 of the Civil Code is hereby amended to read as follows:

Loans to and guaranties of the obligations of officers, shareholders or others

366. Loans to and guaranties of the obligations of officers, shareholders or others. No corporation or any of its subsidiary corporations shall make any loan of money or property to or guarantee the obligation of (a) any director or officer of any such corporations, directly or indirectly, (b) or any person upon the security of the shares of any such corporations; provided that any such loan or guaranty may be made by the vote or written consent of the holders of two-thirds of the shares of all classes regardless of limitations on voting rights, other than the shares held by the benefited director, officer or shareholder.

If any such loan or guaranty be made without such vote or written consent of the shareholders, the directors, officer or officers of any such corporation who authorize it or assent thereto shall be jointly and severally liable to the corporation as guarantors for the repayment or return of the sum or value so loaned with interest thereon at the rate of six per cent per annum until paid, or for any liability upon such guaranty.

Contribution.

Any officer or director held liable under this section who satisfies any such liability shall be entitled to contribution from any other officer or director who participates in authorizing, making or allowing any such loan or guaranty, and shall be subrogated to any and all rights of the corporation against the borrower or principal obligor.

The provisions of this section shall not apply to banks, building and loan associations, industrial loan companies or credit unions or to loans permitted under any statute regulating any special class of corporations.

Stats 1931, p 1762

SEC. 68. Section 368 of the Civil Code is hereby amended to read as follows:

Penalty for failure to comply with various requirements.

368. Penalty for failure to comply with various requirements. Every corporation which neglects, fails, or refuses (a) to keep or cause to be kept or maintained the share register or the books of account required by this title to be kept or maintained; or (b) to prepare or cause to be prepared or submitted the financial statements required by this title to be prepared or submitted, shall be subject to a penalty of ten dollars for each day up to a maximum of one thousand dollars, beginning thirty days after receipt of written request that such duty be performed from one entitled to make the same, that such failure or refusal continues, to be paid to the shareholder or shareholders jointly making such request therefor and damaged thereby, if suit therefor be commenced within ninety days after making such written request; provided, however, that the maximum daily penalty hereunder because of failure to comply with any number of separate requests made on any one day or for the same act shall be one hundred dollars.

If any officer of a corporation charged with the duty of entering a transfer of shares upon the books of the corporation and issuing a share certificate unreasonably neglects, fails or refuses to perform such duty after written request by any person entitled thereto, he shall be subject to a penalty of $100 and the further penalty of $10 for each day beginning five days after such request that such default shall continue, up to a maximum of $500, to be paid to each such person aggrieved, which penalty shall be enforced by action and shall be in addition to all other remedies. Every director or other officer unreasonably causing such neglect, failure or refusal to make such entries upon the books of the corporation or to issue a certificate for shares to a person entitled thereto shall be subject to a like penalty.

Any penalty prescribed by this section shall be in addition to any remedy by injunction or action for damages or by writ of mandate for the nonperformance of acts and duties enjoined by law upon the corporation or its directors or officers.

The court in which an action for any such penalty is brought may reduce, remit or suspend such penalty on such terms and conditions as it may deem reasonable when it is made to appear that the neglect, failure or refusal was inadvertent or excusable.

Stats 1931, p 1762.

SEC. 69. Section 369 of the Civil Code is hereby amended to read as follows:

Compensation of dissenting shareholders. Demand.

369. Compensation of dissenting shareholders.

(1) In the event that the requisite number of shareholders of a corporation approve its merger or consolidation with another corporation, domestic or foreign, then any holder of voting or nonvoting shares who shall not have approved such merger or consolidation at the meeting at which the same was approved may make written demand upon the corporation of

which he is a shareholder for the payment to him of the fair market value of his shares. Such value shall be determined as of the day before the vote of the shareholders approving such action, excluding any appreciation or depreciation in consequence of such proposed action.

Contents of demand.

(2) Such demand must be received by the corporation or any transfer agent thereof within thirty days after the date on which the notice of the approval by the shareholders was mailed to the shareholder. Such demand shall state the number and class of the shares held of record by such shareholder in respect of which he claims relief, and shall contain a request that the corporation state what it claims to be the fair market value of such shares as of the day before the vote of the shareholders approving the merger or consolidation.

Submission of certificates for shares.

(3) Within said period of thirty days the shareholder shall submit to the corporation at its principal office or at the office of any transfer agent thereof his certificates for shares in respect to which he claims such relief, to be stamped or indorsed with a statement that such shares are dissenting shares. Upon subsequent transfers of such shares on the books of the corporation the new certificates issued therefor shall bear a like statement together with the name of the original dissenting holder of said shares.

Dissenting shares and shareholders

(4) The terms "dissenting shares" and "dissenting shareholders" as used herein refer to shares and the holders thereof of record where the steps mentioned in the above paragraphs have been taken with reference to such shares and shall include transferees of record. Holders of dissenting shares shall continue to have all the rights and privileges incident to their shares save as expressly limited by this section, until such time as the fair market value of their shares be agreed upon or determined. A dissenting shareholder may not withdraw his dissent or demand for payment unless the corporation by its board of directors shall consent thereto.

Offers to purchase.

(5) Within five days after receipt of a copy of such demand, the corporation shall deliver or mail to the holder of dissenting shares at his last known address, a written offer to pay for such shares at a price or prices deemed by the corporation to represent such fair market value if such shareholder be entitled to relief. If the corporation and the holder of dissenting shares agree upon the price of such shares, the dissenting shareholder shall be entitled to such price with interest thereon at the rate of seven per cent per annum from the date of the agreement. Any agreements fixing the fair market value of any dissenting shares as between the corporation and the holders thereof shall be filed with the secretary of the corporation.

Acceptance

Action to determine value.

(6) If any dissenting shareholder shall fail to agree with the corporation upon such fair market value, then such dissenting shareholder if he first shall have complied with the conditions provided in paragraphs (2) and (3) of this section, or any interested corporation, within six months after the date

on which notice of the approval by the shareholders was mailed to the shareholder, but not thereafter, may file a complaint in the superior court of the county in which such corporation has its principal office praying the court to determine such fair market value of the dissenting shares, or may intervene in any pending action for the appraisal of any dissenting shares. If such complaint be not filed or intervention made within such period as to any dissenting shares the purchase price of which has not been agreed upon, then such shares shall lose their dissenting status and be deemed to be assenting shares.

Parties

(7) Two or more dissenting shareholders may join as plaintiffs or be joined as defendants in any such action and two or more such actions may be consolidated. Dissenting shareholders may intervene in any pending action for the appraisal of any dissenting shares.

Judgment.

(8) On the trial of the action, the court shall determine whether the dissenting shareholder is entitled to relief, and if the court shall so find, the court shall determine or shall appoint three impartial appraisers to determine, the fair market value of said shares.

Appraisers.

(9) The appraisers forthwith shall proceed to determine said fair market value per share, and said appraisers, or a majority of them, shall make a report within the time fixed by the court, and shall file such report in the office of the clerk of the court, whereupon, on the motion of any party, said report shall be submitted to the court and considered on such evidence as the court may consider relevant, and if said award be found to be reasonable and be confirmed by the court, judgment shall be rendered against the corporation for payment of an amount equal to the fair market value of each share multiplied by the number of dissenting shares in respect of which the court shall have found any dissenting shareholder who is a party, or who has intervened, is entitled to relief, with interest thereon at seven per cent per annum from date on which judgment was rendered.

(10) If such appraisers be not appointed, or a majority of them fail to make and file a report within ten days, or within such further time as may be allowed by the court, or the award be not confirmed by the court, the court shall determine the fair market value of said dissenting shares and render judgment therefor as aforesaid.

(11) Any such judgment shall be payable only upon the endorsement and delivery to the corporation of the certificates for the shares described in the judgment. Any party shall have the right of appeal from such judgment.

Appeal.

Costs

(12) The costs of the action, including reasonable compensation to the appraisers to be fixed by the court, shall be assessed or apportioned as the court may consider equitable, but if the appraisal exceed the price offered by the corporation, the corporation shall pay such costs.

Time for payment

(13) Payment of the fair market value of dissenting shares shall be made within thirty days after the amount thereof has been agreed upon upon surrender of the certificates therefor unless provided otherwise by agreement.

Disposition of cash dividends

(14) Cash dividends paid by the corporation upon the dissenting shares after the day on which the vote was taken and prior to payment for such shares by the corporation shall be credited upon the total amount to be paid by the corporation therefor. Any share dividends declared after the shares become dissenting shares shall be treated as part of the dissenting shares.

Abandonment of merger or consolidation.

(15) The right of a dissenting shareholder to relief hereunder shall cease if and when the corporation shall abandon the merger or consolidation entitling the dissenting shareholder to relief. Upon abandonment of the merger or consolidation any dissenting shareholders who have initiated proceedings in good faith under this section shall be entitled to recover from the corporation all necessary expenses incurred in such proceedings and reasonable attorneys fees.

Exemptions

(16) This section shall not apply to classes of shares whose terms and provisions specifically set forth the amount to be paid in respect to said shares in the event of consolidation or merger.

Limitation

(17) The rights and remedies of any shareholder at law or in equity to object to or litigate as to any such merger or consolidation shall be and are hereby limited to the right to receive the fair market value of his shares in the manner and upon the terms and conditions provided in this section, except actions to test whether the number of legal votes of shareholders required by statute to authorize or approve the proposed action of the corporation has been given.

(18) If litigation be instituted to test the sufficiency or regularity of the votes of the shareholders in authorizing such merger or consolidation, the proceedings for compensation of any dissenting shareholder shall be suspended until final determination of such litigation.

Stats 1931, p 1762

SEC. 70. Section 370a of the Civil Code is hereby amended to read as follows:

Proof of existence of foreign corporations.

370a. Proof of existence of foreign corporations. In any action or proceeding, civil or criminal, in any court of this State, a copy of the articles or certificate of incorporation or other incorporation papers of a foreign corporation purporting to be duly certified by the Secretary of State or other competent official of the State, government, territory or country under the laws of which such corporation purports to be incorporated or the original of any such instrument, or copies of such certified copies duly certified, shall be admitted in evidence by all courts and shall be prima facie evidence of the incorporation, existence and powers of such corporation.

Certified copies of such instruments filed in the county clerk's office in the county where such foreign corporation held or holds real property shall be conclusive evidence of the

incorporation and powers of such corporation in favor of any bona fide purchaser or encumbrancer of such property for value, whether the corporation be doing business in this State or not.

SEC. 71. Section 373 of the Civil Code is hereby amended to read as follows: Stats. 1931, p 1762.

373. Designation of person upon whom process may be served. Every domestic corporation may file with the Secretary of State a designation of a natural person, stating his residence or business address in this State, as its agent for the purpose of service of process, and the delivery to such agent of a copy of any process against such corporation shall constitute valid service on such corporation. Such corporation shall file with the Secretary of State notice of any change in the address of the person thus designated, and may revoke any such designation by filing notice of the revocation thereof with the Secretary of State. Designation of person upon whom process may be served.

If such designation has not been filed with the Secretary of State, and if personal service of process against such domestic corporation can not be made with the exercise of due diligence in any other manner provided by law and the fact appears by affidavit to the satisfaction of the court or a judge thereof, such court or judge may make an order that the service be made upon such corporation by delivering to the Secretary of State, or to any person employed in his office in the capacity of assistant or deputy, one copy of such process for each defendant to be served. Service in such manner shall be and constitute personal service upon such corporation. Upon the receipt of such copy of process, the Secretary of State shall give notice of the service of such process to the corporation at its principal office in this State, by forwarding to such office, by registered mail with request for return receipt, such copy of such process. The defendant shall appear and answer within thirty days after delivery of such process to the Secretary of State. Service when no designation.

The Secretary of State shall keep a record of all process served upon him under this title, and shall record therein the time of such service and his action with reference thereto. Record of process served

This section shall not apply to banks, trust companies, insurance companies or any corporation subject to the jurisdiction of the Railroad Commission.

SEC. 72. Section 399 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

399. Continuation of corporation after dissolution. A corporation which is dissolved by the expiration of its term of existence, by forfeiture of existence by order of court, or otherwise, nevertheless shall continue to exist for the purpose of winding up its affairs, prosecuting and defending actions by or against it, and enabling it to collect and discharge obligations, dispose of and convey its property, and collect and divide its assets, but not for the purpose of continuing business except in so far as necessary for the winding up thereof. No action or proceeding to which a corporation is a party shall Continuation of corporation after dissolution.

abate by the dissolution of such corporation or by reason of proceedings for dissolution and winding up thereof.

Any assets inadvertently or otherwise omitted from the winding up shall continue in the dissolved corporation for the benefit of the persons entitled thereto upon dissolution of the corporation, and on realization shall be distributed accordingly.

Stats 1931, p 1762

SEC. 73. Section 399a of the Civil Code is hereby amended to read as follows:

Corporations dissolved prior to August 14, 1929

399a. Corporations dissolved prior to August 14, 1929. Nothing in this title shall be taken to have terminated the authority, powers, or liability of directors or other persons as trustees for the creditors, stockholders or members for the purpose of winding up the affairs of any corporation whose term of existence expired prior to August 14, 1929, and was not extended, or which was dissolved prior to August 14, 1929. Such trustees shall have all the powers and duties conferred by this title upon directors in case of winding up or dissolution.

Any deed or conveyance heretofore executed in the name of a corporation dissolved prior to August 14, 1929, by the president or a vice president and the secretary or an assistant secretary or by a majority of the directors or trustees after dissolution of such corporation and duly recorded for a period of three years in the proper book of records of the county or counties in which the land so conveyed is situated shall have the same force and effect as though executed and delivered prior to such dissolution.

Stats 1931, p 1762

SEC. 74. Section 400 of the Civil Code is hereby amended to read as follows:

Voluntary winding up and dissolution

400. Voluntary winding up and dissolution. Any corporation may elect to wind up its affairs and voluntarily dissolve by the vote or written consent of the holders of shares representing a majority of the voting power or of a majority of the members entitled to vote stating such election to wind up and dissolve.

The board of directors of any corporation which has not begun the business for which the corporation was created and which has issued no shares, or of any corporation which has been adjudged to be bankrupt, may elect by resolution to wind up and dissolve the corporation.

If the term of existence for which any corporation was organized expire without renewal or extension thereof or if the corporation be otherwise dissolved, it shall be the duty of the directors to terminate its business and wind up its affairs.

Certificate of dissolution.

Whenever the winding up and dissolution of a corporation is authorized by the vote or consent of shareholders or members or by resolution of the directors a certificate stating that the corporation has elected to wind up and dissolve and showing by what vote or consent such election was made, signed and acknowledged by the president or a vice president and the secretary or an assistant secretary or by a majority of the

directors, or by at least three shareholders or members authorized by the shareholders or members to sign such certificate, shall be filed in the office of the Secretary of State and a copy thereof certified by the Secretary of State shall be filed in the office of the county clerk of the county in which the principal office of the corporation is located.

SEC. 75. Section 400a of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

400a. Commencement, revocation and effect of winding-up proceedings. Proceedings for winding up the corporation shall be deemed to commence: Commencement, revocation and effect of winding-up proceedings

(1) If the proceeding be voluntary, upon the adoption of the resolution of shareholders, members or directors of the corporation electing to wind up and dissolve, or upon the filing with the corporation of the written consent of shareholders or members thereto. If such proceedings be instituted because of the expiration of the term of corporate existence or other dissolution of the corporation, then at the date of termination of its corporate existence. Commencement

(2) If the proceeding be involuntary, when the order for winding up is entered.

When a proceeding for winding up has commenced under subdivision (1) above, the corporation shall cease to carry on business except to such extent as may be necessary for the beneficial winding up thereof and the directors forthwith shall cause written notice of the commencement of the proceeding for such winding up to be given by mail to all shareholders and to all known creditors and claimants whose addresses appear on the records of the corporation. When a proceeding for winding up has commenced under subdivision (2) above, the corporation shall cease to carry on business except as aforesaid and the directors shall give written notice as aforesaid unless the order for winding up has been stayed by appeal therefrom or otherwise, or unless the proceeding or the execution of the order has been enjoined. Effect

When the winding up and dissolution of a corporation has been authorized by vote or consent of the shareholders or members or directors, such action may be revoked by similar vote or consent at any time prior to distribution of the assets and a certificate of such revocation shall be executed and filed in the same manner as the certificate of such election. Revocation.

SEC. 76. Section 401 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

401. Directors: powers and duties. The board of directors, in event of either voluntary or involuntary winding up or dissolution of a corporation, shall continue to act as a board and shall have full powers to wind up and settle its affairs. Unless theretofore organized by the election of the officers specified in this section they shall organize by the election of a president, vice president and secretary and such assistants and other officers as they may deem proper. Any act authorized or approved by a majority of the directors acting as a Directors Powers and duties.

board shall be valid and binding as though authorized and consented to by all of the directors.

The directors shall have, without prejudice to the generality of their authority, the power and duty in the name and on behalf of the corporation:

(1) To sue, in the name of the corporation, for all sums due or owing to the corporation or to recover any of its property;

(2) To carry out contracts and collect, pay, compromise and settle debts and claims for or against the corporation; and to defend suits brought against the corporation;

(3) To sell at public or private sale, exchange, convey, or otherwise dispose of, all or any part of the assets of the corporation, upon such terms and conditions and for such considerations as such board may deem reasonable or expedient, and to execute bills of sale and deeds of conveyance in the name of the corporation. If such sale or exchange of all or substantially all of the assets of a corporation for profit in the process of winding up be made for a consideration consisting in whole or in part of shares, obligations or securities of another corporation, domestic or foreign, or any consideration other than money, it shall be approved or ratified by the vote or written consent of holders of shares entitled to exercise a majority of the voting power of the corporation, either before or after the action of the directors;

(4) To collect any amounts remaining unpaid on subscriptions to shares or any overpayments or unlawful distributions;

(5) To continue the conduct of the business in so far as necessary for the disposal or winding up thereof;

(6) To elect officers and to employ agents and attorneys to liquidate or wind up its affairs;

(7) In general to make contracts and to do any and all things in the name of the corporation which may be proper or convenient for the purposes of winding up, settling and liquidating the affairs of the corporation.

Stats 1931, p 1762

SEC. 77. Section 401a of the Civil Code is hereby amended to read as follows:

Distribution to shareholders

401a. Distribution to shareholders. After determining that all the known debts and liabilities of a corporation in the process of winding up have been paid or adequately provided for, the directors shall distribute all the remaining corporate assets among the shareholders and owners of shares according to their respective rights and preferences. If the winding up be by court proceeding or subject to court supervision, such distribution shall not be made until after the expiration of any period for the presentation of claims which may have been prescribed by order of court. Distribution may be made either in money or in property or securities, if this can be done fairly and ratably and in conformity with the provisions of the articles and the rights of the shareholders, and shall be made as soon as reasonably consistent with the beneficial liquidation of such assets. At the discretion of the directors distribution

under this section may be made in installments from time to time or as a whole.

The payment of a debt or liability shall be deemed to have been adequately provided for if the payment thereof has been assumed or guaranteed in good faith by one or more financially responsible corporations or other persons, and such provision was determined in good faith and with reasonable care by the board of directors to be adequate at the time of any distribution of the assets by the directors hereunder.

A distribution of shares, obligations or securities of any other corporation, domestic or foreign, or any assets other than money, among shareholders in accordance with the terms and conditions and on the basis set forth in a plan of distribution authorized and approved by the directors and shareholders as provided in section 401c of this title shall be deemed to be a fair and ratable distribution and a distribution in accordance with the respective rights and preferences of the shareholders and in conformity with the provisions of the articles.

SEC. 78. Section 401c of the Civil Code is hereby amended to read as follows: Stats. 1931, p 1762

401c. Distribution of securities or assets in kind. A plan of distribution among the shareholders and owners of shares, common and preferred, of a corporation in process of winding up, of the shares, obligations or securities of any other corporation, domestic or foreign, or assets other than money, may be adopted if such distribution be approved by a resolution of the directors and by the vote or written consent of holders of two-thirds of the shares of each class regardless of any limitation or restriction upon their voting power. Such distribution may be provided to be in complete or partial satisfaction of the rights of any of such shareholders upon distribution and liquidation of assets. Distribution of securities or assets in kind

Such plan so approved shall be binding upon all the shareholders except as hereinafter provided. Notice of the adoption of such plan shall be given by mail within twenty days after its adoption to all holders of shares having a liquidation preference.

Shareholders having a liquidation preference who dissent from such plan of distribution shall be entitled to be paid the amount of such liquidation preference in cash if they file written demand for such payment with the corporation within thirty days after the date of mailing of the notice of the adoption of such plan of distribution, unless such plan of distribution be abandoned as hereinafter provided. Such demand shall state the number and class of the shares held of record by such shareholder in respect of which he claims payment. Dissenting shareholders having liquidation preference

In case any such dissent and demand for cash payment be filed, the directors of the corporation in their discretion may abandon such plan of distribution without further action or approval by the shareholders of the corporation and all shareholders shall then be entitled to distribution according to their

rights and liquidation preferences in the process of winding up.

Stats 1931, p 1762.

SEC. 79. Section 402 of the Civil Code is hereby amended to read as follows:

Liability of shareholders for improper distributions

402. Liability of shareholders for improper distributions. Whenever in the process of winding up a corporation any distribution of assets has been made, otherwise than under an order of court, without prior payment or adequate provision for payment of any of the debts and liabilities of the corporation, any amount so improperly distributed to any shareholder or owner of shares may be recovered by the corporation or by its receiver, liquidator or trustee in bankruptcy. Any of such shareholders or owners may be joined as defendants in the same action or brought in on the motion of any other defendant.

Ratable contribution

Shareholders or owners of shares who satisfy any liability under this section shall have the right of ratable contribution from other distributees. Any shareholder or owner of shares who has been compelled to return to the corporation more than his ratable share of the amount needed to pay the debts and liabilities of the corporation may require that the corporation recover from any or all of the other distributees such proportion of the amounts received by them upon such improper distribution as to give contribution to those held liable under this section and make the distribution of the assets fair and ratable, according to the respective rights and preferences of the shares, after the payment or adequate provision for payment of all the debts and liabilities of the corporation.

Stats 1931, p 1762

SEC. 80. Section 402a of the Civil Code is hereby amended to read as follows:

Service of summons or process

402a. Service of summons or process. Summons or process against a dissolved corporation may be served by delivering a copy thereof to an officer, director, or person having charge of its assets, or if no such person can be found, to any person who is, or at the time of dissolution was, an agent for service of process. If no such person can be found summons or process may be served upon the dissolved corporation by delivering a copy thereof to the Secretary of State or an assistant or Deputy Secretary of State.

Upon receipt of such process and a fee of five dollars, the Secretary of State forthwith shall give notice by mail of the service of such process to the corporation at its last known address The defendant shall appear and answer within thirty days after the Secretary of State gives notice as aforesaid.

Stats 1931, p 1762

SEC. 81. Section 403 of the Civil Code is hereby amended to read as follows:

Supervision of court over winding up.

403. Supervision of court over winding up. If a corporation is in the process of voluntary winding up, the superior court in and for the county where the principal office of the corporation is located, upon the petition of the corporation or

the holders of five per cent or more of the number of its outstanding shares or of three or more creditors, upon such notice to the corporation and to other persons interested in the corporation as shareholders or creditors as the court may order, shall have power to order and adjudge as to any or all matters in and for the winding up of the affairs of the corporation including:

(1) The presentation and proof of all claims and demands against the corporation, whether due or not yet due, or contingent, or unliquidated or sounding only in damages, and the barring from participation of creditors and claimants failing to make and present claims and proofs as required by any order. Presentation of claims.

All creditors and claimants may be barred from participation in any distribution of the general assets if they fail to make and present claims and proofs within such time as the court may direct, which shall not be less than four nor more than six months after the first publication of notice to creditors unless it appear by affidavit that there are no claims, in which case the time limited may be three months. If it be made to appear that the claimant had not received notice by reason of being out of the State or for other cause shown, the court may allow a claim to be filed or presented at any time before distribution is completed. Failure to present

Such notice to creditors must be published not less than once a week for three consecutive weeks in some newspaper published in the county of the principal office, if there be one, and if not in such newspaper as may be designated by the court, directing creditors and claimants to make and present claims and proofs to the person, at the place and within the time limited by the order. A copy of such notice shall be mailed to each creditor or claimant shown as such by the books of the corporation at his last known address. Notice.

Holders of secured claims may prove for the whole debt in order to realize any deficiency. If such creditors fail to present their claims they shall be barred only as to any right to claim against the general assets for any deficiency in the amount realized on their security. Secured claims.

Before any distribution is made the amount of any unmatured, contingent or disputed claim against the corporation which has been presented and has not been disallowed, or such part of the same as the holder would be entitled to if the claim were due, established or absolute, must be paid into court and there remain to be paid over to the party when he becomes entitled thereto, or if he fail to establish his claim, to be paid over or distributed with the other assets of the corporation to those entitled thereto, or such other provision for the payment of such claim shall be made as the court may deem adequate. If a creditor whose claim has been allowed but is not yet due consent to the payment of the present value of such claim he shall be entitled to such present value upon distribution being made.

Suits on rejected claims.

Suits against the corporation on claims which have been rejected shall be commenced within thirty days after written notice of rejection thereof is given to the claimant.

Other matters.

(2) The settlement or determination of all claims of every nature against such corporation or any of its property, or the amount of money or assets required to be retained to pay or provide for the payment of such claims, or any claim, or the amount of money or assets available for distribution among shareholders from time to time. The court may order the bringing in of new parties as far as may be deemed proper for the determination of all questions and matters.

(3) The determination of the rights of shareholders and of all classes of shareholders in and to the assets of the corporation.

(4) The presentation and the filing of intermediate and final accounts of the directors and hearings thereon, and the allowance, disallowance or settlement thereof, and the discharge of the directors from their duties and liabilities.

(5) The appointment of a referee to hear and determine any or all matters with such power or authority as the court or such judge may deem proper.

(6) The filling of any vacancies in the number of directors which the directors or shareholders are unable to fill.

(7) The removal of any director if it be made to appear that he has been guilty of dishonesty, misconduct, neglect or abuse of trust in conducting the winding up, or if he be unable to act. The court may order an election to fill the vacancy so caused, and may enjoin, for such time as it may consider proper, the reelection of the directors so removed; or the court, in lieu of ordering an election may appoint a director to fill the vacancy caused by such removal. Any director so appointed by the court shall serve until the next annual meeting of shareholders or until his successor is elected or appointed.

(8) The notice to be given of any hearing or any order. Except in the case of notices for which special provision is made in this title any notice may be given by mail if so ordered.

(9) Staying the prosecution of any suit, proceeding or action against such corporation and requiring the parties to present and prove their claims in the manner required of creditors.

(10) Determining whether adequate provision has been made for payment or satisfaction of all debts and liabilities not actually paid.

(11) The revocation of the election to wind up and dissolve by the shareholders, and the making of orders for the withdrawal and termination of proceedings to wind up and dissolve, subject to conditions for the protection of shareholders and creditors.

(12) The making of an order, upon the allowance or settlement of the final accounts of the directors, that the corpora-

tion has been duly wound up and is dissolved. Upon the making of such order, the corporate existence shall cease except for purposes of further winding up if needed.

(13) Any and all other matters concerning the winding up of the affairs of the corporation.

SEC. 82. Section 403a of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762.

403a. Vacancies in office of director. A vacancy occuring in the office of director by death, resignation, failure or inability to act, or otherwise, during voluntary or involuntary dissolution or winding up of a corporation, may be filled by the vote or written consent of the holders of shares representing a majority of the voting power. Until such action by shareholders a majority of the remaining directors, though less than a quorum, may fill such vacancy; but at any time thereafter the person so appointed may be removed and his successor elected by the vote of the holders of shares representing a majority of the voting power. Vacancies in office of director.

SEC. 83. Section 403b of the Civil Code is hereby amended to read as follows: Stats 1931, p. 1762.

403b. Determination, removal and appointment of directors and trustees. Upon the dissolution of any corporation by forfeiture of charter, expiration of term of existence, order of court or otherwise, or after the commencement of dissolution or winding-up proceedings, whether heretofore or hereafter occurring, if the identity of the directors, or their right to hold office be in doubt, or if they be dead or be unable or fail or refuse to act or their whereabouts can not be ascertained, any director, trustee, creditor, shareholder or member, or their assigns or successors in interest, whether or not of record, may petition the superior court in and for the county in which the principal office of such corporation was located at the time of dissolution or the commencement of the dissolution or winding-up proceedings, setting forth the facts of dissolution or of commencement of dissolution or winding-up proceedings and the names and addresses of the persons who were directors of such corporation as far as known to the petitioner, or the fact that they are dead, unknown or unable to act in the winding up of the affairs of the corporation, with a request that the court determine the identity of or appoint directors or trustees to act in the winding up of the affairs of the corporation. Determination, removal and appointment of directors and trustees

Upon the filing of such petition the court shall fix a time for hearing and shall prescribe by order the giving of such notice as may be reasonable by personal service or by publication for three consecutive weeks in some newspaper published in the county, and mailing a copy of such notice to the corporation and the known directors and officers and persons named in such petition as directors of the corporation at the time of its dissolution, or to the persons having charge of its assets. Notice and hearing.

Any person claiming to be a director or trustee or receiver for such corporation, or named in such petition as a respond- Answers.

ent, may answer such petition and may be heard thereon by the court.

Determination of identity of directors.

The court shall have power to determine the identity of the directors or trustees, if the same be in doubt, to appoint successors for such directors or trustees as are dead, to remove from office any directors or trustees who are unable or refuse to act or whose whereabouts is unknown or whose identity is not established and to appoint fit and proper persons as directors or trustees in the place of those who are removed. The person so appointed shall be selected by the court if possible from among persons nominated by those interested in the corporation as shareholders or creditors.

The provisions of this section shall not impair or affect any remedy or proceedings otherwise provided by law for winding up the affairs of a corporation.

Stats 1931, p 1762.

SEC. 84. Section 403c of the Civil Code is hereby amended to read as follows:

Order or certificate of winding up and dissolution.

403c. Order or certificate of winding up and dissolution. (1) When a corporation has been completely wound up without court proceedings therefor, all of its known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit, and its known property distributed, a majority of the directors or trustees shall sign and acknowledge a certificate stating that the corporation has been completely wound up, its known assets distributed, any tax or penalty due under the Bank and Corporation Franchise Tax Act paid, and its other known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit, and that the corporation is dissolved. Such certificate shall be filed in the office of the Secretary of State and a copy, certified by him, shall be filed in the office of the county clerk of the county in which the principal office of the corporation is located. Thereupon corporate existence shall cease except for the purpose of further winding up if needed.

Alternative procedure Petition.

(2) In lieu of filing the certificate provided for in subdivision one of this section the directors or trustees, if the winding up has been accomplished without court proceedings, may petition the superior court of the county in which the principal office of the corporation is located for an order declaring the corporation duly wound up and dissolved. Such petition

Notice.

shall be filed in the name of the corporation. Upon the filing of such petition the court shall make an order requiring all persons interested to show cause why an order should not be made declaring the corporation duly wound up and dissolved and shall direct that the order be served by publication of a copy thereof in a newspaper of general circulation in the county where the principal office of the corporation is located, if there be one, or if not, in such newspaper as may be designated by the court, once a week for a period of three consecutive weeks Any persons claiming to be interested either as shareholders, creditors or otherwise shall have the right to appear in said proceeding and to contest said petition. Upon

the hearing of said petition the court may make an order declaring the corporation duly wound up, its known assets distributed, any tax or penalty due under the Bank and Corporation Franchise Tax Act paid, and its other known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit, the accounts of its directors settled and the directors or trustees discharged from their duties and liabilities to creditors or shareholders, and declaring the corporation dissolved, or it may make such other order and grant such other relief as it may deem proper upon the evidence submitted. If an order be made that the corporation has been duly wound up and dissolved a copy of such order, certified by the clerk of the court, shall be filed in the office of the Secretary of State. Hearing. Judgment, filing.

Upon the making of such order, corporate existence shall cease except for the purposes of further winding up if needed and the directors or trustees shall be discharged from their duties and liabilities. Effect.

SEC 85. Section 403d of the Civil Code is hereby amended to read as follows: Stats 1931, p. 1762.

403d. Unclaimed and disputed shares and debts. Deposit of distributive shares of unknown claimants or shareholders. If the holders of shares be unknown or fail or refuse to accept their distributive shares in cash or property or if their whereabouts can not be ascertained after diligent inquiry, or if the ownership of any shares be in dispute, the corporation shall deposit the distributive shares of such claimants or shareholders with a savings bank or trust company in the county in which the principal office of the corporation is located, at interest if possible, for the benefit of those who lawfully are entitled thereto. Such distributive shares shall be paid over by such bank or trust company to the lawful owners of the said shares, their representatives or assigns, upon satisfactory proof of the title being made. Unclaimed and disputed shares and debts. Deposit

In case of winding up under court supervision, whether voluntary or involuntary, such distributive shares shall be deposited with the State or county treasurer, for the benefit of those who lawfully are entitled thereto. Such distributive shares shall be paid over by said State or county treasurer to the lawful owners of said shares, their representatives or assigns, upon satisfactory proof of title being made.

If no claimants have made satisfactory proof of title within three years from the time of such deposit the property so unclaimed shall be distributed pro rata among those others who were shareholders at the time of distribution and their successors. Such unclaimed property may be distributed at any time among the known and existing shareholders upon a suitable bond or security being given to the bank or trust company or to the State or county treasurer with which such deposit was made, for the payment of any claimants who appear and establish their claims against the corporation within three years from the time of such deposit. Distribution

Unclaimed deposits or dividends

If a corporation be in process of being wound up or dissolved and there be any unclaimed deposit or dividend or any debt owed by it to any person whose whereabouts is unknown to the directors or trustees or other persons conducting the winding up, they shall deposit the amount due such person with the State or county treasurer or with some bank or trust company in this State accompanied with a statement of the name of the person entitled to such deposit or entitled to such dividend or debt, the time when the deposit was made, the dividend declared, or the debt created, and any information possessed as to the residence of the person entitled to the deposit or dividend or debt.

Deposit at interest, etc.

The amount of all unclaimed deposits, dividends or debts, so deposited with the State or county treasurer or deposited with a bank or trust company shall be deposited at interest if possible for the benefit of those who appear and establish their claim thereto within three years from the time of such deposit after which time any such deposits shall be dealt with in the same manner as deposits of distributive shares of unknown claimants or shareholders as provided in this section.

Stats 1931, p 1762.

SEC. 86. Section 404 of the Civil Code is hereby amended to read as follows:

Involuntary winding up and dissolution and appointment of provisional director

404. Involuntary winding up and dissolution and appointment of provisional director. A complaint for involuntary winding up or dissolution of a corporation other than one subject to the Bank Act, the Public Utility Act or the Building and Loan Act may be filed in the superior court of the county where the principal office is located either by a majority of the directors or by a shareholder or shareholders who have been record holders for a period of not less than three months of not less than twenty-five per cent of the number of outstanding shares or under subdivision (3) of this section by any shareholder.

The court, upon filing of a complaint duly verified, may entertain proceedings for the involuntary winding up or dissolution of a corporation, when it is made to appear:

Causes for dissolution

(1) That the corporation has abandoned its business for more than one year; or

(2) That a corporation has an even number of directors who are equally divided and can not agree as to the management of its affairs so that its business can not longer be conducted to advantage and there is danger that its property and business will be impaired and lost, and the holders of the voting shares of the corporation are so divided into factions that they can not agree upon or elect a board of directors consisting of an uneven number; or

(3) That the period for which the corporation was formed has terminated without extension of such period.

Appointment of provisional director.

In case of a deadlock in the board of directors as set forth in paragraph (2) of this section, the superior court of the county where the principal office of the corporation is located may, in an action for an involuntary winding up or dissolu-

tion of the corporation or in an independent action filed by the holders of not less than fifteen per cent of the outstanding shares, appoint an impartial person, who is neither a shareholder nor a creditor of the corporation, to act as a provisional director with all the rights and powers of a director, entitled to notice of the meetings of the board of directors and to vote at such meetings, until such time as the deadlock in the board of directors is broken or until he be removed by order of the court or by vote or written consent of the holders of a majority of the voting shares Such provisional director shall be entitled to receive such compensation as may be agreed upon between him and the corporation, and in the absence of such agreement he shall be entitled to such compensation as shall be fixed by the court. The court may grant relief by way of the appointment of a provisional director notwithstanding any provisions of the articles or by-laws of the corporation and whether or not an action is pending for the involuntary winding up or dissolution of the corporation.

The relief by way of involuntary winding up or dissolution shall not be granted by the court, except under paragraph (3), unless no other method of relief or redress for the protection of the interests of the shareholders of the corporation is adequate under the circumstances.

SEC. 87. Section 404a of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

404a. Procedure and jurisdiction. Upon the filing of a verified complaint for involuntary winding up or dissolution of a corporation a summons shall be issued and served on the corporation as in other civil actions. Procedure and jurisdiction.

At any time prior to the trial of the action any shareholder or creditor may intervene therein.

The superior court of the county of the principal office shall have jurisdiction of said action, and may make such orders for winding up and dissolution of the corporation as justice and equity require, including those providing for the presentation of claims of creditors and the barring from participation of creditors and claimants failing to make claims and present proofs as required, as in case of proceedings for voluntary winding up and dissolution. Order of dissolution, etc.

Unless other persons be appointed by the court on good cause shown to conduct the winding up, the board of directors shall conduct the winding up of the affairs of the corporation, subject to the supervision of the court and the power to make orders as in case of voluntary winding up. The directors or such other persons shall have the same powers and authority in general as the directors in case of voluntary winding up and dissolution and subject to any restrictions imposed by the court, may exercise all their powers through the executive officers without any order of court. Directors to act.

SEC. 88. Section 404b of the Civil Code is hereby amended to read as follows: Stats 1931, p. 1762.

Action by State to dissolve and forfeit corporate existence

404b. Action by State to dissolve and forfeit corporate existence.

(1) The Attorney General may bring an action against any corporation or purported corporation, in the name of the people of this State upon his own information, or upon complaint of a private party, to procure a judgment dissolving the corporation and annulling, vacating or forfeiting its corporate existence upon the ground that:

Grounds

(a) The corporation has seriously offended against any provision of the statutes regulating corporations, or fraudulently has abused or usurped corporate privileges or powers; or

(b) If the corporation has violated any provision of law by any act or default which under the law is a ground of forfeiture of corporate existence.

Correction of errors

(2) If the cause of action be a matter or act which the corporation has done or omitted to do that can be corrected by amendment of its articles or by other corporate action, such suit shall not be maintained unless and until the Attorney General, at least thirty days prior to the institution of such suit, give the corporation written notice of the matter or act done or omitted to be done, and the corporation fails, neglects or refuses to institute proceedings to correct the same within said thirty-day period or thereafter fails to prosecute such proceedings.

Court order

Receivers, etc

(3) In any such action, the court may order dissolution or such other or partial relief as to it seems just and expedient; and the court also may appoint a receiver or receivers for winding up its affairs or may order that such corporation be wound up by its board of directors subject to the supervision of the court and to its power to make orders as in case of voluntary dissolution and winding up.

Stats 1931, p 1762.

SEC. 89. Section 405 of the Civil Code is hereby amended to read as follows:

Articles and statement to be filed. Definitions

405. Articles and statement to be filed. In this chapter the term "foreign corporation" means a corporation not incorporated under the laws of this State. The term "articles" includes the articles or certificate of incorporation or other document filed for the purpose of creating the corporation with the Secretary of State or other official of the State, Territory, or government, under the laws of which such corporation is created, and any amendments thereof, any certificates supplemental thereto, or any special charter, statute, or governmental act creating it, and any charter, statute or governmental act amendatory thereof or supplemental thereto. The term "transact intrastate business" as used in this chapter means entering into repeated and successive transactions of its business in this State, other than interstate or foreign commerce.

To file articles and statement

No foreign corporation shall transact intrastate business in this State until it has filed with the Secretary of State a copy of its articles duly certified by the Secretary of State or other official of the government under the laws of which it was

created, together with a verified translation into English if the original be written in a foreign language, nor until it has also filed with the Secretary of State a statement setting forth:

(1) The location and address of its principal office;

(2) The location and address of its principal office within this State;

(3) The name of some person residing within the State upon whom process directed to such corporation may be served, and his complete business or residence address, which must be in the county in which the principal office of the corporation in this State is to be located;

(4) Its irrevocable consent to such service, and to service of process on the Secretary of State, if the agent so designated or his successor be no longer authorized to act or can not be found at the address given.

A copy of such articles, and any translation thereof, duly certified by the Secretary of State of this State, must be filed with the county clerk of the county in this State in which the principal office of the corporation is located, and with the county clerk of any other county in this State in which the corporation owns real property.

SEC. 90. Section 406 of the Civil Code is hereby amended to read as follows: Stats 1931, p. 1762.

406. Designation, change and resignation of agent. No foreign corporation which has filed with the Secretary of State a designation of an agent for the service of process, pursuant to the requirements of any law in force at the time of such filing, need file with the Secretary of State the statement provided for in section 405, except for the purpose of designating a new agent. A statement of the new business or residence address of its agent or of the new location of its principal office may be executed by any foreign corporation or by the agent of such foreign corporation and filed with the Secretary of State, whereupon the Secretary of State shall indorse such new address or location upon the designation on file in his office, together with the date of filing of such statement. Designation, change and resignation of agent.

Any foreign corporation may designate a new agent for the service of process by filing with the Secretary of State a statement setting forth its revocation of the designation of the person last named as such agent and containing the name of the new agent and all other matters required by section 405, and any foreign corporation, upon withdrawing from this State and surrendering its right to transact intrastate business therein, may revoke any designation of such agent without naming a new agent by filing with the Secretary of State a statement of such revocation. Designation of new agent

Any person who has been designated by a foreign corporation as such agent may file with the Secretary of State a signed statement that he is unwilling to continue to act as the agent of such corporation for the service of process, the execution of which statement must be duly acknowledged. Resignation of agent

Upon the filing of such statement with the Secretary of State the capacity of such person as such agent shall terminate and the Secretary of State forthwith shall give written notice, by mail, to such corporation of the filing of such statement and the effect thereof, which notice shall be addressed to such corporation at its home office.

Stats. 1931, p. 1762.

SEC. 91. Section 406a of the Civil Code is hereby amended to read as follows:

Service of process.

406a. Service of process. Process directed to any foreign corporation may be served upon such corporation by delivering a copy to the person designated as its agent for service of process or authorized to receive service of process, or to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, the general manager in this State, or the cashier or assistant cashier of a bank. In the event that no agent so designated can be found with due diligence at the address given, or if the agent so designated be no longer authorized to act, or if no person has been designated and if no one of the foregoing officers or agents of the corporation can be found after diligent search, then service shall be made by delivery to the Secretary of State or to an assistant or deputy Secretary of State. A copy of such designation, certified by the Secretary of State, is sufficient evidence of the appointment of such agent for the service of process.

Service on Secretary of State.

If the corporation to be served has not filed with the Secretary of State the statement required by section 405, there shall be delivered to the Secretary of State by the person desiring to make such service a statement of the address of such corporation to which notice, and a copy of such process, shall be sent. Upon receipt of such process and fee the Secretary of State forthwith shall give notice to the corporation by telegraph, charges prepaid, both to its principal or home office and to its principal office in the State, of the service of such process and shall forward to each of such offices by registered mail, a copy of such process. If he have no record of such corporation or such offices, then such notice shall be telegraphed and such copy shall be mailed to the corporation at the address given in the statement delivered to the Secretary of State at the time of such service. The corporation shall appear and answer within thirty days after delivery of such process to the Secretary of State. The certificate of the Secretary of State, under his official seal, of such service shall be competent and sufficient proof thereof. The Secretary of State shall keep a record of all process served upon him and shall record therein the time of such service and his action in respect thereto.

A foreign corporation which has transacted intrastate business in this State and has thereafter withdrawn from business in this State may be served with process in the manner provided in this section in any action brought in this State aris-

ing out of such business, whether or not it has ever complied with the requirements of section 405, Civil Code.

SEC. 92. Section 408 of the Civil Code is hereby amended to read as follows: Stats. 1931, p. 1762.

408. Penalties on corporations. Any foreign corporation required to comply with the provisions of this chapter which transacts intrastate business in this State without complying therewith shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars, nor to exceed one thousand dollars, to be recovered in any court of competent jurisdiction. Prosecution under this section may be brought by the Attorney General or by any district attorney. If brought by the latter, one-half of the fine collected shall be paid to the treasurer of the county in which the conviction was had, and one-half to the State Treasurer. If brought by the Attorney General the entire amount of fine collected shall be paid to the State Treasurer to the credit of the general fund of the State. Penalties on corporations

In addition to the penalty herein provided no such foreign corporation shall maintain any action or proceeding upon any intrastate business so transacted in any court of this State, commenced prior to compliance with this chapter until it shall have complied with the provisions thereof, and shall have paid to the Secretary of State a penalty of two hundred fifty dollars in addition to the fees due for filing the copy and statement required by section 405, and shall have filed with the clerk of the court in which the action is pending, receipts showing the payment of said fees and penalty and all franchise taxes and any other taxes on business or property in this State that should have been paid for the period during which it transacted intrastate business. Additional penalty.

No foreign corporation which has failed to file a certified copy of its articles, and any translation thereof, in accordance with section 405 in a county in this State in which it holds real property can maintain any action or proceeding, commenced prior to such filing, in relation to such real property, its rents, issues or profits, until such certified copy of its articles and any translation thereof shall have been filed in the county in which such property is located, but shall incur no other penalty for such failure.

SEC. 93. Section 411 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

411. Surrender of right to transact intrastate business. A foreign corporation which has qualified to transact business in this State may surrender its right to engage in such business within this State by filing in the office of the Secretary of State a certificate executed and acknowledged by its president or vice president and secretary or treasurer, setting forth: Surrender of right to transact intrastate business.

(1) That it surrenders its authority to transact intrastate business in this State.

(2) That it consents that process against it in any action upon any liability or obligation incurred within this State

prior to the filing of the certificate of withdrawal may be served upon the Secretary of State.

(3) A post-office address to which the Secretary of State may mail a copy of any process against such corporation that may be served upon him.

The surrender of authority to transact business in this State shall not affect any action pending at the time. The mere retirement from transacting business within this State without filing a certificate of withdrawal shall not revoke the appointment of any agent upon whom process may be served within this State.

Stats. 1931, p. 1762

SEC. 94. Section 412 of the Civil Code is hereby amended to read as follows:

Liabilities of directors.

412. Liabilities of directors. The directors of a foreign corporation transacting business in this State shall be liable to the corporation, its shareholders, creditors, receiver, liquidator, or trustee in bankruptcy for the making of unauthorized dividends, purchases of its shares, or distributions of assets, or false certificates, reports or public notices or other violations of official duty, according to the laws of the State of incorporation, whether committed or done in this State or elsewhere. Such liabilities may be enforced in the courts of this State.

Stats 1931, p 1762.

SEC. 95. Section 409 of the Civil Code is hereby amended to read as follows:

Penalty on agents

409. Any person who transacts intrastate business in this State on behalf of a foreign corporation which is not authorized to transact such business in this State, knowing that it is not so authorized, shall be guilty of a misdemeanor, and subject to a fine of not less than twenty-five dollars nor more than three hundred dollars.

Repeals

SEC. 96. Sections 343a, 347, 375, 401b and 587 of the Civil Code are hereby repealed.

CHAPTER 534.

Stats 1919, p 265, amended.

An act to amend an act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations," approved April 30, 1919, as amended, by adding thereto six new sections, to be numbered 5, 8a, 8b, 8c, 8d and 8e, respectively, and by amending section 6 thereof.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section numbered section 5 is hereby added to the act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations

and associations," approved April 30, 1919, as amended, to read as follows:

Foreign corporations.

Sec. 5. The rights and duties of the Insurance Commissioner with reference to foreign corporations and their assets shall be those heretofore exercised by and imposed upon ancillary receivers of foreign corporations in this State.

Stats 1919, p. 265.

SEC. 2. Section 6 of said act is hereby amended to read as follows:

Injunctions or orders.

Sec. 6. At any time during a proceeding under this act the court may issue such other injunctions or orders as may be deemed necessary to prevent interference with the Insurance Commissioner or the proceeding or waste of assets of the insurer, or the prosecution of any actions or proceedings, or the obtaining of preferences, judgments, attachments or other liens, or the making of any levy against the corporation or any of its assets.

New section

SEC. 3. A new section is hereby added to said act to be numbered section 8a to read as follows:

Notice and order to liquidate.

Sec. 8a. (1) Upon the making of an order to liquidate the business of such corporation, the Insurance Commissioner shall cause to be published notice to its policyholders, creditors, stockholders, and all other persons interested in its assets, to file claims, with proper proofs thereof, against such corporation within six months after the date of first publication. Such notice must be published not less than once a week for four successive weeks. A copy of the notice, accompanied by an affidavit of due publication, and date of first publication, shall be filed with the clerk of said court within thirty days after the first publication.

Contents of claim

(2) Such claim must set forth under oath the particulars thereof, the consideration therefor, the securities, if any, held therefor, the payments, if any, made thereon, that the sum claimed is justly owing from the insurer to the claimant, that there is no offset to the claim, and such other data or supporting documents as the Insurance Commissioner may require.

Filing.

(3) Unless such claim is filed in the manner and within the time herein provided it shall not be entitled to filing or allowance, and no action may be maintained thereon.

Time limit.

(4) The time limit for the filing of claims prescribed by this section shall apply to all proceedings now pending under this act in which proof of publication of notice to creditors to present their claims is on file with the clerk of said court and a period of at least six months from the first publication of said notice has elapsed.

New section.

SEC. 4. A new section is hereby added to said act to be numbered section 8b to read as follows:

Contingent claim

Sec. 8b. (1) No contingent claim shall share in a distribution of the assets of a corporation which has been adjudged to be insolvent except where such claim becomes absolute against the insurer on or before the last day fixed for the filing of claims against the assets of the insurer, or where there is a

surplus and the liquidation is thereafter conducted upon the basis that the insurer is solvent.

Indemnity claim.

(2) Where a corporation has been adjudged to be insolvent any person who has a cause of action against an assured of the corporation which is the subject of indemnity under a liability policy issued by the corporation shall have the right to file a claim in the liquidation proceeding, regardless of the fact

Allowance

that such claim may be contingent. Such a claim may be allowed; provided (a) that it may be reasonably inferred from the proof presented upon such claim that such person would be able to obtain a judgment upon such cause of action against such insurer; (b) that such person shall furnish suitable proof that no further valid claims against such insurer arising out of his cause of action other than those already presented can be made unless for good cause shown the court in which the proceeding is pending shall otherwise direct; (c) that the total liability of such insurer to all claimants arising out of the same act of its assured shall be no greater than its total liability would be were it not in liquidation; (d) that no judgment taken by default, or by collusion, against such an assured shall be considered as evidence in the liquidation proceeding either of the liability of such assured to such person upon such cause of action or of the amount of damages to which such person is therein entitled.

Secured claims.

(3) No claim of any secured claimant shall be allowed in a sum exceeding the difference between the amount for which the claim is allowed and the value of the security, unless the claimant shall surrender his security to the Insurance Commissioner in which event the claim shall be allowed in the full amount for which the claim is valued. Such claimant must elect to accept the security or to release it to the liquidator. The value of the security to be credited upon such claim shall be determined by an appraiser appointed by the liquidator and approved by the court.

New section.

SEC. 5. A new section is hereby added to said act to be numbered section 8c to read as follows:

Notice of rejection.

Sec. 8c. When a claim is rejected by the liquidator written notice of rejection shall be given by registered mail, addressed to the claimant at the address furnished on his claim, and within thirty days after the mailing of said notice the claimant may present his claim, by way of an order to show cause, to the court in which the liquidation proceeding is pending.

New section.

SEC. 6. A new section is hereby added to said act to be numbered section 8d to read as follows:

Preference on claims.

Sec. 8d. Claims filed in a proceeding under this act shall be given preference in the following order: 1. expense of administration; 2. claims having preference by the laws of the United States and by the laws of this State; 3. all other claims.

New section.

SEC. 7. A new section is hereby added to said act to be numbered section 8e to read as follows:

Preferential transfers.

Sec. 8e. Every transfer made of property of such corporation, every lien created thereon, and every judgment suffered

against such corporation, with the intent or effect of giving to any creditor of such corporation or of enabling him to obtain a greater percentage of his debt or preference over any other creditor of the same class, shall be voidable by the Insurance Commissioner if it occurs within four months prior to the commencement of a proceeding under this act for the adjudication of the insolvency or the hazardous financial condition of such corporation.

CHAPTER 535.

An act to amend section 1449 of the Penal Code, relating to time for pronouncing judgments in justices' and police courts.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1449 of the Penal Code is amended to read as follows: Code Amdts., 1873-4, p 419

1449. After a plea or verdict of guilty, or after a verdict against the defendant in a plea of former conviction or acquittal, or once in jeopardy, the court must appoint a time for pronouncing judgment which must not be less than six hours, nor more than five days, after the verdict or plea of guilty, unless the defendant waives the postponement; provided, however, that the court may extend the time not more than ten days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment; and, provided further, that the court may extend the time not more than twenty days in any case where the question of probation is considered; provided, however, that upon request of the defendant such time may be further extended not more than ninety days additional. If in the opinion of the court there is a reasonable ground for believing a defendant insane, the court may extend the time of pronouncing judgment until the question of insanity has been heard and determined. In case of postponement, the court may hold the defendant to bail to appear for judgment. Time for pronouncing judgment.

CHAPTER 536.

An act to amend section 1881 of the Code of Civil Procedure, relating to confidential communications.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1881 of the Code of Civil Procedure is hereby amended so as to read as follows: Stats 1927, p 1154

Confidential communications.

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person can not be examined as a witness in the following cases:

Husband and wife.

1. A husband can not be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, or for a crime committed against another person by a husband or wife while engaged in committing and connected with the commission of a crime by one against the other; or in an action brought by husband or wife against another person for the alienation of the affections of either husband or wife or in an action for damages against another person for adultery committed by either husband or wife.

Attorney and client.

2. An attorney can not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity.

Confessor and confessant.

3. A clergyman, priest or religious practitioner of an established church can not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

Physician and patient

4. A licensed physician or surgeon can not, without the consent of his patient, be examined in a civil action, as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient; provided, however, that either before or after probate, upon the contest of any will executed, or claimed to have been executed, by such patient, or after the death of such patient, in any action involving the validity of any instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property, such physician or surgeon may testify to the mental condition of said patient and in so testifying may disclose information acquired by him concerning said deceased which was necessary to enable him to prescribe or act for such deceased; provided further, that after the death of the patient, the executor of his will, or the administrator of his estate, or the surviving spouse of the deceased, or if there be no surviving spouse, the children of the deceased personally, or, if minors, by their guardian, may give such consent, in any action or proceeding brought to recover damages on account of the death of the patient; provided further, that where any person brings an action to

recover damages for personal injuries, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said person and whose testimony is material in said action shall testify; and provided further, that the bringing of an action, to recover for the death of a patient, by the executor of his will, or by the administrator of his estate, or by the surviving spouse of the deceased, or if there be no surviving spouse, by the children personally, or, if minors, by their guardian, shall constitute a consent by such executor, administrator, surviving spouse, or children or guardian, to the testimony of any physician who attended said deceased.

Public officer.

5. A public officer can not be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

CHAPTER 537.

Stats 1927, p 508, amended

An act to amend chapter 286, Statutes of 1927, entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, as amended, by amending section 1 thereof, relating to appropriation of waters by the State Department of Finance.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1513

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Department of Finance to file on unappropriated waters.

Section 1. The State Department of Finance is directed and authorized, pursuant to the provisions of the Water Commission Act and the rules and regulations of the Division of Water Resources of the Department of Public Works, to make and file an application or applications for any water or the use thereof which in the judgment of the State Department of Finance is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking towards the development, utilization or conservation of the water resources of the State. Any such application or applications shall be made and filed by the State Department of Finance with the Division of Water Resources,

Priorities

Department of Public Works, within nine months after the date upon which this act shall go into effect. The priority of any such application or applications shall be as of the date this act shall become effective, and such priority shall be retained over any application made by others subsequent to said date, and which may be in conflict therewith, regardless of any requirements or provisions of the Water Commission Act relating to diligence in the completion of applications for water or the use thereof, until October 1, 1935; provided, that any such priority or priorities may be maintained and extended by further legislative enactment; pro-

Notice.

vided, further, the State Department of Finance, under the requirements of the Water Commission Act and the rules and regulations of said Division of Water Resources relating to applications for the appropriation of water may publish a notice that it intends to file upon an amount of water necessary to the development of any part or unit of such general or coordinated plan and in that event the publication of such notice shall preserve, as of the date of such publication, the priority of any application made and filed subsequently by the State Department of Finance with said Division of Water Resources for the benefit of such part or unit prior to Octo-

Release and assignment.

ber 1, 1935; provided, further, notwithstanding anything in this act contained, the State Department of Finance shall have power, in its discretion, to release from priority or to assign any portion of any of the appropriations that may be filed under the provisions of this act when such release or assignment is for the purpose of development not in conflict with such general or coordinated plan; and provided further, that no such priority shall be released, or assignment made of any such appropriation that will, in the judgment of the State Department of Finance, deprive the county in which such appropriated water originates, of any such water necessary for the development of such county.

CHAPTER 538.

"Limited dividend housing corporations act"

An act to provide for the construction and supervision of safe and sanitary low-cost dwellings and apartments, and for the rental or sale thereof at reasonable rates, and in connection therewith to authorize the incorporation and provide for the regulation of limited dividend housing corporations and prescribe the powers, rights and duties thereof; to regulate and limit the rate of return on securities to be issued by such corporations.

[Approved by the Governor May 24, 1933. In effect August 21, 1933.]

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

Short title

SECTION 1. This act shall be known as the "Limited Dividend Housing Corporations Act."

SEC. 2. When used in this act the following terms shall, unless the context indicates otherwise, have the following respective meanings: Definitions.

The term "commission" refers to the Department of Industrial Relations of the State of California, acting through the Commission of Immigration and Housing created by the provisions of section 364d of the Political Code. "Commission"

The term "actual cost" includes in addition to the cost of the lands and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital, when such charges have been approved by the commission. "Actual cost"

The term "fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges in amounts approved by the commission. "Fixed charges."

The term "security" shall include any share, stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, or beneficial interest in title to property, profits or earnings or any other instrument commonly known as a security. "Security"

The term "slum area" means any area of property partially or totally occupied by deteriorated, obsolete, unsafe or unsanitary single or multiple dwellings. The determination of the question as to whether or not any building is deteriorated, obsolete, unsafe or unsanitary rests solely with the commission. "Slum area"

SEC. 3. Corporations may be formed under the provisions of this act for the purpose of providing housing for families of low income, or for the reconstruction of slum areas, subject to regulation by the commission as hereinafter set forth. The provisions of law as to corporations generally shall be applicable to corporations formed under this act, except where inconsistent with the corresponding provisions of this act, in which case the provisions of this act shall prevail. Formation of corporations.

SEC. 4. Before the articles of incorporation of any proposed limited dividend housing corporation may be filed in the office of the Secretary of State, there must be attached thereto a certificate of the commission approving the same. Articles of incorporation.

In addition to other requirements prescribed by law, the articles must set forth the following: Requirements.

(a) That one of the purposes for which the corporation is formed is that of providing housing for families of low income, or for reconstruction of slum areas.

(b) The par value of all shares of capital stock of the corporation, and all shares must have a par value.

(c) That the corporation shall at all times be subject to supervision and control of the commission or other appropriate State authority, and subject to the provisions of the State Housing Law and of this act.

SEC. 5. No stockholder in any corporation formed hereunder shall receive or accept from the corporation in the Dividends limited

repayment of their investment in its stock any sum or sums in excess of the par value of the stock together with current dividends not to exceed six per cent per annum of the par value thereof, and any cumulative dividends to which said stockholder may be entitled.

Powers of housing corporations.

SEC. 6. Any limited dividend housing corporation incorporated under this act shall have power and authority, when authorized by the commission:

1. To borrow money from or to sell, pledge or discount its securities to the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established under the authority of the United States Government.

2. To comply with the provisions for membership and to become a member of the Federal Home Loan Bank or of any other corporation or agency established under the authority of the United States Government and to comply with any provisions or regulations of the Reconstruction Finance Corporation.

Acts prohibited.

SEC. 7. No limited dividend housing corporation incorporated under this act shall:

1. Acquire any real property or interest therein without first having obtained from the commission a certificate approving such acquisition;

2. Sell, transfer, assign or lease any real property to any person, firm or corporation without first having obtained the consent of the commission, except that leases conforming to the regulations and rules of the commission may be made without the consent of the commission;

3. Charge or accept any rental, fee or other charge for housing accommodations in any building constructed, acquired, operated, sold or managed by it in excess of the prices or rates prescribed by the commission;

4. Mortgage or otherwise encumber any real property without first having obtained the consent of the commission, or pay interest on such encumbrance in excess of an amount permitted by the commission;

5. Use any building erected or acquired by it for other than housing purposes, except that when permitted by law, and consented to by the commission, the cellar and basement and the story of the building above the cellar or basement may be used for stores, commercial, cooperative or community purposes, and when permitted by law the roof of the building may be used for cooperative or community purposes;

6. Enter into contracts for the construction of housing projects or for the payments of salaries to officers or employees until such contracts have been approved by the commission;

7. Effect any reorganization, unless such reorganization is authorized by the commission;

8. Voluntarily dissolve or transfer all or substantially all of its assets without first having obtained the consent of the commission; or

9. Make any guaranty without the approval of the commission.

Any purchase, conveyance, contract, encumbrance, lease or sublease made in violation of the provisions of this act and any transfer or assignment thereof shall be void. Violative contracts are void

SEC. 8. No housing project may be started or undertaken by a limited dividend housing corporation without the approval of the commission, and no housing project shall be approved by the commission unless: Requirements of housing projects.

1. It appears practicable to rent or sell the housing accommodations to be built, at rentals or sales prices not exceeding those prescribed by the commission. No project shall be approved in contravention of any zoning or building ordinance in effect in the locality in which the project is located.

2. There is submitted to and approved by the commission a financial plan in such form and with such assurances as the commission may prescribe, setting forth the method by which funds are to be made available to meet the actual cost of the lands and projected improvements, and may also provide for the raising of working capital, through the sale of its securities, in an amount to be approved by the commission, not to exceed five per centum of the estimated cost of the project.

3. There is submitted to and approved by the commission, plans setting forth:

(a) The area and location of the project.

(b) Plans of site development with plans, elevations and perspective of typical houses and groups of houses.

(c) Specifications and estimates of cost of the project.

(d) A reasonable scheme of protective restrictions and of permanent maintenance of neighborhood and architectural control.

SEC. 9. If required by the commission, the corporation shall deposit all moneys received by it as proceeds of the sale of its securities with a corporation in the State of California authorized to do trust business and to perform trust functions. The trustee shall receive such moneys and make payment therefrom for the acquisition of the land, the construction of improvements and other items entering into the actual cost of the project upon presentation of an order signed by a proper officer of the corporation, and if required by the commission, countersigned by a member of the commission or a person designated by the commission for that purpose. If, upon the completion of the project, the corporation has made full payment, or has made arrangement for the payment in a manner satisfactory to the commission, any funds then remaining in the custody of the trustee shall be paid to the corporation. Trust for all receipts of corporation.

SEC. 10. Whenever any municipal corporation in which a project approved by the commission is located shall determine that any part of the land included in any such project should be maintained as a public park or grounds, such land may be purchased or accepted by said municipal corporation for such purposes, and thereafter be maintained as a public park or Public park land

grounds; or any municipal corporation may also determine that real property of the said municipal corporation is not required for use by the said municipal corporation and may sell or lease such real property to a limited dividend housing corporation incorporated under this act; except as otherwise provided by the charter of the municipal corporation.

Powers of commission.

SEC. 11. In pursuance of its power and authority to supervise and regulate the operations of limited dividend housing corporations incorporated under this act, the commission may:

1. Order any such corporation to make, at its expense, such repairs and improvements as will preserve or promote the health and safety of the occupants of buildings and structures, owned or operated by such corporation;

2. Order any such corporation to do such acts as may be necessary to comply with the provisions of the law, the rules and regulations adopted by the commission or the terms of any project approved by the commission, or to refrain from doing any acts in violation thereof;

3. Examine all such corporations and keep informed as to their general condition, their capitalization and the manner in which their property is constructed, leased, sold, operated or managed;

4. Investigate into the affairs of limited dividend housing corporations and into the dealings, transactions or relationships of such corporations with other persons;

5. Either through its members or agents duly authorized by it, enter in or upon and inspect the property, equipment, buildings, plants, offices, apparatus and devices of any such corporation, examine all books, contracts, records, documents and papers of any such corporation;

6. In its discretion prescribe uniform methods and forms of keeping accounts, records and books to be observed by such corporations and to prescribe by order accounts in which particular outlays and receipts shall be entered, charged or credited;

7. Require every such corporation to file with the commission annual or other periodic reports setting forth such information as the commission may require verified by the oath of the president, or general manager, or receiver if any thereof, or by the person required to file the same. Such report shall be in the form, cover the period and be filed at the time prescribed by the commission. The commission may further require specific answers to questions upon which the commission may desire information, and

8. From time to time make, amend and repeal rules and regulations for carrying into effect the provisions of this act.

Investigations.

SEC. 12. Any of the investigations provided for in this act may be conducted by the commission or by a committee appointed by the commission, consisting of one or more members of the commission, or by any person designated for that purpose by the commission. In order to carry out the purposes of this act, each member of the commission shall have

and exercise all the powers conferred upon the head of a department by the provisions of section 353 of the Political Code.

SEC. 13. The commission shall fix:

1. For rental properties: The maximum rental or charges per room to be charged the tenants of the housing accommodations furnished by such corporation. The maximum rental or charges shall be determined upon the basis of the actual cost of the project so that such rentals, together with all other income of the corporation, shall be sufficient to meet all fixed charges, dividend and interest requirements, and other charges of the corporation approved by the commission. Such room rental, rates or charges shall be subject to the approval of the commission and may be changed or revised from time to time. Rates and prices fixed by the commission

2 For sale properties: The price, terms of payment, rate of interest on deferred payments and all other charges. The sale price shall be determined upon the basis of actual cost of the project so that the income from sales together with other income of the corporation shall be sufficient to meet and repay the actual cost and fixed charges. Such prices, interest on deferred payments and other charges may be changed, adjusted or revised from time to time with the approval of the commission. The commission shall also make reasonable rules regarding the resale, leasing or subletting of property after a sale by the corporation, to the end that undue speculation in such properties may be prevented, which rules shall be in effect until the full purchase price and all outstanding obligations have been paid to the corporation. Sale price.

SEC. 14. The commission may permit the consolidation of two or more approved projects, extension or amendment of any approved project, or the consolidation of any approved project with a proposed project. In any of these events, the application shall be submitted as in the case of an original project. The commission shall not give its consent unless it is shown to the satisfaction of the commission that the consolidated or extended project is one that can be successfully operated under the provisions of this act. The permissible rents, sales prices, and other charges may be averaged throughout the consolidated or extended project. The commission may likewise permit or decline to permit any limited dividend housing corporation to organize and operate more than one project or to take over any project heretofore approved by the commission, and to operate it independently of other projects of the corporation. Consolidation or amendment of approved project

SEC. 15. In the name of the people of the State of California, the commission may bring an action or proceeding against any limited dividend corporation in the superior court in and for the county in which the corporation has its principal place of business, to enforce the provisions of this act or of any order, permit, license, demand or requirement of the commission or to restrain the violation or threatened violation thereof or to compel the performance of any act enjoined thereby. Action against corporation.

Commission's decisions reviewable.

SEC. 16. Every order, decision, permit or other official act of the commission shall be subject to review if such proceeding is brought within twenty days after the rendering of such order, decision, permit or other official act, in accordance with the provisions of Chapter I of Title I of Part III of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commission under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commission in making such order, decision, permit or other official act.

Net earnings and surplus.

SEC. 17. The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, dividend and interest requirements approved by the commission, and other charges required or approved by the commission, shall be subject to the approval of the commission. The amount of such surplus shall in no event exceed fifteen per cent of the outstanding capital stock and obligation of the corporation, but the surplus shall not be deemed to include any increase in assets due to reduction of mortgage or bonded indebtedness or other similar payments. The balance of yearly net earnings in excess of the amount transferred to surplus, unless the commission deems such balance too small for the purpose, shall be applied to the reduction of rentals on rental properties, for the improvement of properties for sale, or to the reduction of the sale price thereof, as the commission may prescribe.

Restrictions as to securities.

SEC. 18. All of the provisions of the Corporate Securities Act shall apply to corporations formed hereunder, except where such provisions are in conflict herewith.

1. Before the Corporation Commissioner shall issue a permit for the sale of any securities there must be on file with said commissioner a certificate of the commission approving the project.

2. No limited dividend housing corporation shall be authorized:

(a) To pay any dividends on its shares of stock at a rate in excess of six per cent of the par value thereof, or

(b) To issue securities covering any project undertaken in an amount greater in the aggregate than the actual cost of the project, plus an allowance for working capital, not exceeding five per cent of the estimated cost or of the actual cost of such project, if the actual cost is greater than the estimated cost, or

(c) To issue securities except in exchange for money or property actually received for the use and lawful purpose of a corporation, or for services actually rendered to a corporation, and no securities shall be issued for property except upon a valuation approved by the commission, and such valuation shall be used in computing actual or estimated costs.

Bond issues.

3. Each authorized issue of bonds shall relate to a single specific project and no other, and shall be secured by mortgages or deeds of trust upon all the real property of which said project consists, except that in projects in which units are to be offered for sale bonds may be issued in an amount to cover each individual unit of sale or to cover the entire project intended to be sold and may be paid off at any time if approved by the commission. Such bonds, mortgages or deeds of trust may contain clauses and provisions approved by the commission including the right to assignment of rentals and entry into possession in case of default, but the operation of the housing projects in the event of such entry by mortgagees or trustees or receivers shall be subject to regulation by the commission under this act. The mortgages or trust deeds may create a first, or senior lien, and a second, or junior lien upon all the real property embraced under the project.

Foreclosure proceedings.

SEC. 19. If a mortgagee, trustee or beneficiary shall commence foreclosure proceedings, under a mortgage or deed of trust, a copy of the complaint or notice of breach and intention to sell, shall be served upon the commission within thirty days of the filing of the complaint or the recording of the notice. Upon receipt of such copy, the commission must immediately take such steps as it deems necessary to protect the rights of all parties. In the event of a sale in such action or under such power of sale, the property shall be sold to a limited dividend housing corporation organized under this act, if such corporation bids and pays for the property a price sufficient to cover court costs and all liens or charges on the property, with interest; otherwise, the property may be sold free of all restrictions imposed by this act.

Whenever it appears that a corporation, subject to the supervision of the Division of Banking or the Division of Insurance in the Department of Investment, or the Federal government or any agency or department of the Federal government, has loaned on a mortgage or deed of trust which is a lien upon the property of a limited dividend housing corporation, the foregoing provisions of this section shall not apply, except that the commission must be notified of any foreclosure proceedings as herein specified and shall take all steps necessary to protect the rights of all parties.

Judgment against corporation.

SEC. 20. In the event of a judgment against a limited dividend housing corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, there shall be no sale of any of the real property of such corporation except upon sixty days' written notice to the commission. Upon receipt of such notice the commission shall take such steps as in its judgment may be necessary to protect the rights of all parties.

Service on commission.

SEC. 21. Any notice or other instrument in writing may be served upon the commission by delivering the same to the chairman, vice chairman or secretary of the commission, or, if none of such officers can be found, by a copy left at the

office or usual place of business of the commission with the person having charge thereof.

Fees.

SEC. 22. The commission may charge and collect from a limited dividend housing corporation, incorporated under this act, reasonable fees in accordance with rates to be established by the rules of the commission,

(a) for the examination of plans and specifications and the supervision of construction, in an amount not to exceed one-half of one per cent of the estimated cost of the project;

(b) for any examination or investigation made upon application of a housing corporation for any act done by the commission or any of its employees, in performance of their duties under this act, an amount reasonably calculated to meet the expenses of the commission incurred in connection therewith. The commission may authorize a limited dividend housing corporation to include such fees as part of the actual cost of a project.

Acquisition of property

SEC. 23. When the commission has approved a project of a limited dividend housing corporation formed for the sole purpose of the clearance or reconstruction of slum areas, the property necessary for said project may be acquired by such corporation by gift, bequest, purchase or by the exercise of the power of eminent domain under and pursuant to the laws of this State relating to eminent domain proceedings. The power of eminent domain shall not be exercised by a limited dividend housing corporation except with the specific authorization of the commission. The authorization must be contained in a certificate of the commission specifying that the acquisition of the property and the construction of the housing accommodations in connection with which the power of eminent domain is to be exercised has been determined by the commission after public hearing to be in the public interest and necessary for the public use. The hearing shall be held at a time and place appointed by the commission and notice of such hearing shall be given by the corporation by publication in a newspaper to be designated by the commission published or circulated in the city, city and county or county wherein the property is located, at least ten days prior to the date fixed for such hearing. A duly certified copy of the certificate of the commission shall be conclusive evidence as to the matters certified therein in any proceeding in eminent domain to acquire property or any part thereof set forth in said certificate.

Eminent domain.

Notice and hearing.

Declaration of public use.

It is hereby declared that congested, unsafe and unsanitary housing conditions which exist in certain slum areas of this State are a menace to the health, safety, morals and reasonable comfort of the residents of this State. The correction of these conditions is a public necessity and the acquisition of property necessary to permit the clearance and reconstruction of slum areas is hereby declared to be acquired for a public use within the meaning of the laws of this State relating to proceedings in eminent domain.

Constitutionality.

SEC. 24. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 539.

An act to amend section 19x26 of the Juvenile Court Law, relating to the probation officer in counties of the twenty-sixth class.

Stats 1915, p 1225, amended.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-fifth day of May, A.D. 1933 FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

Stats. 1931, p. 1199.

SECTION 1. Section 19x26 of the Juvenile Court Law is hereby amended to read as follows:

Merced County-Probation officer.

Sec. 19x26. In counties of the twenty-sixth class there shall be one probation officer, whose salary shall be one thousand five hundred thirty dollars per annum.

CHAPTER 540.

An act to amend section 2322x26 of the Political Code, relating to the office of Agricultural Commissioner in counties of the twenty-sixth class.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-fifth day of May, A.D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

Stats 1931, p. 935.

SECTION 1. Section 2322x26 of the Political Code is hereby amended to read as follows:

Merced County Agricultural commissioner.

2322x26. In counties of the twenty-sixth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; one deputy commissioner who shall receive a salary of one thousand eight hundred dollars per annum.

The commissioner shall be allowed such inspectors and clerical help as are needed by him to carry on the work of his

office; whose salaries shall not exceed five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any one year for inspectors and clerical help provided for in this section shall not exceed the sum of ten thousand dollars. Each of said inspectors shall also receive their traveling expenses fixed at the sum not to exceed two dollars and fifty cents per day while engaged in the performance of their respective duties.

CHAPTER 541.

An act to amend section 224 of the Civil Code, and to add a new section to said code, to be numbered 227a, relating to the adoption of children.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 2401

SECTION 1. Section 224 of the Civil Code is hereby amended to read as follows:

Consent to adoption

224. A legitimate child can not be adopted without the consent of its parents if living; provided, however, that after the custody of any child has by any judicial decree, been given to the mother, and the father for a period of one year shall wilfully fail to pay for the care, support and education of such child when able to do so, then the mother alone may consent to such adoption, but only after the father has been personally served with a copy of a citation requiring him to appear at the time and place set for the appearance in court under section 227 of this code; if the father can not be located for personal service, the same may be made by publication as provided for the publication of summons in section 413 of this code; nor an illegitimate child without the consent of its mother if living, except that consent is not necessary in the following cases:

When consent unnecessary.

1. When a father or mother has been judicially deprived of the custody and control of such child by order of the juvenile court, declaring such child to be free from the custody and control of his parents as provided in the "Juvenile Court Law," approved June 15, 1915, or any act or acts superseding or amending the same.

2. Where the father or mother of any child has deserted the child without provision for its identification.

3. Where the father or mother of any child has relinquished said child for adoption as provided in section 224m of this code.

New section

SEC. 2. A new section is hereby added to the Civil Code to be numbered 227a, and to read as follows:

Probation officer to investigate.

227a. The probation officer in the county in which the action for adoption is pending shall make an investigation of

each case of adoption by a step-parent. No order of adoption shall be issued by the court until after favorable recommendation thereon is made by such officer.

CHAPTER 542.

An act to repeal section 4.353 of the School Code, relating to orders upon school district funds.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4.353 of the School Code is hereby repealed. Repeal

CHAPTER 543.

An act to add a new section to the School Code, to be numbered 1.395, relating to the duties of employers of minors who are subject to compulsory continuation education.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the School Code, to be numbered 1.395 and to read as follows: New section.

1.395. Within five days after any minor subject to the provisions of this chapter shall have ceased to be employed by any employer, such employer shall in writing notify the person who issued the permit to work under which said minor was employed, that said minor has left his employ. Notice of minor leaving employ.

CHAPTER 544.

An act to amend section 4039 of the Political Code, relating to records kept by the Board of Supervisors.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4039 of the Political Code is hereby amended to read as follows: Stats. 1927, p 628.

4039. Supervisors Records. The board must cause to be kept: Supervisors' records

1. A "minute book" in which shall be entered the daily proceedings had at regular and special meetings, and all Minute book.

orders and decisions made by them, except such as are required to be recorded in the "ordinance" book.

Allowance book.

2. An "allowance book," in which must be recorded all orders for the allowance of money from the county treasurer, to whom made, and on what account, dating, numbering and indexing the same through each year; provided that in any county using certified duplicate lists of claims allowed, as permitted by section 4076 of this code, one such list shall constitute the "allowance book" within the meaning of this section; and provided further, that when in any county the auditor maintains an index of claims allowed, the index required by this section may be dispensed with.

Warrant book.

3. A "warrant book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name as payee; provided, that in any county using a list of claims allowed for an allowance book, as permitted in subdivision two of this section and in section 4076 of this code, the list filed in the office of the auditor shall constitute the warrant book, within the meaning of this section.

Ordinance book

4. An "ordinance book" in which must be entered all ordinances duly passed by the board.

Invoice book

5. An "invoice book" in which must be entered a list of all county property with the date of purchase and price of same, if known.

CHAPTER 545.

An act to amend sections 633a7, 633a16, 633a18, 633a24, 633a25, 633a27, 633a28, 633a29, and 633a31 of the Political Code, and to add a new section to said code, to be numbered 633a32, relating to the qualification, licensing and fees of insurance agents, brokers and solicitors, and declaring the urgency thereof.

[Approved by the Governor May 25, 1933. In effect immediately.]

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

Stats 1931, p. 574

SECTION 1. Section 633a7 of the Political Code is hereby amended to read as follows:

Qualifications of applicants.

633a7. The Insurance Commissioner shall investigate the qualifications of the applicants. Except as otherwise prescribed in this code he may issue a license to applicants on a showing satisfactory to him of the following facts: That the applicant is properly qualified to perform the duties of an insurance agent, broker, or solicitor, as the case may be; that granting the license will not be against public interest; that the applicant intends actively and in good faith to carry on

the business of insurance agent, broker, or solicitor, as the case may be; that in the case of a corporate applicant, the articles of incorporation permit it to act as an insurance agent or broker, as the case may be; or in the case of an association or copartnership applying for such a license, that its articles of association or agreement of partnership do not forbid it from so acting; that the license is not being secured for the purpose of enabling the applicant or the employer of the applicant to obtain contracts of surety, indemnity or insurance other than life, at a cost less than specified in such contracts; that in the case of a person who has not within two years previous to the application held a license to act as an insurance agent, broker, or solicitor, the applicant has taken and passed the qualifying examination provided in this code.

Fees. The Insurance Commissioner must require in advance, in United States gold coin, the following fees: For issuing each original annual license to an insurance broker, ten dollars; for issuing each renewal of annual license to an insurance broker, five dollars; for issuing each annual license to an agent or solicitor, two dollars; which said fees shall be in lieu of the fees provided in subsections 11, 12 and 13 of section 605 of the Political Code.

Stats. 1931, p. 574 SEC. 2. Section 633a16 of the Political Code is hereby amended to read as follows:

License Expiration date 633a16. Unless previously revoked by the Insurance Commissioner, the license or certificate of convenience of every insurance agent, broker, or solicitor expires on July 1 of every year. The Insurance Commissioner, in his discretion, may renew any such license or certificate of convenience on payment of the fee therefor, without further investigation or requiring further information from the applicant.

Stats 1931, p. 574 SEC. 3. Section 633a18 of the Political Code is hereby amended to read as follows:

List of agents 633a18. Every company or association, properly qualified to effect contracts of surety, indemnity or insurance other than life in this State, shall on July 1 of each year certify to the Insurance Commissioner, on a form prescribed by him, the names and addresses of the individuals, copartnerships, associations or corporations, whom it has appointed its agents in this State and shall likewise notify the commissioner of the termination of such appointments. When licenses, certificates pending issue of licenses, or certificates of convenience have been issued by the Insurance Commissioner in accordance with the provisions of this code, the Insurance Commissioner shall compile the names and addresses of agents so certified in such a manner that the names of duly authorized agents and their respective companies or associations may be conveniently ascertained, and must allow any person, upon request, to inspect the list thus compiled.

Stats 1931, p. 574. SEC. 4. Section 633a24 of the Political Code is hereby amended to read as follows:

Clerical help.

633a24. Clerical help necessary in performing any of the functions of insurance agents or brokers need not be licensed in the same manner as their employers, nor salesmen selling merchandise in connection with such insurance where premiums are included in the purchase price, but no such clerical help shall solicit contracts of surety, indemnity, or insurance other than life, nor countersign policies unless licensed as an insurance agent, broker or solicitor.

Stats. 1931, p 574.

SEC. 5. Section 633a25 of the Political Code is hereby amended to read as follows:

Nonresident brokers Application, license, etc

633a25. Upon the application of an individual, copartnership, association or corporation not a resident of this State, but duly licensed to effect contracts of surety and indemnity or insurance other than life under the laws of the State wherein such an applicant resides, if the State in which the applicant resides does not prohibit residents of this State from acting as an insurance broker therein, the Insurance Commissioner may issue to such applicant a license to act as an insurance broker in this State; subject, however, to the same qualifications, requirements and restrictions as apply to residents of this State, upon the payment of a fee of one hundred dollars, except that said applicant shall not be required to maintain an office in the State of California for the transaction of an insurance business. The Insurance Commissioner may, in his discretion, accept in lieu of examination of such applicant, a certificate of the Insurance Commissioner of the State in which the applicant resides to the effect that the applicant has experience or training and is reasonably familiar with the insurance laws of this State and with the provisions, terms and conditions of the policies or contracts which the applicant proposes to solicit, negotiate or effect and has a fair and general understanding of the obligations and duties of an insurance broker.

Stats 1931, p 574.

SEC. 6. Section 633a27 of the Political Code is hereby amended to read as follows:

Certificate pending examination.

633a27. No license to act as an insurance agent, broker, or solicitor may be issued to any person required by this code to pass an examination until such examination has been passed, but the Insurance Commissioner may issue to an applicant a certificate of convenience, not exceeding a period of six months, nor beyond the first day of July next succeeding the issuance of such certificate of convenience, permitting such applicant to so act, pending fulfillment of the examination requirements. No applicant shall be permitted to take such examination until he or she shall have paid to the Insurance Commissioner an examination fee of one dollar. Failure on the part of the applicant to take the examination within thirty days after being notified by the Insurance Commissioner, of his readiness to hold the examination shall be deemed a failure on the part of the applicant to fulfill the examination requirements and all privileges under any certificate of convenience shall thereupon terminate and no return

shall be made of the fee paid with the application for a license.

SEC. 7. Section 633a28 of the Political Code is hereby amended to read as follows: Stats 1931, p 574.

633a28. Any notice required to be given by the provisions of sections 633 to 633a32, inclusive, of this code, may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his residence or place of business. The affidavit of the person mailing the notice shall be prima facie evidence that the notice was mailed. Notices

SEC. 8. Section 633a29 of the Political Code is hereby amended to read as follows: Stats. 1931, p 574.

633a29. (1) Nothing in sections 633 to 633a32, inclusive, of this code, shall be construed to apply to, refer to, or affect: Exemptions.

(a) Employees of a title insurance company or persons or corporations engaged in the business of examining, certifying, or abstracting titles when no commission is paid such employees, persons or corporations for soliciting, negotiating or effecting contracts of insurance;

(b) Mortgage insurance companies or their solicitors or agents;

(c) Fraternal benefit societies or their solicitors or agents;

(d) Reciprocal or interinsurance exchanges, or their attorneys, solicitors, agents or employees, except as provided by an act entitled "An act providing for the organization and regulation of reciprocal or interinsurance exchanges, to be known as 'The reciprocal or interinsurance act of the State of California,' and repealing the act entitled 'An act providing for reciprocal and interexchange of indemnities, prescribing regulations therefor and fixing a license fee, and repealing an act entitled, "An act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee" approved December 24, 1911,' approved May 26, 1917, as amended," approved June 3, 1921; Stats 1921, p. 1599.

(e) Any company or association licensed to transact life insurance, or life, health and accident insurance, or the agents, solicitors or employees of any such company or association, or agents licensed under the provisions of section 633aa of the Political Code, or

(f) Surplus line brokers.

(2) The provisions of said sections shall not be construed to prohibit a broker licensed thereunder from soliciting or negotiating contracts of life insurance and receiving a commission therefor.

SEC. 9. Section 633a31 of the Political Code is hereby amended to read as follows: Stats 1931, p 574.

633a31. Sections 633 to 633a32 of the Political Code, inclusive, shall be known as and may be referred to under the short name and title of "Insurance Agents, Brokers and Solicitors Qualification Act." Short title

SEC. 10. A new section is hereby added to the Political Code, to be numbered 633a32, to read as follows: New section.

Delinquency penalties

633a32. Any individual, copartnership, association or corporation, who shall have obtained an insurance agent's or insurance broker's license from the Insurance Commissioner for the license and who shall fail within thirty days after the first day of July in any year to submit his application for renewal of a license shall be subject to a penalty in an amount equal to twice the amount of the fee prescribed in section 633a7 of the Political Code for the issuance of such license.

Urgency

SEC. 11. This act is hereby declared an urgency measure necessary for the preservation of the public peace, health and safety under the provisions of section 1 of Article IV of the Constitution of this State. A statement of the facts constituting such necessity is the following:

The moneys in the insurance fund in the State treasury are almost exhausted. The entire expense of supervision and regulation of insurance companies is paid out of said fund. Unless additional revenues are immediately made available for the replenishment of this fund, such supervision and regulation can not efficiently be continued, and a breakdown of this vital function of State administration is thereby threatened. This act, by increasing the revenues payable into such fund, will tend to avert such a threatened breakdown and will thereby enable the State to continue to efficiently supervise and regulate the insurance business therein. As a failure of such supervision and regulation to efficiently function might result in tremendous losses to the people of this State, it is therefore necessary to the immediate preservation of the public peace, health and safety that this act take effect immediately.

CHAPTER 546.

Stats 1931, p 1061. amended.

An act to amend section 5 of an act entitled "An act creating in the State Department of Penology a Division of Prison Terms and Paroles under the control of a Board of Prison Terms and Paroles, defining the powers and duties of said division and of said board, and making an appropriation therefor," approved May 28, 1931, relating to report to the Governor.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1061

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Report to Governor.

Sec. 5. On or before the first day of December in each year, the board shall transmit to the Governor a report of its work for the preceding fiscal year, in which shall be given the number of prisoners whose terms of imprisonment have been fixed by it or who have been released by the parole

board, and such other information as the board may determine or the Governor require.

CHAPTER 547.

An act to amend an act entitled "An act regulating the making of openings or the placing of structures or the change or renewal of any structure and the planting or removal of trees or shrubs or the placing of obstructions in or on State roads and highways; providing for the issuance of permits by the State Department of Engineering relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstructions and other objects, and for the planting, trimming or removal of trees or shrubs in or on State roads and highways; providing for the requirement of bonds from applicants before the issuance of such permits; and prescribing the penalty for violations of the provisions of this act," approved April 23, 1915, as amended. Stats. 1915, p. 179, amended.

[Approved by the Governor May 25, 1933 In effect August 21, 1933.]

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

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows: An act regulating the making of openings or the placing of structures or the change or renewal of any structure and the planting or removal of trees or shrubs or the placing of obstructions in or on State roads and highways; providing for the issuance of permits by the State Department of Public Works relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstructions and other objects, and for the planting, trimming or removal of trees or shrubs in or on State roads and highways; providing for the requirement of bonds from applicants before the issuance of such permits; and prescribing the penalty for violations of the provisions of this act. Title amended.

SEC. 2. The act cited in the title hereof is hereby amended to read as follows: Stats 1915, p. 179.

Section 1. No opening shall be made in any State road or highway nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or renewed without a permit in writing from the Department of Public Works, through its duly authorized officers, who shall exercise complete and permanent control over such roads or highways. Permits for openings or structures on highways

Sec. 2. No State road or highway shall be dug up for laying or placing pipes, conduits, sewers, poles, wires, railways or other objects, and no tree or shrub in or on any State road or highway shall be planted, trimmed or removed, and no When permit necessary

obstruction shall be placed on any State road or highway, without such written permit, and then only in accordance with the regulations of such department and the conditions of such permit.

Provision of permit

Sec. 3. Each such permit may contain the provision that the permittee will pay the entire expense of replacing the highway in as good condition as before, and such other conditions as to the location and the manner in which the work shall be done as the duly authorized officers of said department may deem necessary for the protection of the highway.

Additional permits

Sec. 4. Any such permit for the location or establishment of poles, pipe lines, structures, or other objects in any State road or highway, including the entire width thereof, shall also contain a provision that in the event the future improvement of the highway necessitates the relocation, or removal of such poles, pipe lines, structures, or other objects, the permittee will relocate or remove the same at his sole expense.

Supervision of work.

Sec. 5. The said department may, but shall not be required to, supervise any work done under any such permit, in which event the reasonable cost of such supervision shall be paid to said department by the permittee, but no cost of supervision shall be charged by the said department to any public corporation.

Emergency excavations

Sec. 6. (a) Permittees may excavate openings in State roads or highways for purposes of making repairs in cases of emergency requiring immediate action, but in such cases the appropriate officer or other representative of the Division of Highways shall be promptly notified of any such action and such permittee shall forthwith replace such State road or highway in as good condition as before at his own expense.

(b) A city, city and county, or public corporation supplying water service to its inhabitants may, within its corporate limits, excavate a State road or highway without such permit in cases of emergency requiring immediate action, but in such cases such State road or highway shall be forthwith replaced in as good condition as before at the expense of such city or town.

Delegation of authority

(c) The Department of Public Works may, in its discretion, delegate to any incorporated city or town any or all of the powers, duties, and jurisdiction of said department under this act as to any State road or highway, or any part thereof, within any such municipality, and may likewise withdraw any such delegation of authority.

Bond

Sec. 7. The Department of Public Works may, in its discretion, before granting a permit under the provisions of this act, require the applicant to file with said department a satisfactory bond to the people of the State of California in such amount as is deemed sufficient conditioned on the proper compliance by the permittee with the provisions of this act and with the conditions of the permit.

When bond unnecessary

No bond shall be required of any county, city and county, city, municipality, or other public or municipal corporation

or political subdivision which is authorized by law to place, construct, establish or maintain any works or facilities in, along, upon, across, over or under any public highway except as hereinafter in this section provided, nor shall the application of any such county, city and county, city, municipality, or other public or municipal corporation or political subdivision for a permit be denied, and every such applicant shall be entitled as a matter of right to a permit, but shall otherwise be subject to the provisions of this act and shall be subject to all reasonable conditions and provisions made in any such permit by the said Department of Public Works

Bond of city, etc

A bond in a sum not to exceed twenty thousand dollars may be required of any county, city and county, city, municipality, or other public or municipal corporation or political subdivision by the Department of Public Works if such applicant has in fact prior to such application failed to comply with the provisions of this act or with the provisions of a previous permit.

Blanket permits.

Any city, city and county, municipal utility district, municipal water district or metropolitan water district shall be entitled to a blanket permit renewable annually for the installation of its service connections and for ordinary maintenance of its facilities located or installed in State highways, but any such blanket permit may be revoked by the Department of Public Works if the permittee has failed to comply with the provisions of this act or with the provisions of such permit, and when any such permit has been revoked in a proper case such municipal utility district, municipal water district or metropolitan water district shall be entitled to a permit only on furnishing a bond as required by this section.

Applicability of acts.

Sec. 8. This act shall apply to all private corporations authorized by law to place, construct, establish, or maintain any works or facilities in, along, upon, across, over or under any public highway; provided, however, that this act is not intended, nor is it to be construed as limiting the powers and duties vested by law in the Railroad Commission of the State of California, and in the event of any conflict in jurisdiction that of such Railroad Commission shall prevail.

Repeal.

Sec. 9. All acts and parts of acts in conflict herewith are hereby repealed.

Short title.

Sec. 10. This act shall be known and may be cited as "The State Highway Permit Act."

CHAPTER 548.

An act to add a new section to the Probate Code, to be numbered section 1501a, providing that wage claims of not exceeding two hundred dollars each for work done within ninety days shall be preferred in the administration of the estates of minors and insane and incompetent

persons, and paid promptly out of the first available assets of the estate as soon as their validity is established.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Probate Code, to be numbered section 1501a, to read as follows:

Certain wage claims preferred

1501a. Every guardian must promptly pay wage claims of not exceeding two hundred dollars to each claimant, for work done or services rendered for the ward within ninety days prior to the date the petition for the appointment of the guardian was filed, before the claim of any general creditor is paid. If there is insufficient money with which to pay all such labor claims in full the money available must be distributed among the claimants in proportion to the amount of their respective claims. If a guardian neglects or refuses to pay such preferred labor claims, as provided in this section the court shall order him to do so upon the informal application of any labor claimant or his assignee or representative. The guardian shall have the right to require sworn claims to be presented and shall have the right to refuse to pay any such preferred claim, either in whole or in part, if he has reasonable cause to believe that such claim is not valid but must pay any part thereof that is not disputed, without prejudice to the claimant's rights as to the balance of his claim, and withhold sufficient money to cover the disputed portion until the claimant in question has a reasonable opportunity to establish the validity of his claim by court action against the said guardian, either in his own name or through an assignee.

Refusal to pay.

When section not applicable

Nothing in this section contained shall be construed to require the payment of such preferred labor claims if the assets available are insufficient, in the opinion of the court, to provide for the reasonable current needs of the ward and the wife and/or minor children of the ward; provided, however, that all wages earned within thirty days prior to the date of the filing of the petition for the appointment of the guardian shall be paid out of the first available assets.

CHAPTER 549.

Stats. 1921, p. 1163, amended

An act to amend section 4a of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this

See Stats 1933, Ch 25

act, and to provide an appropriation therefor,' approved March 18, 1889, as amended," relating to infectious diseases of animals; to declare the urgency thereof and provide that this act shall take effect immediately.

[Approved by the Governor May 25, 1933. In effect immediately.]

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

SECTION 1. Section 4a of the act cited in the title hereof is hereby amended to read as follows: Stats. 1925, p. 485

4a. Whenever any of the destructive infectious diseases of animals known as foot and mouth disease, rinderpest, surra, or contagious pleuropneumonia or any other infectious diseases of animals considered by the director to be detrimental to the welfare of the animal industry are discovered in the State of California it shall be the duty of the Director of Agriculture to take suitable measures to suppress the same promptly and to prevent the spread thereof; and for this purpose the said director is hereby empowered and it shall be his duty to ascertain, fix and proclaim the boundaries of a quarantine district or area wherein such disease exists or has existed and to establish, proclaim and maintain a quarantine of such district or area and of all animals therein, and to forbid, prevent or restrict the movement of all animals from or into such district or area or from place to place therein, during the existence of such quarantine. He is hereby further authorized and empowered, whenever in his judgment such action shall be necessary to make such quarantine effective, to regulate, restrict or restrain the movements of persons, vehicles, farm equipment, farm and dairy products and other materials from or into such quarantine district or area, or from place to place therein, during the existence of such quarantine; provided, however, that, under such precautions and safeguards as he shall deem proper, he may authorize the continuance of traffic over and along any roads or highways traversing such quarantined district or area and may impose as a condition thereto that no person or vehicle permitted to travel on any such road or highway shall depart from such road or highway while within such quarantined district or area. He is also hereby further authorized and empowered to order all animals within such quarantined district or area to be detained for purposes of examination or inspection at any place or places specified by him in such order, and to cause to be destroyed all animals which may be found therein affected with any such disease, and of all animals found therein which have been so exposed thereto as to be dangerous to themselves or other animals, and to require a proper disposal to be made of the hides and carcasses of all animals so destroyed. He is also hereby further authorized and empowered to prescribe, promulgate and enforce all necessary rules and regulations for cleaning and disinfecting any premises where such disease exists or has

Suppression of foot and mouth disease, etc

Quarantine district

existed, and such other regulations as he may deem necessary to eradicate such disease and to prevent the dissemination thereof.

Damages

When, however, any animals or property are destroyed under the provisions of this section the owner thereof shall be paid for same an amount of money to be determined by appraisers hereinafter provided for; provided, however, that the payment for said animals or property by the State of California shall be conditioned on the government of the United States sharing equally in said payment. The value of such animals or property prior to their destruction shall be determined by an appraiser appointed by the Director of Agriculture who shall make the appraisement in cooperation with an appraiser appointed by the Chief of the Bureau of Animal Industry of the United States Department of Agriculture.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

There did appear in California early in March, 1933, a contagious disease affecting hogs, sufficiently serious as to require, after concurrence in decision with the Federal Bureau of Animal Industry, the slaughter of the infected animals in order to protect the welfare of the live stock industry of the State.

Because the particular disease is not specifically mentioned in the act cited in the title of this measure, it becomes necessary to require proper extension of authority in order that the animals may be slaughtered and the owners thereof properly indemnified in the event that such disease shall again appear. The urgency is necessary in order to govern the period between the effective date of this act and the time when the Agricultural Code, Chapter 25, Statutes of 1933, or amendments thereto, can become effective.

CHAPTER 550.

An act to amend section 5.743 of the School Code, relating to payment of salaries of employees of school districts.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

Sch Code, p 250

SECTION 1. Section 5.743 of the School Code is hereby amended to read as follows:

Salary warrants of school district employees

5.743. In all cases where school is not opened during the month of July, the board of trustees, or city board or city and county boards of education may withhold such warrant or warrants which may have fallen due prior to the opening

of school until such persons so employed by them shall have returned to the employment for which they were engaged by the board of school trustees or the city or city and county board of education and shall have resumed their respective duties, and then such payments shall be continued from month to month on the first day of each calendar month thereafter until said persons shall have been paid the full amount due to them for that fiscal year; provided, however, that payment may be made during the first five days of the calendar month when accounting requirements interfere seriously with earlier payment.

CHAPTER 551.

An act to exempt homes, schools and workshops for the blind from the requirement of furnishing bonds with bids.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

SECTION 1. The Industrial Home for the Adult Blind, the California School for the Blind, and the industrial workshops for the blind maintained by the Department of Institutions, are hereby authorized to submit bids upon contracts to supply cities, counties, cities and counties, districts, or other public corporations of this State, with materials and supplies without accompanying said bid with a bond or other security for performance. Bond need not accompany certain bids

SEC. 2. Bids so submitted shall be received on the same basis and accorded the same consideration as if they were accompanied by a bond or other security.

CHAPTER 552.

An act to amend sections 5 and 6 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, relating to the Board of Dental Examiners for the examining and licensing of persons who have been engaged as apprentices. Stats. 1915, p. 698, amended.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1927, p. 1290.

Sec. 5. Each member of the board shall receive a per diem of ten dollars as compensation for each day spent in actual

Compensation of Dental Board

attendance at meetings of the board and at committee meetings of the members of the board, when such meetings shall be especially authorized by the board or its president, and for each day actually spent performing necessary work in connection with the enforcement of this act. The board shall have full power to employ all necessary clerical and other assistants and appoint its own attorney, prescribe his duties and fix his compensation. Members and employees of the board shall be entitled to other necessary traveling expenses.

Employees

Stats 1929, p. 1940

SEC. 2. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Eligibility to take examination.

Sec. 6. Any person over twenty-one years of age shall be eligible to take an examination before the Board of Dental Examiners of California, upon making application therefor, and upon (1) paying a fee of twenty-five dollars; provided, that the fee shall be fifty dollars for applicants presenting credentials of graduation from dental schools other than in California; (2) furnishing satisfactory testimonials of good moral character; (3) furnishing satisfactory evidence of having graduated from a reputable dental college, which must have been approved by the Board of Dental Examiners of California; provided, however, that every person actually engaged as an apprentice to a regularly licensed dentist who has practiced in the State of California for ten years or more shall be eligible for examination, if, within thirty days after the passage of this act, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination shall show to the satisfaction of the board that he has served an apprenticeship of at least five years and is a graduate from a high school or similar institution of learning in this or some other State of the United States requiring a three years' course of study; and provided, that no examination shall be given to an applicant claiming the right to take the same as an apprentice later than January 31, 1934.

Apprentices

CHAPTER 553.

An act to amend section 4272 of the Political Code, relating to the compensation of county and township officers in counties of the forty-third class.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

Stats 1931, p 898.

SECTION 1. Section 4272 of the Political Code is hereby amended to read as follows:

Nevada County Salaries

4272. In counties of the forty-third class the county officers shall receive as compensation for the services required

of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk. 1. The county clerk, three thousand dollars per annum, and there is hereby allowed to the county clerk one deputy, which office is hereby created, to be appointed by him, at a salary of one thousand eight hundred dollars per annum, to be paid at the same time and in the same manner as the salaries of other officers are paid; provided that in each year in which a new and complete or supplemental registration of voters is required by law to be made, the said county clerk shall receive the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general or primary election and paid from the general fund of the county.

Sheriff 2. The sheriff, three thousand dollars per annum. There is hereby allowed to the sheriff two deputies, to be appointed by him, at a salary of one thousand five hundred dollars per annum, each. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like services.

Recorder 3. The recorder, three thousand two hundred dollars per annum.

Auditor. 4. The auditor, eight hundred dollars per annum.

Treasurer. 5. The treasurer, two thousand five hundred dollars per annum; and provided, that in counties of this class the treasurer may appoint a deputy treasurer, which office of deputy treasurer is hereby created, and said deputy treasurer shall receive as compensation for such service, the sum of one thousand three hundred twenty dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax collector. 6. The tax collector, six hundred fifty dollars per annum.

Assessor. 7. The assessor, five thousand five hundred dollars per annum; he may also appoint one deputy assessor for four months of each year at a salary of one hundred twenty-five dollars per month, and one deputy assessor for five months of each year at a salary of one hundred twenty-five dollars per month. All fees or commissions which may heretofore have been collected, or which may hereafter be collected, under the provisions of law and which have heretofore been allowed the county assessor for his own benefit shall hereafter be paid to the county treasurer to be deposited in the general fund of the county. The provisions of this subsection relating to the appointment of the two deputy assessors by the county assessor do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1933 session of the Legislature.

District attorney. 8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, at a salary of six hundred dollars per annum. The deputy

district attorney shall hold office at the pleasure of the district attorney. The salary of such deputy shall be paid monthly and in the same manner as salaries of county officers are now paid; and in counties of this class the district attorney is allowed and may appoint one clerk, which office is hereby created. The salary of said clerk is fixed at six hundred dollars per annum payable at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator. 10. The public administrator, four hundred dollars per annum. From the time and in the event that the office of public administrator is consolidated with that of the district attorney, the public administrator shall receive no compensation.

Superintendent of schools. 11. The superintendent of schools, two thousand seven hundred dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Surveyor 12. The surveyor, fifteen dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

Supervisors. 13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and the actual expenses incurred in attendance and for traveling to and from his residence to the county seat at any regular or special session of the board, and that one-twelfth of the annual salary shall be paid at the close of each monthly session of the board; and provided, further, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses incurred while actually engaged in the performance of his duty upon the roads; such allowance not to exceed the sum of five dollars for each day so actually engaged, and the total amount of such allowance not to exceed the sum of three hundred dollars per annum.

Township classification. 14. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the Federal census of 1920, as follows: Townships having a population of four thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of less than one thousand shall

belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries: In townships of the first class, the sum of one thousand two hundred dollars per annum, and he may retain for his own use such fees collected in civil actions as are now or hereafter allowed by law; in townships of the second class, the sum of one thousand two hundred dollars per annum; in townships of the third class, the sum of one thousand two hundred dollars per annum; in townships of the fourth class, the sum of sixty dollars per annum; payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services; provided, further, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fees and fines received, together with the treasurer's receipt for the same. All fees and fines collected by justices of the peace shall be turned over to the county treasurer of said county; provided, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. Justices of the peace

15. The constables: (a) For all services rendered by them in civil cases, they may receive and retain for their own use such fees as now or hereafter may be allowed by law, and (b) For all services rendered by them in criminal cases they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury, and in addition constables in townships of the first class shall be allowed a salary of four hundred eighty dollars per annum; in townships of the second class, four hundred eighty dollars per annum; in townships of the third class, one thousand eighty dollars per annum; in townships of the fourth class, such fees as are now or may be hereafter allowed by law. Constables.

16. In counties of this class, the official shorthand reporter of the superior court shall receive the sum of one thousand five hundred dollars per annum as compensation for his services rendered in the reporting of criminal cases in both the superior court and the justices' courts in the county of Nevada. Said salary to be paid in monthly installments at the same time and in the same manner as other county officers' salaries are paid. For the transcription of his notes he shall receive the fees now or hereafter authorized by law. In civil cases he shall receive the fees now or hereafter authorized by law. Reporter

When it shall be necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

SEC. 2. This act shall apply to incumbents. Incumbents

CHAPTER 554.

An act adding a new section to the Political Code, to be numbered 4041.33 thereof, relating to the jurisdiction and powers of boards of supervisors.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. That the Political Code is hereby amended by adding thereto a new section to be numbered 4041.33, and to read as follows:

Fire prevention education

4041.33. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to authorize and provide for the education or information of the public relative to the prevention of fires and to the conservation of natural resources, and the presentation of information designed for the promotion thereof.

In providing for such education or information, such board may act through the agency of any appropriate officer or department of the county having jurisdiction over the particular subject matter, and may provide for such education or information by means of the preparation and furnishing of lectures, motion pictures, stereopticon slides or other projection of pictures, or by any means deemed appropriate by such board, and the cost of the preparation and furnishing of such education or information shall be a county charge.

Provided, however, that no provision of this section shall be deemed or construed as authorizing the publicizing of any county, or of any county officer or department, or of the work or accomplishments thereof.

CHAPTER 555.

An act to amend sections 1425 and 1462 of the Penal Code, relating to criminal jurisdiction of justices' and municipal courts.

[Approved by the Governor May 25, 1933 In effect August 21, 1933.]

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

Stats 1929, p 861.

SECTION 1. Section 1425 of the Penal Code is hereby amended to read as follows:

Jurisdiction of justices' courts

1425. The justices' courts have jurisdiction as follows:

1. Justices' courts of Class A shall have jurisdiction exclusive of that of any municipal court established in the county, in all criminal cases amounting to misdemeanor only, except those of which the juvenile court is given original jurisdiction.

2. Justices' courts of Class B shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 2. Section 1462 of the Penal Code is hereby amended to read as follows: Stats 1929, p. 837

1462. Each municipal court shall have exclusive jurisdiction in all criminal cases amounting to misdemeanor, where the offense charged was committed within the city in which such municipal court is established except those of which the juvenile court is given jurisdiction; and shall have jurisdiction concurrent with that of justices' courts in all criminal cases amounting to misdemeanor, where the offense charged was committed within the county in which such municipal court is established, but outside any city in which a municipal court is established except those of which the juvenile court is given jurisdiction and outside any city, town or judicial township in which a justices' court is given jurisdiction of such cases, exclusive of that of any municipal court established in the county; and excepting cases of which the police, recorders or other city courts of cities are given exclusive jurisdiction by other law. Jurisdiction of municipal courts.

CHAPTER 556.

An act relating to and providing for a moratorium with respect to the requirement for the performance of prospecting work contained in certain State mineral permits other than those issued for prospecting for oil or gas, under the authority contained in Chapter 303, Statutes of California, 1921, as amended, and declaring the urgency thereof, to take effect immediately. Stats 1921, p. 404.

[Approved by the Governor May 25, 1933. In effect immediately.]

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

SECTION 1. A moratorium is hereby declared with respect to the requirement for the performance of prospecting work contained in certain State mineral permits other than those issued for prospecting for oil or gas, under the authority contained in Chapter 303, Statutes of California, 1921, as amended, effective on the date of the approval of this act and terminating upon the first day of January, 1935; provided, however, that this act shall not be construed as an extension of the period of any such State mineral permit heretofore issued or which may hereafter be issued. Moratorium on prospecting work. Stats 1921, p. 404.

SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article Urgency

IV of the Constitution of the State of California, and as such it shall take effect immediately.

The facts constituting such necessity are as follows: Due to the existing economic crisis and proclamation of the President of the United States and recent legislation imposing restrictions upon withdrawal of funds from banks, it is, at present, impossible for permittees of said State mineral permits to obtain money with which to perform the required prospecting work. As a result, unless this act takes effect immediately, permittees will lose such State mineral permits, and thereby suffer losses on account of investments made in prospecting work. It is, therefore, necessary that this act go into effect immediately to curb the effects of the existing national crisis.

CHAPTER 557.

An act to add a new section to the Political Code to be numbered 3480d, relating to crediting on calls of installment of assessments made by reclamation districts amounts of outstanding bonds exchanged in refunding proceedings or otherwise canceled as provided by law, and to the redemption of property sold to reclamation districts for delinquent assessments and installments thereof, and to the sale by county treasurers of lands sold for delinquent assessments and installments thereof, and containing a provision declaring this act to be an urgency measure, stating the facts constituting such urgency and providing this act shall take effect immediately.

[Approved by the Governor May 25, 1933. In effect immediately.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 3480d and to read as follows:

Credit on calls of reclamation district assessments.

3480d. If a call of an installment of assessment has been made to pay the principal of any maturity of outstanding bonds and/or the interest on any outstanding bonds issued on such assessment, and thereafter the bonds of such maturity, or any thereof, have been refunded or otherwise canceled in the manner provided by law, and the payment of the principal of such maturity of such outstanding bonds, or any thereof, for which such call, in part or wholly, was levied to pay, is not required, then upon the exchange by the holder or holders of such outstanding bonds, or any thereof, for refunding bonds and/or the cancellation of such outstanding bonds, by reason of such refunding or as otherwise provided by law, the county treasurer shall forthwith give to each tract of land affected by such call and/or which has been previously sold to the county treasurer or trustee of the district for the payment of

a delinquency in such call of installment, a credit upon such call of installment levied upon the land involved in such call and/or sale at the ratio that the amount of the principal of the bonds exchanged and/or canceled, plus fifteen per cent thereof, bears to the total amount of such installment so called; and when such credit is given, payment of the balance of any such call of installment shall be deemed a full discharge of such call and any landowner, or any person who has the right of redemption, shall have the right to redeem from such sale, in accordance with the provisions of law now existing or which may be hereafter enacted, upon the payment to the county treasurer of the balance of such call of installment after such credit is given and the interest on such balance and the penalty now provided, or which may hereafter be provided by law, upon the balance of such delinquent installment. Any parcel of land bid in and purchased by a county treasurer as trustee of the district in the manner provided by law may be sold and conveyed by him, or his successor in office, in the manner and at the time provided by section 3480 of the Political Code to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale less any credit given as herein provided and less the further sum of ten per cent of such credit with interest on the remaining balance at the rate of seven per cent per annum compounded yearly from the date of said delinquent sale.

Redemption.

Any landowner who has paid such call in full shall be credited, upon any subsequent call or calls of such assessment in an amount equal to that percentage of the call so paid that is equivalent to the ratio between the amount of the principal of the bonds exchanged and/or canceled, plus fifteen per cent thereof, and the total amount of such installment so called.

Extent of credit.

This section shall be applicable to all bonds which may be exchanged for refunding bonds, or otherwise canceled, either before or after the respective maturity dates of the bonds exchanged and/or canceled and to any sale for delinquency as to which the period of redemption has not expired and to all parcels of land heretofore or hereafter bid in and purchased by a county treasurer as trustee of the district in the manner provided by law as to which the period of redemption has expired and to all calls of installment of assessments heretofore or hereafter paid and in all such respects shall be both prospective and retroactive in its operation.

Applicability of section.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV, of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace and safety that this law shall go into immediate effect.

Urgency.

The following is a statement of facts constituting such urgency: Due to the agricultural depression which has existed for the past several years, many landowners in reclamation districts in the State have been unable to meet their installments upon assessments with the result that their land has

been sold to the district. The heavy penalties necessary to be paid as now provided by law, and which continually increase, make it impossible for the landowners to redeem their land and thousands of landowners are now threatened with the loss of their land. If the land is not redeemed and it is deeded to the district, it then becomes nonassessable for district purposes, and the burden becomes all the heavier on the other landowners in the district, causing more delinquency and loss. Many reclamation districts have proceeded and are proceeding to refund their outstanding bonds. In such proceedings such outstanding bonds have been and will be deposited and exchanged for later maturing bonds issued and to be issued by said districts. Pursuant to law calls of installment of assessments have been made to meet the payment of such outstanding bonds exchanged and to be exchanged and otherwise canceled as provided by law. Said calls have become delinquent and have been and are being and will be enforced and collected in the manner provided by law. Owing to the said refunding proceedings heretofore had and now in process or which will hereafter be had the collection and the enforcement of the payment of the whole of said calls has been, is and will be unnecessary for the reason that the payment of the principal of said maturities of said outstanding bonds for which said calls were levied to pay is not and will not be required. The Legislature hereby declares that the welfare of the State requires that the landowners in these districts be not unnecessarily dispossessed of their land, and that the land be redeemed so as to thenceforth bear its just proportion of taxation.

CHAPTER 558.

An act to provide a method for improving public streets, avenues, lanes, alleys, courts and places within municipalities of the sixth class, and for levying and collecting assessments upon property to pay for such improvements, and declaring the urgency hereof, to take effect immediately.

[Approved by the Governor May 25, 1933. In effect immediately.]

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

Definitions

SECTION 1. Definitions. (a) "Municipality" as used in this act shall mean and include any city of the sixth class incorporated under and existing by virtue of the provisions of "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Stats 1883, p 93.

(b) "Streets" as used in this act shall mean and include the whole or any portion of any public street, avenue, lane, alley, court, or places within a municipality of the sixth class.

(c) "Improvement" as used in this act shall mean and include grading or regrading, paving or repaving, macadamiz-

ing or remacadamizing, reconstruction or repair of culverts, conduits, crosswalks, steps, parking or driveways, or for the repair of any street as herein defined.

(d) The words "city engineer" as used in this act shall mean the city engineer, superintendent of streets or other officer having the duties and powers ordinarily vested in such officers.

Resolution of intention to improve street.

SEC. 2. Whenever the public interest or convenience require the improvement of any street in any municipality and eighty per cent (80%) of the abutting property owners on said street who own property which comprises at least fifty per cent (50%) of the front feet of the property fronting on said street petition the city council for the improvement of same, the city council may, by resolution passed by a four-fifths vote, declare its intention to improve such street. Such resolution shall hereinafter be referred to as the resolution of intention. Such resolution of intention shall describe the street or streets proposed to be improved and fix the time and place when the city council will hear protests in relation to said improvement, which time shall not be less than fifteen days nor more than thirty days from the date of the passage of said resolution of intention. It shall not be necessary to describe in detail such improvements but in such resolution of intention reference may be made to specifications, plans, cross-sections, profiles or any or all thereof pertaining to such improvement on file in the office of the city engineer for further particulars and descriptions of such improvement.

Contents.

Funds necessary.

The city council shall not adopt said resolution of intention unless there are available to pay the entire cost of labor on the proposed improvement, funds obtained for such purpose from the Reconstruction Finance Corporation or other Federal agency or from a charitable or relief organization or funds made available by the State for unemployment relief.

Publication.

SEC. 3. The city clerk shall cause said resolution of intention to be published twice in some newspaper of general circulation published in said municipality. If no newspaper be published in said city, then the publication shall be made in some newspaper published in the county in which said city is located.

Notices of improvement.

Upon the adoption of said resolution of intention, the city engineer shall thereupon cause to be conspicuously posted along all streets where work is to be done or improvement made, not more than three hundred feet apart and not less than three in all, notices of the passage of said resolution of intention. Said notices shall be headed "Notices of Improvement" in letters not less than one inch in height and shall in legible characters state the fact of the passage of said resolution, the date of its approval, the character of the improvement proposed, and shall refer to said resolution for further particulars. Said notices shall also contain a statement of the time and place when written protests to the proposed improvement may be filed with the city clerk, and the date, hour and place said

protests will be heard by the city council as stated in the resolution of intention. In every case, all posting shall be completed at least ten days before the date set for hearing protests.

Notices

SEC. 4. The council shall direct the clerk to mail notices of the adoption of the resolution of intention to all persons owning real property proposed to be assessed, whose names and addresses appear on the last assessment roll for city taxes prior thereto or as known to the clerk, but the mailing of such notices shall not be essential to obtaining jurisdiction by the council and the failure so to do shall not affect in any manner the validity of any proceedings taken hereunder. Such notices shall contain a statement of the time, place and purpose of the hearing on the resolution of intention and a statement of the total estimated cost of the proposed improvement, together with a statement that any person interested may file protest as provided in this act. Said notice shall be mailed at least fifteen days prior to the date fixed for said hearing. The city clerk shall, upon the completion of the mailing of said notices, file with the city council an affidavit setting forth the time and manner of the compliance with the above requirements for mailing notices.

Contents

Affidavit

Written protests and hearings.

SEC. 5. At any time, not later than the time set for hearing objections to the proposed improvement, as provided in the resolution of intention, the owner of any real property abutting on that portion or portions of the street or streets to be improved may file with the city clerk, addressed to the city council, a written protest respecting such improvements describing the property owned by him abutting on said improvement. At the time set for hearing protests or at the time to which the hearing of protests may be continued, the city council shall hear such protest or protests and pass upon the same and its decision thereupon shall be final and conclusive.

Order for improvement.

SEC. 6. If no written protest has been delivered to the city clerk up to the hour for hearing the protests provided in the resolution of intention or upon the overruling of any protest or protests filed, the city council may, by resolution, order such improvement and may direct the city engineer to make such improvement and to purchase the materials and employ the labor necessary therefor, and the city clerk shall deliver a copy of such order to the city engineer, who shall forthwith commence and proceed diligently with and complete such improvement without unnecessary delay and substantially in accordance with the specifications therefor.

If the expenditures for such improvement authorized by this act exceed the sum of five hundred dollars, the city council may advertise for bids and proceed in accordance with the provisions of section 874 of "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883; or the city council may direct

Stats 1883, p. 93.

the city engineer to make such improvement in the manner provided in the first paragraph of this section.

Assessments.

SEC. 7. Upon the completion of the improvements, the city engineer shall compute the cost and incidental expenses thereof, exclusive of any and all costs of labor on the improvement, and shall assess such amount against the several parcels of property fronting or abutting on the street or parts of streets along such improvement. The amount of each assessment shall become a lien against the parcel of property of record so assessed as of the date of the filing with the city council of the petition for improvement of the street or parts of streets; provided that said lien shall be subject to the confirmation of said assessment by the city council, as hereinafter provided.

Liens.

Assessment roll.

SEC. 8. The city engineer shall prepare an assessment roll which shall briefly refer to the resolution of intention pursuant to which the improvements were made and shall show in detail the items of cost thereof, together with all incidental expenses; the name of each street improved; a description of each lot or parcel assessed; the amount of each assessment against each lot or portion of the lot so assessed; the name of the owner of each lot or portion thereof assessed as such ownership appears on the assessment roll of the city or as known to the city engineer, and the date of said assessment. There shall be appended to said assessment roll a certificate of the city engineer that said assessment roll shows in detail the item of costs and expenses of making such improvement. There shall be attached to said assessment roll a diagram delineating each street on which any work has been done, showing the relative location of each lot or portion thereof, the number to correspond with the number of the assessments. Said assessment roll shall also provide space to show the penalties for delinquency in the payment of the assessment and the date of payment. The said assessment shall be filed with the city clerk.

Notice of assessment.

SEC. 9. Said clerk shall then give notice of the filing of said assessment and of a time to be therein fixed by said clerk when all persons interested in the work done or in the assessment will be heard by the city council. Such notice shall be posted for not less than five days on or near the council chamber door and, in addition, to be published twice in a newspaper published in such city, if there be one, and if there be none, then in some newspaper published in the county in which such city is located. The first of such publications shall be not less than fifteen days before the time fixed for such hearing.

Such notice shall also be given by mailing a notice at least fifteen days prior to the time fixed for such hearing to the owner of each lot listed according to the name and address appearing on the last assessment roll for city taxes prior thereto or as known to the clerk. Such notices shall designate the property abutting on said improvement and belonging to

said owner by street number or some other description sufficient to enable the property owner to identify the property and a statement of the amount proposed to be assessed against such property. The city clerk shall, upon the completion of such mailing, file with the city council an affidavit setting forth the time and manner of the compliance with the above requirement for such mailing. The failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the council to proceed with the hearing noticed. Reference shall be made in said notices to the resolution of intention, the date of its passage, or a description of the work therein mentioned and no other description thereof shall be necessary.

Affidavit.

Protests.

SEC. 10. Any property owner affected under this act feeling aggrieved by the act or determination of said city engineer or said city council relating to said improvement, or who may claim that said improvement was not made in a workmanlike manner or having any objections to the correctness or legality of the entries in said assessment roll, may, in writing, at any time prior to the time for hearing protests stated in the notice provided for in section 9 hereof, make and file with the city clerk his objections or protests at the time so fixed for protests. The city engineer shall present to the city council said assessment roll and the entries thereon pertaining to said assessment roll. The city council at said time shall consider any and all objections or protests which may have been duly filed. Thereupon, or at any time to which the matter may be adjourned, the city council may remedy or correct any error or informality in the proceedings and revise and correct any of the acts and determinations of said city engineer or any other officer of the city relating to said improvement, and may confirm, amend, set aside, alter, modify or correct said changes entered in said assessment roll in such manner as it shall deem just and equitable. The decision and determination of the city council in such matters shall be final and conclusive upon all persons entitled to object or protest under the provisions of this act.

Confirmation of assessment roll.

Recordation and notice of assessment roll.

SEC. 11. Upon confirmation of said assessment, the city engineer shall record said roll in a suitable record book and shall give notice by publication once in a newspaper published in such city, if there be one, and if there be none, then in some newspaper published in the county in which such city is located, that said assessment has been confirmed and that all sums assessed in said assessment roll pursuant to this act are due and payable immediately and that the payment of said sum or sums is to be made to the city engineer within forty-five days after the date of the first publication, which date shall be stated in said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said forty-five days will become delinquent and that from and after the date of such delinquency all assessments shall bear interest at the rate of 6 per cent per annum

for a period not to exceed twelve months, and upon the expiration of said twelve months following the date of delinquency, a penalty of ten per cent of the assessment will be imposed and added thereto.

Assessment notice.

SEC. 12. The city engineer shall immediately, upon publication of the notice required by section 11 hereof, mail, postage prepaid, to each property owner or reputed owners of property to be assessed for said improvement, at his last known address as the same appears on the assessment roll of said city or as known by the city engineer, a notice of the amount of his assessment, the date on which same will be delinquent, and the costs and penalties that will accrue in the event of nonpayment before delinquency.

Delinquencies.

SEC. 13. Upon the expiration of the said period of forty-five days, all assessments then unpaid shall become delinquent and the city engineer shall cause each such assessment to be marked "Delinquent" in said assessment roll and shall cause the costs and penalties as set forth in section 11 hereof to be added thereto and recorded in said assessment roll.

Record of moneys collected

SEC. 14. All moneys due and collected by the city engineer for such improvement shall be properly entered in a suitable record book as provided for in section 11 hereof and said moneys shall be turned over to the city treasury at the expiration of any month in which any collections have been made accompanied by a statement of credits as entered in said record book of the city engineer.

Penalties for delinquency.

SEC. 15. The city engineer shall, on the first day of July of each and every year, add a penalty of five per cent to the amount of each delinquent assessment unpaid on said date, provided such assessment has been delinquent and unpaid for a period of at least twelve months and has already had imposed and added thereto the costs and penalties prescribed in section 11 hereof; and thereupon he shall deliver to the city clerk who, in turn, shall deliver to the county assessor, the assessment roll, together with an abstract of the entries in said assessment roll herein provided to be kept. Such abstract shall show each and every delinquent assessment, together with the costs and penalties, the property affected and the amount charged there against.

Lien

The amount of such charges and penalties shall be a lien against the respective property charged therewith of the same character and effect and shall be collected in the same manner and at the same time as city taxes, between the fifteenth day of November of each and every year and the date upon which taxes become payable. Such charge or charges and penalties shall bear the same costs and penalties that delinquent taxes bear as provided by law.

Assumption of portion of cost.

SEC. 16. The city council may, by resolution, at the time the resolution of intention is adopted, assume the payment of a proportion of the cost of said improvement or all costs over and above a certain amount. The cost to the owners of property abutting on said street proposed to be improved,

shall in no event exceed ten per cent of the assessed valuation of said property, excluding improvements thereon, and any assessment levied to pay the cost of such improvement shall not exceed ten per cent of the assessed valuation of said property.

Stats 1931, p 1372

SEC. 17. Nothing contained in this act shall be construed to supersede, limit or change any of the provisions of the Special Assessment, Investigation, Limitation and Majority Protest Act of 1931.

No action or proceedings for the improvement of any street in any municipality shall be taken under the provisions of this act when there exists or is outstanding any assessment whatsoever for street improvement against the property abutting said street for which the improvement is proposed.

Constitutionality

SEC. 18. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Urgency

SEC. 19. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: Due to the widespread depression, many people are out of employment and unable to obtain work. By allowing street improvements, to be paid for by assessments, the work of street improvement can be begun more quickly and many jobs furnished to needy persons through the State. Therefore, it is necessary that this act go into immediate effect.

Life of act

SEC. 20 This act shall become ineffective and inoperative on and after May 1, 1934.

CHAPTER 559.

Stats 1915, p. 1225 amended

An act to amend section 19 of the Juvenile Court Law, relating to referees in counties of the first class and third class, and authorizing the boards of supervisors in such counties to fix the compensation for such referees.

[Approved by the Governor May 25, 1933. In effect August 21, 1933.]

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

Stats 1915, p. 1225.

SECTION 1. Section 19 of the Juvenile Court Law is hereby amended to read as follows:

Referees in counties of first class

Sec. 19. Referees in counties of first class. Female referees. In counties of the first class and the third class the judge of the

juvenile court, may appoint referees in juvenile court matters. Said referees shall have the usual power of referees in chancery cases in all such cases submitted to them by the court; shall hear the testimony of witnesses and certify to the judge of the juvenile court their findings upon the case submitted to them, together with their recommendation as to the judgment or order to be made in the case in question. In counties of the third class the boards of supervisors shall fix the compensation for at least one referee.

The court, after notice of the presentation of such findings and recommendation, to the parents of such person, may make the order recommended by the referee, or any other order in the judgment of the court required by the findings of the referee, or may hear additional testimony, or may set aside said findings and hear the case anew.

Female referees.

In appointing a referee for the trial of females, a female referee shall be appointed where possible. Such referee shall serve without compensation save that in counties of the first class having charters, the boards of supervisors shall fix the compensation for at least two such referees. Where a case has been submitted to a referee, as herein provided, without any previous order for temporary custody having been made, the referee shall from time to time, recommend to the court such order or orders for temporary custody as may seem necessary. Thereupon such order shall be made unless the court shall determine otherwise.

CHAPTER 560.

"Community land chest act."

An act to authorize the incorporation and to provide for the organization, powers, duties, regulation, and liquidation of nonprofit corporations organized for the purpose of administering community land chests, to limit the use of the terms "land chest" and "community land chest" in corporate names, to prescribe penalties for the violation of the provisions of this act, and to declare the urgency of this act and to provide that it shall take effect immediately.

[Approved by the Governor May 25, 1933. In effect immediately.]

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

Short title.

SECTION 1. This act shall be known as the "Community Land Chest Act."

Definitions.

SEC. 2. When used in this act the following terms shall, unless the context indicates otherwise, have the following respective meanings:

The term "commissioner" refers to the Commissioner of Corporations of the Division of Corporations of the Department of Investment of the State of California, or any

department of the State to which the powers and duties of the Commissioner of Corporations may hereafter be transferred.

The term "actual cost" includes in addition to the cost of the lands and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital.

The term "fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges.

The term "security" shall include any stock, bond, note, treasury note, debenture, evidence of indebtedness, certificate of interest or participation, profit sharing agreement or certificate of interest therein, collateral trust certificate, transferable share, investment contract, or other instrument commonly known as a security, but shall not include mortgages, trust deeds, bills of exchange, trade acceptances, promissory notes or other commercial paper, issued or given in the ordinary course of business, and not offered for sale to the public or not sold to an underwriter for the purpose of resale.

Corporations.

SEC. 3. Corporations may be formed under the provisions of this act for the purpose of providing housing in rural and suburban areas for families of low income, subject to regulation by the commissioner as hereinafter set forth. The provisions of law as to nonprofit corporations generally shall be applicable to corporations formed under this act, except where inconsistent with the corresponding provisions of this act, in which case the provisions of this act shall prevail.

Articles of incorporation

SEC. 4. Before the articles of incorporation of any proposed land chest company or corporation may be filed in the office of the Secretary of State, there must be attached thereto a certificate of the commissioner approving the same.

In addition to other requirements prescribed by law, the articles of incorporation must set forth the following:

Contents.

(a) That such corporation is formed wholly for the purpose of providing housing in rural and suburban areas for families of low income.

(b) That the corporation shall at all times be subject to the supervision and control of the Commissioner of Corporations or other appropriate State authority and shall be subject to the provisions of this act.

(c) That upon liquidation or dissolution of said corporation any surplus, remaining over and above the payment of debts and obligations and the repayment to the members of such corporation of the respective amounts of their subscriptions, contributions, fees, dues and assessments, shall revert to the State of California.

Power of land chest corporations

SEC. 5. In addition to any other powers and authority conferred by law, any land chest corporation incorporated under this act shall have power and authority:

1. To borrow money from or to sell, pledge or discount its securities, or to mortgage, pledge or otherwise hypothecate its

property to the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established under the authority of the United States or of this State.

2. To comply with the provisions for membership and to become a member of the Federal Home Loan Bank or of any other corporation or agency established under the authority of the United States or of this State and to comply with any provisions or regulations of the Reconstruction Finance Corporation.

Requirements of housing projects

SEC. 6. No housing project may be started or undertaken by a land chest corporation without the approval of the commissioner, and no housing project shall be approved by the commissioner unless:

1. It appears practicable to rent or sell the housing accommodations to be built, at rentals or sales prices not exceeding those prescribed by the commissioner. No project shall be approved in contravention of any zoning or building ordinance in effect in the locality in which the project is located.

2. There is submitted to and approved by the commission a financial plan in such form as the commissioner may prescribe, setting forth the method by which funds are to be made available to meet the actual cost of the lands and projected improvements, and the cost of organization, administration, maintenance and operation.

3. There is submitted to and approved by the commissioner plans setting forth:

(a) The area and location of the proposed project or projects.

(b) Plans of development.

(c) Estimates of cost of the project.

(d) Estimated rentals and selling prices of properties proposed to be rented or sold, terms of payment, and interest rates upon deferred payments.

Powers of commissioner.

SEC. 7. In pursuance of his power and authority to supervise and regulate the operations of land chest corporations incorporated under this act, the commissioner may:

(a) From time to time make, amend and repeal rules and regulations for carrying into effect the provisions of this act.

(b) Determine and fix the maximum rental or charges to be charged tenants of the housing accommodations rented by such corporation. The maximum rental or charges shall be determined upon the basis of the actual cost of the project so that such rentals, together with all other income of the corporation, shall be sufficient to meet all fixed charges, and interest requirements, and other charges of the corporation approved by the commissioner. Such rental, rates or charges shall be subject to the approval of the commissioner and may be changed or revised from time to time.

(c) Determine and fix the price, terms of payment, rate of interest on deferred payments and all other charges of properties offered for sale or sold.

(d) Examine all such corporations and keep informed as to their general condition and the manner in which their property is acquired, constructed, leased, sold, operated or managed.

(e) Investigate into the affairs of land chest corporations and into the dealings, transactions or relationships of such corporations with other persons.

(f) Either through his deputies or representatives, duly authorized, enter in or upon and inspect the property, equipment, buildings, plants, offices, apparatus and devices of any such corporation, examine all books, contracts, records, documents and papers of any such corporation.

(g) In his discretion prescribe uniform methods and forms of keeping accounts, records and books to be observed by such corporations and to prescribe by order accounts in which particular outlays and receipts shall be entered, charged or credited.

(h) Require every such corporation to file with the commissioner annual or other periodic reports setting forth such information as the commissioner may require, verified by the oath of the president, or general manager, or receiver if any thereof, or by the person required to file the same. Such report shall be in the form, cover the period and be filed at the time prescribed by the commissioner. The commissioner may further require specific answers to questions upon which the commissioner may desire information.

(i) Order any such corporation to make, at its expense, such repairs and improvements as will preserve or promote the health and safety of the occupants of buildings and structures, owned or operated by such corporation.

(j) Order any such corporation to do such acts as may be necessary to comply with the provisions of the law, the rules and regulations adopted by the commissioner or the terms of any project approved by the commissioner, or to refrain from doing any acts in violation thereof.

Acts prohibited.

SEC. 8. No land chest corporation incorporated under this act shall acquire any real property or interest therein, or sell, transfer, assign or lease any real property to any person, firm or corporation, or charge or accept any rental, fee or other charge for housing accommodations in any building constructed, acquired, operated, sold or managed by it, or mortgage or otherwise encumber any real property, or use any building erected or acquired by it for other than housing and incidental purposes, or enter into contracts for the construction of housing projects or for the payments of salaries to officers or employees, or effect any reorganization, or voluntarily dissolve or transfer all or substantially all of its assets, or make any guaranty, except in accordance with general rules and regulations of the commissioner, or in the absence of such rule or regulation, with the approval of the commissioner.

Any purchase, conveyance, contract, encumbrance, lease or sublease made in violation of the provisions of this act and any transfer or assignment thereof shall be void.

Restrictions as to securities.

SEC. 9. Provisions of the Corporate Securities Act shall apply to corporations formed hereunder, except where such provisions are in conflict herewith. No land chest corporation shall be authorized:

(a) To issue securities covering any project undertaken in an amount greater in the aggregate than the actual cost of the project, plus an allowance for working capital, not exceeding five per cent of the estimated cost or of the actual cost of such project, if the actual cost is greater than the estimated cost, or

(b) To issue securities except in exchange for money or property actually received for the use and lawful purpose of the corporation, and no securities shall be issued for property except upon a valuation approved by the commissioner, and such valuation shall be used in computing actual or estimated costs.

Individual issues.

Each authorized issue of securities shall relate to a single specific project and to no other, and may be secured by mortgages or deeds of trust upon real property of which said project consists, except that in projects in which units are to be offered for sale securities may be issued in an amount to cover each individual unit of sale or to cover the entire project intended to be sold. Such bonds, mortgages or deeds of trust may contain clauses and provisions approved by the commissioner including the right to assignment of rentals and entry into possession in case of default. Such mortgages or trust deeds may create a first, or senior lien, and a second, or junior lien, upon real property.

Action to enforce act, etc.

SEC. 10. The commissioner may bring an action or proceeding in the name of the people of the State of California against any land chest corporation in the superior court in and for the county in which the corporation has its principal place of business, to enforce the provisions of this act or of any order, permit, license, demand or requirement of the commissioner or to restrain the violation or threatened violation thereof or to compel the performance of any act enjoined thereby.

Decision of commissioner reviewable.

SEC. 11. Every order, decision, permit or other official act of the commissioner shall be subject to review if such proceeding is brought within twenty days after the rendering of such order, decision, permit or other official act, in accordance with the provisions of Chapter I of Title I of Part III of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commission under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, permit or other official act.

Fees

SEC. 12. The commissioner may charge and collect from a land chest corporation, incorporated under this act, reasonable fees in accordance with rates to be established by the rules of the commissioner:

(a) For the examination of plans and specifications and the supervision of any project, in an amount not to exceed one-half of one per cent of the estimated cost of the project;

(b) For any examination or investigation made upon application of a land chest corporation for any act done by the commissioner or any of his employees, in performance of their duties under this act, an amount reasonably calculated to meet the expenses of the commissioner incurred in connection therewith. The commissioner may authorize a land chest corporation to include such fees as part of the actual cost of a project.

Nonprofit.

SEC. 13. No land chest corporation subject to the provisions of this act shall conduct its operations for the profit of such corporation or of its members, nor shall any such corporation enter into any selling agency agreement designed or intended to divert, or which does in fact divert to its members or to third persons any portion of the profits accruing to or which would otherwise accrue to such corporation.

Net earnings and surplus.

The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, interest requirements and other charges shall be subject to the approval of the commissioner. The aggregate amount of such surplus shall in no event exceed fifteen per cent of the total aggregate sum of all contributions by the public, subscriptions, dues, fees and assessments paid by members, plus the outstanding obligations of the corporation. The balance of yearly net earnings in excess of the amount transferred to surplus, unless the commissioner, deems such balance too small for the purpose, shall be applied to the reduction of rentals on rental properties, for the improvement of properties for sale, or to the reduction of the sale price thereof, as the commissioner may prescribe. No member of any corporation formed hereunder shall accept or receive from the corporation, either during its existence as a corporation or upon its liquidation or dissolution, any repayment of any sum in excess of his subscription, contribution, fees, dues or assessments.

Foreclosure proceedings

SEC. 14. If a mortgagee, trustee or beneficiary shall commence foreclosure proceedings, under a mortgage or deed of trust which is a lien upon property of a land chest corporation, a copy of the complaint or notice of breach and intention to sell shall be served upon the commissioner within five days of the filing of the complaint or the recording of the notice. Upon receipt of such copy, the commissioner must immediately take such steps as he deems necessary to protect the rights of all parties.

Judgment against corporation.

SEC. 15. In the event of a judgment against a land chest corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, no sale of any of the real property of such corporation shall be made except upon sixty days' written notice to the commissioner. Upon receipt of such notice the commissioner shall take such

steps as in his judgment may be necessary to protect the rights of all parties.

Procedure on violation of act, etc.

SEC. 16. Whenever it shall appear to the commissioner that any land chest corporation has violated the provisions of its articles of incorporation or any law of this State, or is conducting its business in an unsafe or unsound manner, or if any land chest corporation shall refuse to submit its books and papers to the inspection of the commissioner or his authorized representative, or if it shall appear to the commissioner that any such land chest corporation is unsound or in an unsafe condition to transact the business for which it was organized, or that it is unsafe and inexpedient for it to continue to conduct its business, the commissioner may forthwith take possession of the property and business of such land chest corporation and retain such possession until such land chest corporation shall resume business or its affairs be finally liquidated. In the event that the commissioner shall take possession of the property and business of any land corporation in accordance with the provisions of this section, said commissioner shall be vested with the same powers and duties with respect to such land chest corporation as are now or may hereafter be conferred upon the Superintendent of Banks with respect to banking institutions by the "Bank Act," and such commissioner may proceed to liquidate such land chest corporation in the manner provided for in said "Bank Act" so far as the same may be applicable.

Corporate name.

SEC. 17. No corporation having shares of capital stock, nor any agent or officer thereof, shall use or permit to be used as part of the corporate name of such stock corporation the words "land chest" or "community land chest." Every nonprofit corporation heretofore or hereafter organized, having as any part of its corporate name the words "land chest" or "community land chest" shall be subject to the provisions of this act and no such corporation shall transact any business in the State of California unless and until it shall have complied with the terms hereof.

Penalty

SEC. 18. Every person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be subject to imprisonment for a period not exceeding six months or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine.

Liquidation or dissolution

SEC. 19. In the event of liquidation or dissolution of any land chest corporation the assets of such corporation remaining after paying or adequately providing for the debts and obligations of the corporation shall be distributed to the members thereof to the extent of the payments of contributions, subscriptions, fees, dues, and assessments paid to such corporation by each such member, without interest or profit, and the remainder of the assets of such corporation shall revert to the State of California.

Constitutionality.

SEC. 20. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional

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

Urgency

SEC. 21. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into immediate effect. The following is a statement of the facts constituting such necessity:

It is necessary in the public interest to make provision for housing families of low income outside of thickly populated areas and to provide for the elimination of congested housing conditions which exist in certain areas of the State and which are a menace to the health, safety, morals, welfare and reasonable comfort to the citizens of the State. It is now impossible to provide such housing for families of low income, and to correct these unsanitary and congested conditions, it is essential that provision be made for the construction of new housing facilities in rural and suburban localities under proper supervision and in accord with proper standards of sanitation and safety and at a cost which will permit monthly rentals or sales prices which persons and families of low income can afford to pay.

The United States of America, through the Reconstruction Finance Corporation, has made funds available to corporations of the type to be formed under the provisions herein specified and provided. Since the building trades in the State of California are now dormant, it is of vital interest to the people of this State that corporations may be formed as provided in this act to take advantage of such proffered assistance to the end that such building trades be again revived and many thousands of people now unemployed be put to work. The funds now held by the Reconstruction Finance Corporation will be available, for a limited time only, to assist such corporations in the construction of their projects, and it is therefore necessary that this act take effect immediately.

CHAPTER 561.

An act to amend section 4271 of the Political Code, relating to compensation of county and township officers in counties of the forty-second class.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1224.

SECTION 1. Section 4271 of the Political Code is hereby amended to read as follows:

4271. In counties of the forty-second class the county officers and their deputies herein provided for, the township officers and grand jurors and trial jurors shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries per diem and mileage, to wit: Glenn County Salaries

1. The county clerk, two thousand four hundred dollars per annum; provided, (a) that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy who shall receive a salary of one thousand five hundred dollars per annum and one deputy who shall receive a salary of one thousand five hundred dollars per annum. Clerk.

2. The sheriff, two thousand seven hundred dollars per annum, and also his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court magistrate of his county; provided, that in counties of this class the sheriff is hereby allowed two deputies who shall receive a salary of one thousand five hundred dollars per annum each; and further provided that the sheriff shall pay into the county treasury, for use of the county, all fees, commissions or mileage for the service of all papers issued by any court of the State outside of his county. Sheriff

3. The recorder, two thousand four hundred dollars per annum; provided, that in counties of this class the recorder is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum, and is hereby allowed copyists not to exceed the sum of five hundred dollars per annum. Recorder

4. The auditor, two thousand four hundred dollars per annum; provided that in counties of this class the auditor is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum; and one deputy who shall receive a salary of one thousand five hundred dollars per annum; Auditor

5. The treasurer, two thousand seven hundred dollars per annum; provided, that in counties of this class the treasurer is hereby allowed one deputy who shall receive a salary of one hundred twenty-five dollars per month for four months; provided, that all commissions and fees authorized by any law to be collected by the treasurer shall be paid to the county. Treasurer

6. The tax collector, two thousand one hundred sixty dollars per annum; provided, (a) that in counties of this class the tax collector is hereby allowed one deputy for a period of eight months during each year who shall receive a salary of one hundred twenty-five dollars per month. Tax collector

7. The assessor, two thousand four hundred dollars per annum; provided, that in counties of this class the assessor is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum; and one deputy for a period of four months during each year who shall receive a salary of one hundred dollars per month; and in addition thereto the assessor and the deputies herein provided shall be Assessor.

allowed necessary and reasonable traveling expenses in the performance of the duties of the office when in the field. In counties of this class the assessor is hereby authorized to contract with an abstract or title insurance company for copies of the transcripts of recorded instruments affecting title, at a compensation of not to exceed five dollars per month. All commissions or fees heretofore or now allowed by law to the assessor shall be paid by him into the county treasury.

District attorney.

8. The district attorney, two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the district attorney a stenographer or clerk which person shall receive the sum of one hundred dollars per month, said sum to be paid in monthly warrants at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid.

Coroner

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand seven hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools, and who shall serve as secretary of the county board of education without compensation; provided, that in counties of this class the superintendent of schools is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum.

Surveyor.

12. The county surveyor shall receive a salary of two thousand four hundred dollars per annum, for all work performed for the county, and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work in the field for the county; said salary shall be paid in the manner and out of the same funds as the salaries of county officers are paid.

Justices of the peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, sixty dollars per month; in townships having a population less than nine hundred and more than five hundred, forty dollars per month; in townships having a population less than five hundred, twenty dollars per month. For the purposes of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the Federal census taken in the year 1920.

Constables.

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in

full for all services rendered by them in criminal cases: In townships having a population of more than one thousand, sixty dollars per month; in townships having a population less than one thousand and more than five hundred, forty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; provided, that each constable shall receive his actual and necessary expenses, incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purposes of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the Federal census taken in the year 1920.

Supervisors.

15. Supervisors, the sum of one hundred dollars per month each; mileage at the rate of twenty cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate six hundred dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

Reporter.

16. The official reporter, same as now provided by law.

Jurors.

17. Jurors. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend.

Librarian.

18. The county librarian shall receive a salary of one thousand six hundred dollars per annum, and the actual and necessary traveling expenses incurred on business of the office.

Deputies, etc.

19. The deputies, stenographers, clerks and assistants herein provided for shall be appointed by the officers to whom the same are allowed, and shall be paid by the county, in equal monthly installments, at the same time, in the same manner and out of the same funds that said officers are paid.

CHAPTER 562.

An act to amend section 2322x42 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-second class.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 933

SECTION 1. Section 2322x42 of the Political Code is hereby amended to read as follows:

Glenn County Agricultural commissioner.

2322x42. Agricultural commissioner. In counties of the forty-second class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) The commissioner is also authorized and empowered to appoint one agricultural inspector who shall receive a salary of one thousand five hundred dollars per annum; and one agricultural inspector who shall receive a salary of one thousand two hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, who shall receive a salary of nine hundred dollars per annum.

CHAPTER 563.

An act to amend section 19x42 of the Juvenile Court Law, relating to probation officers in counties of the forty-second class.

Stats. 1915, p. 1226, amended.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats. 1931, p 1153.

SECTION 1. Section 19x42 of the Juvenile Court Law is hereby amended to read as follows:

Glenn County. Probation officer.

Sec. 19x42. In counties of the forty-second class there shall be one probation officer whose salary shall be one hundred dollars per month. Said probation officer shall be ex officio the school attendance officer.

CHAPTER 564.

An act to appropriate the sum of forty-two thousand dollars out of the motor vehicle fund to lease the necessary facilities and service for the establishment of a telephone typewriter system of communication between cities in California and the Bureau of Criminal Identification and Investigation at Sacramento and for the operation and control of the system under the direction of the Bureau of Criminal Identification and Investigation and declaring the same to be an urgency measure.

]Approved by the Governor May 26, 1933. In effect immediately.]

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

Appropriation; Telephone typewriter system.

SECTION 1. The sum of forty-two thousand dollars is hereby appropriated out of the motor vehicle fund which

appropriation shall be made prior to any other appropriations from said fund to pay the expenses of leasing the necessary facilities and equipment and maintaining and operating a telephone typewriter system of communication between the cities of Madera, Marysville, Redwood City, Santa Ana, Santa Rosa, Stockton, Vallejo, Ventura and other cities of this State in which such facilities and equipment are now maintained and operated, to be centered in and operated under the direction and control of the Bureau of Criminal Identification and Investigation in Sacramento, California.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. Urgency.

The facts constituting such necessity are as follows: In the past few months many heinous crimes have been committed in the State of California and the perpetrators are not as yet apprehended. It is essential to the preservation of the public peace, health and safety that facilities be increased to apprehend those who are at present fugitives from justice and to insure the swift capture of any persons who commit crimes in the future. The increase of these devices for which the within appropriation is made will aid materially in accomplishing this necessary result.

CHAPTER 565.

An act to add a new section to the Penal Code of California, to be known as section 1510.1, relating to the powers and duties of coroners and to the custody of dead bodies.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered section 1510.1 and to read as follows: New section.

1510.1. The person charged by law with the duty of burying the body of a deceased person is entitled to the custody of such body for the purpose of burying it; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the body of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person, firm or corporation under whose custody said body may be found, shall, upon demand from the coroner, surrender to him said body. Custody of dead bodies.

CHAPTER 566.

An act to declare the public policy of the State in relation to agreements between employers and employees and to declare provisions in contracts of employment whereby either party undertakes not to join, become or remain a member of a labor union or of any organization of employers or undertakes in such event to withdraw from the contract of employment, to be against public policy and void.

[Approved by the Governor May 26, 1933 In effect August 21, 1933]

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

Declaration of policy.

SECTION 1. In the interpretation and application of this act, the public policy of this State is declared as follows:

Negotiation of terms and conditions of labor should result from voluntary agreement between employer and employees. Governmental authority has permitted and encouraged employers to organize in the corporate and other forms of capital control. In dealing with such employers the individual unorganized worker is helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment. Therefore it is necessary that the individual workman have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Contracts declared contrary to public policy.

SEC. 2. Every undertaking or promise hereafter made, whether written or oral, express or implied, between any employee or prospective employee and his employer, prospective employer or any other individual, firm, company, association, or corporation, whereby

(a) Either party thereto undertakes or promises to join or to remain a member of some specific labor organization or organizations or to join or remain a member of some specific employer organization or any employer organization or organizations; and/or

(b) Either party thereto undertakes or promises not to join or not to remain a member of some specific labor organization or any labor organization or organizations, or of some specific employer organization or any employer organization or organizations; and/or

(c) Either party thereto undertakes or promises that he will withdraw from an employment relation in the event that he joins or remains a member of some specific labor organization or any labor organization or organizations, or of some specific employer organization or any employer organization or organi-

zations is hereby declared to be contrary to public policy and shall not afford any basis for the granting of legal or equitable relief by any court against a party to such undertaking or promise, or against any other persons who may advise, urge or induce, without fraud, violence, or threat thereof, either party thereto to act in disregard of such undertaking or promise.

Constitutionality

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Repeal.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 567.

An act to amend section 1985 of the Code of Civil Procedure, relating to subpenas.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

C. C. P. 1872

SECTION 1. Section 1985 of the Code of Civil Procedure is hereby amended to read as follows:

Subpena

1985. The process by which the attendance of a witness is required is the subpena. It is a writ or order directed to a person and requiring his attendance at a particular time and place to testify as a witness. It may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence.

Subpena duces tecum

All applications before trial for subpenas duces tecum shall be accompanied by an affidavit specifying the exact matters or things desired to be produced, and setting forth in full detail the materiality thereof to the issues involved in the case, and stating that the witness has the desired matters or things in his possession or under his control.

CHAPTER 568.

Stats 1925, p. 648, amended

An act to amend sections 5 and 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein,"

approved May 23, 1925, and to repeal section 27a thereof, relating to municipal courts.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats 1925, p 648

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Jurisdiction over annexed territory.

Sec. 5. In the event that there is annexed to a city having a municipal court, all of a judicial township or other judicial subdivision in which an inferior court is established, the records of, and cases pending in, the inferior court in the territory so annexed, shall become the records of, and cases pending in, the municipal court.

In the event that there is annexed to a city, having a municipal court, part of a judicial township or other judicial subdivision in which an inferior court is established, such inferior court shall continue in the part of the township or other judicial subdivision not annexed.

Stats 1931, p. 1717

SEC. 2. Section 29 of the act cited in the title hereof is hereby amended to read as follows:

Jurisdiction

Sec. 29. Municipal courts shall have jurisdiction of civil cases and actions as provided in section 89 of the Code of Civil Procedure of this State.

Repeal.

SEC. 3. Section 27a of the act cited in the title hereof is hereby repealed.

CHAPTER 569.

An act to repeal Article III of Chapter 1 of Part III of Division IV of the School Code, comprising section 4.300, relating to the use of surplus funds of school districts.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. Article III of Chapter I of Part III of Division IV of the School Code, comprising section 4.300, is hereby repealed.

CHAPTER 570.

An act to add a new article to Chapter I of Part I of Division II of the School Code to be known as Article X, embracing sections 2.85 and 2.86, relating to the formation, annexa-

tion, consolidation, unionization, and changing of boundaries of school districts.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. A new article is hereby added to Chapter I of Part I of Division II of the School Code to be known as Article X, embracing sections 2.85 and 2.86, and to read as follows: New article

Article X—Formation, Annexation, and Changing of Boundaries of School Districts.

2.85. Hereafter, notwithstanding any provision of this code to the contrary, no new school district of any type or class shall be formed nor shall any territory or school district be annexed, or united, to or with a school district, nor shall the boundaries of any school district be changed subsequent to the tenth day of February in any school year. Limitation

2.86. Whenever under any provision of this code any school district of any type or class is formed, or any territory or school district is annexed to or united with a school district or the boundaries of any school district are changed, such formation, annexation, union or change of boundaries shall not become effective until the first day of July; except that for the purpose of assessing the property contained in the territory or school districts affected by such formation, annexation, union, or change of boundaries for the purpose of determining the rate of school district tax to be levied, such formation, annexation, union, or change of boundaries shall become effective on the first Monday in March next succeeding such formation, annexation, union, or change of boundaries. Effective date of change. Exception

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CHAPTER 571.

An act to repeal sections 6.60, 6.61 and 6.62 of the School Code, to repeal section 3 of chapter 172 of the Statutes of 1929 entitled "An act creating a division of schoolhouse planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings," approved April 27, 1929, and to add to the School Code two new sections to be numbered 6.60 and 6.61, relating to contracts for the erection, addition to, or alteration of school buildings. Sch. C., p. 316, amended.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. Sections 6.60, 6.61, and 6.62 of the School Code are hereby repealed. Repeals.

Sch. C., 1929, p. 316

SEC. 2. Section 3 of chapter 172 of the Statutes of 1929 entitled "An act creating a Division of Schoolhouse Planning in the State Department of Education, and establishing standards for school sites and the construction and alteration of school buildings," approved April 27, 1929, is hereby repealed.

New section

SEC. 3. A new section is hereby added to the School Code to be numbered 6.60 and to read as follows:

Plans for schoolhouses

6.60. Except in incorporated cities having boards of education, it is the duty of the superintendent of schools of each county, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval.

New section

SEC. 4. A new section is hereby added to the School Code to be numbered 6.61 and to read as follows

Submission and approval of plans.

6.61. It shall be the duty of the governing board of each school district, except districts governed by a city board of education, before letting any contract or contracts totaling five thousand dollars or more, for the erection of any new school building, or for any addition to, or alteration of, an existing school building, to submit plans therefor to the State Department of Education, and to obtain the written approval of such plans by the State Department of Education. No contract for building made by any governing board of a school district contrary to the provisions of this section shall be valid, nor shall any public moneys be paid for erecting, adding to, or altering any school building in contravention of the provisions of this section.

CHAPTER 572.

Stats 1931, p. 1745, amended.

An act to add a new section, to be numbered 4, to an act entitled "An act providing for the exhibit of the products and resources of the State of California at the Chicago World's Fair Centennial Celebration to be held at Chicago, Illinois, in 1933, creating the California World's Fair Centennial Celebration Commission and defining its powers and duties, and making an appropriation therefor," approved June 12, 1931, relating to powers and duties of said commission, and declaring the urgency thereof.

[Approved by the Governor May 26, 1933. In effect immediately.]

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

New section

SECTION 1. A new section is hereby added to the act cited in the title hereof, to be numbered section 4 and to read as follows:

Power to insure

Sec. 4. The commission shall have power to insure all persons or property under its control against such risks and hazards as are necessarily incident to the work conducted by

the commission, and may pay the cost of such insurance out of the money appropriated for the use of the commission.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore take effect immediately. The following is a statement of the facts constituting such necessity: The State has at the Chicago World's Fair Centennial Celebration a considerable amount of property and several employees. At the present time there is no means of protecting the State against liability to considerable loss which may arise out of damage to the said property or injury to the persons. This act will make it possible to secure such insurance, thereby avoiding the danger of that loss and should therefore take effect immediately. Urgency.

CHAPTER 573.

An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 9a, 10a, 11 and 12 of, and to add section 15 to, an act entitled "An act providing for the registration of contractors, and defining the term contractors; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to contractors and the Contractors' License Bureau and declaring the same to be an urgency measure. Stats. 1929, p. 1591, amended.

[Approved by the Governor May 26, 1933. In effect immediately.]

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

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows: Stats 1929, p. 1591

Section 1. It shall be unlawful for any person, firm, copartnership, corporation, association or other organization, or any combination of any thereof, to engage in the business or act in the capacity of a contractor within this State without having a license therefor as herein provided, unless such person, firm, copartnership, corporation, association or other organization, or any combination of any thereof is particularly exempted as provided in this act. Unlawful to contract without license

SEC. 2. Section 2 of said act is hereby amended to read as follows: Stats 1931, p 1255

Sec. 2. This act shall not apply to:

(a) An authorized representative or representatives of the United States government, the State of California, or any incorporated town, city, county, city and county, irrigation Exemption from operation of act

district, reclamation district or other municipal or political corporation or subdivision of this State;

(b) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon land in rural districts for fire prevention purposes;

(c) Officers of a court, providing they are acting within the scope of their office;

(d) Public utilities operating under the regulation of the State Railroad Commission on construction work incidental to their own business; or any construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well, when performed by an owner or lessee;

(e) Owners of property, building thereon dwellings intended for the use and occupancy of such owners and their families, and not intended for sale;

(f) Any work or operation on one undertaking or project by contract or contracts the aggregate contract price for which, for labor, materials, and all other items, is less than two hundred dollars, such work or operations being considered as of casual, minor, or inconsequential nature; provided, however, that the limitations of this section shall not apply in any case wherein the work of construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than two hundred dollars for the purpose of evasion of this act, or otherwise;

(g) Any work or operation connected with the sale or installation of any finished product, material, or article of merchandise, which is not fabricated into and does not become a permanent fixed part of the structure.

(h) Any construction, alteration, improvement or repair of personal property except as limited by subdivision (g) of this section.

Stats 1931, p. 1255.

SEC. 3. Section 3 of said act is hereby amended to read as follows:

Contractor defined.

Sec. 3. A contractor within the meaning of this act is a person, firm, copartnership, corporation, association, or other organization, or any combination of any thereof, who in any capacity other than as the employee of another with wages as the sole compensation, undertakes or offers to undertake or purports to have the capacity to undertake or submits a bid, to construct, alter, repair, add to, substract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development, or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith; provided, that the term contractor, as used in this act,

shall include subcontractor, but shall not include anyone who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of, the work of the contractor as herein defined.

SEC. 4. Section 4 of said act is hereby amended to read as follows: Stats. 1931, p. 1255.

Sec. 4. The administration of this act is hereby placed under the jurisdiction of the Director of the Department of Professional and Vocational Standards and there is hereby created a bureau of said department which shall be known as the Contractors' License Bureau. The said director of said department shall have the power to procure such equipment and records and to appoint and fix the duties of such assistants as may be necessary to carry out its provisions, including a registrar of contractors (which office is hereby created), a deputy registrar of contractors, a secretary, and investigators, whose compensation with the approval of the Director of Finance shall be fixed by the Director of the Department of Professional and Vocational Standards. Administration of act. Contractors' license bureau

The deputy registrar, and all other personnel shall be appointed in accordance with the provisions of the Civil Service Law.

SEC. 5. Section 5 of said act is hereby amended to read as follows: Stats 1931, p. 1264.

Sec. 5. To obtain a license under this act the applicant shall submit, on such forms as the registrar shall prescribe, and in accordance with such rules and regulations as may be adopted by the registrar, an application in writing for such license containing the statement that the applicant desires the issuance of a license under the terms of this act. The information contained in such application forms shall include a complete statement of the general nature of the applicant's contracting business and in addition, if the applicant is an individual, his name and address; if a copartnership, the names and addresses of all partners; and if a corporation, association or other organization, the names and addresses of the president, vice president, secretary, and chief construction managing officer or officers, together with all other information which may be deemed necessary by the registrar. Application for license.

No license shall be issued until the registrar of contractors has satisfied himself upon evidence presented and recorded as to the integrity of the applicant and that said applicant is qualified in the following respects to hold a license: Showing required.

(1) That the applicant is of good character. Lack of good character may be established by showing: (a) that the applicant has, within the period of three years prior to the date of his application committed or done any act which if committed or done by a licensed contractor would be grounds under section 9 of this act for suspension or revocation of a contractor's license, or (b) that the applicant has within said period of three years committed or done any act involving dishonesty, fraud or deceit, whereby said applicant has been benefited or

whereby some injury has been sustained by another, or (c) that the applicant bears a bad reputation for honesty and integrity.

(2) That the applicant has never been refused a license or had a license revoked for reasons that should preclude the granting of the license applied for; provided, that no license shall be refused by the registrar of contractors without providing an opportunity to the applicant within thirty days after receipt of his application to be heard and produce evidence in support of his application.

It shall be the duty of the registrar of contractors, with the approval of the Director of the Department of Professional and Vocational Standards, to adopt and promulgate such rules and regulations as he may deem necessary to carry out the provisions of this act.

Fees

Said application shall be accompanied by a fee of ten dollars. The fees received under this act shall be deposited in the contractors' license fund, which fund is hereby created. All moneys in said fund are hereby appropriated for the purpose of carrying out the provisions of this act.

Stats. 1931, p. 1255.

SEC. 6. Section 6 of said act is hereby amended to read as follows:

Issuance of licenses.

Sec. 6. Upon receipt of said application and of said fee, if no valid reason exists for further investigation of said applicant, it shall be the duty of the registrar forthwith and within ten days to issue a license to the applicant permitting him to engage in business as a contractor under the terms of this act for the balance of the fiscal year following the application, provided the applicant has furnished such complete information and in such manner as may be required by the registrar in accordance with section 5 of this act. If the information brought to the attention of the registrar concerning the applicant is such that, in the registrar's discretion, it would be proper to deny the application, the registrar shall forthwith notify the applicant by registered mail, or by personal service, to show cause within such time, not less than five days nor more than thirty days, why the application should not be denied. The license issued under this act shall be signed by the licensee, shall be nontransferable, and shall be displayed in his main office or chief place of business, and satisfactory evidence of the possession thereof, and the current annual renewal thereof shall be exhibited by him upon demand.

Denial of application

Stats 1931, p 1255

SEC. 7. Section 7 of said act is hereby amended to read as follows:

Expiration and renewal of licenses.

Sec. 7. All licenses issued under the provisions of this act shall lapse and expire on June thirtieth of each year. Application for renewal of a current license at any time before June thirtieth of any year shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing fiscal year. The annual renewal fee shall be five dollars. All applications for renewal of license shall be accompanied by the annual renewal fee and shall be

filed with the registrar of contractors not later than June thirtieth of each year; otherwise, such licenses shall be ipso facto suspended and shall be renewable only on the payment of a fee of five dollars, in addition to the current renewal fee, and unless so renewed shall remain suspended during the remainder of the fiscal year. After a license has been suspended as in this section provided, for the period of one or more fiscal years, a new application for license must be made and a new license issued in accordance with the provisions of section 5 of this act. All licensees shall report all changes of personnel and addresses under this act, within thirty days after same shall occur.

SEC. 8. Section 8 of said act is hereby amended to read as follows: Stats 1931, p. 1255.

Sec. 8. The registrar shall maintain at the office of the Department of Professional and Vocational Standards in Sacramento, open to public inspection during office hours, a complete indexed record of all applications and all licenses issued and of all renewed licenses under this act, and of all terminations, cancellations and suspensions thereof; and shall furnish a certified copy of any license issued, upon receipt of the sum of fifty cents; and such certified copy shall be received in all courts and elsewhere as evidence of the facts stated therein. Registrar's records and lists.

Whenever funds are available for that purpose, it shall be the duty of the registrar to furnish a list of contractors, with their addresses, registered under the provisions of this act, and of licenses issued, suspended or revoked, and such further information with respect to this act and the administration thereof as he may deem proper, to such public works and building departments, public officials or public bodies, associations, groups, bodies and individuals interested in or allied with the building and construction industry in this or any other State as in his judgment may be deemed advisable.

Said lists of registered contractors, and of licenses issued, suspended or revoked, may, whenever funds are available for that purpose, be furnished to the public officials hereinbefore enumerated at intervals of ninety days or less, such intervals to be as frequent as the registrar may deem necessary. Copies of said lists may also be furnished by the registrar upon request to any firm or individual upon payment of such reasonable fee or fees as may be determined by the registrar.

SEC. 9. Section 9 of said act is hereby amended to read as follows: Stats 1931, p. 1255

Sec. 9. The registrar of contractors may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any contractor within the State and shall have power to temporarily suspend or permanently revoke a license issued under the provisions of this act if the holder, while a licensee or applicant hereunder, is guilty of or commits any one or more of the following acts or omissions: Investigations

Grounds for revocation of license, etc.

(1) Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor as defined by section 3 of this act;

(2) Diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, and their application or use for any other construction project or operation, obligation or purpose;

(3) Wilful departure from or disregard of, plans or specifications in any material respect, and prejudicial to another without consent of the owner or his duly authorized representative, and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans and specifications;

(4) Wilful and deliberate disregard and violation of the building laws of the State, or of any political subdivision thereof, or of the safety laws or labor laws of the State;

(5) Failure to make and keep records showing all contracts, documents, records, receipts and disbursements of the licensee in all of his transactions as a contractor as that term is defined in this act, which records shall be open to inspection by the registrar, provided that such records shall not be required to be kept for a longer period than three years after completion of any construction project or operation to which such records refer;

(6) Misrepresentation of a material fact by applicant in obtaining a license;

(7) Failure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for such construction project or operation or in any modification of such contract;

(8) Aiding or abetting an unlicensed person to evade the provisions of this act or knowingly combining or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate, or otherwise, of an unlicensed person with the intent to evade the provisions of this act. The word person as used herein shall be deemed to apply to an individual, firm, copartnership, corporation, association or other organization or any combination of any thereof;

(9) Failure in any material respect to comply with the provisions of this act;

(10) The doing of any wilful or fraudulent act by the licensee as a contractor in consequence of which another is substantially injured;

Stats 1931, p 1255.

SEC. 10. Section 9a of said act is hereby amended to read as follows:

Procedure for revocation Complaint.

Sec. 9a. Upon the filing with the registrar of a verified complaint charging a licensee with the commission within two years prior to the date of filing of such complaint of any act which is cause for suspension or revocation of license, the reg-

istrar must forthwith issue a citation directing the licensee, within ten days after service of the citation upon him, to appear by filing with the registrar his verified answer to the complaint, showing cause, if any he has, why his license should not be suspended or revoked. Service of the citation upon the licensee shall be fully effected by mailing a true copy thereof, together with a true copy of the complaint, by United States registered mail in a sealed envelope with postage fully prepaid thereon addressed to the licensee at his latest address of record in the registrar's office. Service of said citation shall be complete at the time of said deposit subject to the provisions of section 1013 of the Code of Civil Procedure of this State. Failure of the licensee to answer may be deemed an admission by him of the commission of the act or acts charged in the complaint and his license shall thereupon be suspended forthwith pending any hearing of the cause which the registrar in his discretion may order; provided that the registrar shall have power, in the event of such failure to answer, to suspend or revoke the license without further evidence than the verified complaint in the case. Notice.

Upon the filing of the answer, the registrar shall fix a time and place for the hearing and give the licensee and the complainant not less than five days' notice thereof. The notice may be served by depositing by registered mail in the United States mail a true copy of the notice enclosed in a sealed envelope with postage thereon fully prepaid and addressed to the licensee and to the complainant, respectively, at his last known address. With the notice to the complainant there shall be attached or enclosed a copy of the answer. If either party has appeared by counsel, the notice shall be given, in like manner, to counsel instead of to the party. Answer.

Upon the hearing, the registrar shall hear all relevant and competent evidence material to the issues and shall have power to continue the hearing from time to time as in his judgment may be necessary or proper. After the hearing is concluded and the matter submitted, the registrar shall, within twenty days after such submission, render his decision in writing, suspending or revoking the license or dismissing the complaint, with a brief statement of his reasons therefor. He shall give to the complainant and the licensee, or their respective attorneys, notice of the decision, by mail, in the same manner as prescribed herein for the giving of notice of hearing. Such decision may provide for the immediate complete suspension by the licensee of all operations as a contractor during the period fixed by the decision. The decision may however contain a provision permitting the licensee to complete any or all contracts shown by competent evidence taken at said hearing to be then uncompleted. The decision may also contain a provision imposing upon the licensee compliance with such specific conditions as may be just in connection with his operations as a contractor as disclosed at said hearing and may further provide that until such conditions Hearing. Decision.

are complied with no application for restoration of the license so suspended or revoked shall be accepted by the registrar. The decision of the registrar suspending or revoking a license shall take effect immediately upon the service of such notice of decision; provided that the registrar shall have the power to grant a stay of execution of such decision suspending or revoking a license, pending the filing by the licensee of a petition to the superior court for a writ of review or to the registrar for a rehearing, as hereinafter provided.

Court review

The licensee may within twenty days after service upon him of notice of the rendition of such decision, petition the superior court in and for the county where such licensee resides for a writ of review, under the provisions of Chapter I, Title I, Part III of the Code of Civil Procedure, to review the decision of the registrar, or may within twenty days after such service of notice of the decision of the registrar suspending or revoking a license, apply for a rehearing by filing with the registrar his petition in writing therefor. Within five days after such filing, the registrar shall cause notice thereof to be served upon the complainant by mailing a copy of the petition for rehearing to the complainant in the same manner as herein prescribed for the giving of notice of hearing. Within twenty days after the service of the last mentioned notice the registrar shall either grant or deny said petition and if said petition is not granted within said period of twenty days it shall be deemed to be denied.

Rehearing

Order on rehearing.

In his order granting or denying a rehearing, the registrar shall set forth a statement of the particular grounds and reasons for his action on the petition and shall forthwith mail a copy of the order to the parties who have appeared in support of or in opposition to the petition for rehearing. If a rehearing is granted, the registrar shall vacate the decision theretofore rendered suspending or revoking the license and shall set the matter for further hearing on due notice to the parties, given in the same manner as prescribed herein for the giving of notice of an original hearing.

Decision on rehearing

After submission of the matter upon rehearing, the registrar shall promptly render his decision in writing and give notice thereof in the same manner as of a decision rendered upon an original hearing.

Service of process.

Any citation, notice, or other process or any paper or document provided by this section to be served on any party may be personally served as provided in section 1011 of the Code of Civil Procedure with the same effect as if served by mail as in this act provided.

Amendment of complaint.

At any time before a case is finally submitted for decision to the registrar, whether upon an original hearing, or upon a rehearing, a complaint or answer may, upon the motion of either party and with the consent of the registrar, or upon the registrar's own motion, be amended; provided that if new charges are alleged in an amended complaint the defendant may upon request be allowed a reasonable time to prepare his

defense to such new charges. Ten days shall be deemed a reasonable time in such case.

Court review. Procedure

Any decision of the registrar, whether upon an original hearing or after a rehearing as herein provided, shall be subject to review by the superior court under the provisions of Chapter I, Title I, Part III, of the Code of Civil Procedure. The party desiring such review of the decision of the registrar shall file his petition therefor in the superior court within twenty days after service upon him of the registrar's decision, or, in case a rehearing has been applied for, within twenty days after service upon him of the order denying such application therefor, or within twenty days after service upon him of the registrar's decision upon rehearing, and, in any proceeding for review, the court may in its discretion, upon the filing of a proper bond by the licensee in an amount to be fixed by the court, but not less than one thousand dollars guaranteeing the compliance by the licensee with such specific conditions as may have been imposed upon him by the registrar's decision, permit the licensee to continue to do business as a contractor pending entry of judgment by the court in the case.

The suspension or revocation of license as in this act provided may also be embraced in any action otherwise proper in any court involving the licensee's performance of his legal obligation as a contractor.

Stats 1931, p 1255

SEC. 11. Section 10a of said act is hereby amended to read as follows:

Power to issue subpenas, etc

Sec. 10a. In any investigation, proceeding or hearing which under the provisions of this act he is empowered to institute, conduct or hold, the registrar, or any subordinate authorized or designated by him to conduct such investigation, proceeding, or hearing, shall have the power to administer oaths, certify to official acts, issue subpenas for the attendance of witnesses and the production of books, papers, and records, and exercise all of the powers conferred upon the head of a department by the provisions of section 353 of the Political Code. All of the provisions of said section are incorporated herein with the same force and effect as if herein set forth at length and wherever in said section the term "head of a department" or similar designation occurs, the same, for the purpose of this reference, means the "registrar of contractors."

Stats 1931, p. 1255

SEC. 12. Section 11 of said act is hereby amended to read as follows:

Renewal and reissue of licenses

Sec. 11. After suspension of the license upon any of the grounds set forth in section 9 of this act, the registrar may renew the same upon proof of the compliance by the contractor with any provisions of the judgment as to renewal of such license or, in the absence of such judgment or any provisions therein as to renewal, in the sound discretion of the registrar. After revocation of a license upon any of the grounds set forth in section 9 of this act, such license shall

not be renewed or reissued within a period of one year after final determination of revocation and then only on proper showing that all loss caused by the act or omission for which the license was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with.

Stats. 1931, p. 1255

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

Penalties.

Sec. 12. Any person, who acts in the capacity of a contractor within the meaning of this act without a license as herein provided, and any person who conspires with another person to violate any of the provisions of this act, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment, in the discretion of the court.

No person engaged in the business or acting in the capacity of a contractor as defined by section 3 of this act, shall bring or maintain any action in any court of this State for the collection of compensation for the performance of any act for which a license is required by this act without alleging and proving that such person was a duly licensed contractor at the time the alleged cause of action arose.

The word "person" as used in this section includes an individual, a firm, copartnership, corporation, association, or other organization.

New section.

SEC. 14. A new section is hereby added to said act to be numbered 15 and to read as follows:

Short title

Sec. 15. This act shall be known and may be cited as the "Contractors' License Law."

Urgency

SEC. 15. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency; the annual renewal fee for licenses issued under this act is to be reduced from ten to five dollars. The present renewal fee of ten dollars is due and payable on or before June thirtieth of this year. If the proposed reduction of the annual renewal fee to five dollars is to become effective for the fiscal year beginning July 1, 1933, this act must take effect immediately.

CHAPTER 574.

An act to amend the "Los Angeles County Flood Control Act," by adding thereto a new section to be numbered 17a, relating to rights of way across public lands of the State.

Stats. 1915, p. 1502, amended

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. The Los Angeles County Flood Control Act is hereby amended by adding thereto a new section numbered 17a, to read as follows:

New section.

Sec. 17a. There is hereby granted to Los Angeles County Flood Control District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, jetties, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board of supervisors thereof must transmit to the Surveyor General, the Controller of the State, and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the Surveyor General shall approve the selection so made he shall endorse his approval upon the plat and issue to the district a permit to use such right of way and lands.

Right of way over State lands.

CHAPTER 575.

An act to amend section 2.806 of the School Code, relating to duties of the district attorney.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2.806 of the School Code is hereby amended to read as follows:

Sch. Code, p. 74.

2.806. In case suit is brought against the members of the board of school trustees, or board of education, as individuals, for any act, or omission, in the line of official duty as trustee or board member, or in case suit is brought against any employee of any school district for any act performed in the course of his employment, then it shall be the duty of the district attorney of the county to defend the members of the board of school trustees, or board of education, or the individual employees upon request of the governing board of the school district, without fee or other charge.

District attorney to defend school officials

CHAPTER 576.

An act to amend section 602 of the Political Code, relating to insurance.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 1579.

SECTION 1. Section 602 of the Political Code of the State of California is hereby amended to read as follows:

What constitutes insolvency

602. Whenever provision for the liabilities of any company engaged in the business of fire, marine, or inland navigation insurance in this State, including its liabilities for losses reported, expenses, taxes, and all other indebtedness, and for reinsurance of all outstanding risks, estimated at fifty per cent of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair its capital paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent; and in case of a company engaged in such insurance in this State, on the mutual plan, if the available cash assets of such company shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such company is insolvent; and whenever provision for the liabilities of any company engaged in the business of insuring anyone against loss or damage resulting from accident to or injury suffered by an employee or other person for which the person insured may be liable, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsurance of all outstanding risks, estimated as provided in section 602a of the Political Code, would so far impair its capital paid in as to reduce the same below one hundred thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in the business of mortgage insurance in this State, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and including provision for unearned income, would after exhausting its surplus required by section 453dd of the Civil Code or otherwise, so far impair its capital paid in as to reduce the same below two hundred fifty thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in the business of land value insurance in this State, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for the reserves required to be maintained by such company under the provisions of section 453hh of the Civil Code, or otherwise, would after exhausting its surplus required by section 453hh of the Civil Code, or otherwise, so far impair its capital paid in as to reduce

the same below five hundred thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in the business of fidelity and surety insurance in this State, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsuring all outstanding risks, estimated on the basis of the unexpired term of bonds and undertakings issued by such company and outstanding, would so far impair its capital paid in as to reduce the same below two hundred fifty thousand dollars or below seventy-five per cent of said capital stock paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in any kind of insurance business in this State, other than life, liability, insurance of titles to real estate, mortgage insurance, land value insurance, and fidelity and surety insurance, provided for in section 594 of the Political Code of this State, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the state of New York, would so far impair its capital paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such company is insolvent; and in case of a company engaged in such insurance business in this State, on the mutual plan, if its available cash assets shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such company is insolvent. In the case of a company engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsurance of all its outstanding risks written prior to January 1, 1892, at the rates based upon the American experience table of mortality with interest at the rate of four and one-half per cent per annum, and reinsurance of all its outstanding risks written from and after the thirty-first day of December, 1891, up to and including the thirty-first day of December, 1907, at rates based upon the combined experience or actuaries' table of mortality with interest at the rate of four per cent per annum, and reinsurance of all its outstanding risks written from and after December 31, 1907, at rates based upon the American experience table of mortality with interest at the rate of three and one-half per cent per annum, excepting contracts issued in other countries than the United States, upon the lives of residents thereof by a company organized in this State, authorized to do business in any such other country and doing business therein, which shall be valued for reinsurance in accordance with the standard of mortality approved by the Commissioner of Insurance, as provided by law; excepting, also, group insurance which shall be valued for reinsurance as provided by law, exceed its assets such company is insolvent. In the case of a company engaged in

Life insurance companies.

Title insurance companies

the business of insurance of the title to real estate, whenever provision for its liability for losses reported, expenses, taxes and all other indebtedness, would after exhausting its surplus fund required by section 453u of the Civil Code, or otherwise, so far impair its capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent.

Exceptions

The provisions of this act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan, or to any company operating under an act

Stats. 1897, p. 439.

entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and all acts amendatory thereof.

CHAPTER 577.

Stats. 1909, p. 969, amended.

An act to amend sections 1 to 16 inclusive of, and to add sections 17 to 24 inclusive to "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, relating to the regulation under the jurisdiction of the Commissioner of Corporations of personal property brokers, brokers and employees in such transactions, and the licensing of those so engaged, and fixing the penalties for violation thereof.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats. 1933, Ch. 277

Section 1 of the act cited in the title hereof is amended to read as follows:

Short title

Section 1. This act shall be known as the "Personal Property Brokers Act."

Stats. 1931, p. 558.

Section 2 of said act is amended to read as follows:

Definitions

Sec. 2. The following words have in this act the signification attached to them in this section, unless otherwise apparent from the context:

(1) The word "Commissioner" means the Commissioner of Corporations of the State of California, or any deputy, investigator, auditor or any other person employed by him.

(2) The term "personal property broker," as used in this act, includes all who are engaged in the business of lending money and taking in the name of the lender, or in any other name, in whole or in part, as security for such loan, any contract or obligation involving the forfeiture of rights in or to personal property, the use and possession of which property is retained by other than the mortgagee or lender, or all who are engaged in the business of lending money and taking in the name of the lender, or in any other name, in whole or in part as security for such loan, any lien on, assignment of, or

power of attorney relative to wages, salary, earnings, income or commission.

(3) The word "broker" as used in this act shall be deemed to include all who are engaged in the business as agent of the borrower, or otherwise, in negotiating, for a compensation, a loan to be made by a personal property broker.

(4) The term "personal property broker" and the word "broker" as herein defined shall not include employees of the "personal property broker" or a "broker" regularly employed by such "personal property broker" or "broker" at the particular location specified in the license of such "personal property broker" or "broker."

Stats 1931, p. 558. Conditional contracts of sale

Section 3 of said act is amended to read as follows:

Sec. 3. As used in this act the term "conditional contracts of sale" shall include flooring contracts.

Stats 1931, p. 558. Exemptions from operation of act.

Section 4 of said act is amended to read as follows:

Sec. 4. (a) This act shall not apply to any person, association, copartnership, trust or corporation doing business under any law of this State or of the United States relating to banks, trust companies, building and loan associations, industrial loan companies, credit unions or licensed pawnbrokers.

(b) Nothing contained in this act shall apply to any of the following:

1. Any nonprofit cooperative association organized under Title XXIII of Part IV of Division I of the Civil Code as said title existed at any time prior to the effective date of this amendment or under Chapter 4 of Division VI of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein;

2. Any corporation, association, syndicate, joint stock company or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business; or

3. Any corporation securing money or credit from any Federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended, in loaning or advancing money or credit so secured.

(c) This act shall not apply to bona fide conditional contracts of sale involving the disposition of personal property, where such form of sales agreement is used not for the purpose of evading this act. This act shall not apply to bona fide loans secured by deposits, with or for the lender, of notes and/or chattel mortgages.

Stats 1909 p. 969 License.

Section 5 of said act is amended to read as follows:

Sec. 5. No personal property broker or broker, as herein defined, shall engage in such business in this State unless and until application shall have been made to the Commissioner of Corporations as herein provided, for a license and said license shall have been issued authorizing said applicant to act as such personal property broker or broker.

Stats 19 1, p 978. Application for license

Section 6 of said act is amended to read as follows:

Sec. 6. Applications for licenses shall be in writing and verified under oath, in such form as may be prescribed by the commissioner.

Stats 1931, p 558 Bond

Section 7 of said act is amended to read as follows:

Sec. 7. Every personal property broker and every broker, at the time of filing such application, shall deposit with the commissioner and thereafter maintain a bond, satisfactory to said commissioner, in which the applicant shall be the obligor, in the aggregate sum of $1,000, with one or more sureties, which shall be subject to the approval of the commissioner.

Such bond shall run to the State of California for the use thereof, and to any person or persons who may have a cause of action against the obligor of said bond under the provisions of this act, and shall furthermore be conditioned that said obligor will faithfully conform to and abide by the provisions of this act and all of the rules and regulations made by the commissioner thereunder, and will pay to the State and to such person or persons any and all amounts which may become due or owing to the State or to such person or persons from said obligor under and by virtue of the provisions of this act. The total aggregate liability, however, on said bond shall be limited to the payment of one thousand dollars.

Stats 1931, p 558 Issuance of license Personal property broker

Section 8 of said act is amended to read as follows:

Sec. 8. (a) Upon the filing of such application for such personal property broker's license and the acceptance of such bond and the payment of the filing fee hereinafter provided, the commissioner shall, if he finds that the experience, character, business reputation and general fitness of the applicant and the members thereof, if the applicant be a copartnership or association, and the trustees thereof, if the applicant be a trust, and of the officers and directors thereof, if the applicant be a corporation, and employees of any applicant are such as to command the confidence of the community and to warrant the belief that the business proposed to be conducted will be operated honestly and fairly within the purposes of this act, thereupon issue and deliver a license to the applicant to engage in business in accordance with the provisions of this act at the location set forth in said license, which license shall be effective until the thirty-first day of December next after its issuance, unless sooner suspended or revoked as herein provided.

Broker's license

(b) Upon the filing of such application for a broker's license the acceptance of such bond and the payment of the filing fee hereinafter provided, the commissioner shall, if he finds that the experience, character, business reputation and general fitness of the applicant and the members thereof, if the applicant be a copartnership or association, and the trustees thereof, if the applicant be a trust, and the officers and directors thereof, if the applicant be a corporation, and employees of any applicant are such as to command the confidence of the community and to warrant the belief that the business pro-

posed to be conducted will be operated honestly and fairly within the purposes of this act, thereupon issue and deliver a license to the applicant to engage in business as a broker at the location set forth in said license in accordance with the provisions of this act, which license shall be effective until the thirty-first day of December next after its issuance, unless sooner suspended or revoked as herein provided.

Stats 1931, p 558

Section 9 of said act is amended to read as follows:

Bonds for additional locations.

Sec. 9. The commissioner shall require a bond, satisfactory in form, security and amount as herein provided, for each personal property broker's license and broker's license, as in this act provided and may require bonds for additional locations, as in the sound discretion of the commissioner are required adequately to protect the State and the public dealing with such licensees.

Stats 1931, p. 558.

Section 10 of said act is amended to read as follows:

License not transferable

Sec. 10. No license issued by the commissioner hereunder shall either be transferable or assignable.

Stats 1931, p. 558.

Section 11 of said act is amended to read as follows:

Amendment of license

Sec. 11. The commissioner may, from time to time, amend or alter, either upon his own motion or upon application of the licensee without any fee therefor any license theretofore issued by him.

Stats 1931, p 558

Section 12 of said act is amended to read as follows:

Separate license for each location.

Sec. 12. Each personal property broker's license and broker's license shall authorize a licensee to engage in business at the particular location designated in the application and set forth in the license. For each additional location at which business is conducted, either as a personal property broker or as a broker, as provided herein, a separate license is required upon the payment of the fee herein provided.

The commissioner may issue duplicate licenses as provided in section 20, subdivision five hereof.

Stats 1931, p 558

Section 13 of said act is amended to read as follows:

Approval of instruments, etc

Sec. 13. (a) Sample copies of written instruments utilized by licensees, evidencing loan or credit transactions or fixing contractual rights as regulated by this act shall first be submitted to the Commissioner of Corporations and approved by him prior to their use by licensees and shall be subject to the rules and regulations established by the Commissioner of Corporations for the operation of said licensees.

(b) The commissioner may require any licensee to submit and secure the approval of advertising.

Stats 1931, p 558

Section 14 of said act is amended to read as follows:

Suspension or revocation of license

Sec. 14. The commissioner may, upon reasonable notice to the licensee, stating the contemplated action and in general terms the grounds therefor, and upon reasonable opportunity to be heard, suspend or revoke any license issued hereunder, if he shall find that said licensee has failed to maintain in effect the bond or bonds required under the provisions of this act, or that the licensee has violated any provision of this act or any rule or regulation of the commissioner; or that any fact

or condition exists which if it had existed at the time of the original application for such license, would have warranted the commissioner in refusing the original issuance of such license.

Stats 1931, p 558

Section 15 of said act is amended to read as follows:

Review of decision

Sec. 15. Every order, decision, license or other official act of the commissioner shall be subject to review, in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, finding, requirement or rule.

Stats 1931, p 558

Section 16 of said act is amended to read as follows:

Investigation of books, etc

Sec. 16. For the purpose of discovering violations of this act, or securing information required by him hereunder, the commissioner may, at any time, either personally or by any deputy, investigator or auditor designated by him, investigate the loans and business, and examine the books, accounts, records and files used therein of every licensee, and of every person, copartnership, trust, association and corporation who or which shall be engaged in said business, whether such person, copartnership, trust, association or corporation shall act or claim to act as principal or agent under or without the authority of this act, and for such purposes the commissioner and his representatives shall have free access to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all such persons, copartners, trustees, associations and corporations. The commissioner and all persons duly designated by him shall have authority and power to administer oaths and to take the testimony of any witnesses and to issue subpoenas requiring the attendance upon any examination, investigation or hearing in any part of the State of witnesses and the production of books, documents and other things under their control. All of the provisions of chapter two of title three of part four of the Code of Civil Procedure relating to the means of production of evidence out of court shall be applicable to any examination, investigation or hearing under this act. The authority to make or conduct any such examination, investigation or hearing, including the authority to administer oaths and to subpoena witnesses, and to take their testimony may be delegated by the commissioner to any deputy, investigator or auditor appointed by him for that purpose. Such appointment shall be made by an instrument in writing, signed by the commissioner over his official seal, and upon such examination, investigation, or hearing the same shall be produced by such deputy, investigator or auditor at any time upon demand therefor.

Obtaining evidence.

New section.

Said act is amended by adding the following section:

Sec. 17. The commissioner may charge and collect for any examination, audit or investigation, the actual amount of the salary or other compensation paid to the person or persons making the examination, audit or investigation, plus the actual amount of expenses reasonably incurred in the performance of said work. Cost of examination, etc.

Said act is amended by adding the following section: New section

Sec. 18. The licensee shall keep and use in his business such books, accounts and records as will properly enable the commissioner to determine whether such licensee is complying with the provisions of this act and with all rules and regulations made by the commissioner hereunder. Every licensee shall preserve such books, accounts and records for at least two years after making the final entry on any loan recorded therein. Books and accounts.

Said act is amended by adding the following section: New section.

Sec. 19. The commissioner shall establish such rules and regulations as he may deem reasonable or necessary for the execution of the provisions of this act. Rules and regulations

Said act is amended by adding the following section: New section

Sec. 20. The commissioner shall charge and collect the following fees: Fees

1. For filing an original or a renewal application for a personal property broker's license, $100.

2. For filing an original or renewal application for a broker's license, $25.

3. For filing an original or renewal application for each additional location for personal property broker, $25.

4. For filing an original or renewal application for each additional location for broker, $25.

5. For filing application for duplicate of license lost, stolen or destroyed, upon a satisfactory showing of such loss, theft or destruction, $10.

Said act is amended by adding the following section: New section.

Sec. 21. All who shall be engaged in business as personal property brokers, or brokers as herein defined, either directly as principal or indirectly as agent, employee, manager, fiduciary, representative or in any other capacity, or at any unlicensed location, without applying for and receiving the license herein required, are guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months and not exceeding twelve months, or by a fine of not less than $250 and not exceeding $1,000, or by both. Penalty.

Said act is amended by adding the following section: New section.

Sec. 22. All fees charged and collected under this act shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the State to the credit of the fund known as the "corporation commission fund." "Corporation commission fund"

All moneys paid to the commissioner, as in this act provided, shall be paid by him into the State treasury and credited to the corporation commission fund, and all such moneys are hereby appropriated to be used by the commissioner in car- Continuing appropriation

rying out the provisions of this act; and the Comptroller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the Treasurer shall pay the same. The commissioner may, with the consent of the Board of Control, withdraw from said fund a sum not exceeding one thousand five hundred dollars ($1,500), to be used as a revolving fund where cash advances are necessary, and the commissioner must account for such sums so withdrawn for said revolving fund at any time upon demand of the Board of Control.

Revolving fund

New section

Said act is amended by adding the following section:

Existing licenses.

Sec. 23. Any personal property broker or broker as herein defined having a license in effect under chapter 634, Statutes of 1909 as amended, shall notwithstanding this amendment thereto be deemed to have a license as a personal property broker or broker for the calendar year 1933 only to operate as such personal property broker or broker at the particular location specified in such license; provided that such license may be suspended or revoked for cause in the manner and on the grounds specified herein. Such licensees however, shall be required forthwith to apply for and secure licenses for additional locations, if any are being operated, in accordance with this act as amended.

New section

Said act is amended by adding the following section:

Constitutionality.

Sec. 24. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 578.

An act to amend section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats 1929, p. 890.

SECTION 1. Section 692 of the Political Code is hereby amended to read as follows:

Director of Finance to approve land contracts

692. Every contract for the acquisition of land by the State, except land to be acquired by the Department of Public Works for highway purposes, entered into by any State department, board, commission, officer or any other State agency whatsoever, on behalf of the State, shall be approved by the Director of Finance. Any contract entered into in violation of the provisions of this section is void.

CHAPTER 579.

An act to amend section 16x26 of the Weights and Measures Act, relating to sealer of weights and measures in counties of the twenty-sixth class.

Stats 1913, p 1086, amended

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-sixth day of May, A.D 1933. FRANK C JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

SECTION 1. Section 16x26 of the Weights and Measures Act is hereby amended to read as follows:

Stats 1931, p. 854.

Sec. 16x26. The sealer of weights and measures in counties of the twenty-sixth class shall receive a salary of one thousand five hundred thirty dollars per annum.

Merced County. Sealer

The sealer of weights and measures is hereby allowed one deputy at a salary of one thousand five hundred thirty dollars per annum.

CHAPTER 580.

An act requiring public awarding bodies or officers withholding penalties or forfeitures from contractors for violations by contractors or subcontractors of any public works labor acts carrying penalties or forfeitures from the contract payments to transfer such penalties or forfeitures to the State Treasurer to become a part of the general fund of the State ninety days after completion of the contract, unless suit is brought and formal notice of suit is given, requiring any court collecting criminal penalties or fines under such acts to likewise transmit same to the State Treasurer to become a part of the general fund of the State, providing for the temporary retention of such penalties or forfeitures by the public awarding body or officer pending litigation in cases where suit is brought and formal notice of such suit is given within ninety days after completion of the contract, limiting the time for action by the contractor or his assignee for the recovery of the said penalties or forfeitures to the said ninety-day period, making such suit the exclusive remedy of the contractor or his assignee with reference to such penalties or forfeitures and providing that suit shall be brought without permission from any State or other authority and be limited to the recovery of such penalties or forfeitures without prejudice to the contractor's or assignee's rights in regard to other matters affecting the contract but with the burden on the plaintiff

to establish his right to the penalties or forfeitures withheld.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Penalties and forfeitures for violation of labor laws on public works

SECTION 1. Every public awarding body or officer that withholds any penalty or forfeiture from any contract payment for failure of a contractor or subcontractor to comply with any of the labor laws on public works, or with any provision of the contract based on such labor laws, shall at the expiration of a ninety-day period after the completion of the contract, which shall be construed to mean the formal acceptance of the job, transfer any and all such penalties or forfeitures, whether withheld from a progress payment or final payment, to the State Treasurer to become a part of the general fund of the State; provided, however, that in the event suit is brought against the said public awarding body or officer within the said ninety-day period and formal notice is given to the said public awarding body or officer within the said ninety-day period either by service of the summons or by registered mail, in which latter case the registered letter must actually be received within the said ninety-day period, the said penalties or forfeitures shall be retained by the said public awarding body or officer pending the outcome of the suit and be forwarded to the State Treasurer only in the event of a final court judgment against the contractor or his assignee, otherwise to be subject to any final judgment that may be obtained by the contractor or his assignee. The time for action by the contractor, or his assignee, for the recovery of the said penalties or forfeitures shall be limited to the said ninety-day period and such suit on the contract for alleged breach thereof in not making the payment or payments shall be the exclusive remedy of the contractor or his assignee with reference to such penalties or forfeitures. Such suit may be brought by the contractor, or his assignee, without permission from any State or other authority and shall be limited to the recovery of such penalties or forfeitures without prejudice to the contractor's or assignee's rights in regard to other matters affecting the contract. No other issues shall be presented to the court in such case and the burden shall be on the plaintiff to establish his right to the penalties or forfeitures withheld. In case the action was not commenced and actual notice thereof received by the public awarding body or officer within the said ninety-day period the action must be dismissed on motion of the said public awarding body or officer.

Action to recover penalties

Criminal fines and penalties

SEC. 2. Any court collecting any criminal fines or penalties under the criminal provisions of any of the labor laws pertaining to public works shall immediately transmit such fines or penalties to the State Treasurer to become a part of the general fund of the State.

CHAPTER 581.

An act to amend section 4156b of the Political Code, prohibiting district attorneys of counties or cities and counties from defending or assisting in the defense of, or acting as counsel for, defendants in civil actions and proceedings, when the State is a party plaintiff, and to redesignate said section 4156b as section 4156c of the Political Code.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4156b of the Political Code is hereby amended to read as follows: Stats. 1911, p. 427.

4156c. No district attorney of any county, or city and county of the State of California, shall, during his incumbency, defend or assist in the defense of, or act as counsel for, any person or persons, association or corporation, accused of any crime in any county or city and county in the State of California, nor shall the district attorney of any county or city and county, during his incumbency, defend or assist in the defense of, or act as counsel for, any defendant in any eminent domain action or proceeding in which the State of California, or any department or division thereof, is a party plaintiff, in the county or city and county in which he holds such office, except when such county or city and county or any officer thereof, in his official capacity, is defendant. District attorney not to defend

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CHAPTER 582.

An act to create the State Advisory Commission on Indian Affairs, to prescribe its membership and its powers and duties.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. There is hereby created the State Advisory Commission on Indian Affairs, which shall consist of the following members, all to be appointed by the Governor and all to act in an ex officio capacity; one member from the State Board of Health, one from the Department of Education, one from the Department of Social Welfare, one from the extension department of the State Agricultural College, and one from the Department of Anthropology of the University of California. The members of the commission shall receive no compensation for their services. State advisory commission on Indian affairs created

SEC. 2. The commission, in cooperation with the authorized representatives of the United States Commissioner of Indian Affairs, shall have authority to investigate the health, Authority.

home, economic and social conditions and educational advantages of California Indians, and to formulate a constructive program and plan for the improvement of such conditions and the betterment of California Indians.

The commission shall cooperate in every way with the United States Commissioner of Indian Affairs and may request and avail itself of the services and functions of any of the State departments, boards, commissions or other State agencies. Such State departments, commissions, boards or other agencies are hereby directed to cooperate in every way with the commission in order to fully carry out the provisions of this act.

Report to Governor

SEC. 3. The commission, upon the basis of its investigations and studies, shall make a report of its activities and accomplishments to the Governor prior to each regular session of the Legislature and shall include in such report a constructive program and plan for the aid and betterment of the conditions of Indians in this State. On or before December 1, 1934, the commission shall make its first biennial report.

CHAPTER 583.

An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1239

SECTION 1. Section 4246 of the Political Code is hereby amended to read as follows:

Sonoma County Salaries

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk

1. The county clerk, two thousand seven hundred twenty dollars per annum in full compensation for all duties required by law or by virtue of the office; provided, that he shall appoint one chief deputy at a salary of two thousand forty dollars per annum; three deputies at a salary of one thousand five hundred thirty dollars each per annum; two deputies at a salary of one thousand two hundred seventy-five dollars each per annum; one copyist for the county clerk and ex officio clerk of the board of supervisors at a salary of one thousand two hundred dollars per annum; and one deputy clerk for general clerical election duties at a salary of one thousand five hundred thirty dollars per annum; and one or more outside deputies for the purpose of registering the electors, who shall receive a compensation of ten cents for each elector legally

registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid. The county clerk may retain for his own use and benefit such fees as are now or may be hereafter allowed to the county clerks by the laws of the United States pertaining to naturalization of citizens, and such fees for the issuance of hunting and fishing licenses as are now or may be hereafter allowed to the county clerks under the laws of this State. All other commissions and fees of whatever character, received by the county clerk, shall be paid by him into the county treasury.

Sheriff.

2. The sheriff, four thousand two hundred fifty dollars per annum, in full compensation for all services required of him by law or by virtue of the office; provided, he shall appoint one undersheriff at a salary of two thousand forty dollars per annum, one chief deputy at a salary of two thousand dollars per annum, and seven deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; as many special deputies as may be required at a salary not exceeding one hundred twenty-seven dollars and fifty cents per month, each, such salaries not to exceed in the aggregate the sum of two thousand dollars in any one year; a person to act as matron of the county jail at a salary of one hundred dollars per month and one stenographer at one thousand two hundred dollars per annum. Said undersheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. The sheriff shall be allowed seven cents per mile for the use of his automobile for each mile actually and necessarily traveled in the discharge of his duties, and shall receive his actual and necessary expenses incurred while traveling on all civil and criminal business. The sheriff shall collect all fees allowed by law in civil processes and proceedings and per diems paid by the State, or otherwise, and pay the same when so collected, into the county treasury.

Recorder

3. The recorder, two thousand seven hundred dollars per annum; provided, that the recorder shall appoint one chief deputy at a salary of one thousand seven hundred dollars per annum, one deputy at a salary of one thousand three hundred fifty dollars per annum, four deputies at a salary of one thousand two hundred dollars each per annum, to be paid at the same time and in the same manner as county officers are paid; provided further, that the recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem each; but the aggregate pay of such assistants for such work shall not exceed five hundred dollars in any one calendar year. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed. All commissions and fees of whatever character received by the recorder shall be deposited in the

Auditor

4. The auditor, three thousand sixty dollars per annum; provided, that said auditor shall appoint one chief deputy, who shall be an accountant at a salary of one thousand seven hundred dollars per annum, three deputies at a salary of one thousand two hundred dollars each per annum. The auditor shall be allowed as many tax deputies as may be required, at a salary not to exceed one hundred dollars per month, each, such salaries not to exceed in the aggregate three hundred dollars in any one year. No allowance shall be made for additional assistants appointed to perform any duties relating to claims, statistical or other fiscal reports. All fees and commissions of whatever character received by the auditor shall be deposited in the county treasury, and become the property of the county.

Treasurer

5. The treasurer shall receive as full compensation for his services the sum of three thousand sixty dollars per annum; provided, that the treasurer shall appoint one deputy at a salary of one thousand five hundred thirty dollars per annum, to be paid at the same time and in the same manner as county officers are paid. All fees and commissions of whatever character received by the treasurer shall be deposited in the county treasury and become the property of the county.

Tax collector

6. The tax collector, two thousand seven hundred dollars per annum; provided, that said tax collector shall appoint one chief deputy at a salary of one thousand five hundred thirty dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum; and one deputy for a period of nine months of each year at a salary of one hundred dollars per month, to be paid at the same time and in the same manner as county officers are paid. All fees and commissions of whatever character received by the tax collector shall be deposited in the county treasury and become the property of the county.

Assessor

7. The assessor, four thousand two hundred fifty dollars per annum; provided, that the assessor shall appoint one chief deputy at a salary of one thousand seven hundred dollars per annum, one assistant deputy at a salary of one thousand five hundred thirty dollars per annum, and four office deputies at a salary of one thousand two hundred dollars each per annum. The salaries of such deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many field deputies as may be necessary to carry on his work at an expense to the county not to exceed seven thousand four hundred dollars during any fiscal year. The salaries of such last named deputies shall be one hundred thirty-five dollars per month each for a period not to exceed five months in any one year, but one of such deputies may be employed for not to exceed eight months during any one year, said additional time

and from the same funds as the assessor is paid, and the amount of each of such payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims, however, shall not exceed the sum of seven thousand four hundred dollars above mentioned for any one fiscal year. The assessor and field deputies shall be allowed traveling expenses at the rate of seven cents per mile for each mile actually and necessarily traveled in the performance of their duties; provided, however, that the amount allowed for such expenses shall not exceed the sum of seven hundred dollars in any one year. All fees and commissions of whatever character received by the assessor shall be deposited in the county treasury, and become the property of the county.

District attorney

8. The district attorney, four thousand five hundred dollars per annum; provided, that he shall appoint one assistant district attorney at a salary of three thousand dollars per annum, and one deputy district attorney at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum. The district attorney, the assistant and deputy district attorneys shall be allowed their actual and necessary expenses when traveling on county business. The salaries of said assistant, deputy, and stenographer shall be paid at the same time and in the same manner as county officers are paid. The district attorney and assistant and deputy district attorney shall devote their entire time to the duties of the office, and are prohibited from engaging in private practice of law, with the exception that the assistant and deputy district attorney may engage in uncontested civil litigation.

Coroner

9. The coroner, one thousand five hundred dollars per annum, which salary shall be in lieu of all fees that are now, or may hereafter be allowed by law. The coroner shall be allowed his actual and necessary traveling expenses incurred in the discharge of his official duties; provided, that the coroner shall appoint one stenographer at a salary of six hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools

11. The superintendent of schools, three thousand six hundred dollars per annum and actual and necessary traveling expenses when visiting schools in his county, not to exceed five dollars for each school actually visited; provided, that such superintendent of schools may appoint one bookkeeper at a salary of one thousand two hundred dollars per annum, and one clerk who shall be a stenographer at a salary of one thousand two hundred dollars per annum, payable at the same

time and in the same manner as county officers are paid. The superintendent of schools shall be an ex officio member of the board of education.

Surveyor

12. The surveyor, three thousand sixty dollars per annum; provided further, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct. The surveyor shall devote his entire time to the duties of his office. And it shall be his duty to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. The surveyor shall charge and collect the sum of ten dollars per day, together with the sum necessary to pay the compensation and expenses of his assistants, for making such surveys as the duties of his office require. The sum so collected by him shall be deposited in the county treasury and become the property of the county. He shall appoint a deputy at a salary of one thousand five hundred thirty dollars per annum, payable at the same time and in the same manner as county officers are paid; provided, further, that the county surveyor may employ field engineers at a compensation not to exceed eight dollars per day and chainmen at a salary not to exceed five dollars per day and such other help as may be required at a rate not exceeding four dollars per day, when so employed. The aggregate sum that may be expended for all such field engineers, chainmen and other help shall not exceed the sum of five thousand dollars for any one year. The surveyor and his assistants shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties within the county.

Justices of the peace

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases.

In townships having a population of fifteen thousand or more, two hundred dollars per month; provided, that in townships having a population of fifteen thousand or more, the justice of the peace shall appoint one clerk at a salary of six hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

In townships having a population of over eight thousand and less than fifteen thousand, one hundred fifteen dollars per month;

In townships having a population of six thousand and less than eight thousand, seventy-five dollars per month;

In townships having a population of four thousand and less than six thousand, fifty-five dollars per month;

In townships having a population of two thousand and less than four thousand, forty dollars per month;

In townships having a population of one thousand and less than two thousand, thirty dollars per month;

In townships having a population of less than one thousand, twenty dollars per month;

In townships having a population of less than nine hundred, fifteen dollars per month.

Each justice of the peace must pay into the county treasury once a month all fines collected by him; and provided, further, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census reports of 1930. The board of supervisors may furnish or aid in the furnishing of court rooms for justices of the peace.

Constables.

14. In townships having a population of fifteen thousand or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred twenty-five dollars per month; in townships having a population of eight thousand and less than fifteen thousand, the sum of eighty-five dollars per month; in townships having a population of six thousand and less than eight thousand, the sum of fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; provided, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of seven cents per mile for each mile actually and necessarily traveled, no constructive mileage to be allowed; and provided, further, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; and provided, further, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; and provided, further, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census report of 1930.

Supervisors.

15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and seven cents per mile in traveling to and from his place of residence to the courthouse; provided, that only one mileage must be allowed at each board meeting; and provided, further, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; provided, that he shall not in any one year receive

more than nine hundred dollars as such road commissioner; provided, that no member of the board of supervisors or other county officer shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

Salaries

16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month.

Jurors

17. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, or as a member of any committee of the grand jury duly called by the secretary or committee chairman, for each day's attendance, while serving as such juror, or on such committee per day, three dollars; for each day's attendance when not selected to serve, two dollars, but in no case shall there be charged for more than one per diem on any one calendar day. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee but shall be entitled to mileage for each mile actually and necessarily traveled in attending court as a juror, or in attending the regular sessions of the grand jury, or any committee meeting of the grand jury duly called, except in criminal cases in justice's courts, for which no allowance shall be made, per mile, ten cents.

Incumbents

It is hereby found as a fact that the changes herein made as to compensation, are not intended to, and do not effect an increase in the compensation of the officers, and are to apply to the present incumbents. This act is to take effect as provided by law.

CHAPTER 584.

Stats 1907, p 208, amended

An act to amend section 6 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats 1909, p 51

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Misbranded or misbranded food and liquor

Sec. 6. Food and liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases:

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser; or if it be falsely labeled in any respect, or if it purport to be a foreign product tend to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular.

Fifth. When any package bears the name of the manufacturers, jobbers or sellers, or the grade or the class of the product, it must bear the name of the real manufacturers, jobbers or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type; provided, that an article of food shall not be deemed misbranded, if it be a well known food product of a nature, quality and appearance, and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions one to four of this section.

Sixth. If, having no label, it is an imitation or adulteration, or is sold or offered for sale under a name, designation, description or representation which is false or misleading in any particular whatever; and in case of poultry: if they have been kept or packed in cold storage, or otherwise preserved, they must be so indicated by written or printed label or placard plainly designating such fact when offered or exposed for sale.

CHAPTER 585.

An act to add a new section to be numbered 14a to Chapter 609, Statutes of 1931, entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as "gasoline"; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith,"

Stats 1931, p 1313, amended

approved June 5, 1931, relating to licensing of persons, firms, associations or corporations, installing and using motor vehicle fuel pumps, and to declare the urgency thereof.

[Approved by the Governor May 26, 1933. In effect immediately.]

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

New section

SECTION 1. A new section is hereby added to chapter 609, Statutes of 1931, to be numbered 14a, and to read as follows:

License to retail petroleum products

Sec. 14a. Every person, firm, association, or corporation engaged in the business of selling at retail gasoline, distillate, or other petroleum products, for use as fuel for internal combustion engines, within thirty days from and after the effective date of this act, and every person, firm, association, or corporation, after this act becomes effective before engaging in such business, shall obtain from the Division of Weights and Measures, of the State Department of Agriculture, a license effective for one (1) year, authorizing said person, firm, association, or corporation to engage in such business, for which license the licensee shall pay, annually, a license fee, the total amount of said fee to be determined by the number of motor vehicle fuel pumps installed and used, or to be installed and used, or from time to time installed and used by such licensee in such business figured at the rate of one dollar ($1) for each such pump. Before granting any

Application.

license authorizing any person, firm, association or corporation to engage in such retail business, the Division of Weights and Measures, of the State Department of Agriculture, shall require such person, firm, association or corporation to file an application with said division in such form as shall be prescribed by said division, which application shall be accompanied by the license fee due from such person, firm, association or corporation, the amount thereof to be determined in the manner hereinabove set forth. Application for a license for the fiscal year ending June 30, 1934, shall be made within thirty days from and after the date upon which this act takes effect, and shall be accompanied by the license fee due from any such applicant, as above provided. Thereafter all applications shall be filed with said Division of Weights and Measures on or before the first day of July of each year, and payment made for an annual license in the usual manner. Every licensee shall at all times conspicuously display any license so granted hereunder on the premises in which such licensee is doing business.

Fund.

All license fees so collected under the provisions of this section shall be credited to the Department of Agriculture fund created by chapter 70 of the Statutes of 1929, to be expended in accordance with the law in carrying out the provisions of this act.

Stats 1929, p. 148.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the pub-

lic peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The facts constituting such necessity are as follows:

The State treasury is in a depleted condition and it is necessary that all possible revenues be collected. It is necessary that moneys be available to the Division of Weights and Measures in the Department of Agriculture to enable it to properly carry out its functions and this bill will materially aid in accomplishing that result.

CHAPTER 586.

An act to amend section 4282 of the Political Code, relating to the compensation of county and township officers in counties of the fifty-third class.

[Approved by the Governor May 26, 1933 In effect August 21, 1933]

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

SECTION 1. Section 4282 of the Political Code is hereby amended to read as follows: Stats 1931, p. 205.

4282. In counties of the fifty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Del Norte County Salaries.

1. The county clerk, one thousand eight hundred dollars per annum. A deputy county clerk to be appointed by the county clerk and be paid a salary of nine hundred dollars per annum. In counties of this class the county clerk is hereby allowed in addition to his salary, one-half of all fees, except registration fees, collected in excess of one hundred dollars per month, and the sum of six hundred dollars each year in which a primary election is held. Clerk.

2. The sheriff, two thousand four hundred dollars per annum and the fees for service of all civil process whatsoever. A deputy sheriff to be appointed by the sheriff and to be paid a salary of twelve hundred dollars per annum. When there are more than three occupants in the jail, the sheriff must maintain a keeper therein, for which the board of supervisors shall allow him an additional two dollars and fifty cents per diem. When outside the county on official duties he shall be allowed his actual expense and mileage. Sheriff.

3. The recorder, one thousand eight hundred dollars per annum; and provided, further, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of three thousand six hundred dollars per annum, and said auditor and recorder shall pay his own deputy or copyist. Recorder.

Auditor

4. The auditor, one thousand eight hundred dollars per annum; provided, that the board of supervisors shall allow the auditor three hundred dollars a year for additional help during the preparation of the budget and assessment roll. If statements on the assessment roll exceed three thousand seven hundred, he shall receive seventy-five dollars for every additional one hundred, or major fraction thereof. No other fees shall be allowed to the auditor. He shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of recorder.

Treasurer

5. The treasurer, one thousand eight hundred dollars per annum.

Tax collector

6. The tax collector, one thousand eight hundred dollars per annum; a deputy to be appointed and be paid a salary of three hundred dollars per annum. If statements on the assessment roll exceed three thousand seven hundred, the board of supervisors shall allow the tax collector fifty dollars for every additional one hundred, or major fraction thereof.

Assessor

7. The assessor, one thousand eight hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and to be paid a salary of six hundred dollars per annum, and one deputy who shall be paid a salary of three hundred dollars per annum; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the assessor is paid. The assessor shall receive one hundred fifty dollars for every one hundred, or major fraction, statements in excess of three thousand seven hundred.

District attorney

8. The district attorney, two thousand dollars per annum and such fees as are now or may hereafter be paid to that officer.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools

11. The superintendent of schools, one thousand eight hundred dollars per annum, and five dollars per diem for necessary traveling expenses in performing his duties.

Surveyor

12. The county surveyor, ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

Justices of the peace

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows:

Townships having a population of three thousand or more shall belong to and be known as townships of the first class. Townships having a population of less than three thousand and more than one thousand shall belong to and be known as townships of the second class. Townships having a popula-

tion of less than one thousand shall be known as townships of the third class.

The population of the several townships shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last Federal census taken during the year 1930. Justices of the peace shall receive the following salaries:

In townships of the first class the justices of the peace shall receive a salary of ninety dollars per month and the supervisors may allow for rent, light and fuel of such justice, in the maintenance of his office, a sum not to exceed monthly twenty per cent of his salary.

In townships of the second class the justices of the peace shall receive a salary of thirty dollars per month; and in townships of the third class, twenty dollars per month.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of various townships in such counties, the codes of the State and amendments thereto, and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables

14. Constables, according to the class of the township, as follows: First class, twenty-five dollars per month; second class, seventy-five dollars per month; and third class, twenty dollars per month.

Supervisors.

15. Each member of the board of supervisors, seventy-five dollars per month and an allowance not to exceed two hundred dollars per year for mileage and expenses in traveling from his residence to the county seat; provided, that only one mileage shall be allowed for any session, regular or special, of the board. Actual expense outside county to be allowed and paid.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroners' inquests, an annual salary not to exceed one thousand two hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid; and mileage and expenses when away from the county seat on county matters. For transcription of said notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same

or when ordered by the judge, by either party or jointly by both parties as the court may direct.

Jurors. 17. The fees of grand jurors and trial jurors in the superior courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors in justices' courts and of witnesses in superior courts shall be two dollars per day for each day's attendance and mileage to be computed at the rate of fifteen cents per mile traveled in attending court, in going only. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for, and shall pay all fees for mileage at the rate of six cents per mile, except where mileage is allowed in a lump sum.

Mileage. Allowance for mileage within county in no case shall exceed six cents per mile unless board of supervisors allows a fixed sum per month for mileage.

Incumbents. The changes in salary herein contained shall not apply to present incumbents but shall be effective from and after the first Monday after the first day of January, 1935.

CHAPTER 587.

An act providing for the conveyance to the city of Santa Barbara of real property belonging to the State of California on condition that the city of Santa Barbara in exchange therefor convey or lease to the State of California real property or interests therein belonging to the city of Santa Barbara.

[Approved by the Governor May 26, 1933 In effect August 21, 1933.]

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

Exchange of certain State lands SECTION 1. The Director of Education, with the consent of the Director of Finance, is hereby authorized to convey to the city of Santa Barbara such of the real property belonging to the State and used or proposed to be used for the State Teachers College of Santa Barbara as may in his judgment be desirable, such conveyance to be made only on condition that the city of Santa Barbara in exchange therefor convey or lease to the State of California such real property belonging to the city of Santa Barbara or grants such easements or rights of

way to the State of California over such real property belonging to the city of Santa Barbara as the State Director of Education and the State Director of Finance may designate and on such terms and conditions as may be prescribed by them.

CHAPTER 588.

An act to amend sections 3, 4 and 5 of an act entitled "An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing State lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams," approved April 27, 1911, relating to the powers and duties of the State Controller with respect thereto.

Stats 1911, p 1154, amended.

[Approved by the Governor May 26, 1933 In effect August 21, 1933.]

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

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1931, p 1047.

Sec. 3. Every person, firm or corporation taking from the waters of such stream, lakes or lands any minerals, shall file, on or before the last Monday in January of each year, with the State Controller, a written statement, duly verified, showing in tons of two thousand pounds, the amount of mineral taken by such person, firm or corporation from such water or land during the year ending December thirty-first last preceding, and sold by said person, firm or corporation during the said year preceding. A copy of such statement must also be filed with the Department of Finance. Any such person, firm or corporation neglecting or refusing to furnish such statement shall forfeit all rights to take waters of such stream, lakes or lands. Any person who shall, either on behalf of himself or any firm or corporation, verify any such statement which shall be untrue in any material part, shall be deemed guilty of a misdemeanor.

Minerals from State property.

Penalty

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Stats 1931, p 1047

Sec. 4. The State Controller, whenever he shall deem it necessary or expedient, may make an examination of the business or affairs of such person, firm or corporation, or any lessee of lease issued under the provisions of this act, with relation to the extraction of minerals and payment of royalty therefor, and, for that purpose is hereby empowered to administer oaths, and issue subpenas for the attendance of witnesses and the production before him of papers, books, accounts, documents, audits and tax reports. All of the provisions of Chapter II of Title III of Part IV of the Code of

Powers of Controller.

Sections applicable.

Civil Procedure of State of California, shall be applicable to any examination, audit, investigation or hearing conducted under this provision of this act. The authority to make or conduct such examination, audit, investigation or hearing, including the authority to administer oaths, and to subpena witnesses and take their testimony, may be delegated by the State Controller to any person appointed by him for that purpose. Such appointment shall be made by an instrument in writing, signed by the State Controller under his official seal.

Stats. 1931, p 1047.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Royalty.

Sec. 5. Every person, firm or corporation and every lessee under provisions of this act shall, at the time of filing the statement provided for in section 3 of this act, forward to the State Controller an express or postal money order payable to the State Treasurer in a sum equal to royalties as follows: a royalty of twenty-five cents for each ton of two thousand pounds of mineral taken from such water or land by such person, firm or corporation and sold, during the preceding year; provided, that the royalty on sodium bicarbonate and on sodium hydrate so taken shall be fifty (50) cents for each ton of two thousand pounds.

CHAPTER 589.

An act to amend section 459 of the Agricultural Code, relating to dairies and dairy products.

[Approved by the Governor May 26, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 590.

An act to amend section 588 of the Fish and Game Code, relating to kelp.

[Approved by the Governor May 26, 1933 In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 591.

An act relating to penalties for nonpayment of taxes for the fiscal year 1932-33, relating to the publication of the delinquent list and addenda thereto, relating to the period of

redemption and the sale of property delinquent in the payment of such taxes, extending the time for the performance of all acts and duties of public officials with relation thereto, declaring the urgency of this act and providing that it shall take effect immediately.

[Approved by the Governor May 26, 1933 In effect immediately]

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

Time for certain acts re taxes

SECTION 1. Notwithstanding the provisions of sections 3764 and 3771, and other provisions of the Political Code, the time of publication of the delinquent list and the time of sale for delinquency in the payment of either that installment of taxes for the fiscal year 1932-33 which became delinquent December 5, 1932, or that installment of taxes which became payable January 20, 1933, or both such installments, and the time of performance of duties of any officer charged with the collection of such taxes, shall be extended and postponed for a period of sixty-one days. In all other particulars, all sales to the State for delinquency in payment of taxes for the fiscal year 1932-33 shall be held and conducted in the manner prescribed in said code.

Redemption

SEC. 2. If either or both of the installments of such taxes are not paid on or before June 20, 1933, said property may be redeemed by paying to the county treasurer taxes, penalties, interest and costs as provided by said code, in all respects as though the time of payment and sale had not been extended.

Extension of time

SEC 3. Notwithstanding the provisions of sections 3764 and 3771a of said code, the time of publications of the addenda to the delinquent tax list and of the notice of sale of all properties which were sold to the State for delinquent taxes in the year 1928 on which taxes remain unpaid, and also the time of such sale, is hereby extended and postponed for a period of sixty-one days.

Sale of property sold to State

SEC. 4. Notwithstanding the provisions of section 3764 of said code, sales of property sold to the State for delinquency in payment of taxes for the fiscal year 1932-33 shall be made in the year 1938, at the same time and in the same manner as if no extension of time or postponement of sale to the State, in accordance with the terms of this act, had been made. The words "five years" as used in said section 3764 shall be construed to mean and include the period of time that will elapse between the actual date of such sale in the year 1933 and the time fixed by law for the sale by the State of such property in the year 1938.

Applicability of act.

SEC. 5. The provisions of this act, as far as they may be applicable, shall apply also to those cities, counties, cities and counties, and other political subdivisions and to the acts of the public officials thereof, in any case in which the date or dates of payment and delinquency of taxes and the time for per-

Stats 1933, Ch 103

forming acts or duties by public officials in relation thereto, was extended by chapter 103 of the Statutes of 1933.

Urgency.

SEC. 6. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

The facts constituting such a necessity are as follows: Whereas, because of economic conditions existing throughout the State the Legislature has extended the time for the payment of taxes, it is necessary to define and prescribe the duties of public officials charged with the collection of taxes in connection with the computation of penalties, publication of delinquent taxes and sale of property for delinquent taxes. It is necessary that these duties be clearly defined, to the end that the extension granted by the Legislature be made operative and to prevent confusion and uncertainty as to the duties of public officials in relation thereto and to protect the rights of taxpayers. To these ends, it is necessary that this act shall take effect immediately.

CHAPTER 592.

An act to amend section 3644 of the Political Code, relating to taxation of boats and vessels.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats 1931, p 2420

SECTION 1. Section 3644 of the Political Code is hereby amended to read as follows:

Assessment and taxation of vessels

3644. All vessels not exempt from taxation under the provisions of the Constitution, except as provided below, shall be assessed and their taxes paid only in the county, or city and county, in which they make their home port or their habitual place of anchorage or mooring when not in service when the assessor of the county or city and county wherein such vessels are registered is given notice in writing, by the owner or master of such vessel, as to such place of anchorage or mooring.

Such vessels as are regularly engaged in transporting passengers or cargo between two or more ports, except ferryboats, and vessels concerning which no such notice as hereinabove provided shall have been given, must be assessed and the taxes thereon paid only in the county or city and county where the same are registered, enrolled, or licensed.

CHAPTER 593.

An act to amend section 12 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands: to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, relating to leasing of State lands and the taking of minerals or petroleum products therefrom, and declaring the urgency thereof.

Stats 1921, p 404. amended

[Approved by the Governor May 26, 1933 In effect immediately.]

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

SECTION 1. Section 12 of said act is hereby amended to read as follows:

Stats. 1921, p 404.

Sec. 12. No person, association or corporation shall take or hold, either directly or indirectly, under the terms of this act, permits or leases exceeding in aggregate acreage 640 acres for each of the minerals reserved to the State under the terms of this act; and no person, association or corporation shall take or hold at any one time any interest or interests as a member of an association or associations, or as a stockholder of a corporation or corporations holding a permit or permits, lease or leases, under the provisions hereof, which, together with the area embraced in any direct holding of a permit or permits, lease or leases, under this act, or which, together with any other interest or interests, as a member of an association or associations, or as a stockholder of a corporation or corporations holding a permit or permits, lease or leases, under the provisions hereof, for any kind of said minerals leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one permittee or lessee under this act. Any interest held in violation of this act shall be forfeited to the State of California by appropriate proceedings for that purpose in the superior court for the county in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition. Nothing herein contained shall be construed to limit or to prevent any number of permittees or lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on

Limitation on permits and leases to one person or corporation.

Forfeiture of interest

the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal.

Unit plan of development

And provided further, that for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other jointly or separately, or jointly or separately with others owning or operating lands not belonging to the State, in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Surveyor General to be necessary or advisable in the public interest, and the Surveyor General is thereunto authorized in his discretion, with the consent of the holders of leases or permits involved, to establish, alter, change and revoke, drilling, and producing requirements of such leases or permits, and to make such regulations with reference to such leases and permits with like consent on the part of the lessee or lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of the interest of the State of California.

Lease for permit area included

And further provided, that when any permit immediately adjacent to another permit or lease upon which valuable deposits of oil or gas have been discovered, and in good standing and not expired on January 1, 1933, has been included, with the approval of the Surveyor General, in a unit plan of development or operation under this section, the Surveyor General may issue a lease for the area of the permit so included in said plan without further proof of discovery, upon such royalty requirements as may appear to him to be to the best interests of the State, but not to exceed a royalty of twelve and one-half (12½) per centum.

Surveyor General to approve contracts

And provided further, that the Surveyor General is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling or development contracts made by one or more permittees or lessees in oil or gas leases or permits with one or more persons, associations, or corporations, whenever in his discretion and regardless of acreage limitations, provided for in this section, the conservation of natural products or the public convenience or necessity may require it, or the interests of the State of California may be best subserved thereby.

Compensation for drainage from State lands

And provided further, that whenever it appears to the Surveyor General that wells now drilled upon private lands are draining oil or gas from lands owned by the State of California upon which drilling is now prohibited by law, the Surveyor General is hereby authorized and empowered on behalf of the State of California to negotiate in the name of

and on behalf of the State of California, agreements whereby the State of California shall be compensated for such drainage.

Unlawful leases may be forfeited

And provided further, that, if any of lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect. The facts constituting the necessity are as follows:

Under the present law the drilling operations conducted along our public beaches are such as to cause pollution of the water along the beach. The result is that not only the public enjoyment of the beach lands and the waters adjacent thereto is impaired, but the public health is endangered. To remedy this situation, it is imperative that this act take immediate effect.

CHAPTER 594.

An act to amend section 985 of the Political Code, relating to official bonds.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Pol. C. 1872

SECTION 1. Section 985 of the Political Code is hereby amended to read as follows:

Official bonds

985. Every officer, agent or employee not required by statute to give an official bond, may be required to give an individual official bond in an amount to be fixed by such appointing power. When deemed expedient by the appointing power, a master official bond may be used with a schedule attached, containing the name of such officer, agent or employee required to give an official bond and the amount for which each such officer, agent or employee is bonded.

The contents of such bond shall conform to the requirements set forth in section 954 of this code.

Pol C 1872. Term of bond or coverage.

The term of any such individual official bond, and the term of coverage of any officer, agent or employee on the schedule of any such master official bond, shall not exceed one year. Each official bond whether individual or master may contain a provision to authorize the appointing power to cancel any such individual official bond or the contract of coverage of any such officer, agent or employee on the schedule of any such master official bond.

CHAPTER 595.

An act to amend section 1491 of the Penal Code, relating to bail upon habeas corpus proceedings.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Pen C. 1872.

SECTION 1. Section 1491 of the Penal Code is hereby amended to read as follows:

Bail bond in habeas corpus proceedings

1491. Any judge before whom a person who has been committed upon a criminal charge may be brought on a writ of habeas corpus, if the same is bailable, may take an undertaking of bail from such person as in other cases, and file the same in the proper court. Whenever a writ of habeas corpus is returned to a court for hearing and the petitioner is charged with an offense other than a crime of violence or committed with a deadly weapon or involving the forcible taking or destruction of the property of another, but the prisoner does not stand convicted of any offense, the amount of the bail must be set immediately if no bail has theretofore been fixed.

CHAPTER 596.

Stats 1897, p 75. amended.

An act to amend the title and section 1 of an act entitled "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, relating to the refunding of indebtedness of any incorporated city or town other than cities of the first class or of any department, board or special fund thereof.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats 1897, p. 75

SECTION 1. The title of an act entitled "An act authorizing the common council, board of trustees, or other governing

body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, is hereby amended to read as follows:

An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund indebtedness thereof, or of any department, board or agency thereof, and to issue bonds therefor and to provide for the payment of the same. Title amended.

SEC. 2. Section 1 of the act mentioned in the title hereof is hereby amended to read as follows: Stats 1919, p 498.

Section 1. The common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class in this State, having an outstanding indebtedness evidenced by bonds or warrants thereof, or by judgment or judgments, or any department, board or special fund of which shall have an outstanding indebtedness evidenced by bonds, warrants, notes or other evidences of indebtedness, which indebtedness of such department, board or special fund shall have been created for a purpose or purposes for which bonds of said city or town could have been authorized and issued pursuant to law, is empowered, by a two-thirds vote of its number, to fund or refund the said indebtedness at or before maturity and to issue bonds of such city or town therefor in denominations of not less than one hundred dollars nor more than one thousand dollars each, and having not more than forty years to run, and bearing a rate of interest not exceeding six per cent per annum, payable semiannually; provided, that no indebtedness shall be refunded at a higher rate of interest than that borne by the original debt. Such bonds shall be of the character known as "serial," not less than one-fortieth of the principal being payable each year, together with the interest due on all sums unpaid. Principal and interest on said bonds shall be payable in gold coin or other lawful money of the United States, as may be expressed in said bonds, at the office of the treasurer of said city or town. Said bonds shall be sold in the manner provided by such city council or other governing body, to the highest bidder therefor, for not less than their face value, in the same character of money as that in which they are payable, or may be exchanged for the outstanding evidences of indebtedness as hereinafter provided. The proceeds of any such sale for cash shall be placed in the treasury of such city or town to the credit of the "funding fund," and shall be applied only to refunding the indebtedness for which said bonds are issued. Refunding bonded indebtedness of municipal corporations. Interest. "Serial" bonds Sale of bonds. "Funding fund."

For the payment of the refunding bonds issued hereunder the legislative body of the municipality shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually, each year until said bonds are paid or until there shall be a sum in the Tax to pay principal and interest

treasury of said municipality set apart for that purpose to meet all sums coming due for principal and interest on such bonds a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time the proceeds of the next general tax levy will be available for payment thereof. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than the payment of said bonds and accrued interest thereof.

When election necessary

Where such indebtedness is evidenced by warrants or by judgment or judgments obtained for indebtedness or liability incurred by any such incorporated city or town exceeding the income and revenue provided for the year in which such indebtedness or liability was incurred, within the meaning of section 18 of Article XI of the Constitution, or where such indebtedness is the indebtedness of any such department, board or special fund, and has been incurred without the submission to the qualified electors of said city or town of the proposition of incurring such indebtedness, and without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, bonds to fund or refund the same shall not be issued unless authorized by the assent of such number of the qualified electors of such incorporated city or town voting at an election to be called and held for that purpose, as may be required by the Constitution of this State. The election shall be called and held in the manner provided for in an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," in effect February 25, 1901, and amendments thereto, and the ordinance calling the election shall recite the object and purposes for which such bonded indebtedness is proposed to be incurred. The proceeds arising from the sale of such bonds shall be applied by the treasurer to the satisfaction of such judgment or judgments, or to the refunding of the indebtedness for which said bonds are issued, or such bonds may be exchanged at the par value thereof, for evidence of indebtedness at the par value thereof, to be refunded thereby, subject to adjustment of accrued interest to the date of exchange.

Stats 1901, p 27.

Application of proceeds of sale of bonds

Bankruptcy proceedings

Any city or town authorized to refund its indebtedness under the provisions of this act is authorized to file a petition under any bankruptcy law of the United States now or hereafter enacted, and, if in such bankruptcy proceeding the refunding of the city or town indebtedness is authorized, to proceed under the provisions of this act to refund the indebtedness of such city or town.

CHAPTER 597.

An act to amend section 12 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897, relating to admissions to the Veterans' Home.

Stats 1897, p 106, amended

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 12 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897, as amended, is hereby amended to read as follows:

Stats 1931, p 1322

Sec. 12. No person shall be admitted to reside in said home with the exception of the families of officers and employees, who is not an honorably discharged United States soldier, sailor, or marine, and who has not been a bona fide resident of the State of California for a period of six years immediately preceding his application, except as is provided in section 16 of this act.

Qualifications for residence

The board may make such additional rules and regulations governing the admission of applicants and may prescribe the conditions precedent upon which they may enter, and the conditions upon which they may remain, as in its judgment may be deemed just and proper and for the best interests of the home.

Board may make additional requirements

CHAPTER 598.

An act to amend section 4191 of the Political Code, relating to the expenditure by boards of trustees of law libraries of surplus funds to acquire real property and erect a building thereon and to contribute from such funds to obtain adequate quarters in any building hereafter erected by the board of supervisors of the county in which such law library is maintained.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4191 of the Political Code is hereby amended to read as follows:

Stats. 1931, p 1909.

Use of law library fund

4191. All moneys collected as provided in the preceding sections shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "law library fund," and shall be drawn therefrom as in this article provided, but only to be used and applied to the purposes herein authorized. Said board of trustees, by a majority vote of all its members, shall have power to use and expend all surplus funds in excess of ten thousand dollars under its control, not necessary for use to maintain said law library, to acquire real property and erect thereon a library building to house said law library, or to appropriate from said surplus funds in excess of ten thousand dollars so much thereof, in the discretion of said board, as may be necessary to obtain adequate quarters for said law library in any building hereafter erected by the board of supervisors of the county in which such law library is maintained; provided, that said funds so appropriated shall not be more than the proportion of the total cost of such building which the space allotted to such library bears to the total usable space in said building. The funds so appropriated may either be transferred to the board of supervisors of the county in which said law library is maintained, for use in erecting such a building, or paid directly on contracts for the erection thereof made by any such board of supervisors.

To acquire land and build

CHAPTER 599.

Stats. 1915, p. 1225, amended

An act to repeal sections 19mm and 19x21 of the Juvenile Court Law, relating to probation officers in counties of the twenty-first class.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Repeals

SECTION 1. Sections 19mm and 19x21 of the Juvenile Court Law are hereby repealed.

CHAPTER 600.

Stats 1921, p. 969, amended

An act to amend section 3 of the California Veterans' Welfare Act, approved May 30, 1921, as amended, relating to veterans and the Veterans' Welfare Board.

[Approved by the Governor May 26, 1933. In effect August 21, 1933.]

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

Stats 1923, p 902

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 3. For the purposes of this act the "Veterans Welfare Board" is hereby created. This board shall consist of five members to be appointed by the Governor to hold office for a term of four years and until their successors have been appointed and shall qualify. Four of such members shall be veterans. Of the members first appointed one shall be appointed to hold office until the first day of January, 1922, one until the first day of January, 1923, one until the first day of January, 1924, and two until the first day of January, 1925. The Governor shall designate one of the veteran members as chairman of the board and director of veterans' welfare. The secretary may or may not be a member of the board. Veterans Welfare Board created.

Each member of the board other than the chairman and other than the secretary, if he be a member of the board, shall receive for each day's attendance at each meeting of the board a per diem to be fixed by the State Board of Control with the approval of the Governor, and shall also receive the same per diem for each day spent in performing any duty required of him under the direction of the board in the performance of its official duties. The chairman shall receive a salary to be fixed by the State Board of Control with the approval of the Governor. The members shall also receive their actual necessary traveling expenses in the discharge of their duties. Each member of the board shall be a civil executive officer. Compensation

The board may select and employ such expert, technical, legal, clerical and other employees as may be necessary. Whenever possible preference shall be given to veterans for employment hereunder. The board shall fix the salaries of all employees with the approval of the State Board of Control. Employees.

CHAPTER 601.

An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately.

[Approved by the Governor May 26, 1933. In effect immediately]

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

SECTION 1. Every building of any character, and every part thereof which is hereafter constructed in any part of the State of California, including every incorporated city, incorporated city and county, and county except such buildings as are hereinafter expressly excepted from the operation of this act, shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either two (2) per cent of the total vertical design load or twenty (20) pounds per square foot wind pressure on the vertical Building requirements. Resistance to horizontal forces.

projection of the exposed surface, the horizontal force used to be the one that produces the greater stresses in the building.

Computed stresses defined.

SEC. 2. For the purposes of computing the resistance of any building to such horizontal forces as required by section 1 hereof, the computed stresses resulting from the combined vertical forces and horizontal forces shall not exceed one and one-third (1⅓) times the allowable working stresses as hereinafter provided.

Allowable working stresses

SEC. 3. For the purposes of this act, allowable working stresses shall be those specified in the ordinances governing the erection and construction of buildings in the city or city and county in which the building is to be constructed or if in unincorporated territory then of the county wherein the work is done.

If no such ordinance is in effect at the place at which the work is done then the allowable working stresses shall be those specified by the Division of Architecture of the State Department of Public Works, which is hereby fully authorized and empowered to specify such allowable working stresses for the purposes of this act as to any city, city and county, or county in which no such ordinance is in effect.

Buildings exempted

SEC. 4. This act shall not apply to the following buildings:

a. Any building not intended primarily for occupancy by human beings and no part of which is located within the limits of an incorporated city or incorporated city and county.

b. Any building designed and constructed for use exclusively as a dwelling for not more than two families and no part of which is located within the limits of an incorporated city or incorporated city and county.

c. Any building on which work has actually been commenced prior to the effective date of this act.

Penalty

SEC. 5. Any person who constructs a building not meeting the requirements of section 1 of this act and not excepted under section 4 of this act shall be guilty of a misdemeanor.

Enforcement.

SEC. 6. It shall be the duty of the building department of every incorporated city, and incorporated city and county, to enforce all of the provisions of this act. In every county it shall be the duty of the department, officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings in said county to enforce all of the provisions of this act outside of the limits of any incorporated city.

"Building department" defined

For the purposes of this act the term "building department" shall mean the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

Every incorporated city, or city and county, and county in the State of California shall have and is hereby empowered and given authority to designate and charge by ordinance any other department or officer than the department

or officers mentioned herein with the enforcement of this act or any portion thereof.

Additional requirements allowed.

SEC. 7. Nothing in this act contained shall be construed as a limitation on the powers of incorporated cities, cities and counties, and counties to establish by ordinance further standards for the construction of buildings beyond the requirements of this act.

Urgency.

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace hereof and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: The series of earthquakes occurring in the southern portion of the State has caused great loss of life and damage to property. Much of this loss and damage could have been avoided if the buildings and other structures had been properly constructed. The buildings which will be constructed and reconstructed to replace the buildings damaged or destroyed by earthquake should be so constructed as to resist, in so far as is possible, future earthquakes. These buildings will be constructed and reconstructed at once and accordingly it is necessary that this act go into immediate effect in order that these buildings be so constructed that the lives and property of the people will be safeguarded.

CHAPTER 602.

An act to provide for the replacement and/or the reconstruction in whole or in part of all city, county, school district, or other special district buildings wholly or partially destroyed by earthquakes since January, 1933, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 26, 1933. In effect immediately]

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

Governor may accept Federal aid

SECTION 1. Whenever the Federal Government, through the Reconstruction Finance Corporation or any other agency, shall offer to advance to the State of California any funds to be used for the purpose of providing for the replacement and/or the whole or partial reconstruction of any buildings of any city, county, school district, or other special district of California, wholly or partially destroyed by earthquakes since January, 1933, the Governor may, on behalf of the State, accept not to exceed fifteen million dollars of such funds.

SEC. 2. Any funds advanced by the Federal Government to the State for the purposes specified in section 1 of this

"Public buildings reconstruction fund" created

act shall be placed in the State treasury to the credit of a fund to be known as the "Public buildings reconstruction fund," which fund is hereby created.

Board of Public Building Reconstruction

SEC. 3. There is hereby created a Board of Public Building Reconstruction to consist of the Director of Education, the Director of Finance, the State Controller, the Director of Public Works, and the Chief of the Division of Schoolhouse Planning of the State Department of Education. Said board

Powers

is hereby granted the power (1) to expend the moneys in the Public buildings reconstruction fund in accordance with law for the purposes specified in this act and for the repayment of advances made by the Federal Government and placed therein; (2) to, upon the application of the governing board of any city, county, school district, or other special district concerned, replace or wholly or partially reconstruct such buildings belonging to the said city, county, school district, or other special district as may have been wholly or partially destroyed by earthquakes since January, 1933; (2a) to have prepared all necessary plans and specifications for all buildings constructed or wholly or partially reconstructed under the provisions of this act; (3) to establish and enforce such rules and regulations as it may deem necessary for the administration and execution of the purposes of this act; (4) to determine the terms and conditions under which buildings will be replaced or wholly or partially reconstructed; (4a) to rent any building or portion of a building constructed or reconstructed under the provisions of this act to the city, county, school district, or other special district wherein such building or portion of the building is located as hereinafter provided; (5) to fix the rental to be paid by any city, county, school district, or other special district for the buildings replaced or wholly or partially reconstructed by the Board of Public Building Reconstruction and rented to the city, county, school district, or other special district; (6) to fix the terms and manner of the payment of said rental; (7) to insure all buildings replaced or wholly or partially reconstructed in any city, county, school district, or other special district by said board until the total of the agreed rentals has been paid by the governing board of the said city, county, school district, or other special district; (8) to do any and all things and to perform any and all acts not heretofore enumerated and necessary to give full effect to the provisions of this act.

Cities, counties, etc., may request funds.

SEC. 4. The governing board of any city, county, school district, or other special district in which any building or buildings of the city, county, school district, or other special district have been wholly or partially destroyed by any earthquake since January, 1933, is hereby authorized to request the Board of Public Building Reconstruction to replace or reconstruct in whole or in part, as the case may be, such building or buildings and is hereby empowered to enter into, to comply with the provisions of, and to do all things necessary to carry out the terms of any agreement which the said govern-

ing board may enter into with the said Board of Public Building Reconstruction, and which may be required or authorized by this act.

Agreements necessary.

SEC. 5. Before replacing or reconstructing, in whole or in part, any building, an agreement between the governing board of the city, county, school district, or other special district and the Board of Public Building Reconstruction must be entered into. Such agreement shall fix the powers, duties, responsibilities and liabilities thereunder of the governing board of said city, county, school district, or other special district and the said Board of Public Building Reconstruction.

Reconstructed building property of State.

For the purposes of this act any building constructed or reconstructed by the Board of Public Building Reconstruction, and any portion of a building constructed or reconstructed by said board, as provided by this act, shall be, and is hereby declared to be, the property of the State and the city, county, school district, or other special district in which such building or portion of a building is situated shall have no interest therein until such building or portion of building is conveyed to the city, county, school district, or other special district by the Board of Public Building Reconstruction as in this act provided.

Budget to provide for rental

The governing board of any city, county, school district, or other special district which has entered into an agreement to pay rentals to the Board of Public Building Reconstruction under the provisions of this act must include in the budget of the said city, county, school district, or other special district for any year during which the agreement is in effect, an amount sufficient to pay such rental as may become due the said board during such year. The amount included in the budget of such city, county, school district, or other special district for the payment of such rental shall not be used for any other purpose than the payment of such rental.

Rentals

SEC. 6. All rentals payable by a city, county, school district, or other special district shall be payable at such times as the Board of Public Building Reconstruction may designate, and when due shall be transmitted by the governing board of each city, county, school district, or other special district concerned to the Board of Public Building Reconstruction, which shall deposit said sums in the State treasury to the credit of the "Public building reconstruction fund." The moneys in said fund shall be devoted solely to the purposes specified in this act and to the repayment of advances made by the Federal Government and placed therein.

Amount of rental chargeable.

SEC. 7. The total rentals charged any city, county, school district, or other special district shall be fixed at such amount as will return to the State within such period as may have been agreed by the Board of Public Building Reconstruction and the governing board of the city, county, school district, or other special district concerned, the sums which the State, through the Board of Public Building Reconstruction, may have expended for the city, county, school district, or other

special district under the provisions of this act plus an amount equal to the interest which the State may be required to pay to the Federal Government on the sum expended by the Board of Public Building Reconstruction for said city, county, school district, or other special district.

Conveyance to city, county, etc

Whenever the governing board of a city, county, school district, or other special district has paid to the Board of Public Building Reconstruction the total of the agreed rentals fixed by any agreement entered into under the provisions of this act, the Board of Public Building Reconstruction shall, and is hereby authorized to, convey to the said city, county, school district, or other special district in the name of the State the building or buildings mentioned in said agreement.

Payment of rental

SEC. 8. The governing board of any city, county, school district, or other special district which has entered into an agreement with the Board of Public Building Reconstruction under the provisions of this act is hereby authorized, any law to the contrary notwithstanding, to pay the rental charged the city, county, school district, or other special district under such agreement out of any funds of the city, county, school district, or other special district the use of which for the payment of such rental is not prohibited by the Constitution of this State.

Contracts.

SEC. 9. All contracts by the Board of Public Building Reconstruction for the construction or the whole or partial reconstruction for any building shall be let by the said board to the lowest responsible bidder, who shall give such security as the board may require, or else the said board shall reject all bids and advertise for new bids.

Bids· Notice.

For the purpose of securing bids the Board of Public Building Reconstruction must publish at least once a week for two weeks in some newspaper of general circulation published in the city, county, school district, or other special district in which such building is to be constructed or wholly or partially reconstructed, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, a notice calling for bids, stating the work to be done or materials or supplies to be furnished and the time when and the place where bids will be opened.

Approval of plans

SEC. 10. No contract shall be let by the Board of Public Building Reconstruction until the plans therefor have been approved by the Division of Architecture of the Department of Public Works and in the case of schools by the Division of Schoolhouse Planning of the State Department of Education.

Stats 1933, Ch 59

The provisions of chapter 59 of the Statutes of 1933 shall apply to all schoolhouses constructed under the provisions of this act to the extent that said chapter 59 of the Statutes of 1933 is not in conflict with, or inconsistent with, the provisions of this act.

Continuance of school district

SEC. 11. Every school district within which a public school building has been constructed or wholly or partially reconstructed by the Board of Public Building Reconstruction under an agreement entered into between the governing board

of the school district and the said Board of Public Building Reconstruction under the provisions of this act, shall, any law to the contrary notwithstanding, be continued in existence as it existed at the time of making such agreement, for the purpose of fulfilling such agreement.

Constitutionality.

SEC. 12. If any section, subsection, sentence, clause or phrase of this act, is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Urgency

SEC. 13. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: The earthquakes in certain counties of this State since January, 1933, wholly or partially destroyed a large number of school and other public buildings in the said counties, thus making impossible the proper housing of the schools and other public agencies in the areas affected. The agencies affected are unable to finance the cost of replacing or reconstructing the buildings wholly or partially destroyed. The buildings affected must be replaced and reconstructed in order that the education of the pupils and other public functions be not interrupted and this act provides the only means whereby this may be done.

CHAPTER 603.

Stats 1927, p. 1812, amended

An act to amend sections 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, and to repeal section 6 of an act entitled "An act to provide for the bonding, licensing, regulation and supervision of produce dealers engaged in the handling, receiving or selling of farm products and to create a produce dealers' license fund; to define the purpose of the act and the terms used therein; to define the powers and duties of the State Director of Agriculture with reference thereto; to provide for the keeping of certain records concerning the sale of farm products; to provide for the revocation of produce dealers' license; to declare certain acts to be offenses and to fix the penalties therefor; and to repeal all conflicting acts or parts of acts," approved June 1, 1927, relating to the

See Stats 1933, Ch 25

licenses provided for therein, and declaring the urgency thereof.

[Approved by the Governor May 26, 1933. In effect immediately.]

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

Stats 1927, p 1812.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

As used in this act:

Definitions.

(a) The term "person" includes any individual, firm, association, partnership or corporation.

(b) The term "producer" means any person engaged in the business of growing or producing any farm product.

(c) "Farm products" shall include all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, live stock and live stock products, honey and cut flowers, but shall not include timber and timber products, milk and milk products, hay, field grains and dried beans.

(d) The term "consignor" includes any person who ships or delivers to any commission merchant or dealer any farm products for handling, sale or resale.

(e) The term "commission merchant" means any person who shall receive on consignment or solicit from the producer thereof any farm product for sale on commission on behalf of such producer, or who shall accept any farm product in trust from the producer thereof for the purpose of resale, or who shall sell or offer for sale on commission any farm product, or who shall in any way handle for the account of or as an agent of the producer thereof any farm product.

(f) The term "dealer" means any person other than a commission merchant who for the purpose of resale, at wholesale obtains from the producer thereof possession or control of any farm product except by payment to the producer, at the time of obtaining such possession or control, of the full agreed price of such commodity in lawful money of the United States; provided, that any person licensed as a slaughterer under the provisions of chapter 734, Statutes of 1929, approved June 7, 1929, as revised, shall not be required to obtain a license as a dealer under this act.

Stats 1929, p 1370.

(g) The term "broker" means any person engaged in the business of soliciting or negotiating the sale of any farm product.

(h) The term "agent" means any person who, on behalf of any commission merchant, or dealer, or broker receives, contracts for or solicits any farm product from a producer thereof or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer or broker.

(i) The term "director" means State Director of Agriculture.

SEC. 2. Section 3 of said act is hereby amended to read as follows: Stats. 1927, p. 1812.

Sec. 3. No person shall act as a commission merchant, dealer, broker or agent without having obtained a license as provided in this act. Every person, acting as a commission merchant, dealer, broker or agent as herein defined shall file an application with the director for a license to transact the business of commission merchant, dealer, broker and/or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business. License: Application.

Such application shall in each case state the class or classes of farm products applicant proposes to handle, the full name of the person, applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of application noted: Special applications.

(a) Commission merchants: Each application shall include a schedule of commissions and charges for services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties. Every applicant for a license as a commission merchant shall file a financial statement in such form as the director may prescribe.

(b) Agents: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of each commission merchant, dealer or broker represented or sought to be represented by said agent, and the written indorsement or nomination of such commission merchant, dealer or broker.

The director shall thereupon issue to such applicant, a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof or until the same shall have been revoked for cause. The director may also issue to each agent a card or cards, which shall bear the signature of said agent and his principal, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person. Issuance of licenses.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of California and each licensee shall be entitled to the possession thereof only for the duration of said license.

Fees. For filing the applications herein described, each applicant must pay a fee as follows:

(a) Commission merchants: Twenty-five dollars for each year; provided, that a person licensed as a slaughterer under the provisions of Chapter 734, Statutes of 1929, approved June 7, 1929, as revised, shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) Dealers: Twenty-five dollars for each year.

(c) Brokers: Twenty-five dollars for each.

(d) Agents: One dollar for each year.

Dealer's and broker's licenses. Any person who shall have been licensed as a commission merchant shall, upon application, be licensed also as a dealer and as a broker as defined herein, without payment of further fees, and shall thereupon conform to the parts of this act regulating the business of a dealer and/or broker. Any person who has applied for and received a license as a dealer or broker in the manner and upon payment of the fee herein set forth may apply for and secure a license as a commission merchant in addition to the license issued to him as such dealer or broker, without payment of further fee, upon further complying with those parts of this act regulating the licensing of a commission merchant.

Stats 1927, p. 1812. SEC. 3. Section 4 of said act is hereby amended to read as follows:

Directory. Sec. 4. The director may publish in pamphlet form as often as he thinks necessary a list of all licensed commission merchants, dealers, brokers and agents together with all necessary rules and regulations concerning the enforcement of this act. Each licensed commission merchant, dealer, broker or agent shall post his license or a copy thereof in his office or salesroom in plain view of the public. All license fees and penalties collected under the provisions of this act shall be paid into the State treasury monthly and shall be credited to the Department of Agriculture fund, and all moneys so deposited shall be held subject to the uses of the director for the purpose of carrying out the provisions of this act.

Disposition of moneys.

Stats 1927, p 1812. SEC. 4. Section 5 of said act is hereby amended to read as follows:

Surety bonds. Sec. 5. Before any license is issued to any commission merchant, the applicant shall execute and deliver to the director a surety bond in the sum of five thousand dollars executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be conditioned upon compliance with the provisions of the chapter and upon the faithful and honest handling of farm products in accordance with the terms of

this chapter. Said bond shall be to the State in favor of every consignor of farm products. Any consignor of farm products claiming to be injured by the fraud, deceit or wilful negligence of any commission merchant may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit or wilful negligence, or the failure to comply with the provisions of this chapter. In case of failure by a commission merchant to pay consignor creditors for farm products received from said consignors to be sold, the director shall proceed forthwith to ascertain the names and addresses of all consignor creditors of such commission merchant, together with the amounts due and owing to them and each of them by such commission merchant, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Thereupon the director shall bring an action on the bond in behalf of said consignor creditors. Upon any action being commenced on said bond, the director may require the filing of a new bond and immediately upon the recovery in any action on such bond such commission merchant shall file a new bond and upon failure to file the same within ten days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

Recovery thereon.

New bonds

SEC. 5. Section 6 of said act is hereby repealed.

Repeal.

SEC. 6. Section 7 of said act is hereby amended to read as follows:

Stats. 1927, p 1812

Sec. 7. For the purpose of enforcing the provisions of this act, the director is authorized to receive verified complaints against any commission merchant, dealer, broker or agent or any person, assuming or attempting to act as such, and upon receipt of such verified complaint shall have full authority to make any and all necessary investigations relative to the said complaint. He shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities in which any produce is kept, stored, handled or transported. He shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpoenas of said director shall be guilty of contempt and shall be certified to the superior court of the State for punishment for such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the director shall be prima facie evidence of the matters therein contained.

Complaints and investigations thereof

SEC. 7 Section 8 of said act is hereby amended to read as follows:

Stats 1927, p 1812.

Sec. 8. The director on his own motion may or upon the verified complaint of any interested party shall investigate,

Miscellaneous investigations

examine or inspect any and all transactions involving solicitation, receipt, sale or attempted sale of farm products by any person or persons acting or assuming to act as a commission merchant, dealer, broker or agent; failure to make proper and true account of sales and settlement thereof as in this act required; the intentional making of false statements as to condition, and quantity of any farm products received or in storage; the intentional making of false statements as to market conditions; the failure to make payment for farm products within the time required by this act; or investigate, examine or inspect any and all other injurious transactions, and in furtherance of any such investigation, examination or inspection, the director or any authorized representative, may examine that portion of the ledgers, books, accounts, memoranda and other documents, farm products, scales, measures, and other articles and things used in connection with the business of such person relating to the transactions involved. When a consignor of farm products fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, a verified complaint may be filed with the director who shall undertake to effect a settlement, and in the event that he shall fail to effect such settlement, he shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon such person. Such service shall be made at least ten days before the hearing, which shall be held in the city or town in which is situated the business location of the licensee, or in which the transaction complained of is said to have occurred. At the time and place appointed for such hearing the director or his agents, shall hear the parties to such complaint, and shall enter in the office of the director at Sacramento a decision either dismissing such complaint or specifying the facts established on such hearing. A copy of such decision shall be furnished to each, every and all the respective parties thereto.

Stats. 1927, p 1812

SEC. 8. Section 9 of said act is hereby amended to read as follows:

Refusal, revocation and suspension of licenses.

Sec. 9. The director may refuse to grant a license, and may revoke or suspend any license, as the case may require, when he shall be satisfied of the existence of any of the following facts: (a) that fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any farm products; (b) that the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for farm products received, within the time and in the manner by this act required; (c) that the applicant, or licensee, has made any false statement as to the condition, quality or quantity of farm products received, handled, sold or stored by him; (d) that the applicant, or licensee, directly or indirectly, has purchased for his, or its own account farm products

received by him, or it, upon consignment without prior authority from consignor together with price fixed by consignor or without promptly notifying the consignor of such purchase; provided, that this shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant shall forthwith enter such transactions on his account of sales; (e) that the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm products; (f) that the applicant or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer; (g) that a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant for the purpose of receiving, collecting or charging by such means more than one commission for making the sale thereof for the consignor, unless by consent of such consignor; (h) that the licensee was intentionally guilty of fraud or deception in the procurement of such license; (i) that the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with produce handled on account of or as an agent of another; that the applicant or licensee has indulged in any unfair practice.

Previous violation by the applicant or by any person connected with it of any of the provisions of this act shall be good and sufficient ground for denial of a license.

SEC. 9. Section 10 of said act is hereby amended to read as follows: Stats 1927, p. 1812

Sec. 10. Any action of the director with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation or suspension of any license granted under the provisions of this act, may be reviewed by any court of competent jurisdiction, but pending final determination of any such review, in the case of the revocation or suspension of the license of any person licensed hereunder, such license shall be deemed in full force and effect pending the expiration of the license period or the final determination of such proceedings whichever is first in point of time. Review of refusal, revocation or suspension

SEC. 10. Section 11 of said act is hereby amended to read as follows: Stats 1927, p 1812

Sec. 11. It shall be the duty of every commission merchant dealer, having received any farm products for sale as such commission merchant to promptly make and keep a correct record showing in detail the following with reference to the handling, sale or storage of such farm products: (a) The name and address of the consignor; (b) the date received; (c) the condition and quantity upon arrival; (d) date of such sale for account of consignor; (e) the price for which sold; (f) an itemized statement of the charges to be paid by consignor in connection with the sale; (g) each consignment of produce shall be given a lot number or other Dealers' records and statements.

identifying mark, which number or mark shall appear on all sales tags and/or on any other essential records needed to show what the produce actually sold for. (h) a detailed statement shall be kept on file of the filing of any claim or claims which have been or may be filed by the commission merchant against any person, for overcharges or for damages resulting from the injury or deterioration of such farm products by the act or acts or neglect or failure of such person, and such records shall be open to the inspection of the director and the consignor or consignors of farm products for whom such claim or claims are made; provided, that the money returns, if any, collections, or damages received by said commission merchant from said persons, for and on behalf of consignor or consignors of farm products by reason of said overcharges, damages, or deterioration shall forthwith be paid to the aforesaid consignor or consignors of farm products, less charges for collection thereof in accordance with the schedule of charges filed under this act. A copy of record and account of sales of farm products, together with remittances in full of the amount realized by such sales, less the agreed commission and other charges, shall be delivered to the consignor upon the consummation of the sale together with all moneys received by him in payment for any consignment of farm products, less the agreed commission and other charges, within ten days after receipt of said moneys by said commission merchants, unless otherwise agreed in writing; and provided, however, that the names and addresses of the purchasers need not be given.

It shall also be the duty of every commission merchant to retain a copy of all records including sales tags, account sales, and other records covering each transaction, for a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the director and the interested consignor or any authorized representative of either. In the event of any dispute or disagreement between a consignor and a commission merchant arising at the time of delivery as to condition, quality, grade, pack, quantity or weight of any lot, shipment or consignment of farm products, it shall be the duty of the State Department of Agriculture to furnish upon the payment of a reasonable fee therefor to be paid by requesting party a certificate establishing the condition, quality, grade, pack, quantity or weight of such lot, shipment or consignment, such certificate shall be prima facie evidence in all courts of this State as to the recitals thereof at the time such inspection was made. The burden of proof shall be upon the commission merchant to prove the correctness of his accounting as to any transaction which may be questioned.

Every dealer must pay for farm products delivered to him or it at the time and in the manner specified in the contract with the producer, but if no time is set by such contract, or

at the time of said delivery, then within thirty days from the delivery or taking possession of such farm products.

SEC. 11. Section 12 of said act is hereby amended to read as follows: Stats. 1927, p. 1812.

Sec. 12. Any person, who shall assume or attempt to act as a commission merchant, dealer, broker or agent as defined by this act without a license, or any person, who, being a commission merchant, shall (a) impose false charges for handling or services in connection with farm products, or (b) fails to account promptly, correctly, fully and properly and to make settlement therefor as herein provided, or (c) shall intentionally make false or misleading statement or statements as to market conditions, or (d) shall make fictitious sales or shall be guilty of collusion to defraud the producer, or (e) shall directly or indirectly purchase for his or its own account, goods received by him, or it, upon consignment without prior authority from the interested consignor, or shall fail promptly to notify the consignor of such purchases, if any, on his, or its own account; provided, that this clause shall not be so construed as to prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales, or (f) shall intentionally make false statement or statements as to the grade, condition, markings, quality or quantity of goods shipped or packed in any manner or (g) shall fail to comply in every respect herewith, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed one thousand dollars or by confinement in the county jail for not more than one year, or by both such fine and imprisonment. It is hereby made the duty of the several district attorneys of this State to prosecute all violations of this act subject to prosecution in their respective counties. Civil suits and criminal prosecutions arising by virtue of any of the provisions of this act may be commenced and tried in either the county where the products were received by the commission merchant, or within the county in which the principal place of business of such commission merchant is located within the State of California, or within the county in which the violations of this act occurred. Penalty; acts forbidden.

SEC. 12. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect. The facts constituting such necessity are as follows: Urgency.

It is imperative to provide at the earliest possible moment State supervision of the marketing of agricultural crops which are even now maturing and becoming ready for harvest. The losses which will be sustained by agricultural producers in the absence of such State supervision and protection will further

financially embarrass great numbers of the producers of said crops and make more difficult and uncertain their support of the governmental functions of the State.

CHAPTER 604.

An act to add section 694da to the Political Code, relating to the State Agricultural Society contingent fund, and declaring the urgency hereof.

[Approved by the Governor May 26, 1933 In effect immediately.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 694da and to read as follows:

State Agricultural Society contingent fund.

694da. All moneys received by the board of directors of the State Agricultural Society shall be reported at least once a month to the State Controller and shall be placed into the State treasury to the credit of the State Agricultural Society contingent fund, which fund is hereby created.

Appropriation, State fair.

All moneys in said contingent fund are hereby appropriated without regard to fiscal years to be expended in accordance with law for the support of the activities of the board of directors of the State Agricultural Society in conducting the California State Fair. All moneys heretofore or hereafter appropriated, whether at the fiftieth session of the Legislature or otherwise, for the support of the State Agricultural Society, including moneys appropriated for permanent revolving fund to be used for support of said agency, are hereby transferred to said contingent fund and shall be expended, without return thereof to the general fund, in the same manner as any other moneys in said contingent fund.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into immediate effect.

The following is a statement of the facts constituting such necessity: Inasmuch as the present session of the Legislature will recess on or about May 12, 1933, and the period of final adjournment will not come prior to July 1, and since this bill would not otherwise go into effect until after the day on which the State Fair is to be held, it is necessary in order to provide the funds for the conduct of said State Fair that this act go into immediate effect.

CHAPTER 605.

An act to add section 441 to the Political Code, relating to the registration of warrants and the payment of obligations of the State, to make an annual appropriation therefor, to repeal an act entitled "An act concerning the office of Treasurer of State," approved March 16, 1855, and to declare that this act shall take effect immediately.

Stats. 1855, p. 45, repealed

[Approved by the Governor May 26, 1933. In effect immediately.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 441, and to read as follows: New section.

441. Whenever the State Controller draws his warrant upon the State Treasurer payable out of the general fund in the State treasury, and said warrant represents an amount in excess of the unapplied money in the general fund, the State Controller shall upon the date that such warrant is drawn present such warrant to the State Treasurer, who shall endorse upon the back thereof the date of presentation by the Controller and that the same is not paid for want of funds and bears interest at the rate of five per cent per annum from the date of such registration to and including the date upon which the State Treasurer first advertises that said warrant is payable upon presentation. Endorsement by the treasurer in the manner hereinabove prescribed shall constitute the registration of such warrant. Registration of warrants.

After the registration thereof the State Treasurer shall return warrants to the State Controller for distribution.

The State Controller shall furnish the State Treasurer with a separate warrant register for warrants which are registered under this section, and the State Treasurer shall stamp on said warrant register the date on which any warrant is registered and the date on which said warrant is first advertised as payable. Warrant register.

Whenever the State Controller deems that there are sufficient unapplied moneys in the general fund in the State treasury to pay all or some of the registered warrants outstanding against said general fund, he shall notify the State Treasurer of the numbers of the warrants which are to be redeemed. The State Treasurer shall immediately publish notice that said warrants are redeemable by advertising for six consecutive days, Sundays excepted, in newspapers publishing legal notices published in the city of Sacramento, in the city of San Francisco, and in the city of Los Angeles. Redemption of warrants.

Said notice shall read substantially as follows:

"NOTICE TO HOLDERS OF STATE OF CALIFORNIA WARRANTS.

State Controller's warrants number ------ to number ------, inclusive, drawn against the general fund in the State Form of notice

treasury are now payable upon presentation to the State Treasurer.

(Name of State Treasurer)
State Treasurer."

Warrants registered in accordance with the provisions of this section shall cease to bear interest on the date following the day upon which said advertisements first appear.

Preferred claims.

After payment of support of the public school system, as provided for in section 14 of Article XIII of the Constitution, all moneys remaining in the general fund in the State treasury shall be first applied to the payment of the principal and interest of any outstanding bonds of the State of California as such principal and interest become due. If at any time it is necessary to register warrants for the payment of such principal and interest, warrants so registered shall constitute a prior lien in the order of their issuance on any moneys thereafter received into the general fund in the State treasury, and said warrants shall be paid before any other warrants regardless of the prior issuance of the latter.

"Unapplied money" defined.

For the purposes of this section "unapplied money" means money in the general fund in the State treasury for which outstanding warrants have not already been drawn and which would remain in said general fund if all outstanding warrants theretofore drawn were paid.

Repeal

SEC. 2. An act entitled "An act concerning the office of Treasurer of State," approved March 16, 1855, is hereby repealed.

Appropriation State Treasurer.

SEC. 3. On the effective date of this act and on the first day of each succeeding fiscal year the sum of one hundred fifty thousand dollars or so much thereof as may be necessary is hereby annually appropriated to the State Treasurer, out of any money in the State treasury not otherwise appropriated, for the purpose of paying during such fiscal year the interest on registered warrants. The State Treasurer shall pay such interest as may be due to the warrant holders under the provisions of this act when registered warrants are paid by him. He shall report daily to the State Controller the amount of such interest so paid.

Lapse.

The unused portion of each annual appropriation herein made shall lapse at the expiration of the fiscal year for which the appropriation is made.

Revolving fund.

The State Treasurer is hereby authorized with the approval of the State Controller to withdraw such amount as may be necessary from the appropriation made herein to be used as a revolving fund for the payment of such interest.

Urgency.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State, and shall take effect immediately. The facts constituting such necessity are as follows:

The State treasury is in a depleted condition and there is grave danger that the State will be compelled to register its warrants before the expiration of the eighty-fourth fiscal year. In that event it is vitally necessary that a convenient, orderly and efficient method of registration and payment of warrants be provided. To that end and to safeguard the credit of the State it is necessary that this act take effect immediately.

CHAPTER 606.

An act to repeal an act entitled "An act establishing the emergency permanent improvement fund and relating to the deposits of moneys therein and withdrawals therefrom" approved May 20, 1929, to transfer the moneys in the emergency permanent improvement fund to the general fund and to declare that this act shall take effect immediately.

Stats. 1929, p. 681, reepaled.

[Approved by the Governor May 26, 1933. In effect immediately.]

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

SECTION 1. The act cited in the title hereof is hereby repealed. Repeal.

SEC. 2. All moneys in the emergency permanent improvement fund are hereby transferred to the general fund. Transfer of moneys.

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall therefore go into immediate effect. Urgency.

The facts constituting are as follows: The general fund in State treasury is depleted and the functions of government will be seriously impaired unless such fund is replenished. The revenues of the State have fallen off and this measure is necessary to replenish the general fund.

CHAPTER 607.

An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parrakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately.

[Approved by the Governor May 26, 1933. In effect immediately.]

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

SECTION 1. No person, firm, association or corporation shall hereafter maintain or conduct in this State any aviary Registration of aviaries.

or other place where shell parrakeets may be sold, offered for sale, trade or barter, without first obtaining a certificate of registration in writing from the State Department of Public Health. An aviary within the purview of this act shall be considered as a place where shell parrakeets are stored prior to being offered for sale, trade or barter.

Inspection. SEC. 2. All aviaries and other places where shell parrakeets are sold, offered for sale, trade or barter, shall be open to inspection, at all times, to inspectors of the State Department of Public Health.

Quarantine SEC. 3. No shell parrakeets shall be sold, offered for sale, traded or bartered, from such places unless the person, firm, association or corporation conducting such aviary or other place of business has first obtained such certificate of registration.

Fee. SEC. 4. An annual fee of five dollars shall be required for such certificate of registration. All fees collected under the provisions of this act shall be paid into the State treasury to the credit of the "Aviary inspection fund," which fund is hereby created. All moneys in the aviary inspection fund shall be paid out in accordance with law to pay the salaries of inspectors employed by the Department of Public Health to enforce the provisions of this act and also to pay all other necessary expenses incurred in the enforcement of this act.

"Aviary inspection fund" created

Time for examination. SEC. 5. No quarantine of any birds shall be effective as to any birds held in captivity in any bird store or other place of business for more than twenty days unless within such time the State Board of Health examines the birds in such bird store or other place of business and determines that one or more of such birds is afflicted with a disease dangerous to the health of human beings.

Penalty SEC. 6. Any person, firm, association or corporation which violates any section of this act, or which fails to comply with any of the provisions shall be guilty of a misdemeanor.

Urgency SEC. 7. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

There is now prevalent in the State of California a disease known as psittacosis (parrot fever), which disease is carried and spread by birds of the psittacine family (parrots). In order to effectively control the contraction and spread of this disease and thus properly safeguard the health of the people of this State, it is necessary that the transportation and sale of said birds be controlled and regulated by the proper State authority. To this end it is imperative that legislation be immediately adopted providing for the licensing and regulation of persons, firms, associations and corporations selling, trading, bartering or otherwise dealing in such birds.

CHAPTER 608.

An act to amend section 456 of the Political Code, relating to the State Treasurer's office, to take effect immediately.

[Approved by the Governor May 26, 1933. In effect immediately.]

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

SECTION 1. Section 456 of the Political Code is hereby amended to read as follows: Stats 1929, p. 887.

456. The State Treasurer may appoint one Deputy State Treasurer at an annual salary of four thousand five hundred dollars, and one cashier at an annual salary of three thousand three hundred dollars, both salaries to be paid at the same time and in the same manner as the salaries of other State officers. He may also appoint and fix the salaries of one bond officer, one deposit officer, one vault officer, one bookkeeper, one secretary-stenographer, all of whom shall be civil executive officers. He may also appoint and fix the salaries of four clerk watchmen and one watchman porter, and such other clerical help as may be necessary for the proper conduct of his office. He may also appoint and fix the salaries, with the approval of the Board of Control, of such expert assistants as may be necessary for the proper conduct of his office. Employees in State Treasurer's office

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The facts constituting such necessity are as follows: Urgency

Owing to the present financial uncertainties it is necessary that all State moneys and funds be returned to deposit in and kept in the State treasury to be disbursed by and pursuant to individual warrants for each separate and individual claim and demand against the State for which reason it is necessary that this legislation be immediately enacted to empower and authorize the State Treasurer to employ additional help and assistants not now authorized by law in order that he may make provision for this resulting additional work imposed upon his office.

CHAPTER 609.

An act providing an additional and/or alternative method for financing the acquirement, construction, development, improvement, reconstruction, extension and repair of waterworks systems by any political subdivision or public agency of the State authorized by law to own and operate such waterworks systems by the issuance and sale to the United States Government or any agency of said government of revenue bonds payable solely out of the revenue derived or

to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues, providing for a statutory lien on works acquired, constructed, improved, reconstructed, extended or repaired under the provisions of this act; providing for the use of the power of eminent domain by political subdivisions or public agency proceeding under this act; defining the terms political subdivisions and public agencies as included herein, and providing a time for the expiration of said act.

[Approved by the Governor May 27, 1933. In effect August 21, 1933.]

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

Application of act.

SECTION 1. Any political subdivision or public agency of the State which is authorized by law to own and operate a water system may acquire, construct, develop, improve, reconstruct, extend and repair its waterworks system as in this act provided.

Construction of act

SEC. 2. This act shall be construed as cumulative authority for the purchase or construction of a waterworks system or for the construction of betterments and improvements thereto, and shall not be construed to repeal any existing laws with respect thereof. The term "waterworks" as used in this act shall be construed to mean and include a waterworks system in its entirety or any integral part thereof, including mains, hydrants, meters, valves, standpipes, storage tanks, pumping plants, intakes, diversion works, canals, tunnels, aqueducts, pipe lines, controlling works, wells, impounding and/or regulating reservoirs and/or purification plants. The term "political subdivision" and "public agency" as used in this act shall be construed to mean any city, city and county, municipal utility district, utility district in unincorporated territory, county water district, irrigation district, reclamation district, water conservation district and all other political subdivisions, public corporations and public agencies of the State which are authorized by law to acquire, construct, own and operate waterworks systems. The term "legislative body" as used in this act shall be construed to mean the mayor and council or other legislative and executive body of any city, city and county or the board of directors or other governing body of any other political subdivision or public agency of the State empowered to acquire, construct, own and operate waterworks systems.

Definitions.

Authorization for issuance of revenue bonds

SEC. 3. Whenever the legislative body of any political subdivision or public agency shall determine to purchase or construct a waterworks system under the provisions of this statute, it shall cause an estimate to be made of the cost thereof, and shall, by ordinance, or resolution, as may be authorized by charter or general laws under which such political subdivision or State agency operates, provide for the issuance of revenue bonds under the provisions of this statute, which

ordinance or resolution shall set forth a brief description of the contemplated improvement, the estimated cost thereof, the amount, rate of interest, time and place of payment and other details in connection with the issuance of the bonds. Such bonds shall bear interest at not more than six per cent (6%) per annum, payable semiannually, and shall be payable at such times and place not exceeding fifty (50) years from their date as shall be prescribed in the ordinance or resolution providing for their issuance. Such ordinance or resolution shall also declare that a statutory lien shall exist upon the property so to be acquired or constructed, and include provisions whereby revenue is to be obtained or rates fixed for water to be collected prior to the payment of all of said bonds, and shall pledge the revenues derived from the waterworks system for the purpose of paying such bonds and interest thereon, which pledge shall definitely fix and determine the amount of revenues which shall be necessary to be set apart and applied to the payment of the principal of and interest on the bonds and the proportion of the balance of such revenues as income which are to be set aside as a proper and adequate depreciation or reserve account, and the remainder shall be set aside for the reasonable and proper maintenance and operation thereof. The rates to be charged for the services from such waterworks shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking or other retirement fund to pay the principal thereof as and when the same become due, and to provide for the operation and maintenance of the system, and to provide an adequate depreciation fund.

Statutory lien.

Rates.

SEC. 4. Said ordinance or resolution shall also provide for the calling of, and call an election for the submission of the question of the issuance of said revenue bonds for the purpose set forth in said ordinance or resolution to the qualified electors within said political subdivision or public agency, and if at said election two-thirds of the votes cast shall be in favor of the issuance of said revenue bonds, the said ordinance or resolution shall go into immediate effect, otherwise said ordinance or resolution shall be null and void. Provided, however, should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the legislative body of such political subdivision or public agency shall have no power or authority within one year after such election to call or order another election for incurring any indebtedness for the acquisition, construction or completion of improvements or property substantially the same as voted upon at such prior election, unless a petition signed by at least fifteen per centum of the qualified electors of such political subdivision or public agency computed upon the total number of votes cast therein for all candidates for Governor at the last preceding election at which a Governor was elected, be filed with the legislative body of such political

Bond election.

Time between elections.

subdivision or public agency, requesting that said proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act. Said election shall be held within sixty days after the passage of said ordinance or resolution and no notice of said election need be given other than by publication of said ordinance or resolution at least once a week for four weeks in a daily newspaper printed and published in such political subdivision or public agency, publication to be completed not less than ten days before the date of said election; provided, however, that if there be no daily newspaper within the territory covered by such political subdivision or public agency, the notice of such election may be published in a weekly newspaper printed and published therein, or if there be no newspaper published therein, then by posting such ordinance or resolution in three public places therein, not less than ten, nor more than twenty days before the date of said election. Except as otherwise provided herein, said election shall be held in accordance with the provisions of the general law.

Notice.

Issuance of bonds

SEC. 5. Bonds herein provided for shall be issued in such amounts as may be necessary to provide sufficient funds to pay all costs of construction or acquisition, including engineering, legal and other expenses, together with interest during construction and to a date six months subsequent to the estimated date of completion, in no event exceeding a period in excess of five years.

Sale of bonds

All such bonds shall be sold or negotiated only through the Reconstruction Finance Corporation of the United States Government, or some other appropriate agency of said government, and in conducting negotiations for a loan from said Reconstruction Finance Corporation or other government agency, the legislative body of any political subdivision or public agency is hereby authorized to consent to such other or further conditions, not inconsistent with this act, for the operation and control of such water system and of the revenues derived therefrom as may be required by the United States Government or agency thereof, as conditions precedent to the purchase of said bonds.

Contents of bonds

Bonds issued under the provisions of this act are hereby declared to be negotiable instruments, and same shall be executed by the presiding officer and clerk or secretary of the political subdivision or public agency and be sealed with the corporate seal of the political subdivision or public agency, and in case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds may be sold at not less than par and accrued interest and the proceeds derived therefrom shall be used exclusively for the purposes for which said bonds are issued.

SEC. 6. Bonds issued under the provisions of this statute shall be payable solely from the revenues derived from such waterworks system, and such bonds shall not in any event constitute an obligation of such political subdivision or public agency other than to pay the same out of the revenues pledged therefor, and shall not constitute directly or indirectly an indebtedness of such political subdivision or public agency within the meaning of the constitutional provisions or limitations, and it shall be plainly stated on the face of each bond that the same has been issued under the provisions of this act, and that it does not constitute an indebtedness of such political subdivision or public agency within any constitutional or statutory limitation. Payment from revenue.

The legislative body shall prescribe the form of the bonds, and provide that of the indebtedness represented thereby a part of the whole thereof shall be payable at a time and place to be designated in such bonds, together with the interest thereon, until the whole of said indebtedness shall have been paid; provided, the maturity date of the first bond or series of bonds so payable may be deferred for a period not exceeding five years from the date of such bonds.

The number of bonds to be paid each year need not be the same, and the legislative body may fix the maturities thereof, so that the number of bonds retired each year will, in the discretion of the governing body, be most equitable and just; provided, that in every case all of such bonds shall be completely retired and fully paid within fifty years from the date of their issuance. If any bonds are issued pursuant to this act, or any amendment thereof, it shall be a condition and a matter of contract, that said bonds and the interest thereon and all charges and expenses for maintenance or administration or otherwise arising out of the operation, maintenance and administration of any works constructed out of the proceeds of any bonds so issued, shall be paid exclusively out of the revenues arising from the operation of said district, and in no event shall any real or personal property, other than the operating property or physical works of the district, now or hereafter situated within said district ever be liable or taxed for any of said bonds or any of the expenses, costs or charges of said district, arising out of the operation, maintenance and administration of any works constructed out of the proceeds of said bonds so issued, and each bond shall contain as a condition thereof, this paragraph in full. Retirement of bonds.

SEC. 7. There shall be and there is hereby created a statutory lien upon the waterworks system so acquired or constructed from the proceeds of bonds hereby authorized to be issued, which shall exist in favor of the holder of said bonds and each of them, and to and in favor of the holder of the coupons attached to said bonds, and such waterworks system shall remain subject to such statutory lien until payment in full of the principal and interest of said bonds. Any holder of bonds issued under the provisions of this act Statutory lien on waterworks system.

or of any coupons representing interest accrued thereon, may, either at law or in equity, enforce the statutory lien hereby conferred, and may, by proper suit, compel the performance of the duties of the officials of the issuing political subdivisions or public agency set forth in this act. If there be default in the payment of the principal of and/or interest upon any of said bonds, any court having jurisdiction in any proper action shall require the political subdivision or public agency to charge and collect rates sufficient to provide for the payment of said bonds and interest thereon, and for the payment of the operating expenses and to apply the income and revenues in conformity with this act and the ordinance or resolution providing for the issuance of such bonds and the court may in its discretion designate and appoint an elective or appointive officer of said political subdivision or public agency to carry out any orders which the court may make, as authorized herein.

Court action on default.

Revenue restrictions

SEC. 8. The estimated revenue from water fixed precedent to the issuance of bonds shall not be reduced until all of said bonds shall have been fully paid, and must, whenever necessary, be increased in amounts sufficient to provide for the payment of such bonds, both principal and interest, and to provide proper funds for the depreciation account and operation and maintenance charges, provided, however, that if there shall be accumulated in the treasury a surplus in any of the accounts over and above a sum sufficient to meet the annual redemption and interest payments of the current fiscal year together with the maintenance and operation costs including a reasonable depreciation reserve for the current and next succeeding fiscal year, said surplus may be used for the purchase or retirement of outstanding revenue bonds and for that purpose the legislative body is hereby authorized to purchase bonds not due in the open market at not more than the fair market value thereof; or said surplus may be used for the construction or enlargement or extensions to the hereinbefore specified waterworks system and maintain, repair and operate the same; or said surplus may be used for the reduction of the water rates for services rendered on the hereinbefore specified waterworks system or for any or all of the above specified purposes or uses as may be determined by the legislative body of the political subdivision or public agency.

Eminent domain

SEC. 9. For the purpose of acquiring any waterworks system under the provisions of this act, or for the purpose of acquiring any property necessary therefor, the political subdivision or public agency shall have the right of eminent domain as is provided by Title VII. of the Code of Civil Procedure of the State of California, as now or hereafter amended.

Procedure

SEC. 10. Whenever any political subdivision or public agency now or hereafter shall own and operate a waterworks system, whether constructed under the provisions of this act or not, and shall desire to construct improvements and betterments thereto, it may issue revenue bonds under the pro-

visions of this act to pay for same, and the procedure therefor, including the revenue to be obtained and/or the fixing of rates and the computation of the amount thereof, shall be the same as in this act provided for the issuance of bonds for acquisition or construction of a waterworks system in a political subdivision or public agency which has not theretofore owned and operated a waterworks system, provided, however, that in the ordinance or resolution declaring the intention to issue the bonds and providing details in connection therewith, the legislative body shall provide, find and declare in addition to the other requirements set out in this statute, the value of the then existing system and the value of the property proposed to be constructed, and the revenues derived from the entire system when the contemplated betterments and improvements are completed, shall be divided according to such values and so much of the revenue as is in proportion to the value of such betterments and improvements as against the value of the previous existing plant as so determined, shall be set aside and used solely and only for the purpose of paying the revenue bonds issued for such betterments, together with costs of the operation and the depreciation thereof, and such revenue shall be deemed to be income derived exclusively from such betterments and improvements.

Accounting system.

SEC. 11. Any political subdivision or public agency issuing revenue bonds under the provisions of this act shall install and maintain a proper system of accounts, showing the amount of revenue received and the application of the same, and such political subdivision or public agency shall at least once a year cause such accounts to be properly audited by a competent auditor and the report of such audit shall be open for inspection at all proper times to any taxpayer, water user or any holder of bonds issued under the provisions of this act, or any one acting for and on behalf of such taxpayer, water user or bondholder. The treasurer of such political subdivision or public agency shall be custodian of the funds derived from income received from waterworks systems constructed either in whole or in part under the provisions of this statute, and shall give proper bond for the faithful discharge of his duties as such custodian, which bond shall be fixed and approved by the legislative body of the political subdivision or public agency. All of the funds received as income from a waterworks system constructed in whole or in part under the provisions of this statute, and all funds, received from the sale of revenue bonds issued to construct such waterworks system, shall be kept separate and apart from the other funds of the political subdivision or public agency, and the treasurer shall maintain separate accounts in which shall be placed the interest and sinking or other retirement fund moneys and other account in which shall be placed the depreciation funds, and to provide for refunding outstanding certificates payable out of water revenue.

Funds.

Additional and alternative method for financing.

SEC. 12. This act shall, without reference to any other statute, be deemed full authority for the construction, acquisition, improvement, equipment, maintenance, operation and repair of the works herein provided for and for the issuance and sale of the bonds by this act authorized, and shall be construed as an additional and alternative method therefor and for the financing thereof, and no petition or election or other or further proceeding in respect to the construction or acquisition of the works or to the issuance or sale of bonds under this act and no publication of any resolution, ordinance, notice or proceeding relating to such construction or acquisition or to the issuance or sale of such bonds shall be required except such as are prescribed by this act, any provisions of other statutes of the State to the contrary notwithstanding: Provided, however, that all functions, powers and duties of the State Board of Health shall remain unaffected by this act.

Liberal construction of act.

SEC. 13. This act being necessary for the public health, safety and welfare, it shall be liberally construed to effectuate the purposes thereof.

Action to determine validity of bonds

SEC. 14. The legislative body of any political subdivision or public agency, as in this act provided, may at any time within sixty days from the date of the ordinance or resolution authorizing the issuance of any bonds hereunder or within sixty days from the date of the ratification of said ordinance or resolution at an election, held as in this act provided in section four (4) hereof cause to be brought in the name of the political subdivision or public agency an action in the superior court of the county in which said political subdivision or public agency or the greater portion thereof is located, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety days from the date of such election, no action may be brought by any person to contest or question the validity of said bonds, and proceedings thereto If there be more than one action or proceeding involving the validity of any such bonds, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the

Contest.

Appeal

Limitation of actions

regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties or taxed to the losing party, in the discretion of the court. Costs.

SEC. 15. The sections and provisions of this act are separable and are not matters of mutual essential inducement, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the sections or provisions or parts thereof is for any reason illegal, it is the intention that the remaining sections and provisions or parts thereof shall remain in full force and effect. Construction and constitutionality.

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

SEC. 16. This act shall expire four years from the date of its going into effect and shall thereafter have no further validity except as to bonds authorized under the provisions of this act prior to the expiration of said four-year period Expiration of act.

CHAPTER 610.

An act to amend sections 9 and 12 of and to add a new section to be numbered 9a to an act entitled "An act in relation to the control and eradication of bovine tuberculosis; to provide an appropriation for the purposes of this act; to prescribe penalties for violation of the provisions hereof, and to repeal certain acts therein specified," approved June 19, 1931, relating to bovine tuberculosis; to declare the urgency thereof and provide that this act shall take effect immediately. Stats 1931, p 2392. amended. See Stats 1933, Ch. 25.

[Approved by the Governor May 27, 1933. In effect immediately.]

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

SECTION 1. Section 9 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1931, p. 2392

Tuberculosis control areas.

Sec. 9. (a) The Department of Agriculture is hereby authorized and empowered to establish and maintain tuberculosis control areas within this State, wherein said department shall examine and tuberculin-test all dairy cattle, and, with the consent of the owner, certain beef cattle, as often as may be deemed necessary, in order to determine which animals are affected with tuberculosis for the purpose of bringing said disease of tuberculosis under control in the State of California. Any tuberculosis control area shall consist of an entire county or group of entire counties. Immediately after this act becomes effective, the Department of Agriculture shall establish and maintain tuberculosis control areas in all areas in which tuberculosis eradication areas were established under the Bovine Tuberculosis Law, chapter 47, Statutes of 1927.

Duty of cattle owners

(b) All owners, of cattle subject to examination and tuberculin testing, within a tuberculosis control area, shall, upon request of the Department of Agriculture or duly authorized agent thereof, provide necessary facilities for making tuberculin tests, and render such assistance as may be required.

Disposition of reactors.

(c) Any bovine animal, in a tuberculosis control area, reacting positively to a tuberculin test conducted by a representative of the Federal or State Department of Agriculture, or adjudged tuberculous upon physical examination by said representative, shall immediately be segregated from other bovine animals which are not reactors. Within thirty days after the appraisal of said reacting bovine animal, as provided for herein, it shall be slaughtered under the direction of the Department of Agriculture; and in consideration of the fact that the eradication of bovine tuberculosis is beneficial to public health and welfare, before said animal is slaughtered, its value shall be determined by appraisement by a representative of the said Department of agriculture or a representative of the Bureau of Animal Industry of the United States Department of Agriculture, and the owner or his agent. In case of failure to agree on the valuation, said reacting bovine animal shall be appraised by the Chief Appraiser of said Department of Agriculture or his representative. In either event, the value determined shall be final. Except as hereinafter provided, the State of California shall pay to the owner of any reacting bovine animal slaughtered under the provisions of this section one-third of the difference between the appraised value of such reacting bovine animal and the proceeds from the sale of the salvage, and the owner shall also receive the proceeds from the sale of the salvage, provided that in no case shall any payment by the State of California, hereunder, exceed thirty-five dollars ($35) for any grade animal or seventy dollars ($70) for any pure bred animal, and no payment shall be made unless the owner has complied with all the provisions of this act relating to tuberculosis control areas and the regulations promulgated by the Department of Agriculture for its enforcement.

Indemnity to owner of reactor.

(d) If at any time the Congress of the United States shall fail or refuse to make an appropriation to assist in the eradication of tuberculosis in cattle in California, or if at any time the Legislature of the State of California shall fail or refuse to make an appropriation for the eradication of tuberculosis and in payment for cattle destroyed under the provisions of this section, or if at any time an appropriation made by the Legislature of the State of California for such purposes shall become exhausted, the testing of cattle as provided for in this section shall be suspended until such time as money shall be available for payment for cattle slaughtered under the provisions of this section of this act. When funds fail

(e) No indemnity shall be paid to any person in any of the following cases: Restrictions on payment of indemnity

1. For any steer or grade bull determined to be a reactor.

2 For any bovine animal brought into a tuberculosis control area, which reacts to a tuberculin test applied within ninety days after arrival of said animal in such area, as provided for in this act, or which was brought into a tuberculosis control area, contrary to any provision of law or rules and regulations of the State or Federal Department of Agriculture.

3. For any reacting bovine animal until the premises, where said animal had been kept, have been cleaned and disinfected by the owner and in a manner approved by an agent of the State or Federal Department of Agriculture.

4. For any reacting bovine animal which has not been slaughtered within thirty days after such animal has been appraised as provided in this act.

5. For any reacting bovine animal owned by the United States, State of California, or any county, city, town or township, in the State of California.

No subsequent payment of indemnity shall be made to any person in any of the following cases: Subsequent payments.

1. Unless the provisions of this act have been fully complied with for each and every bovine animal added to his herd

2. Unless and until the premises are and have been maintained in a sanitary condition satisfactory to the State or Federal Department of Agriculture.

(f) The pedigree of any pure bred bovine animal shall be proved by a certificate of registry from the herd books where registered and said registration papers of any pure bred bovine animal slaughtered on account of tuberculosis and for which indemnity is paid shall be marked "canceled" by the Department of Agriculture. Proof of pedigree.

(g) Each claim against the State for payment in consideration for the slaughter of any reacting bovine animal shall be presented to the State Controller, audited and paid out of appropriations or funds available therefor, in accordance with law. Payment of claims

(h) Whenever the Department of Agriculture shall establish a tuberculosis control area, said department shall issue a

Proclamation establishing control area.

proclamation which shall designate the boundaries thereof; and said proclamation shall be published for three successive weeks in a newspaper of general circulation published in such area.

Stats 1931, p 2392.

SEC. 2. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Entry of cattle into tuberculosis control area.

Sec. 12. No cattle, except as otherwise provided, shall be permitted to enter any tuberculosis control area unless they are accompanied by a tuberculin test certificate, acceptable to the Department of Agriculture issued by a duly authorized veterinarian, showing said cattle to have negatively passed a tuberculin test applied within sixty days if entering from another State, or thirty days if from within the State, prior to the shipping, transporting, or moving of said cattle, and unless the entire herd or herds from which said animals originate are tuberculin tested and the number of animals reacting does not exceed ten per cent of the total number of the herd, and said cattle after arrival in a tuberculosis control area shall be held under supervision and tuberculin retested within ninety days by an agent of the State or Federal Department of Agriculture; provided, that cattle regularly tested and nonreacting in a tuberculosis control area and cattle from State and Federal accredited herds and modified accredited areas may be brought into a tuberculosis control area by permit from the Department of Agriculture; and provided, further, that cattle of beef breeds may be permitted to enter any tuberculosis control area, in accordance with the regulations of the Department of Agriculture; and, provided further, that in the case of cattle which have been brought into any tuberculosis control area to be sold at public or private sale, the place where the sale is made shall not be construed to be the final destination as defined in this act, but said cattle may be reshipped under permit of the Department of Agriculture, and the destination of such reshipment shall be considered to be the final destination. A copy of each tuberculin test certificate accompanying cattle, entering any tuberculosis control area, shall be forwarded to the Department of Agriculture on or before the date of shipment or movement, and the forms for such certificates, to be issued for cattle originating within the State, shall be obtained from the Department of Agriculture.

New section.

SEC. 3. A new section is hereby added to the act cited in the title hereof to be numbered 9a and to read as follows:

Withdrawal of territory from control area.

Sec. 9a. The Department of Agriculture may withdraw one or more counties from within a tuberculosis control area from such an area when the funds available for indemnity and administration are not sufficient to continue the work under the provisions of this act; provided, however, that whenever any county is withdrawn from a tuberculosis control area it shall become a provisional tuberculosis control area wherein no indemnity will be paid for reactors to the tuberculin test. In such provisional tuberculosis control area the

director shall tuberculin-test all cattle the owner or owners of which shall request in writing the tuberculin-testing of such cattle.

All reactors found in a provisional tuberculosis control area shall be removed from such area within thirty days after detection. Removal of reactors.

SEC. 4. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Urgency.

For the purpose of expediting the necessary testing and checking of cattle shipped into the State and entering tuberculosis control areas, and saving the expense incident to following up cattle after the thirty-day period, sections 9 and 12 in the act cited in the title hereof must be amended. These same amendments are being made in the Agricultural Code but can not become effective sufficiently soon therein to make possible a saving of several thousands of dollars in special retests under the provisions of the present act.

Also, there exists at the present time within California certain tuberculosis control areas established pursuant to the provisions of the act cited in the title hereof, which areas, in consequence of the reduction in funds available for this work, must be correspondingly reduced. The provisions of the Bovine Tuberculosis Law are mandatory with reference to indemnification for slaughtered reactors when these are encountered through inspection and test in an established tuberculosis control area. It is vital to the welfare of the State that areas be withdrawn when the work can not be continued in order not to interfere with less drastic tuberculosis suppressive measures under authority of other laws. It therefore becomes imperative that an authority be given to the Department of Agriculture such as is contained within the proposed new section and to govern conditions requiring this emergency legislation until such time as the provisions of the Agricultural Code, chapter 25, Statutes of 1933, or acts amendatory thereof, become effective.

CHAPTER 611.

An act to amend section 2322x53 of the Political Code, relating to the office of the agricultural commissioner in counties of the fifty-third class.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this twenty-seventh day of May, A D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933]

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

Stats 1931, p 208

SECTION 1. Section 2322x53 of the Political Code is hereby amended to read as follows:

Del Norte County Agricultural commissioner

2322x53. In counties of the fifty-third class, the commissioner shall receive a salary of one dollar per annum.

CHAPTER 612.

An act to amend sections 3746, 3751, 3756, 3817 and 3817a of the Political Code, relating to property tax delinquencies, penalties and redemptions, and to declare that this act shall take effect immediately.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

Stats 1931, p. 397.

SECTION 1. Section 3746 of the Political Code is hereby amended to read as follows:

3746. On or before the day when taxes are payable the tax collector must publish a notice specifying:

Notice for payment of taxes.

1. That the taxes on all personal property secured by real property, and one-half of the taxes on all real property will be due on the first day of November, and will be delinquent on the fifth day of December next thereafter, at five o'clock p.m., and that unless paid prior thereto eight per cent will be added to the amount thereof, and that if said one-half be not paid before the twentieth day in April next, at five o'clock, p.m., an additional three per cent will be added thereto. That the remaining one-half of the taxes on all real property will be payable on and after the twentieth day of January next, and will be delinquent on the twentieth day of April next thereafter, at five o'clock p.m., and that unless paid prior thereto, three per cent will be added to the amount thereof; provided, however, that when December fifth, or April twentieth, falls on Saturday taxes shall become delinquent at twelve o'clock m., on either date.

2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made. The tax collector may fix a date in advance of the due date when payments may be made.

SEC. 2. Section 3751 of the Political Code is hereby amended to read as follows: Stats 1925, p. 708.

3751. He must give a receipt to the person paying any tax or any part of any tax, specifying the amount of the assessment and the tax, or any part of tax paid, and the amount remaining unpaid, if any, with a description of the property assessed, and printing clearly the beginning and ending of the fiscal year for which such tax is paid; provided, that the receipt for the last installment of taxes may refer, by number or any other intelligent manner, to the receipt given for the first installment of taxes in lieu of a description of the property assessed; provided further, that all tax bills have printed thereon a conspicuous notice that in the event that taxes are unpaid the delinquent will, in addition to the same, be obliged to pay upon the redemption of the property the redemption penalties required under section 3817 of the Political Code with the rates therefor set forth. Tax receipts

SEC. 3. Section 3756 of the Political Code is hereby amended to read as follows: Stats 1931, p 397.

3756. On the fifth day of December of each year, at five o'clock p.m., all taxes then unpaid, except the last installment of real property taxes, are delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional eight per cent thereon; provided, that if they be not paid before the twentieth day in April next succeeding, at five o'clock, p.m., he shall collect an additional three per cent thereon. On the twentieth day of April each year, at five o'clock p.m., all the unpaid portion of the remaining one-half of the taxes on all real property is delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional three per cent thereon; provided, that the entire tax on any real property may be paid at the time the first installment, as above provided, is due and payable; and provided further, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made; providing, however, that if the fifth day of December or the twentieth day of April falls on Saturday all taxes then unpaid shall become delinquent at twelve o'clock m., on either date. Delinquencies and penalties therefor

SEC. 4. Section 3817 of the Political Code is hereby amended to read as follows: Stats 1929, p. 742.

3817. In all cases where real estate has been sold, or may hereafter be sold to the State for delinquent taxes and the State has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, at any time after the same has been sold to the State and before the State shall have disposed of the same, have the right to redeem such real Redemption of property sold for taxes.

estate by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes, penalties for delinquency, and costs due thereon at the time of such sale, and also all taxes that were a lien upon said real property at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the sale, as shown on the delinquent assessment rolls in the then permanent custody of the county auditor; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, and also all costs and expenses of such redemption, and penalties as follows, to wit:

Penalties payable

One per cent per month, if redeemed within five years from July first of the year of sale; if not redeemed within five years from July first of the year of sale, one per cent per month for a period of five years and at the rate of one-half of one per cent per month thereafter to the time of redemption. The penalty shall be computed from July first of the year of sale upon the amount of taxes delinquent at the time of sale, and upon the amount of each year's taxes in like manner, reckoning from the first day of July of the year when the property would have been sold for the taxes of that year, if there had been no previous sale.

Method of payment.

The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates the redemptioner shall deliver to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, one to the redemptioner, and two to the county auditor, who shall deliver one of the said receipts to the State Controller.

Report and recordation.

Upon consummation of the redemption and the delivery of the receipts aforesaid by the treasurer, the auditor shall report the same to the assessor, tax collector and recorder, and the recorder shall, without payment of fee, note on the margin of the record of the certificate of sale, or deed, if issued, the fact of such redemption, the date thereof, and by whom redeemed, which certificate of sale, or deed, shall become null and void, and all right, title and interest acquired by virtue of the tax sale, shall cease and determine.

Settlement.

The county treasurer shall settle for the moneys received as for other State and county moneys.

State receipt

The State Controller shall, upon request of the auditor, issue a receipt which may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale.

Application of section

This act shall also apply to State lands sold by the State when the full amount of the purchase price has not been paid to the State therefor, after the deed to the State, provided for

in section 3785 has been filed with the Surveyor General; provided, however, that one of the receipts showing the redemption of such land shall be delivered to the Surveyor General who shall issue his receipt to the redemptioner; and provided further, that no certificates of redemption shall be issued by the county auditor until he has first ascertained from the Surveyor General that the land has not been disposed of by the State.

SEC. 5. Section 3817a of the Political Code is hereby amended to read as follows: Stats 1931, p. 986.

3817a. In all cases where real estate has been sold, or may hereafter be sold to the State for delinquent taxes pursuant to the provisions of section 3771 of this code and where the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, contemporaneously or prior to the payments hereinafter provided, also pay the current State and county taxes due on said property for the fiscal year during which such payment shall be made, such person, his heirs, legal representatives or other successors in interest, shall at any time after the same has been sold to the State pursuant to the provisions of section 3771 of this code and prior to the sale at auction provided for in section 3771a of this code have the right to extend the period during which such real estate may be redeemed and to postpone the date of sale by auction as provided by section 3771a of this code and the execution of the deed to the State as provided by section 3785 of this code, for additional periods of one year each, by paying to the county treasurer of the county wherein said real estate may be situated the following amounts for the following periods, respectively: (1) for extending the period of redemption for the first period of one year, by paying to the county treasurer a sum of money equal to the amount of the taxes, penalties for delinquency and costs thereon for which said real estate was originally sold to the State together with a sum equal to penalties on the aggregate amount of said taxes at the rate of one per cent per month; (2) for extending the period of redemption for each additional year thereafter, by paying to the county treasurer a sum of money equal to the taxes, penalties for delinquency and costs thereon for each of the second, third, fourth and/or fifth years of delinquency, respectively and consecutively, together with a sum equal to the penalties on the aggregate amount of said taxes at the rate of one per cent per month; provided, however, that if any of the payments, as hereinabove in subdivisions (1) and (2) of this section provided, shall be made on or after the first day of July of any year and the State and county taxes on said property for the fiscal year next preceding such payment have not theretofore been paid, then such person must contemporaneously with the payments hereinabove provided also pay the said State and county taxes for the fiscal year next preceding such payment together with the penalties and costs due thereon.

Redemption of property sold for taxes

Extension of redemption period

Payments to be credited.

The county auditor shall, upon request, issue his certificate in triplicate showing the amounts necessary to be paid as hereinabove provided, one copy of said certificate shall be delivered to the person making such payment and upon payment being made a receipt shall be indorsed upon said certificate by the county treasurer evidencing payments as compensation for the use and occupancy of said real estate and to be applied as a credit if, when and as redemption is made, as in this subdivision hereinafter provided. The county treasurer shall deposit all payments so made to the same fund in which moneys received upon redemption are deposited.

Records.

The county auditor shall keep accurate records of all payments made hereunder in a book kept for that purpose, said records to show the name of the person making said payments, the amount or amounts paid, the certificate number, if any, and the year or years of delinquency together with a description of the property.

Effect of payments.

Such payments shall not be deemed a redemption of such real estate nor affect the right, title, or interest in the State thereto, but shall postpone, for the period or periods aforesaid, the time when said real estate shall be deeded to or may be disposed of by the State and the moneys so paid shall be deemed and considered as compensation for the use and occupancy of said real estate; provided, however, that if redemption shall thereafter be made pursuant to the provisions of section 3817 of the Political Code, the amounts so paid to extend said periods of redemption and to postpone the sale provided for by section 3771a of this code and the execution of the deed provided for in section 3785 of this code, together with interest thereon at the rate of seven per cent per annum computed from the dates of said respective payments to the date of redemption, shall be credited on the amounts to be paid for such redemption.

Urgency.

SEC. 6. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of this State, and shall therefore take effect immediately. The facts constituting such necessity are as follows:

By reason of the present economic crisis many persons are unable to pay taxes on property. Large revenues will be lost to the State and the political subdivisions thereof and a large amount of taxable property will be removed from the assessment rolls unless immediate relief is given. In order to afford this relief, and to relieve the already overburdened taxpayer, it is necessary that this act take effect immediately.

CHAPTER 613.

An act relating to the redemption and sale of property sold to a county treasurer, as trustee of a reclamation district, for delinquent assessments and installments thereof, and relating to the voting of lands owned by the county treasurer, as trustee of a reclamation district, and by a reclamation district, and for the redemption of lands by a holder of a bond issued upon said assessments.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

Redemption of land sold for delinquent reclamation district assessments

SECTION 1. In all cases where land has, prior to the effective date of this act, been sold to a county treasurer, as trustee of a reclamation district, or to a reclamation district, for any delinquent reclamation assessment or installment thereof, and where a county treasurer, as trustee of a reclamation district, still holds the certificate of sale, or where the said county treasurer, as trustee of the district, or a reclamation district, has taken a deed for the land at any time prior to three years before the effective date of this act, and still holds title to said lands, such county treasurer or reclamation district shall not sell said land at public or private sale, or otherwise, to any person or corporation other than any person who could have redeemed said land during the period of redemption, for a period of two years next succeeding the effective date of this act.

Net rental applied toward redemption

SEC. 2. During said period of two years from the effective date of this act, all rentals or moneys received from all lands leased or operated by the board of trustees of a reclamation district shall be forthwith paid to the county treasurer, as trustee of a reclamation district, less the actual and reasonable costs incident and necessary to operating and leasing of said lands, and shall be applied by such county treasurer on account of the payment of all delinquent and unpaid installments of assessments levied and assessed against the particular tract of land from which the income is received, and accrued interest thereon; and during said period of two years from the effective date of this act, any person who was entitled to redeem said lands may purchase said lands at a private sale from the county treasurer or the reclamation district for the amount of all the delinquent and unpaid installments of assessment then owing upon said lands, less the amount of all penalties accrued as of the effective date of this act, but including all penalties hereafter accruing, together with interest upon said amount at the rate of seven per cent (7%) per annum from the date of the respective sales to the date of such purchase, and also less the amount credited upon said delinquent installments and interest received from all rentals, rents and receipts from the renting and operation of

said land, as hereinabove provided, which said purchase price may be paid in cash or in matured bonds or coupons thereof of said district issued upon said assessment, and upon the payment of such purchase price, the said county treasurer shall execute to such purchaser upon such sale a deed conveying said property free of encumbrances except the unpaid and uncalled balance of said assessment, and any other assessment of said district.

Accounting to former landowner.

SEC. 3. Within sixty days after the receipt by the county treasurer of the entire annual rental upon any lands so owned by the treasurer as trustee for the district and leased by the board of trustees of such district, said treasurer shall render to the former landowner an account or report of the amount of the rentals applied on account of the payment of such delinquent instalments of assessment, and the amount of the expenses and costs disbursed by the board of trustees from said rentals, and also the balance then unpaid upon such delinquencies, with interest thereon as herein provided, and said county treasurer shall mail forthwith such account or report to such landowner at such address as such landowner may have theretofore filed with the county treasurer.

Voting privileges.

SEC. 4. During said period of two years from the effective date of this act, the board of trustees of such reclamation district shall have and possess all the rights and privileges of voting the lands so held and owned by the treasurer, as trustee of such reclamation district, or held by said reclamation district, at all elections held during said period, to the same extent and effect as if said lands were in private ownership, and the board of trustees shall, at a regular or special meeting held at least one week in advance of the date of such election, by resolution duly and regularly adopted and entered in the minutes of said meeting, direct the president of the board of trustees, or the secretary of the board of trustees or of the district, or such other person as such board of trustees may direct by such resolution, to cast for and on behalf of said board of trustees, all votes that said board of trustees shall be entitled to vote, for the person or persons, or for or against the proposition or question for the purpose of which said election is held; provided, however, that in the event the lands so owned by the county treasurer, as trustee of the reclamation district, are not described upon or do not otherwise appear upon the next preceding assessment roll of the county in which said land is situate, then and in that event the number of votes to be voted by such lands so owned by the treasurer or the district shall be determined by the last preceding assessment roll of the county upon which said lands appear or are described. The certified copy of said assessment roll shall contain the certificate of the assessor of said county that there has been no change in the assessment valuations of lands within the reclamation district between the year in which said lands so appear upon the assessment roll and the date of said election, and in the event that there has been a uniform change in

Assessment roll

all lands within the district, said certificate shall show that fact, and the lands so owned by the treasurer or the district, as hereinabove provided, shall vote in accordance with the assessment valuations as affected by such uniform change in such valuations within the district.

Bondholder may redeem.

SEC. 5. In all cases when any lands have been sold to any person other than the treasurer, as trustee of a reclamation district, for any delinquent reclamation assessment or installment thereof, and the deed of the county treasurer has not yet issued to such purchaser, any holder of any bond issued upon the delinquent assessment may redeem any of such lands so purchased by such party, within the one-year period of redemption, by the payment of the redemption moneys provided in section 3480 of the Political Code of the State of California, subject, however, to the right and privilege of any person who may redeem said lands under the provisions of section 3480 of the Political Code of the State of California, to redeem said lands from such bondholder at any time before the expiration of the redemption period, but if no such redemption be made then upon the expiration of the period of redemption the bondholder shall be entitled to a deed from the county treasurer conveying said property free of all encumbrances except the unpaid balance of said assessment, and any other assessment of said district, and except also the right of the delinquent assessment payer to purchase said lands from such bondholder or his grantee at any time before the expiration of two years from the effective date of this act upon paying to said bondholder or his grantee the amount paid by such bondholder on his redemption, plus seven per cent interest on said sum from the date of said redemption to the date of such purchase, together with the amount of any other tax or assessment levied and called by any governmental authority or agency upon said property and paid by such bondholder or his grantee prior to the date of such purchase, plus seven per cent interest thereon from the date of payment to the date of such purchase. To effect such purchase the former landowner shall deposit the aggregate of such amounts with the county treasurer of the principal county wherein said reclamation district is situate, and record within said two years period in the office of the county recorder of the county wherein the purchased lands are situate a notice, duly acknowledged by such former landowner or his agent, that he has paid said sums for said purposes unto said county treasurer, together with the date thereof. Upon receipt of such deposit the county treasurer shall upon demand pay the same over to the bondholder who has made such redemption, or to his grantee of said lands.

Deed from county treasurer.

Application of act

SEC. 6. This act shall also be applicable to all irrigation, drainage and levee districts whose boundaries to any extent overlap or encroach upon or within the boundaries of a reclamation district, but only as to the lands lying within the boundaries of such reclamation district, and this act shall

remain in effect only until the expiration of two years from the effective date of this act, and it is not intended to repeal or modify any provisions of the Political Code of the State of California, or any act creating a reclamation district, except as to the matters hereinabove set forth, and for the period of two years hereinabove provided.

Urgency

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into effect immediately.

The facts constituting such necessity are as follows:

Due to the agricultural depression which has existed for the past several years, many landowners in reclamation districts in the State have been unable to meet their installments upon assessments, with the result that their land has been sold to the district. The heavy penalties necessary to be paid as now provided by law, and which continually increase, make it impossible for the landowners to redeem their land, and thousands of landowners are now threatened with the loss of their land. If the land is not redeemed and it is deeded to the district, it then becomes nonassessable for district purposes, and the burden becomes all the heavier on the other landowners in the district, causing more delinquency and loss. The Legislature hereby declares that the welfare of the State requires that the landowners in these districts be not dispossessed of their land, and that the land be redeemed so as to thenceforth bear its just proportion of taxation.

CHAPTER 614.

An act to extend to the guarantors of the payment of public bonds any moratorium on the payment thereof or on assessments or taxes levied to pay the principal and interest due on bonds issued under any law of this State and declaring the urgency thereof.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

Reduction of guarantor's liability

SECTION 1. Whenever any bonded indebtedness of the State, or any subdivision thereof or of municipality or public corporation or district shall, by operation of law or by the declaration, proclamation or order of any officer or of any court having jurisdiction to make such declaration, proclamation or order, be reduced in amount, or the interest thereon reduced, or the time for the payment thereof or of any tax or assessment levied to pay the same, the interest thereon or any portion of both or either of them, shall be extended or any other term or condition for the payment thereof altered, or

any of the public bodies hereinbefore mentioned shall default in the payment thereof, then the obligation or obligations of any and all persons, firms or corporations guaranteeing the payment thereof or the repurchase thereof or the payment or repurchase of any interest therein shall be reduced as to principal and interest, or either of them, extended as to the time of payment and altered as to any and all terms thereof in the same manner and to the same extent as the obligation or obligations of the issuing body and the tax or assessment payers, or either of them, are reduced, extended or altered or in the event of a default shall be extended for the period of the default but not to exceed three years after the commencement thereof.

Proportionate distribution.

SEC. 2. Such relief of guarantors shall be limited to the extent of defaults in principal and/or interest of the obligations guaranteed. If the guarantor or guarantors functions or function in the capacity of trustee or if the custody of the obligations (State, county, municipal or other public corporation or district bonds) is in the possession of a trustee, and administered by such trustee, he shall be required to distribute interest and principal in the proportion that each is received by him to the beneficiaries under such a trust.

Construction of act
Constitutionality

SEC. 3. This act, and all its portions, shall be liberally construed to the end that the purpose hereof may be made effective. If any section or sentence, clause or phrase of this act is held to be unconstitutional, the remainder of the act shall not be invalidated thereby, but shall remain in full force and effect.

Urgency.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of facts constituting such urgency: The peace, safety and welfare of the citizens in all parts of this State are dependent upon immediate relief from assessments and taxes levied under authority of any law of this State. Because of the present economic crisis, the people of this State are utterly unable to pay such assessments. The same are generally becoming delinquent, resulting in the loss of their homes and other great suffering and to extend such a moratorium without also extending it to the guarantors of the bonds to be paid by such assessments or taxes would be grossly inequitable and would cause financial ruin to such guarantors.

CHAPTER 615.

An act to provide for the administration of funds of this State and of the United States Government made available for the relief of destitution caused by unemployment and making an appropriation for such purpose and declaring the urgency thereof.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

Appropriation Emergency Relief Administrator

SECTION 1. The sum of two hundred thousand dollars ($200,000) is hereby appropriated to be expended in accordance with law during the eighty-fifth and eighty-sixth fiscal years by the Emergency Relief Administrator to pay the expense of administration of such moneys of the United States government and of this State as are made available for relief, through both State and local agencies, of destitution caused by unemployment.

Not more than one hundred thousand dollars ($100,000) of the moneys hereby appropriated shall be expended in any one fiscal year.

Assistants

SEC. 2. The Emergency Relief Administrator shall have power to employ such expert and technical assistants, exempt from civil service and clerical assistants, as he deems necessary for the purpose of such administration.

In the course of such administration, and in the supervision thereof, the Emergency Relief Administrator shall have the powers granted to the head of a department by the provisions of section 353 of the Political Code.

Urgency.

SEC. 3. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety and under the provisions of section 1 of Article IV of the Constitution of this State shall take effect immediately.

The following is a statement of the facts constituting such necessity: Millions of dollars must necessarily be expended in the relief of destitution caused by unemployment in this State during the biennium beginning July 1, 1933. It is absolutely essential to the proper and orderly expenditure of such moneys that proper provision be made for the administration thereof. This is true with regard to the expenditure of moneys made available by the Federal government alone, and moneys to be expended by the State government can be administered through the same agency without additional cost to the State. The present funds available for such administration will soon be exhausted and it is therefore essential that the appropriation made by this act take effect immediately.

CHAPTER 616.

An act to add a new section to the School Code, to be numbered 5.94, relating to summer sessions conducted by State teachers colleges, to take effect immediately.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

SECTION 1. A new section is hereby added to the School Code, to be numbered 5.94, and to read as follows: New section.

5.94. If and when provision has been made to provide funds, in the manner herein provided, for conducting summer session, any State teachers college may, with the approval of the Director of Education, annually conduct and maintain a summer session, and a uniform tuition fee shall be fixed by the Director of Education, which tuition fee shall be annually collected in such manner as the Director of Education may provide from each person enrolled in a summer session conducted by a State teachers college. All such tuition fees so collected shall be paid monthly into the State treasury to the credit of a fund to be known as "The State Teachers Colleges Summer Session Fund," which fund is hereby created, and from which shall be paid such part of the total cost of maintaining all the State teachers colleges as may be incurred by reason of conducting and maintaining summer sessions at any or all of the State teachers colleges. Summer sessions, State teachers colleges. "State Teachers Colleges Summer Session Fund" created.

The funds herein provided shall be in addition to any other funds which may be appropriated for the support of the State teachers colleges.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into effect immediately. Urgency.

The facts constituting such necessity are as follows: The summer sessions of teachers colleges for the present year would normally be supported from the budgets of the colleges for the eighty-fifth fiscal year. Inasmuch as the present bill compels such summer sessions to be supported entirely from fees charged students enrolled therein, no funds will be available for the support of such summer sessions during the present calendar year unless this bill which makes such summer sessions self-supporting becomes effective prior to the opening of such summer sessions in June, 1933.

CHAPTER 617.

An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

Appropriation Legislative printing

SECTION 1. The sum of one hundred forty thousand dollars ($140,000) is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to meet a deficiency in the appropriation for legislative printing, binding, etc. The sum herein appropriated shall be available for legislative printing, binding, etc., incurred in connection with the fiftieth session of the Legislature, or any special session.

Current expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State it is hereby declared an urgency measure and shall under the provisions of section 1 of Article IV of the Constitution take effect immediately.

CHAPTER 618.

An act to amend section 4245 of the Political Code, relating to salaries and fees of all officers in counties of the sixteenth class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 873.

SECTION 1. Section 4245 of the Political Code is hereby amended to read as follows:

Santa Barbara County Salaries

4245. In counties of the sixteenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

District attorney

1. The district attorney, five thousand dollars per annum for all services; provided, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created and who shall be appointed by the district attorney and shall be paid salaries as follows: One chief deputy at a salary of three thousand two hundred dollars per annum, one deputy at a salary of two thousand one hundred sixty dollars per annum, two deputies at a salary of one thousand seven hundred sixty-four dollars per annum each, one deputy at a salary of one thousand one hundred sixteen dollars per annum, one stenographer at a salary of one thousand five hundred sixty-six dollars per annum, and one additional stenographer at a

salary of one thousand five hundred dollars per annum; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid; provided, that the district attorney and his chief deputy herein provided for shall devote their entire time during office hours to the duties of their offices, and shall be prohibited from engaging in private practice of the law during their term of office.

Sheriff

2. The sheriff, four thousand five hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the sheriff the following deputies and assistants who shall be appointed by the sheriff: One undersheriff at two thousand one hundred sixty dollars per annum; seven deputies at one thousand eight hundred ninety dollars, each, per annum; two deputies to serve as jailers at one thousand eight hundred ninety dollars per annum each.

The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; provided, further, that there shall be allowed to the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business. All fees, commissions and mileage received by the sheriff shall be turned over to the county and become the property of the county.

Clerk.

3. The county clerk, four thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: Two deputy clerks at a salary of one thousand nine hundred forty-four dollars per annum, each, one deputy clerk at a salary of one thousand seven hundred sixty-four dollars per annum and three deputy clerks at a salary of one thousand five hundred sixty-six dollars per annum, each. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk; provided, also, that in counties of this class there shall be and is hereby allowed to the county clerk such additional clerks and assistants as the county clerk may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside the office by deputy registration clerks; such compensation for additional clerks and assistants, and for registration clerks outside his office, being payable to them in installments at such time and in such amounts as may be designated by the county clerk; provided, that the county clerk shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor

shall execute warrants for said amounts to be paid in the same manner and out of the same funds as other county officers are paid. Whenever, under the provisions of sections 73 and 142 of the Code of Civil Procedure, any session of the superior court is required to be held in any city or town other than the county seat, the clerk, or deputy clerk, and one court reporter of such court shall be allowed their necessary expenses in going to, returning from, and attending upon the business of such court. Such expense shall be a charge against the treasury of the county and paid out of the general fund thereof.

Auditor

4. The auditor, four thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy at a salary of two thousand one hundred sixty dollars per annum, three deputies at a salary of one thousand eight hundred dollars per annum each; said deputies shall be appointed by said auditor and said salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; provided, also, that in counties of this class there shall be and is hereby allowed to the auditor such additional clerks and assistants as the auditor may require and whose compensation in the aggregate shall not exceed three thousand six hundred dollars in any one year payable to them in installments at such time and in such amounts as may be designated by the auditor; provided, that the auditor shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid.

Treasurer

5. The treasurer, three thousand two hundred dollars per annum; provided, also, that the treasurer shall be allowed such additional clerks as the treasurer may require and whose compensation shall not exceed one thousand two hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the treasurer; provided, that the treasurer shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid. All fees, commissions and mileage received by the treasurer after January 1, 1931, shall be deposited in the county treasury to the credit of the salary fund. Claims for service of such additional clerks shall be allowed and paid from the same funds as the salary of the treasurer.

Recorder

6. The recorder, three thousand four hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of one thou-

sand seven hundred sixty-four dollars per annum and three deputies at a salary of one thousand five hundred sixty-six dollars per annum each; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid; provided, also, that in counties of this class there shall be and is hereby allowed to the recorder such additional clerks and assistants as the recorder may require, and whose compensation in the aggregate shall not exceed three thousand dollars in any one year; and provided, further, that such clerk or clerks as may be necessarily employed to enable the recorder to perform the duties which devolve upon the recorder by the provisions of the Torrens Land Title Act, shall be paid one thousand three hundred fifty dollars per annum, each. The compensation of attorneys employed under section 108 of said title act shall not exceed twenty-five dollars per day for each day actually devoted to the duties of such employment. Compensation for such additional clerks and assistants shall be payable to them in installments at such time and in such amounts as may be designated by the recorder; provided, that the recorder shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants, said warrants to be paid in the same manner and out of the same fund, as other county officers are paid. All fees, commissions and mileage shall be deposited in the county treasury to the credit of the salary fund.

Tax collector.

7. The tax collector, who shall also be license collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; provided, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of one thousand nine hundred twenty dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid; also provided, that the said tax collector shall be allowed such additional deputies and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of three thousand five hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the tax collector; provided, that the tax collector shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund, as other county officers are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

Assessor

8. The assessor, three thousand eight hundred dollars per annum, which shall be in full compensation for all services rendered by him; provided, that in counties of this class there

shall be and is hereby allowed to the assessor one deputy at two thousand one hundred sixty dollars per year, two deputies at one thousand seven hundred sixty-four dollars per year each, one deputy at one thousand five hundred sixty-six dollars per year, one deputy for seven months at a total compensation of nine hundred thirteen dollars and fifty cents, one deputy for four months at a total compensation of six hundred forty-eight dollars, two deputies for four months at a total compensation of four hundred fifty dollars, each, seven deputies for four months at a total compensation of five hundred twenty-two dollars, each, during each fiscal year, whose offices are hereby created and who shall be appointed by the assessor and be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the assessor is paid; and provided, further, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of four thousand five hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the assessor; provided, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund, as other county officers are paid; and provided, that the assessor shall be allowed his actual traveling expenses, including the expense of operating and maintaining an automobile and depreciation of the same, when engaged in attending to official business, not exceeding the sum of six hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

Superintendent of schools

9. The superintendent of schools, three thousand six hundred dollars per annum, which shall be inclusive of such fees as may be allowed the superintendent of schools when acting as secretary of the county board of education, and in addition hereto the superintendent of schools shall be allowed actual traveling expenses when visiting the schools of his or her county as provided by law; provided, also, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one chief deputy at a salary of two thousand dollars per annum, and one deputy at a salary of one thousand five hundred sixty-six dollars per annum, which deputies shall be appointed by the superintendent of schools; said salaries shall be paid by the county in monthly installments at the same time and out of the same fund as the salary of the superintendent of schools is paid; provided, also, that in counties of this class there shall be and is hereby allowed to the superintendent of schools such additional clerks and assistants as the superintendent of schools may require, and

whose compensation in the aggregate shall not exceed six hundred dollars in any one year payable to them in installments at such time and in such amounts as may be designated by the superintendent of schools; provided, that the superintendent of schools shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid.

Coroner

10. The coroner, such fees as are now or may be hereafter allowed by law and actual traveling expenses while attending to his official duties; provided, however, that no fees in excess of one thousand five hundred dollars in any one year shall be paid to the coroner out of the county treasury.

Public administrator

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor

12. The county surveyor and ex officio civil engineer for all services required of him as county surveyor and civil engineer and also for all services which may be required of him as a road engineer, shall receive four thousand dollars per annum, and actual traveling expenses while attending to official business, and necessary expenses for himself and assistants in the field and office while engaged on public work; provided, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by the said county surveyor at a salary of one thousand nine hundred forty-four dollars per annum, said deputy to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid; provided, further, that in counties of this class there shall be and is hereby allowed to the county surveyor such other assistants as he may need and appoint, and that whenever said surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor he shall be allowed such additional field and office assistants as may be deemed necessary, claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid; provided, that beginning with the term of office in January, 1931, the county surveyor and his one deputy herein provided for shall devote their entire time during office hours to the work of the county and State and shall be prohibited from engaging in private work during their term of office.

Justices of the peace

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases. Any office of justice of the peace now or heretofore existing in any township in counties of this class in excess of the number hereinafter provided for is hereby abolished. In townships having a population of more than fifteen thousand, there shall be one

justice of the peace who shall receive the sum of two hundred dollars per month; provided that in townships of this class there is hereby allowed for the use of said justice of the peace one clerk, who shall also be a stenographer and who shall be appointed by the board of supervisors, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as salaries of county officers are paid; and provided further, that if in the opinion of the board of supervisors the public convenience hereafter requires it, the said board may hereafter by order provide that there shall be two justices of the peace in any township having more than fifteen thousand population, and in such case each of said justices of the peace shall receive the sum of two hundred dollars per month, and in that event the said justice's clerk shall be provided for the joint use of said justices of the peace; in townships having a population of four thousand and not over fifteen thousand, there shall be one justice of the peace at a salary of one hundred dollars per month; in townships having a population over one thousand eight hundred and not over four thousand, one justice of the peace at a salary of seventy-five dollars per month; in townships under one thousand eight hundred, one justice of the peace at a salary of fifty dollars per month; provided, however, that each of said justices shall be furnished with an office and necessary supplies by the board of supervisors of said county. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the Federal census taken A. D. 1930. In the event that two or more townships are combined, the salaries of the justices of the peace shall be determined on the basis of the total population of the combined townships.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases. Any office of constable now or heretofore existing in any township in counties of this class in excess of the number hereinafter provided for is hereby abolished. In townships having a population of more than fifteen thousand, there shall be one constable who shall receive the sum of one hundred dollars per month; in townships having a population of five thousand and not over fifteen thousand, there shall be one constable at a salary of seventy-five dollars per month; in townships having a population of four thousand and not over five thousand, one constable at a salary of fifty dollars per month; in townships having a population of three thousand and not over four thousand one constable at a salary of forty dollars per month; in townships having a population of under three thousand, one constable at a salary of twenty-five dollars per month. Provided, that if in the opinion of the board of supervisors the public convenience hereafter requires it, the

said board may hereafter by order provide that there shall be more than one constable, to attend upon any justice court in any township, and said additional constable or constables shall receive the salary hereinabove specified to be paid in the township in which said additional constable is appointed, said constable or constables to fill said additional office or offices until the next succeeding gubernatorial election following the creation of said additional office or offices.

In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the Federal census taken A. D. 1930.

15. Each supervisor for all services required of him as supervisor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. Where necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration and no other traveling expenses shall be allowed. Supervisors.

16. In counties of this class the fees of grand jurors shall be three dollars per diem and the fees of trial jurors in the superior court shall be three dollars in civil actions and three dollars in criminal actions and the fees of trial jurors in courts of justices of the peace shall be two dollars in civil and criminal actions, for each day's attendance. In addition, mileage fees shall be allowed all jurors to be computed at the rate of fifteen cents per mile for each mile traveled in attending court or in attending sessions of the grand jury, in going only. Jurors.

17. The live stock inspector, one thousand two hundred dollars per annum. Live stock inspector

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CHAPTER 619.

An act amending section 4243 of the Political Code, relating to salaries and compensation of officers in counties of the fourteenth class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4243 of the Political Code is hereby amended to read as follows: Stats 1931, p 1206

Tulare County Salaries

4243. In counties of the fourteenth class, officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries:

Clerk

1. The county clerk, three thousand dollars per annum; provided, that said clerk shall have the following deputies and assistants: one deputy, who shall act as assistant clerk of the board of supervisors, and who shall be paid a salary of twenty-one hundred dollars per annum; one chief deputy clerk who shall be paid a salary of one thousand six hundred eighty dollars per annum; two deputy clerks, who shall be paid a salary of one thousand four hundred forty dollars each per annum; one deputy clerk who shall be paid a salary of one thousand two hundred dollars per annum.

The county clerk shall perform the duties of registrar of voters and shall appoint additional deputies who shall act as registration deputies for the purpose of registering electors outside of the county courthouse grounds; such deputies shall be paid the sum of seven and one-half cents per name for each affidavit of new registration taken by them and the claims of such deputies for such services shall be presented to and be allowed by the board of supervisors as other claims against the county are presented and allowed. The county clerk shall also be allowed such additional deputies as he may require at a salary of three dollars per day each; provided, the total compensation for such additional deputies so employed shall not exceed the sum of one thousand two hundred fifty dollars, for each even-numbered year and five hundred dollars for each odd-numbered year. The county clerk shall pay into the county treasury to the credit of the salary fund at the close of each month, all fees and commissions received by said county clerk during the month, accompanied by a statement of the sources from which said fees and commissions have been received.

Sheriff

2. The sheriff, three thousand two hundred dollars per annum; provided, that said sheriff shall have the following deputies and assistants: One undersheriff, who shall be paid a salary of two thousand one hundred dollars per annum; two criminal deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum; one civil deputy at a salary of one thousand four hundred forty dollars per annum; one deputy who shall act as jailer at a salary of one thousand three hundred twenty dollars per annum; two deputies to act as bailiffs of the superior court, at a salary of one thousand two hundred dollars each per annum; one deputy who shall be a woman, and who shall perform the duties of matron and cook at the county jail, at a salary of nine hundred dollars per annum, and her board at said jail, while performing such duties; and one deputy for a period of two weeks, out of each fiscal year, at a salary of three dollars per day and board, who shall be a woman, and who shall perform the duties of matron and cook during the vacation period of the matron above provided. The sheriff shall receive and

retain for his use, the compensation allowed by the State for the transportation of prisoners to and from the State prisons, and for conveying persons to and from the insane asylums, State hospitals and other State institutions. All other fees and mileage received by the sheriff shall be paid into the county treasury and placed to the credit of the salary fund.

Recorder. 3. The county recorder, two thousand four hundred dollars per annum; provided, that said recorder shall have the following deputies and assistants: one chief deputy who shall be paid a salary of one thousand six hundred and eighty dollars per annum; two deputies, each of whom shall be paid a salary of one thousand two hundred dollars per annum; two comparing clerks, each of whom shall be paid a salary of nine hundred sixty dollars per annum; and such copyists as are necessary to perform the duties of the office, who shall receive a compensation of three cents per folio for each folio of any instrument recorded and necessary to be transcribed by said recorder, and which said compensation shall be paid out of the salary fund of such county. All fees collected by the county recorder shall be paid into the county treasury and placed to the credit of the salary fund.

Auditor. 4. The county auditor, two thousand seven hundred dollars per annum; provided, that said auditor shall have the following deputies and assistants: one deputy who shall be paid a salary of two thousand dollars per annum; three deputies, each of whom shall be paid a salary of one thousand four hundred forty dollars per annum; one deputy who shall be paid a salary of one thousand two hundred dollars per annum; and such additional deputies and assistants as he may consider necessary to perform promptly the work required to be done in the office of the said auditor, and who shall each be paid a salary of three dollars per day, while actually employed; provided, however, that the total compensation of such additional deputies and assistants shall not in the aggregate exceed the total sum of one thousand one hundred twenty-five dollars per fiscal year; provided further, in the event a four-payment tax plan is adopted by the State of California, then the aforesaid total sum shall not exceed the sum of one thousand nine hundred twenty-five dollars per fiscal year. It shall be the duty of the county auditor in counties of this class, without additional compensation, to prepare for the board of supervisors the reports required by section 4049a and section 4099a of the Political Code. All fees and commissions received by the county auditor shall be paid by him into the county treasury and placed to the credit of the salary fund.

Treasurer 5. The county treasurer, two thousand four hundred dollars per annum; provided, that said treasurer shall have one deputy who shall be paid a salary of one thousand eight hundred dollars per annum; and one deputy who shall be paid a salary of one thousand two hundred dollars per annum.

Tax collector. 6. The tax collector, two thousand four hundred dollars per annum, in full compensation for all services performed as tax

collector and ex officio license collector; provided, that said tax collector shall have the following deputies and assistants. one chief deputy who shall be paid a salary of one thousand six hundred eighty dollars per annum; two deputies each of whom shall be paid a salary of one thousand two hundred dollars per annum; and such additional assistants during each year as he may require to promptly perform the work required to be done in the office of said tax collector, and such additional deputies and assistants as he may consider necessary to perform promptly the work required to be done in the office of said tax collector, and who shall each be paid a salary of three dollars per day, while actually employed; provided, however, that the total compensation of such additional deputies and assistants shall not in the aggregate exceed the total sum of two thousand eight hundred dollars per fiscal year; provided further, in the event a four-payment tax plan is adopted by the State of California, then the aforesaid total sum shall not exceed the sum of five thousand two hundred dollars per fiscal year. All fees and commissions paid to the tax collector and ex officio license collector, shall be paid into the county treasury and placed to the credit of the salary fund.

Assessor.

7. The county assessor, three thousand dollars per annum; provided, that said assessor shall have the following deputies and assistants: one chief deputy who shall be paid a salary of one thousand six hundred eighty dollars per annum; two deputies each of whom shall be paid a salary of one thousand two hundred dollars per annum; and such additional deputy assessors as he may require, at a salary of one hundred forty dollars each per month, for those employed as outside field deputy assessors; and at a salary of one hundred ten dollars each per month for those employed as inside field deputy assessors; and at a salary of three dollars per day each for those employed as copyists; provided, however, that the total compensation of said additional deputy assessors employed as inside and outside field deputy assessors and copyists shall not exceed the sum of eleven thousand six hundred dollars per fiscal year; and provided further, that no field deputy assessors herein provided for shall be employed for more than four months in any one fiscal year. All fees and commissions, including all sums collected by the assessor or his deputies as personal property taxes, shall be paid into the county treasury monthly as collected, with a statement of account of each collection.

District attorney

8. The district attorney, three thousand three hundred sixty dollars per annum; provided, that the district attorney shall have the following deputies and assistants: an assistant district attorney who shall be paid a salary of two thousand six hundred forty dollars per annum; one deputy who shall be paid a salary of two thousand four hundred dollars per annum; one deputy who shall be paid a salary of two thousand one hundred sixty dollars per annum; one deputy who shall

be paid a salary of one thousand nine hundred twenty dollars per annum; two stenographers who shall be paid a salary of one thousand two hundred dollars each per annum. The district attorney, his assistant and deputies shall not be required to devote full time to the duties of the office, providing the duties of the office are promptly and efficiently discharged.

Coroner. 9. The coroner shall receive the following fees: for general services in holding an inquest before a jury or for investigating the cause of death where such investigation is required by law, ten dollars. For each witness subpenaed before the jury of inquest, twenty-five cents. In addition to the fees mentioned herein, the coroner shall receive his actual necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid; provided that the said traveling expenses exclusive of meals and hotel accommodations shall not exceed the sum of five cents per mile. For directing or attending interment for each body upon which an inquest before a jury has been held, or investigation by the coroner has been made, two dollars.

When acting as or in place of the sheriff, the same fees as are allowed the sheriff for like services.

Whenever the coroner takes custody of a dead body as required by law, he may embalm the body and charge and collect from the person entitled to custody of the body the sum of fifteen dollars except in those cases in which the body is that of a child not more than fourteen years of age or of a person for whose burial there is available a sum less than seventy-five dollars, in which cases no fee shall be charged and the expense of embalming the body shall be a county charge.

Public administrator 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools 11. The superintendent of schools, as full compensation for all services required of him by law, including his duties as a member of the county board of education, three thousand dollars per annum, and actual and necessary traveling expenses when visiting the schools of his county; provided, that the superintendent of schools shall have the following deputies: One chief deputy who shall be paid a salary of one thousand six hundred eighty dollars per annum; and one deputy who shall be paid a salary of one thousand four hundred forty dollars per annum and said chief deputy to be a qualified teacher, competent to perform the duties of said office, either in the field or in said office.

Surveyor 12. The county surveyor two thousand four hundred dollars per annum, provided, that the surveyor shall have one deputy who shall be paid a salary of one thousand six hundred eighty dollars per annum. In addition, the county surveyor shall be allowed all necessary traveling and other expenses incurred by

himself or by said deputy, in the peformance of all work in the field and in the discharge of the duties of his office, and said surveyor shall also have the power to employ such inspectors, chainmen, rodmen and other field help as may be necessary to perform the duties of his office in the field and for the proper supervision and inspection of all highways, bridges, structures and other engineering work, which the said county surveyor may be required by the board of supervisors to supervise or inspect, while under construction, and the compensation of said inspectors and other help shall be a proper charge against the county, and shall be paid out of the county general fund upon the presentation of proper claims therefor to the board of supervisors in any county of this class. The county surveyor shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges; and in any county of this class, whenever a portion of the county general fund has been appropriated for the construction of highways or bridges, or bonds have been issued under the provision of section 4088 of the Political Code for the construction of bridges or highways, the county surveyor may at any time during the planning, laying out or construction of said bridges or highways, employ all necessary inspectors, draftsmen and field or office help for the purpose of assisting said county surveyor in planning, laying out or supervising and inspecting the construction of such bridges or highways and the compensation of all persons so employed shall be paid out of the fund created for such work upon the presentation of proper claims therefor to the board of supervisors;

Provided, however, that before employing any inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment, and said inspectors and field or office help shall not be employed for a period longer than may be necessary to actually complete said bridges or highways, and the compensation of all such persons employed as inspectors, draftsmen, field or office help, shall be prescribed by the board of supervisors.

The said county surveyor shall, without additional compensation, prepare all maps or drawings required of him by the district attorney, and shall appear in court with the same and give testimony pertaining thereto.

Township classification

13. Township Classification. For the purpose of regulating the compensation of the justices of the peace and constables in counties of this class the townships of said counties are hereby classified as follows: Townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class. Townships having a population of not less than ten thousand and under fifteen thousand shall belong to and be known as townships of the second class. Townships having a population of not less than six thousand and under ten thousand shall belong to and be known as townships of the third class. Townships having a population of

not less than three thousand and under six thousand shall belong to and be known as townships of the fourth class. Townships having a population of not less than one thousand and under three thousand shall belong to and be known as townships of the fifth class. Townships having a population under one thousand shall belong to and be known as townships of the sixth class; provided, that for the purpose of this section the population of the several townships of the counties of this class shall be ascertained by the board of supervisors, using as a basis therefor the Federal census for the year 1930.

Justices of the peace

14. Justices of the peace in townships of the first class shall be paid a salary of one hundred forty dollars per month, and in each justice's court in townships of the first class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall be paid a salary of seventy-five dollars per month. In townships of the second class, justices of the peace shall be paid a salary of one hundred twenty-five dollars per month, and in each justice's court in townships of the second class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall be paid a salary of sixty dollars per month. Such justice's clerks shall take the oath of office prescribed for county officers and execute an official bond in the sum of two thousand dollars conditioned upon and for the faithful discharge of the duties of the office of the justice's clerk and which bond shall be approved and filed in the same manner as are bonds of county officers and the premium for said bonds shall be a charge against the county. Said justice's clerks may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of their office, said appointments to be made and filed in the same manner as the appointment of other county officers; provided, however, that the said deputies shall serve without compensation from the county. Said justice's clerks shall be authorized to administer all oaths, take and certify affidavits and shall be authorized to issue and sign writs, summons, notices and all other process in any action or proceedings in the justice's court of the township for which said clerks have been appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued and all such instruments shall be issued and signed in substantially the following form:

"_____
Justice of the Peace

Attest:_____
Clerk."

All legal papers of every kind in actions or proceedings in such justice's court, including all proceedings pending in said court as a small claims court, shall be issued by the said

justice's clerk in the manner and form hereinbefore set forth, and said justice's clerk shall issue, sign and certify any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All pleadings and papers required to be filed in the said justice's court shall be filed with such justice's clerk and such clerk shall be authorized and is empowered to make entry on the official docket, and other books required to be kept by said justice of the peace, of the actions and proceedings in said court, and such clerk shall have all the powers of justice's clerks now and hereafter provided by law. All fees for the issuance of all process, or other fees, which are by law allowed for any official service of the justice of the peace must be paid in advance to the clerk of said justice's court, and together with all fees, fines, forfeitures or penalties received in said justice's court shall be paid into the county treasury, and said justice's clerk shall render on or before the first Monday of each month to the county auditor, an exact account under oath of all fines, forfeitures, penalties and fees received by him or collected by said court.

Justices of the peace in townships other than townships of the first and second class, shall be paid the following monthly salaries, to wit: In townships of the third class, one hundred dollars per month; in townships of the fourth class, seventy-five dollars per month; in townships of the fifth class, fifty dollars per month; in townships of the sixth class, thirty dollars per month; and all salaries provided for by this section shall be in full compensation for all services rendered by justices of the peace and justice's clerks, in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by all justices and justice's clerks into the county treasury.

The board of supervisors may provide an office and court room, including furniture and telephone, for each justice of the peace in this county and the expense of the same shall be a charge against the county; provided, however, the total expense of the office, court room, furniture and telephone shall not exceed twenty per cent (20%) of the salary of that justice of the peace for the said fiscal year, and in addition thereto the board of supervisors shall provide, through its purchasing agent, all necessary stationery, books and printed supplies required by each of the justices of the peace for the proper transaction of the business of his office and the expense of such stationery, books and printed supplies shall be a charge against the county.

Constables

15. Constables shall be paid the following monthly salaries each month in the same manner as the salaries of county officers are paid, and said salaries shall be in full compensation for all services rendered by them in both civil and criminal cases: In townships of the first, second and third classes, one hundred twenty dollars per month; in townships of the fourth class, one hundred dollars per month; in

townships of the fifth class, seventy-five dollars per month; in townships of the sixth class, thirty dollars per month. In addition to the salaries above provided the constables may retain for their use all mileages collected in civil matters. All fees, except mileages, as are now or may be hereafter allowed by law in civil cases, shall be paid by all constables into the county treasury. In addition to the monthly salary herein provided, each constable shall be allowed all necessary traveling expenses in the execution of criminal processes and investigations; provided, however, that the transportation allowance shall not exceed the sum of five cents per mile, and no constructive mileage shall be allowed.

Reports. 16. It shall be the duty of each and every justice of the peace and constable to file in the office of the board of supervisors on or before the first Monday of each and every month, a full and complete statement showing all business, both civil and criminal done during the preceding month. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, and his statement of criminal actions, together with the mileage from the office of such constable to the place of arrest. All justices of the peace shall file a full and correct statement of all civil and criminal actions, and fees received therefrom, said statements to be sworn to before some officer entitled by law to administer oaths; provided, that in townships of the first class, such statement may be made and sworn to by the justice's clerk.

Supervisors. 17. Each supervisor shall be paid a salary of two thousand one hundred sixty dollars per annum for all personal services performed by him as supervisor, member of the board of equalization and road commissioner, and in addition thereto each supervisor shall receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid; provided, however, that the said traveling expenses exclusive of meals and hotel accommodations shall not exceed the sum of five cents per mile.

Librarian. 18. The county librarian one thousand eight hundred dollars per annum.

Jurors. 19. For attending as a grand juror in the superior court for each day's attendance per day four dollars; for attending as a trial juror in the superior court, for each day's attendance per day two dollars; for attending as a trial juror in the justice's court for each juror sworn to try the cause, per day two dollars; for each mile actually traveled in attending court or meetings of the grand jury as a juror, five cents per mile each way.

Fees. 20. All fees and sums required by law to be paid into the county treasury by any county or township officer shall be so paid on the first Monday in each month after collection.

Expenses

21. Expenses. Any officer, who is now authorized, or who may be hereafter authorized by law, to travel at the expense of the county, shall do so in the most economical manner. If he travels by rail, he shall use the lowest rate in effect on the day of travel. If he travels by automobile, he shall receive compensation for use of said automobile at the rate of five cents per mile, for each mile actually traveled, without constructive mileage.

Consolidations of offices

22. In the event the board of supervisors should hereafter consolidate any of the county offices as provided in section 4017 of the Political Code, then the person filling said offices so consolidated and united shall receive as compensation but one salary which shall be the highest salary theretofore paid to any person filing any of the said offices immediately prior to such consolidation.

CHAPTER 620.

An act to amend section 2322x14 of the Political Code, relating to the office of agricultural commissioner in counties of the fourteenth class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1005

SECTION 1. Section 2322x14 of the Political Code is hereby amended to read as follows:

Tulare County Agricultural commissioner.

2322x14. In counties of the fourteenth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county agricultural commissioners at a salary of one thousand six hundred eighty dollars, each, per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed twelve inspectors at a monthly salary of one hundred twenty dollars each during the time actually employed, eleven inspectors at a monthly salary of one hundred five dollars each during the time actually employed, thirty-five inspectors at a compensation of three dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed sixty thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed three clerks at a monthly salary of one hundred dollars each during the time actually employed,

but the aggregate amount which may be expended in any year for all such clerks shall not exceed three thousand dollars.

(d) In the event that the agricultural commissioner or any of his deputies or inspectors travels by means of his private automobile, the said officer shall be entitled to compensation for the use of said automobile at the rate of five cents per mile each way for each mile actually traveled.

CHAPTER 621.

An act to amend section 4258 of the Political Code, relating to compensation of county and township officers in counties of the twenty-ninth class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4258 of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1124

4258. In counties of the twenty-ninth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit: Siskiyou County Salaries

1. The county clerk, three thousand dollars per annum, and such fees as are now or may hereafter be allowed by law; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk, one clerk, which office is hereby created, at a salary of one thousand five hundred sixty dollars per annum, and who shall be appointed by the county clerk. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid, and it is further provided, that in counties of this class there shall be and is hereby allowed to said county clerk, one stenographer, which office is hereby created, at a salary of nine hundred dollars per annum, who shall be appointed by the clerk. The salary of said stenographer herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said county clerk, and it is intended that the same shall apply immediately to the present incumbent. Clerk.

2. The sheriff, four thousand eight hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the sheriff, one clerk, which office is hereby created, at a salary of one thousand five hundred dollars per annum and who shall be appointed by the Sheriff.

sheriff. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the sheriff is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said sheriff, and it is intended that the same shall apply immediately to the present incumbent.

Recorder. 3. The recorder, three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the recorder, one copyist to be paid one thousand eighty dollars per annum. The salary of said copyist herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor. 4. The auditor, two thousand two hundred eighty dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the auditor, two clerks to be appointed by the auditor, one at a salary of one thousand five hundred dollars per annum, the other at a salary of one thousand eighty dollars per annum which offices are hereby created. The salary of each of said clerks herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the auditor is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk, do not work an increase in the compensation of said auditor, and it is intended that the same shall apply immediately to the present incumbent.

Treasurer. 5. The treasurer, two thousand one hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treasurer, one clerk, which office is hereby created, at a salary of nine hundred dollars per annum, and who shall be appointed by the treasurer. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the treasurer is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said treasurer, and it is intended that the same shall apply immediately to the present incumbent.

Tax collector. 6. The tax collector, two thousand one hundred dollars per per annum; provided, that in counties of this class there shall be and there is hereby allowed to the tax collector, one deputy, which office is hereby created, at a salary of one thousand eighty dollars per annum, and who shall be appointed by the tax collector. The salary of said deputy tax collector herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the tax collector is paid; and provided further, that in counties of this class, all fees and

commissions of every name and nature received by the tax collector, shall be paid into the county treasury. And it is hereby found as a fact that the changes herein provided for in the salary of the said deputy tax collector do not work an increase in the compensation of said tax collector, and it is intended that the same shall apply immediately to the present incumbent.

Assessor. 7. The assessor, three thousand six hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the assessor, one clerk, which office is hereby created, at a salary of one thousand eighty dollars per annum, and who shall be appointed by the assessor. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall also appoint seven field clerks, which offices of field clerk are hereby created, to serve not exceeding sixty days in any one year, and said field clerks shall receive as compensation for all services performed by them, the sum of six dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury at the same time and in the same manner and out of the same fund as the salaries of county officers are paid; provided, that each field deputy when so employed shall file with the auditor a statement verified by oath of such field deputy, and approved by the assessor, showing the number of days actually and necessarily employed in the duties of such employment during the period covered by said statement, before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for services in making out the roll of persons subject to military duty, and all other fees and commissions shall be collected by the assessor and by him paid into the county treasury and no part shall be retained by him as part of his compensation. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said assessor, and it is intended that the same shall apply immediately to the present incumbent.

District attorney. 8. The district attorney, three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the district attorney, one clerk, which office is hereby created, at a salary of one thousand eighty dollars per annum, and who shall be appointed by the district attorney. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the district attorney is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the com-

pensation of said district attorney, and it is intended that the same shall apply immediately to the present incumbent.

Coroner

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of the county, and five dollars per day for services as a member at meetings of the board of education; provided, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, one clerk, which office is hereby created, at a salary of nine hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said superintendent of schools, and it is intended that the same shall apply immediately to the present incumbent.

Surveyor

12. The county surveyor, two thousand one hundred dollars per annum; the salary of such surveyor shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The county surveyor shall make all maps, plats and blockbooks required by the county assessor; he shall do all work for the county in which the county employs a surveyor or civil engineer; he shall have general advisory supervision over all road and bridge work for the county and shall file annually with the board of supervisors a statement, which shall be published as a part of the proceedings of said board, showing the cost of all new road and bridge construction in the county, also the cost per mile of maintaining the different roads of the county for the preceding fiscal year; and provided, further, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistants for the performance of any of said work, the board of supervisors shall allow the necessary actual expense thereof; and provided, further, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field. The salary herein fixed for said surveyor shall be in lieu of all fees, commissions or compensation of whatsoever kind or nature for services performed by said surveyor for said county. All acts or parts of acts relative to such fees, commissions, or compensation for work performed for counties of this class by such county surveyor are hereby repealed.

13. In counties of this class there shall be a court reporter whose salary shall be two thousand one hundred dollars per year. The salary of said reporter herein provided for shall be paid by said county *in monthly installments* at the same time, and in the same manner and out of the same fund as the salaries of county officers are paid; said salary shall be in lieu of fees received for reporting on criminal and civil cases and proceedings in the superior court, juvenile court, before the grand jury and all preliminary examinations in the justice courts of the county, and all investigations in criminal matters made by the district attorney. In addition to the salary the reporter shall be allowed a fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters. Reporter

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant and in criminal cases in the superior court and juvenile courts to be paid by the county, when ordered by the court, as other claims are paid; and transcripts of proceedings before the grand jury, preliminary examinations, and statements and investigations by the district attorney, when required by law to be transcribed, or ordered transcribed by the district attorney shall be paid by the county as required by law; provided, however, that the per diem fee now paid by parties litigant on behalf of such court reporter, shall continue to be paid by such parties litigant to the clerk of the court who shall transmit the same to the county treasury to be paid into the general fund of the county.

When it shall be necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges. And it is hereby found as a fact that the changes herein provided for in the salary of the said reporter do not work an increase in the compensation of said reporter, and it is intended that the same shall apply immediately to the present incumbent.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases; in townships where the population is three thousand five hundred, or more, seventy-five dollars per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand five hundred, or more, and less than three thousand five hundred, fifty dollars per month; in townships where the population is one thousand five hundred, or more, and less than two thousand five hundred, thirty-five dollars per month; in townships where the population is one thousand, or more, and less than one thousand five hundred, twenty-five dollars per month; in townships where the population is less than one thousand, fifteen dollars per month; provided, Justices of the peace.

that all fees and fines chargeable and collectible by justices of the peace in civil and criminal cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; provided, further, that for the purpose of this subdivision, the population of the several townships shall be ascertained by the board of supervisors, by multiplying the number of registered voters at the last general election of each township by three.

Constables

15. Constables, in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month and in townships having a population of less than one thousand shall receive a salary of twenty dollars per month. Constables shall also receive actual traveling expenses in transporting prisoners to the county jail. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases.

Supervisors

16. The meetings of the board of supervisors shall be monthly and shall be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand two hundred dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

Jurors

17. Grand jurors and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service, the sum of fifteen cents per mile; provided, that in justice courts mileage shall be allowed only to those sworn to try the case.

CHAPTER 622.

Stats 1911, p 80, amended

An act to amend section 9a29 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,'" approved February 25, 1911, as amended, relating to librarians in counties of the twenty-ninth class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

Stats 1931, p 864

SECTION 1. Section 9a29 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 9a29. In counties of the twenty-ninth class the salary of the county librarian shall be one thousand two hundred dollars per annum. Siskiyou County Librarian.

CHAPTER 623.

An act to amend section 16x22 of the Weights and Measures Act, relating to the sealer of weights and measures in counties of the twenty-second class. Stats 1913, p 1086, amended.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 16x22 of the Weights and Measures Act is hereby amended to read as follows: Stats 1927, p 1834.

Sec. 16x22. The sealer of weights and measures in counties of the twenty-second class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed. The sealer of weights and measures shall receive six cents per mile for each mile actually traveled while engaged in the performance of his official duties. Said mileage shall be paid out of the same fund as the salary of the sealer of weights and measures is paid. Humboldt County Sealer

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CHAPTER 624.

An act to amend section 4251 of the Political Code, relating to the compensation of county and township officers in counties of the twenty-second class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4251 of the Political Code is hereby amended to read as follows: Stats 1931, p 222.

4251. In counties of the twenty-second class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Humboldt County Salaries

1. The county clerk shall receive three thousand one hundred fifty dollars per annum and the fees that have been and are now allowed said clerk by the United States Bureau of Naturalization; provided, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: two deputies at a salary of one hundred thirty-five dollars per month each, and one deputy at a salary of one Clerk.

hundred twelve dollars and fifty cents per month and one copyist at a salary of ninety dollars per month; and one deputy at a salary of ninety dollars per month. The county clerk shall be allowed such additional assistants as the board of supervisors may deem necessary, whose compensation in the aggregate shall not exceed the sum of one thousand six hundred twenty dollars per annum. In any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county after proper allowance of said claim by said board of supervisors.

Sheriff

2. The sheriff shall receive four thousand two hundred dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: one chief deputy at a salary of two thousand one hundred sixty dollars per annum; one deputy at a salary of one thousand eight hundred ninety dollars per annum; five deputy sheriffs, each at a salary of one thousand six hundred twenty dollars per annum; one matron at a salary of one thousand eighty dollars per annum; provided, that there is hereby created in counties of the twenty-second class a fund to be known as the "sheriff's special fund" in the sum of one thousand dollars for each fiscal year which shall be available for use by the sheriff for expenses incurred in criminal cases in the detection of crime; and it shall be the duty of the board of supervisors within thirty days after this act takes effect and annually thereafter at the beginning of the fiscal year to transfer from the general fund to the sheriff's special fund such sum as may be necessary so that there shall be in such fund at the beginning of each fiscal year the said sum of one thousand dollars. The sheriff shall file vouchers with the auditor at the end of each fiscal year showing what disposition he has made of any money received from such fund and the particular purpose for which it was spent.

Recorder

3. The recorder shall receive two thousand eight hundred eighty-seven dollars and fifty cents per annum, and there shall be and there is hereby allowed to the county recorder three deputies who shall be appointed by the recorder; one chief deputy who shall be paid one thousand eight hundred ninety dollars per annum; one deputy who shall be paid one thousand six hundred twenty dollars per annum; one deputy who shall be paid one thousand three hundred fifty dollars per annum.

Said recorder may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their

services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of all records or papers; provided, that the total amount paid to such copyists shall not exceed one thousand two hundred dollars in any one year, and such copyists shall be paid on presentation and filing with the board of supervisors of said county duly verified claims therefor.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; provided, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury.

Auditor

4. The auditor shall receive three thousand one hundred fifty dollars per annum, and there is hereby allowed to the auditor four deputies, who shall be appointed by the auditor; one deputy who shall be paid one thousand eight hundred ninety dollars per annum, and one who shall be paid one thousand four hundred fifty-eight dollars per annum, and one who shall be paid one thousand three hundred fifty dollars per annum; and it is further provided, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report, and if said report is mailed throughout the county by the auditor he shall be allowed the further sum of one hundred dollars; provided, further, that in addition to the duties of the auditor in counties of the twenty-second class as provided by law it shall also be the duty of the auditor to inspect, examine and audit the books and accounts of all township officers charged with the receipt, safe-keeping or disbursement of public moneys, in townships having a population of more than three thousand persons, at least once each month and also to inspect the books and accounts of all other county or township officers in said county charged with the receipt, safe-keeping or disbursement of public moneys as often as in his discretion it may be deemed necessary and to require all persons who have received any money belonging to the county and who have not accounted therefor to settle their accounts. It shall be the duty of the auditor to collect all rentals and franchise fees due the county. The auditor shall establish and maintain a complete budget system of accounts in his office. For the purpose of carrying into effect the additional duties imposed upon the auditor, he shall be allowed an extra deputy at a salary of one thousand six hundred twenty dollars per annum, who shall perform any and all work

required by the auditor. The actual traveling expenses of such deputy, or of the auditor, in making such inspection and audits shall be paid by the county as other county bills are paid. The auditor may provide such additional assistants as he may deem fit, whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum.

Treasurer. 5. The treasurer shall receive two thousand six hundred twenty-five dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him, who shall receive a salary of one thousand three hundred fifty dollars per annum.

Tax collector. 6. The tax collector shall receive two thousand six hundred twenty-five dollars per annum, and there shall be and there hereby is allowed to the tax collector one deputy, who shall be appointed by the tax collector and shall receive a salary of one thousand six hundred twenty dollars per annum; and there shall be and there hereby is allowed one copyist to the tax collector who shall receive a salary of one thousand three hundred fifty dollars per annum; and there shall be and there is hereby allowed to the tax collector an additional sum of six hundred dollars per annum to be used for extra help as needed, to be paid on presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor.

License collector. 7. The license collector shall receive ten per cent of all licenses collected by him, and the duties of this office shall be performed by the tax collector.

Assessor 8. The assessor, three thousand five hundred dollars per annum; provided, that in counties of this class there should be allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand one hundred sixty dollars per annum, one assistant deputy at a salary of one thousand six hundred twenty dollars per annum; and such office and field deputies as the assessor may require, whose compensation shall not in the aggregate exceed the sum of twelve thousand six hundred dollars per annum. Said field deputies shall not be allowed a compensation of more than seven dollars and twenty cents per diem; and provided, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid; said assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duties and the expense thereof shall be a charge against the county. It is hereby further provided, that the said assessor shall retain no commissions for the collection of personal property taxes or road poll taxes, but that all such collections shall be paid into the county treasury and

become the property of the county; the assessor and deputies shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties outside incorporated cities, but not to exceed in the aggregate five hundred dollars in any one year.

District attorney.

9. The district attorney shall receive four thousand two hundred dollars per annum and said district attorney while in receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this State, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties, and there is hereby allowed to the district attorney one deputy to be appointed by him, who shall receive a salary of two thousand seven hundred dollars per annum; one deputy to be appointed by him who shall receive a salary of two thousand one hundred sixty dollars per annum, and there is hereby allowed the district attorney one detective to be appointed by him, who shall receive a salary of two thousand one hundred sixty dollars. Said detective shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code. There shall be and there is hereby allowed to the district attorney the sum of not to exceed one thousand eight hundred ninety dollars per annum to be used for such clerical and stenographic help as may be needed.

Coroner.

10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

Public administrator

11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

Superintendent of schools

12. The superintendent of schools, two thousand six hundred twenty-five dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy who shall be appointed by the superintendent of schools, and shall be paid a salary of one thousand three hundred fifty dollars per annum.

Surveyor.

13. The surveyor shall receive three thousand one hundred fifty dollars per annum and necessary traveling expenses while in the performance of duties of his office; and said surveyor shall devote his entire time during office hours to the work of the county, and is prohibited from engaging in private work within such office hours.

Librarian.

13a. The county librarian shall receive one thousand eight hundred dollars per annum, and shall be allowed actual and necessary traveling expenses.

Supervisors.

14. Each supervisor one thousand eight hundred dollars per annum necessary traveling expenses incurred in the performance of his official duties and mileage at six cents per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars for each supervisor.

Reporter.

15. There shall be one official shorthand reporter who shall receive a salary of three thousand five hundred dollars per annum payable monthly out of the county treasury in lieu

of fees received for reporting on criminal and civil cases and proceedings in the superior court, juvenile court and all preliminary examinations in the justices' courts of the county and all proceedings on inquisition before the coroner and all proceedings before the grand jury and all statements and investigations in criminal matters made by the district attorney. In addition to the salary the reporter shall be allowed a fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters.

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant and in criminal cases in the superior and juvenile courts to be paid by the county, when ordered by the court, as other claims are paid; and in preliminary examinations, coroner's inquisitions, and statements and investigations by the district attorney, when required by law to be transcribed, or ordered transcribed by the district attorney, shall be paid by the county as required by law; provided, however, that the per diem fee now paid by parties litigant or behalf of such court reporter shall continue to be paid by such parties litigant to the clerk of court who shall transmit the same to the county treasurer to be paid into the general fund of the county. In the event it shall become necessary to use assistant reporters to attend the sessions of the courts of said county, or other proceedings herein referred to, then such assistants shall be appointed and paid by said official shorthand reporter.

Justices of the peace

16. In townships having a population of ten thousand or over, two justices of peace shall be elected, and each shall receive a salary of one hundred twelve dollars and fifty cents per month. In townships having a population less than ten thousand and over seven thousand there shall be but one justice of the peace elected and he shall receive a salary of seventy dollars per month. In townships having a population of less than seven thousand and over three thousand there shall be but one justice of the peace elected and he shall receive a salary of forty-five dollars per month. In all other townships there shall be but one justice of the peace, who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit:

Justices' fees

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting paper and transcript on appeal, one dollar.

(4) For copies of papers on dock, per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

Constables.

17. In townships having a population of ten thousand or over, two constables shall be elected and each shall receive a salary of thirty-six dollars per month. In townships having a population less than ten and over seven thousand, there shall be but one constable elected, and he shall receive a salary of thirty dollars per month. In townships having a population of less than seven thousand and over three thousand there shall be but one constable elected and he shall receive a salary of twenty-two dollars and fifty cents per month.

In all other townships there shall be but one constable, who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect for their use and benefit, in civil cases only, the following fees, to wit:

Constables' fees.

(1) For serving summons and complaints, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond and undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints and subpenas, per folio fifteen cents; provided, that when correct copies are furnished by him for use, no charge shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from place of arrest, six cents; and the actual cost of the transportation of the prisoners from the place of arrest to the justice court, and the necessary expense of assistance; provided, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, six cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice court, actual cost of transportation and assistance, and mileage at six cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars and fifty cents, and for the necessary expense of maintenance and assistance in keeping said prisoner.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at a rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales of execution.

(23) For serving a writ of possession or restitution, putting a person in possession of the premises and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

Jurors Superior court

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the twenty-second class, in civil and criminal cases shall be three dollars, in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile

necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrant drawn by the county auditor upon the written order of the judge of the court in which said jurors were in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors Justices' courts.

19. The fees of jurors in justice's courts in civil and criminal cases shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending the court, in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors on coroner's juries shall be one dollar for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Salaries

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

CHAPTER 625.

An act to amend section 2322x22 of the Political Code, relating to the office of the agricultural commissioner in counties of the twenty-second class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

Stats 1931, p 909.

SECTION 1. Section 2322x22 of the Political Code is hereby amended to read as follows:

Humboldt County Agricultural commissioner

2322x22. In counties of the twenty-second class, the commissioner shall receive a compensation of two thousand one hundred sixty dollars per annum. The commissioner shall receive six cents per mile for each mile actually and necessarily traveled in the performance of his official duties. Said mileage shall be paid out of the same fund as the salary of the commissioner is paid.

CHAPTER 626.

An act to amend section 737tt of the Political Code, relating to the compensation of the judge of the superior court, Sierra County.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1408

SECTION 1. Section 737tt of the Political Code is hereby amended to read as follows:

Superior judge Sierra County

737tt. The annual salary of the judge of the superior court in and for the county of Sierra is four thousand five hundred dollars.

CHAPTER 627.

An act to amend section 737w of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Mendocino.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1512

SECTION 1. Section 737w of the Political Code is hereby amended to read as follows:

Superior judge Mendocino County

737w. The annual salary of the judge of the superior court in and for the county of Mendocino is five thousand dollars.

CHAPTER 628.

An act to amend section 4268 and to repeal section 4268a of the Political Code, relating to the compensation of county and township officers in counties of the thirty-ninth class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 894

SECTION 1. Section 4268 of the Political Code is hereby amended to read as follows:

Lassen County Salaries

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following fees, salaries, and expenses, to wit:

Clerk

1. The county clerk, two thousand one hundred dollars per annum. He shall have one deputy at a salary of one thou-

sand two hundred dollars per annum which office is hereby created. He shall appoint said deputy.

In each even-numbered year, the county clerk may appoint such additional assistants as he may deem necessary whose compensation shall not exceed in the aggregate the sum of one hundred dollars per year.

Sheriff. 2. The sheriff, three thousand dollars per annum, and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters; said expenses to be allowed by the board of supervisors as other county charges are allowed. He shall also have one deputy at a salary of one thousand eight hundred dollars per annum, which office is hereby created; said deputy shall be appointed by the sheriff. The sheriff is hereby allowed additional deputies, the pay of which shall not in any one year exceed the sum of five hundred dollars.

The salary and allowance above named shall be compensation in full and the said sheriff shall pay over to the county all mileage, fees or other commissions received by him for service in civil matters.

Recorder. 3. The recorder, one thousand six hundred dollars per annum. He shall also have one deputy at a salary of one thousand two hundred dollars per annum.

Auditor. 4. The auditor, eight hundred dollars per annum. He shall also be allowed additional office help at a sum not to exceed two hundred fifty dollars in any one year.

Treasurer. 5. The treasurer, one thousand five hundred dollars per annum. He shall also have one deputy at a salary of one hundred dollars per month.

Tax collector. 6. The tax collector, one thousand dollars per annum, and ten per cent of licenses collected by him as license collector. The tax collector shall also be allowed one per cent of all money collected by him as taxes from municipalities, irrigation districts, sanitary districts, or improvement districts.

Assessor. 7. The assessor, two thousand five hundred dollars per annum and six per cent of all unsecured personal taxes collected by him, except only such portion of said tax as belongs to the school fund. He shall also have one deputy for a period of six months in each year, beginning January first and ending June thirtieth, at a salary of one hundred dollars per month; said deputy shall be appointed by the assessor.

District attorney 8. The district attorney, two thousand one hundred dollars per annum. He is hereby allowed a stenographer at a salary of nine hundred dollars per annum.

Coroner 9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator 10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools. 11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. He shall also be

allowed additional office help at a sum not to exceed two hundred dollars in any one year.

Surveyor. 12. The county surveyor shall receive eight dollars per diem, when engaged in county work; provided, however, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field. The surveyor shall be allowed such assistants as he may need at a compensation not to exceed five hundred dollars during any one fiscal year. The provisions of this paragraph are found as a fact to work no increase in the compensation of the surveyor, and shall apply to the present incumbent.

Justices of the peace 13. Justices of the peace in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid. In townships having a population of over four thousand, one hundred dollars per month; in townships having a population of over three thousand and less than four thousand, seventy-five dollars per month; in townships having a population of less than three thousand, twenty dollars per month. They shall also receive the fees that are now or may hereafter be allowed by law; and shall receive such sums as may be necessary to maintain their offices; provided, that such sums shall not be in excess of twenty per cent of their salary as allowed herein. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships the codes of the State and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business. For the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three.

Constables. 14. Constables in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as the county officers are paid. In townships having a population of four thousand or over, ninety dollars per month; in townships having a population of over three thousand and less than four thousand, fifty dollars per month; and in townships having a population of less than three thousand, twenty-five dollars per month; and in addition thereto all necessary and reasonable expenses for performing the duties of their office in criminal matters. In addition to the monthly salaries allowed herein, each constable may receive for his own use in civil cases the fees now or hereafter allowed by law.

Supervisors. 15. Each member of the board of supervisors, nine hundred dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile; provided, that each supervisor is in addition, allowed three hundred dollars per annum to cover mileage

expenses at twenty-five cents per mile in viewing the roads, which said salaries and mileage shall be in full for all services.

Reporter. 16. In counties of this class, the official reporter of the superior court shall receive a salary of one thousand dollars per year, to cover all work done in criminal cases, both in the superior and justices' courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court, a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original, and five cents per folio for one copy, in both criminal and civil cases; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Jurors. 17. Grand jurors, and trial jurors shall receive the following fees and mileage: (1) grand jurors and jurors in the superior court shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

Witnesses: Superior court 19. For attending as a witness in criminal cases only, in the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile actually traveled in going, one way only, while acting as juror twenty-five cents.

Witnesses: Justice's court. 20. For attending as a witness in criminal cases only, in any justice's court, for each day's attendance the sum of two dollars and for each mile actually traveled in going only, while acting as a witness twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to the auditor the number of days' attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer shall pay the same.

Librarian 21. The county librarian, one thousand eight hundred dollars per year.

Incumbents. The foregoing schedules and amounts shall apply to incumbents and be in force and effect until twelve o'clock meridian on the first Monday after the first day in January, 1935.

Schedule after Jan. 1, 1935 From and after twelve o'clock meridian, on the first Monday after the first day in January, 1935, in counties of the thirty-ninth class officers shall receive as compensation for services required of them by law, or by virtue of their offices, the following fees, salaries, and expenses, to wit:

Clerk 1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum which office is hereby created. He shall appoint said deputy.

In each even-numbered year, the county clerk may appoint such additional assistants as he may deem necessary whose compensation shall not exceed in the aggregate the sum of one hundred dollars per year.

Sheriff 2. The sheriff, three thousand six hundred dollars per annum, and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters; said expenses to be allowed by the board of supervisors as other county charges are allowed. He shall have one deputy at a salary of two thousand four hundred dollars per annum, and one deputy at a salary of one thousand eight hundred dollars per annum, which offices are hereby created; said deputies shall be appointed by the sheriff.

The salary and allowance above-named shall be compensation in full and the said sheriff shall pay over to the county all mileage, fees or other commissions received by him for service in civil matters.

Recorder 3. The recorder, one thousand nine hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum.

Auditor 4. The auditor, eight hundred dollars per annum. He shall also be allowed additional office help at a sum not to exceed five hundred dollars in any one year.

Treasurer 5. The treasurer, two thousand dollars per annum. He shall also have one deputy at a salary of one hundred twenty-five dollars per month.

Tax collector 6. The tax collector, one thousand dollars per annum, and ten per cent of licenses collected by him as license collector. The tax collector shall also be allowed one per cent of all money collected by him as taxes from municipalities, irrigation districts, sanitary districts, or improvement districts.

Assessor 7. The assessor, three thousand dollars per annum and six per cent of all unsecured personal taxes collected by him, except only such portion of said tax as belongs to the school fund. He shall also have one deputy for a period of six months in each year, beginning January first and ending June thirtieth, at a salary of one hundred twenty-five dollars per month; said deputy shall be appointed by the assessor.

8. The district attorney, two thousand four hundred dollars per annum. He is hereby allowed a stenographer at a salary of nine hundred dollars per annum. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. He shall also be allowed additional office help at a compensation not to exceed three hundred dollars in any one year. Superintendent of schools

12. The county surveyor shall receive ten dollars per diem, when engaged in county work; provided, however, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field. The surveyor shall be allowed such assistance as he may need at a compensation not to exceed five hundred dollars during any one fiscal year. The provisions of this paragraph are found as a fact to work no increase in the compensation of the surveyor, and shall apply to the present incumbent. Surveyor

13 Justices of the peace in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid. In townships having a population of over four thousand, one hundred twenty-five dollars per month; in townships having a population of over three thousand and less than four thousand, seventy-five dollars per month; in townships having a population of less than three thousand, twenty dollars per month. They shall also receive the fees that are now or may hereafter be allowed by law; and shall receive such sums as may be necessary to maintain their offices; provided, that such sum shall not be in excess of twenty per cent of their salary as allowed herein. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships the codes of the State and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business. For the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three. Justices of the peace.

14. Constables in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as the county officers are paid. In townships having a population of four thousand or over, one hundred dollars per month; in townships having a population of over three thousand and less than four thousand, fifty dollars per month; and in townships having a population of less than three thousand, twenty-five dollars per month; and in addition thereto all necessary and reasonable expenses for performing the Constables

duties of their office in criminal matters. In addition to the monthly salaries allowed herein, each constable may receive for his own use in civil cases the fees now or hereafter allowed by law.

Supervisors

15. Each member of the board of supervisors, one thousand dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile; provided, that each supervisor, is in addition, allowed three hundred dollars per annum to cover mileage expense at twenty-five cents per mile in viewing the roads, which said salaries and mileage shall be in full for all services.

Reporter

16. In counties of this class, the official reporter of the superior court shall receive a salary of one hundred dollars per month, to cover all work done in criminal cases, both in the superior and justices' courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court, a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy, in both criminal and civil cases; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Jurors

17. Grand jurors, and trial jurors shall receive the following fees and mileage: (1) Grand jurors and jurors in the superior court shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

Witnesses

19. For attending as a witness in criminal cases only, in the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile traveled in going, one way only, while acting as juror twenty-five cents.

20. For attending as a witness in criminal cases only, in any justice's court, for each day's attendance the sum of two dollars and for each mile actually traveled in going only, while acting as a witness twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to the auditor the number of days' attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer pay the same.

21. The county librarian, two thousand one hundred dollars per year.

SEC. 2. Section 4268a of the Political Code is hereby repealed. Repeal

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CHAPTER 629.

An act to amend section 4242 of the Political Code, relating to the compensation of county and township officers in counties of the thirteenth class.

[Approved by the Governor May 29, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4242 of the Political Code is hereby amended to read as follows: Stats 1931, p 1158.

4242. In counties of the thirteenth class, the county and township officers shall receive as full compensation for the services required of them by law or by virtue of their office, the following salaries: Contra Costa County Salaries

1. Clerk. The county clerk, four thousand three hundred seventy-five dollars ($4,375) per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the county clerk, the following clerks, deputies, and employees, who shall be appointed by the county clerk, and shall be paid salaries as follows: one chief deputy at a salary of one hundred ninety-six and 87/100 dollars ($196.87) per month; two court room deputies at a salary of one hundred seventy-five dollars ($175) each per month; one office deputy at a salary of one hundred fifty-three and 12/100 dollars ($153.12) per month; two office deputies at a salary of one hundred thirty-one and 25/100 dollars ($131.25) each per month; one office deputy at a salary of one hundred twenty dollars ($120) per month; provided, however, that said deputyship shall be eliminated on and after the first day of January, 1935; and one office stenographer, at a salary of one hundred twenty-two and 50/100 dollars ($122.50) per month; provided, further, that in any year when a general election is to be held, or the compilation of a registration of voters is required by law, or supplements to be made thereto, the county clerk shall receive as expenses for compiling such registration of voters, and making supplements thereto, and work Clerk.

incidental to election, the sum of seven and one-half cents (7½¢) for each name registered or appearing on the great register for each general election, to be paid upon filing and presentation of duly verified claims therefor by the county clerk, with the board of supervisors of said county; and provided, further, that in any year when a registration of voters is required by law, or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents (10¢) per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor, on the general fund of said county; after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks, and employees herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; provided, further, that the compensation for registration of electors, and compilation of the registration of voters, and supplements thereto, as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of verified claims therefor by the board of supervisors of said county.

Sheriff

2. Sheriff. The sheriff five thousand dollars ($5,000) per annum. All mileage for service of papers in civil actions, arising either inside or outside the county, excepting actions in which the county is interested. All fees for service of papers in civil actions. All expenses incurred in criminal cases, and mileage in criminal cases for each mile actually and necessarily traveled by automobile, six and one-half cents (6½¢) per mile; provided, that in counties of this class there shall be and there is hereby allowed to the sheriff the following deputies, clerks, and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: one undersheriff, at a salary of two hundred eighteen and 75/100 dollars ($218.75) per month; one deputy sheriff at a salary of one hundred ninety-six and 87/100 dollars ($196.87) per month; two deputy sheriffs at a salary of one hundred seventy-five dollars ($175) per month each; one deputy sheriff to act in criminal cases at a salary of one hundred seventy-five dollars ($175) per month; one deputy sheriff to act as day jailer, at a salary of one hundred fifty-three and 12/100 dollars ($153.12) per month; one deputy sheriff to act as night jailer, at a salary of one hundred fifty-three and 12/100 dollars ($153.12) per month; two deputy sheriffs to act as bailiffs at a salary of one hundred sixty-one and 88/100 dollars ($161.88) per month each; two deputy sheriffs at a salary of one hundred forty dollars ($140) per month each; one stenographer to the sheriff at a salary of one hundred thirty-one and 25/100 dollars ($131.25) per month, one stenog-

rapher to the sheriff at a salary of one hundred twenty-two and 50/100 dollars ($122.50) per month; one stenographer to the sheriff at a salary of one hundred nine and 38/100 dollars ($109.38) per month; one clerk for identification bureau, at a salary of seventy-five dollars ($75) per month; provided, however, that said clerk for the identification bureau shall be eliminated on and after January 1, 1935; one jail matron, at a salary of ninety dollars ($90) per month; provided, further, that the sheriff may employ from one to five persons to act as deputy sheriffs at a salary of four and 50/100 dollars ($4.50) per day, each, when, in the judgment of the sheriff, such deputies are necessary; provided, however, that the total amount of the compensation for such additional deputies to be paid per diem, shall not in any fiscal year exceed the total sum of one thousand three hundred twelve and 50/100 dollars ($1,312.50); provided, further, that the compensation of said last-mentioned deputies shall be paid upon presentation of duly verified claims filed with the board of supervisors of said county in the same manner that other claims are filed and paid. The salaries of the deputies, clerks, and employees herein provided for shall be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. Recorder. The recorder, three thousand five hundred dollars ($3,500) per annum; provided, that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies, clerks, and employees who shall be appointed by the county recorder and shall be paid salaries as follows: one chief deputy at a salary of one hundred ninety-six and 87/100 dollars ($196.87) per month; one deputy at a salary of one hundred fifty-three and 12/100 dollars ($153.12) per month; two index clerks at a salary of one hundred eighteen and 12/100 dollars ($118.12) per month each; two copyists at a salary of one hundred eighteen and 12/100 dollars ($118.12) per month each; two copyists at a salary of one hundred eighteen and 12/100 dollars ($118.12) per month each; provided, however, that on and after January 1, 1935, said latter two copyists shall work one-half time; and such copyists as the county recorder shall appoint at a salary of three and 50/100 dollars ($3.50) per day each. Provided, however, that the total salaries on a per diem basis paid to said last named copyists shall not exceed the sum of three thousand dollars ($3,000) per annum, and such last named copyists employed on a per diem basis shall be paid for their services on the presentation and filing with the board of supervisors of said county their duly verified claims therefor from the same fund as the salary of the county recorder is paid. The salaries of the other deputies, clerks, and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor

4. Auditor. The auditor, three thousand five hundred dollars ($3,500) per annum; provided, that in counties of this class there shall be and there is hereby allowed to the auditor the following deputies, clerks, and employees who shall be appointed by the county auditor and who shall be paid salaries as follows: one deputy auditor at a salary of two hundred forty and 62/100 dollars ($240.62) per month; one deputy auditor at a salary of one hundred ninety-six and 87/100 dollars ($196.87) per month; two clerks at a salary of one hundred eighteen and 12/100 dollars ($118.12) per month each; one clerk at a salary of one hundred nine and 37/100 dollars ($109.37) per month; one clerk at a salary of one hundred dollars ($100) per month; provided further, that said auditor is hereby allowed such clerks and employees as he may deem necessary and appoint them at a salary of five dollars ($5) per day each, and such additional clerks and employees at a salary of four dollars ($4) per day each, and such additional clerks and employees at a salary of three dollars ($3) per day each; provided, however, that the total amount of salaries and compensation paid to such clerks and employees on a per diem basis shall not exceed the total sum of one thousand three hundred twelve and 50/100 dollars ($1,312.50) per annum; provided, further, that such clerks and employees employed on a per diem basis shall be paid for their service out of the same fund as the auditor is paid upon filing with the board of supervisors of said county their duly verified claims for the sums due them. The salaries of the deputies and employees hereinabove provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; provided, further, that should contemplated legislation be passed requiring the payment and collection of county taxes in four installments instead of two, or provided that the State Board of Equalization shall require an equalization of the taxes of this county with other counties in the State, then the auditor shall be allowed such additional clerks and employees as he may deem necessary and appoint the same at a salary of five dollars ($5) per day; and such additional clerks and employees at a salary of four dollars ($4) per day each, and such additional clerks and employees at a salary of three dollars ($3) per day each; provided, however, that the total amount of the salaries and compensation paid to such clerks and employees on a per diem basis shall not exceed the total sum of an additional one thousand dollars ($1,000) per annum; provided, further, that such clerks and employees just referred to shall be paid for their services out of the same fund as the auditor is paid upon their filing with the board of supervisors of said county their duly verified claims for the sums due them.

Treasurer.

5. Treasurer. The treasurer, three thousand five hundred dollars ($3,500) per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treas-

urer one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of one hundred seventy-five dollars ($175) per month, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; provided, further, that the said treasurer is hereby allowed such additional clerks and employees as he may deem necessary to appoint at a salary of four dollars ($4) per day each; provided, however, that the total amount of salary and compensation paid to such clerks and employees on a per diem basis shall not exceed the total of six hundred dollars ($600) per annum; and provided, further, that such clerks and employees shall be paid for their services out of the same fund as the salary of the treasurer is paid upon filing with the board of supervisors of said county their duly verified claims for the sums due them; provided, however, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company, and that the premiums on said bonds and the same having been duly approved, shall be a charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors; provided, further, that the sums allowed herein to the treasurer shall be in full compensation for all work and labor done by the treasurer in his capacity as such and all fees otherwise allowed him by statute shall be paid by him into the county treasury and shall not be retained by him for his own use and benefit.

Tax collector.

6. Tax Collector. The tax collector, three thousand five hundred dollars ($3,500) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies, and employees who shall be appointed by the tax collector and shall be paid salaries as follows: one deputy tax collector at a salary of one hundred ninety-six and 87/100 dollars ($196.87) per month. One deputy tax collector at a salary of one hundred fifty-three and 12/100 dollars ($153.12) per month; one clerk at a salary of one hundred thirty-one and 25/100 dollars ($131.25) per month; one clerk at a salary of one hundred eighteen and 12/100 dollars ($118.12) per month; one stenographer at a salary of one hundred nine and 38/100 dollars ($109.38) per month, and such copyists as the tax collector may appoint at a salary of three and 50/100 dollars ($3.50) per day each, and such clerks as the tax collector may appoint at a salary of four dollars ($4) per day each; provided, however, that the total amount of salary and compensation paid to such copyists and clerks shall not exceed the sum of three thousand five hundred dollars ($3,500) per annum, and such copyists and clerks shall be paid for their services on presenting and filing with the board of supervisors of said county their duly verified claims therefor. The salaries of the deputies, clerks, and employees herein provided for shall be paid by said county in monthly installments at the same time, in the same manner,

and out of the same fund as the salary of the tax collector is paid; provided, however, that the compensation of such copyists and clerks shall be paid upon the presenting and filing of the claims with the board of supervisors as hereinbefore provided. It is also provided that in the event the Legislature requires the collection of taxes in four installments instead of two per annum, then the said tax collector is allowed such clerks and assistants as he may deem necessary at a salary of four dollars ($4) per day; provided, however, that the total amount of salary and compensation paid to such clerks, and assistants shall not exceed the additional sum of one thousand five hundred dollars ($1,500) per annum; provided, however, that the compensation of such additional clerks and assistants be paid on presenting and filing of claims for such services with the board of supervisors as hereinbefore provided.

District attorney.

7. District Attorney. The district attorney, five thousand dollars ($5,000) per annum; provided, however, that in the event the Legislature passes an act adding a new section to the Code of Civil Procedure prohibiting private practice of law by district attorneys, that the salary of the district attorney shall be and the same hereby is fixed at six thousand dollars ($6,000) per annum; provided, however, that in counties of this class there shall be and there hereby is allowed to the district attorney the following clerks, deputies, and employees who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney, and shall be paid salaries as follows: one chief deputy district attorney at a salary of two hundred sixty-two and 50/100 dollars ($262.50) per month; two deputy district attorneys at a salary of one hundred ninety-six and 87/100 dollars ($196.87) per month each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases, whose salary is hereby fixed at the sum of two hundred eighteen and 75/100 dollars ($218.75) per month; and one stenographer to the district attorney at a salary of one hundred twenty-six and 87/100 dollars ($126.87) per month, whose duty it shall be to do general stenographic work for the district attorney and qualify as a stenographer to the district attorney to report all statements of witnesses and defendants requested by the district attorney at no further compensation than herein designated, said stenographer to transcribe into longhand for the same compensation all of said reports upon the request of the district attorney; three stenographers to the district attorney at a salary of one hundred nine and 38/100 dollars ($109.38) per month each. The salaries of the deputies, clerks, and employees as herein provided shall be paid by the said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid. The district attorney and his deputies shall be allowed six and one-half cents (6½¢) per mile, without any constructive mileage for his expenses of traveling necessarily done by automobile and his actual traveling expenses when he travels by rail.

8. Superintendent of Schools. The superintendent of schools, four thousand three hundred seventy-five dollars ($4,375) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools the following deputies, clerks, and employees who shall be appointed by the superintendent of schools and who shall be paid salaries as follows: one deputy superintendent of schools who shall be paid a salary of one hundred seventy-five dollars ($175) per month; one field deputy superintendent of schools to assist the superintendent in the discharge of his duty in visiting and examining schools as provided by law and it shall be the duty of said field deputy superintendent to make written notice of his examination to be transmitted by the superintendent of schools to each trustee of all districts so examined, which said field deputy shall receive a salary of two hundred sixty-two and 50/100 dollars ($262.50) per month; one deputy superintendent of schools who shall receive a salary of one hundred fifty-three and 12/100 dollars ($153.12) per month, and one deputy superintendent of schools who shall receive a salary of one hundred dollars ($100) per month. The salaries of the deputies provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. The superintendent of schools and his deputies shall be allowed six and one-half cents (6½¢) per mile, without any constructive mileage for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail. Superintendent of schools

9. Assessor. The assessor, five thousand dollars ($5,000) per annum; provided, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks, and employees who shall be appointed by the assessor and shall be paid salaries as follows: one deputy assessor at a salary of two hundred eighteen and 75/100 dollars ($218.75) dollars per month; one improvement valuation deputy assessor at a salary of one hundred ninety-six and 87/100 dollars ($196.87) per month; one deputy assessor at a salary of one hundred fifty-seven and 50/100 dollars ($157.50) per month; one transfer deputy assessor at a salary of one hundred thirty-one and 25/100 dollars ($131.25) per month; four field deputy assessors to hold office not to exceed five months each in any one year, at a salary of one hundred forty-four and 37/100 dollars ($144.37) per month; one stenographer at a salary of one hundred nine and 38/100 dollars ($109.38) per month and such additional deputy assessors at a salary of ten dollars ($10) per day each, and such additional deputy assessors at a salary of six dollars ($6) per day each, and such additional clerks at a salary of four dollars ($4) per day each, and such additional copyists at a salary of three and 50/100 dollars ($3 50) per day each, and such additional copyists at a salary of three and no/100 dollars ($3) per day each as the assessor may appoint; provided, Assessor.

however, that the total compensation of said additional deputy assessors, clerks, and copyists shall not exceed the sum of eight thousand four hundred dollars ($8.400) per annum. The salaries of the deputies, clerks, and employees shall be paid for their services in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the assessor is paid; provided, however, that the compensation of said additional deputy assessors, clerks, and copyists shall be paid out of the same fund as the salary of the assessor is paid upon the presentation and filing of verified claims with the board of supervisors as hereinbefore provided; provided, however, that in counties of this class the assessor shall receive no compensation or commission for collection of personal property taxes; nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section 1901 of the Political Code; provided, further, that in counties of this class the assessor is hereby authorized to contract with an abstract and title company for copies of transcript of recorded instruments affecting titles at a compensation of forty dollars ($40) per month.

Coroner. 10. Coroner. The coroner, such fees as are now and may hereafter be allowed by law; provided, however, that in counties of this class the coroner shall be allowed for general services in holding an inquest the sum of ten dollars ($10), and there shall be and there is hereby allowed to the coroner one stenographer, whose duty it shall be to act as reporter and take down in shorthand and transcribe into longhand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred nine and 38/100 dollars ($109.38) per month, which salary shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the county officers is paid. All subpenas or processes issued by said coroner may be served by any peace officer and fees for such services shall be paid as provided by law. The coroner shall be allowed six and one-half cents (6½¢) per mile, without any constructive mileage for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

Public administrator. 11. Public Administrator. The public administrator, such fees as are now or may hereafter be allowed by law.

Surveyor 12. Surveyor The surveyor, five thousand dollars ($5,000) per annum; provided, that in counties of this class there shall be and there is hereby allowed to the surveyor the following deputies and employees who shall be appointed by the surveyor and hold office at his pleasure, to wit: one deputy surveyor at a salary of two hundred sixty-two and 50/100 dollars ($262.50) per month; one deputy surveyor at a salary of two hundred eighteen and 75/100 dollars ($218.75) per month; one stenographer at a salary of one hundred nine and 38/100

dollars ($109.38) per month. The salaries of the deputies and the stenographer herein provided for shall be paid by the said county at the same time, in the same manner, and out of the same fund as the salary of the surveyor is paid. In addition to the deputies and the stenographer herein provided for, the surveyor shall be allowed the following engineers and employees: three engineers at a salary of seven and 50/100 dollars ($7.50) per day each; one instrument man at a salary of six and 50/100 dollars ($6.50) per day each; two draftsmen at a salary of six and 50/100 dollars ($6.50) per day each; four chainmen at a salary of four and 50/100 dollars ($4.50) per day each; provided, however, that the total compensation for said engineers and employees shall not exceed the sum of fourteen thousand four hundred dollars ($14,400) per annum; and provided, further, that the compensation of said engineers and employees shall be paid by the county on the presentation and filing of claims therefor with the board of supervisors as hereinbefore provided, said payment to be made from the same fund as the salary of the surveyor is paid. The surveyor and his deputies shall be allowed six and one-half cents (6½¢) per mile, without any constructive mileage for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

Classification of townships.

13. Classification of Townships. The population of the several judicial townships for the purpose of fixing the compensation of township officers shall be ascertained and declared by the board of supervisors in the month of July, 1934, and in the month of July every four years thereafter, as follows: said board shall by order at a regular meeting determine the population of each township to be three (3) times the registration of legal voters on file July first of said year in each township, and every four years thereafter succeeding, and it shall declare this sum to be the population of each township. Said township shall further be classified as follows: Class 1. Townships having a population of more than 20,000; Class 2. Townships having a population of from 10,001 to 20,000; Class 3. Townships having a population of from 7,001 to 10,000; Class 4. Townships having a population of from 4,001 to 7,000; Class 5. Townships having a population of from 2,001 to 4,000; Class 6. Townships having a population of from 1,001 to 2,000; Class 7. Townships having a population of less than 1,000; provided, however, that between the effective date of this act and June 30, 1934, inclusive, the classification of townships shall be that prescribed by Chapter 550, Statutes of 1931; provided, however, that the compensation of the justices of the peace and constables in townships of each class shall be reduced twelve and one-half per cent (12½%) during the period between the effective date of this act and June 30, 1934, inclusive.

Justices of the peace.

14. Justices of the Peace. On and after July 1, 1934, justices of the peace shall receive the following monthly sal-

aries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, and shall receive the following compensation per month, according to the classification hereinabove designated.

(1) In townships of the first class, the sum of three hundred six and 25/100 dollars ($306.25) per month for wages, and the further sum of sixty-one and 25/100 dollars ($61.25) per month for expenses necessarily incurred in the conduct of said office.

(2) In townships of the second class, the sum of one hundred fifty-three and 75/100 dollars ($153.75) per month for wages, and the further sum of thirty and 75/100 dollars ($30.75) per month for expenses necessarily incurred in the conduct of said office; provided, however, that on and after January 1, 1935, in townships of the second class the sum of one hundred ninety-six and 87/100 dollars ($196.87) per month for wages, and the further sum of thirty-nine and 37/100 dollars ($39.37) per month for expenses necessarily incurred in the conduct of said office.

(3) In townships of the third class, the sum of one hundred fifty-three and 75/100 dollars ($153.75) per month for wages, and the further sum of thirty-one and 50/100 dollars ($31.50) per month for expenses necessarily incurred in the conduct of said office.

(4) In townships of the fourth class, the sum of one hundred thirty-one and 25/100 dollars ($131.25) per month for wages, and the further sum of twenty-six and 25/100 dollars ($26.25) per month for expenses necessarily incurred in the conduct of said office.

(5) In townships of the fifth class, the sum of one hundred ten dollars ($110) per month for wages, and the further sum of twenty-two dollars ($22) per month for expenses necessarily incurred in the conduct of said office.

(6) In townships of the sixth class, the sum of forty dollars ($40) per month for wages, and the further sum of eight dollars ($8) per month for expenses necessarily incurred in the conduct of said office.

(7) In townships of the seventh class, the sum of fifteen dollars ($15) per month for wages, and the further sum of three dollars ($3) per month for expenses necessarily incurred in the conduct of said office.

(8) Each justice of the peace must pay into the county once a month all fines and fees collected by him in criminal and civil cases and the auditor must withhold warrants for salaries until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury.

Constables

15. Constable. On and after July 1, 1934, constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases and shall receive

the following compensation per month, according to the classification hereinbefore designated:

(1) In townships of the first class, the sum of one hundred fifty-seven and 50/100 dollars ($157.50) per month as salary, and the further sum of thirty-nine and 50/100 dollars ($39.50) per month for expenses necessarily incurred in the conduct of his office.

(2) In townships of the second class, the sum of one hundred fifty-seven and 50/100 dollars ($157.50) per month as salary, and the further sum of thirty-nine and 50/100 dollars ($39.50) per month for expenses necessarily incurred in the conduct of his office.

(3) In townships of the third class, the sum of one hundred fifty-seven and 50/100 dollars ($157.50) per month as salary, and the further sum of thirty-nine and 50/100 dollars ($39.50) per month for expenses necessarily incurred in the conduct of his office.

(4) In townships of the fourth class, the sum of one hundred fifty-seven and 50/100 dollars ($157.50) per month as salary, and the further sum of thirty-nine and 50/100 dollars ($39.50) per month for expenses necessarily incurred in the conduct of his office.

(5) In townships of the fifth class, the sum of one hundred fifty-seven and 50/100 dollars ($157.50) per month as salary.

(6) In townships of the sixth class, the sum of ninety dollars ($90) per month as salary.

(7) In townships of the seventh class, the sum of twenty-five dollars ($25) per month as salary.

It is further hereby provided that should the board of supervisors deem it wise to combine one or more judicial townships, that constables in the enlarged township shall have the same number of deputies as there were constables in the judicial districts eliminated by the consolidation. Said deputies under such consolidated form shall receive the same rate of pay as herein listed for the class as determined by the population within the territorial limits of their respective districts, as said districts existed at the time of the consolidation. At the time that the board of supervisors, as hereinbefore provided, determines the population of the respective townships, said board shall make a finding in the same manner determining the population of said district of said consolidated township for purposes of fixing the compensation of said deputy constables herein provided, according to class.

Fees. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice court; for summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice court; for transporting prisoners to the county jail the expenses for such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. Fees

Supervisors

16. Supervisors. Each member of the board of supervisors, two thousand four hundred dollars ($2,400) per annum for personal service performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive as expenses as supervisor and road commissioner, six and one-half cents (6½¢) per mile each way traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as commissioner or other business of the county, said expenses not to exceed three hundred dollars ($300) per annum, while traveling within the county of Contra Costa, and in addition thereto shall be allowed at the rate of six and one-half cents (6½¢) per mile for actual miles traveled without the county of Contra Costa as compensation for the performance of county business outside said county.

Bonds.

17. Bonds. The bonds of county officers, their assistants, deputies, and employees, such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved shall be a charge against the county, payable out of the general fund.

Sealer.

18. Sealer. The sealer of weights and measures, two thousand one hundred dollars ($2,100) per annum; provided, that in counties of this class there shall be and there is hereby allowed to the sealer of weights and measures one deputy who shall be paid a salary as follows: one hundred thirty-one and 25/100 dollars ($131.25) per month. The salary of the sealer of weights and measures and deputy herein provided for shall be paid for by said county at the same time, in the same manner, and from the same fund as the salary of other county officers are paid; provided, further, that the sealer of weights and measures and his deputy shall receive in addition to their salaries herein provided mileage actually traveled in the performance of their duties at the rate of six and one-half cents (6½¢) per mile, which said claim for said mileage shall be presented as other claims to the board of supervisors and shall be paid out of the general fund of the county upon allowance by said board of supervisors.

Librarian.

19. County Librarian. County librarian, two thousand six hundred twenty-five dollars ($2,625) per annum; provided that the salary of the county librarian shall be paid by the said county in monthly installments at the same time, in the same manner, and from the same fund as the salaries of other county officers are paid; provided, further, that verified claims of the county librarian for traveling expenses necessarily and actually incurred in the performance of the duties of the office shall be presented and filed with the board of supervisors each month for the amount claimed during the preceding month. The county librarian shall be allowed six and one-half cents (6½¢) per mile, without any constructive mileage for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

20. Officials, Deputies, and Employees. It is also herein provided that no official, deputy, or employee drawing pay as a county official, deputy, or employee is permitted to draw wages, pay, or compensation from said county in any other capacity. Officials, deputies, and employees

21. Allowance for Actual and Necessary Expenses. Actual, reasonable, and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detailed expense accounts must be rendered on the first day of each month for the expenses incurred in the previous month. For traveling necessarily done by automobile, an officer shall be allowed mileage at the rate of six and one-half cents (6½¢) per mile, without any constructive mileage, except as herein otherwise provided. All claims for use and cost of operation of any automobile furnished to or supplied by any official, deputy, or employee for the performance of his official duties must be filed in the name of the registered owner and shall state make, license number of vehicle, and the date used, and the number of miles claimed to have been traveled. Said claim shall be accompanied by verified statement of the official, deputy, or employee who used the vehicle in which he shall state the purpose of the trip, the destination, and that the distance set forth in the claim was the distance actually and necessarily traveled by him in the performance of his official duties. Allowance for actual and necessary expenses.

22. Invalidity. If any section or part of a section of this act proves to be invalid it shall not be held to invalidate or impair the validity of any section or part of section unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of section so held invalid. Invalidity

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CHAPTER 630.

An act to amend sections 41, 42, 43, 45 and 46 of the California Irrigation District Act, and to repeal section 44 of said act, all relating to delinquent assessments, and declaring the urgency thereof. Stats 1897, p. 254, amended.

[Approved by the Governor May 29, 1933. In effect immediately]

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

SECTION 1. Section 41 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p. 233.

Sec. 41. On or before the first day of November, the secretary must deliver the assessment book to the collector of the district, who shall within twenty days start the publication of a notice that said assessments are due and payable and will become delinquent at six o'clock p m. on the last Monday of December next thereafter, except as provided in section 41c hereof, and that unless paid prior thereto five per cent of Notice that assessments are due

the amount thereof will be added as a penalty for delinquency.

Penalty for delinquency

Provided, however, that when assessments are made payable in two installments as provided in section 41c hereof, the penalty to be added for delinquency on the first installment shall be ten per cent, and the penalty to be added to the second installment shall be five per cent. Said notice shall also state the time and place at which payment of assessments may be made.

Publication of notice

Said notice shall be published at least two times; to wit, once a week for two successive weeks, in a newspaper published in the county in which the office of the district is located, and if the district includes land in more than one county, then said notice shall be published as aforesaid in a newspaper in each county in which any portion of the district is situated. Failure to publish notice as aforesaid in any county other than that in which the office of the district is located shall not affect any assessment on land in a county in which notice was published as herein required. The collector must attend at the time and place specified in the notice to receive assessments, which must be paid in lawful money of the United States; he must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the last Monday in December at six o'clock p.m. of each year, except as provided in section 41c hereof, all unpaid assessments are delinquent and thereafter the collector must collect thereon, for the use of the district, an addition of five per cent, or ten per cent on the first installment as otherwise provided in this section, of the amount thereof as a penalty for delinquency.

Stats 1929, p 161

SEC. 2. Section 42 of said act is hereby amended to read as follows:

Duty of collector

Sec. 42. On or before the first day of February, except as provided in section 41c hereof, the collector must publish the delinquent list, which shall contain the names of the persons and the description of the property delinquent, and the total amount of the assessments, penalties and costs due thereon.

Delinquent list and notice

He must append to and publish with the delinquent list a notice that unless the assessments delinquent, together with penalties and costs accrued thereon, as shown in the list, are paid, the real property upon which such assessments are a lien

Publication

will be sold to the district. The publication must be made three times; to wit, once a week for three successive weeks, in a newspaper published in the county in which the property delinquent is situated; provided, however, that only such lands as may be situated in such county need be set forth in such publication; and provided further, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. The

Day of sale

publication must designate the time and place of the sale. The time of sale must be not less than twenty-one nor more than

twenty-eight days from the first publication, and the place must be at some point designated by the collector, within the district, or it may be at the office of the district if said office is not within the district; provided, however, that if there should occur any error in the publication of the notice of the sale of the delinquent property, or the delinquent list, which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder, the collector shall at once republish the notice of the sale of that property affected by such error, making such republication conform to the provisions of this law, and the time of sale designated in such republication must be not less than twenty-one nor more than twenty-eight days from the first republication; and the place of sale must be at some point designated by the collector within the district, or it may be at the office of the district if said office is not within the district, and stated in such republication. Republication

SEC. 3. Section 43 of said act is hereby amended to read as follows: Stats 1929, p 1170.

Sec. 43. The collector must collect, in addition to the assessments due on the delinquent list, and the penalty or penalties added for delinquency, costs in the sum of fifty cents on each lot, piece or tract of land separately assessed. The collector may postpone the day of the sale from day to day, but the sale must be made within three weeks from the day fixed in the notice so published; provided, that if any sale is stayed by legal proceedings the time during which such sale is so stayed shall not be deemed a part of the time limited for making such sale. On the day fixed for the sale in the published notice thereof, or some subsequent day to which the collector may have postponed it, the whole amount of the property upon which the assessment remains unpaid shall, by the collector, be sold to the irrigation district within which such lands are situated, as the purchaser, and the collector shall make an entry "sold to the district" and shall be credited with the amount thereof in his settlement. Sale of property for delinquent assessments

SEC. 4. Section 44 of said act is hereby repealed. Repeal Stats 1931, p 439

SEC. 5. Section 45 of said act is hereby amended to read as follows:

Sec. 45. After the sale the collector shall make out in duplicate a certificate of sale for each lot, piece or tract of land separately assessed and sold, giving a description of the property sold and the amount paid therefor, and stating that it was sold for a delinquent assessment and when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy delivered to the district, and the other filed in the office of the county recorder of the county in which the property is situated. The district as such purchaser may sell, assign and transfer such certificate of sale for a consideration of not less than the amount of the assessment, penalties and costs. On receiving the certificate of sale the county recorder must file it and make an entry in a book similar to Certificate of sale.

that required of the collector. The certificate of sale may be in substantially the following form, with the blanks properly filled in accordance with the facts in each case:

Form of certificate

Certificate of Sale.

---------- Irrigation District No. ------

I, the undersigned collector of ------ Irrigation District, hereby certify that on the ------ day of ------ 19--, I did, after notice given as provided by law, sell to ------ Irrigation District, hereinafter called the purchaser, for the sum of ------ dollars ($------) that certain real property within said district and in the county of ------, State of California, bounded or described as follows, to wit:

(Insert description)

Said land was assessed to ----------

Said land was sold for a delinquent assessment levied thereon by the board of directors of said district, and the amount aforesaid was the sum due and unpaid under said assessment and the penalties and costs accruing thereon. The purchaser will be entitled to a deed to said property at any time after three years from the date of said sale unless in the meantime said property is redeemed as provided by law.

Witness my hand and the seal of said district this ------ day of ------, 19--.

(District seal)

Collector of ------ Irrigation District.

Stats 1929, p. 1170.

SEC. 6. Section 46 of said act is hereby amended to read as follows:

Record of property sold for assessment.

Sec. 46. The collector, before delivering any certificate, must in a book enter a description of the property sold, corresponding with the description in the certificate, the date of the sale, purchaser's name, and amount for which sold, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such county recorder the lien of the assessments vests with the purchaser, and is only divested by the payment to him or to the collector for his use, of the purchase money, and a penalty of three-fourths of one per cent per month from the date of sale until redemption.

Lien.

Urgency.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into effect immediately.

The following is a statement of the facts constituting such necessity: On account of the agricultural depression, many

property owners have been unable to pay their irrigation district assessments. Due to such delinquency, penalties have accrued and must be paid in order to redeem, and, since the existing penalties and interest are so high, redemptions are not being made. It is imperative that lands be redeemed so that they can be made to produce substantial revenues to maintain and operate the districts, and it is essential that property owners be allowed to redeem their property under less onerous conditions. This act will aid in accomplishing these necessary results and should go into effect immediately.

CHAPTER 631.

An act to amend sections 1, 2, 3, 5, 6, 7, 10, 11, 13, 13a, 14 and 16 of chapter 267, Statutes of 1923, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, requiring the licensing of producers and manufacturers of casing-head gasoline, kerosene distillates or other petroleum products used in or which may be used in the blending, compounding or manufacturing of motor vehicle fuel, and of brokers, jobbers and wholesale merchants dealing in petroleum products, requiring the execution and delivery by distributors of a surety bond upon application for license, providing for the collection and disposition of license taxes, declaring unlawful the withholding from export of motor vehicle fuel obtained for export, the diversion of motor vehicle fuel from interstate transit, or the improper return of motor vehicle fuel previously exported, prescribing penalties for violation of the provisions of this act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, to add thereto a new section to be numbered 19, providing for a short title for said act, and to repeal chapter 795, Statutes of 1927, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled, 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as amended, and providing that this act shall take effect immediately.

Stats. 1923, p. 571, amended.

"Motor vehicle fuel license tax act."

Stats 1927, p 1565, repealed.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

SECTION 1. Section 1 of chapter 267, Statutes of 1923, entitled "An act to regulate and license the business of pro-

Stats 1931, p 105.

ducing, refining or distributing gasoline, distillate and other motor vehicle fuels, requiring the licensing of producers and manufacturers of casing-head gasoline, kerosene distillates or other petroleum products used in or which may be used in the blending, compounding or manufacturing of motor vehicle fuel, and of brokers, jobbers and wholesale merchants dealing in petroleum products, requiring the execution and delivery by distributors of a surety bond upon application for license, providing for the collection and disposition of license taxes, declaring unlawful the withholding from export of motor vehicle fuel obtained for export, the diversion of motor vehicle fuel from interstate transit, or the improper return of motor vehicle fuel previously exported, prescribing penalties for violation of the provisions of this act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, is hereby amended to read as follows:

Terms defined

Section 1. The following words, terms and phrases shall, whenever used in this act, have the meaning set forth in this section.

"Motor vehicle"

(a) "Motor vehicle" shall mean and include every self propelled vehicle operated or suitable for operation on the highway.

"Motor vehicle fuel."

(b) "Motor vehicle fuel" shall mean and include gasoline, natural gasoline, and any inflammable liquid, by whatever name such liquid may be known or sold, which is used or is usable for propelling motor vehicles operated by the explosion type of engine; provided, however, that kerosene shall not be considered motor vehicle fuel for the purposes of this act.

"Distributor"

(c) "Distributor" shall mean and include every person, firm, association or corporation refining, manufacturing, producing, blending, or compounding motor vehicle fuel in this State and, within the meaning of section 7 of this act, distributing such fuel; also every person, firm, association or corporation importing any motor vehicle fuel into this State and, within the meaning of section 7 of this act, distributing such fuel in this State, whether in the original package or container in which it is imported or otherwise than in such original package or container; also every person, firm, association or corporation who, having acquired in this State in the original package or container motor vehicle fuel which has been imported into this State, shall, within the meaning of section 7 of this act, distribute such fuel, whether in such original package or container in which the same was imported or otherwise than in such original package or container.

"Producer"

(d) "Producer" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in the business of producing or manufacturing any petroleum product or products used in, or which may be used in, the blending, compounding or manufacturing of motor vehicle fuel, provided, however, that crude oil which must be refined before it may be used in such blending, compounding or manu-

facturing shall not be considered a petroleum product within the meaning of this definition.

(e) "Broker" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in business as a broker, jobber or wholesale merchant dealing in motor vehicle fuel or any petroleum product or products used in or which may be used in or which may be used in the blending, compounding or manufacturing of motor vehicle fuel; provided, however, that crude oil which must be refined before it may be used in such blending, compounding or manufacturing shall not be considered a petroleum product within the meaning of this definition. "Broker"

(f) "Service station" is a place operated primarily for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles. "Service station"

SEC. 2. Section 2 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows: Stats 1931, p. 105

Sec. 2. Every distributor before April 1, 1931, and after this act becomes effective every person, firm, association or corporation before becoming a distributor shall make an application to the State Board of Equalization for a license authorizing such distributor, person, firm, association or corporation to engage in business as a distributor. Applications for such licenses must be made to the State Board of Equalization on forms to be prescribed, prepared and furnished by said board. It shall be unlawful from and after April 1, 1931, for any person, firm, association or corporation to be a distributor without first securing from the State Board of Equalization a license for which provision is made in this section. Before granting any license authorizing any person, firm, association or corporation to engage in business as a distributor, the State Board of Equalization must require such person, firm, association or corporation to file with said board, in such form as shall be prescribed by said board, a bond duly executed by such person, firm, association or corporation as principal and a corporation such as is mentioned in section 1056 of the Code of Civil Procedure of this State, as surety, payable to the people of the State of California, conditioned upon faithful performance of all the requirements of this act and expressly providing for the payment of all license taxes, penalties and other obligations of such person, firm, association or corporation arising out of this act. Distributor's license. Application Bond

The total amount of the bond or bonds required of any distributor shall be fixed by the State Board of Equalization and may be increased or reduced by said board at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any distributor, the State Board of Equalization must require a bond or bonds equivalent in total amount to twice his estimated monthly license tax determined in such manner as said board may deem proper; provided, however, that, subject to such terms and conditions as the State Board of Equalization may pre- Amount of bond Weekly payments

scribe, any distributor may undertake to pay on each Tuesday the license tax accruing on all of his distributions of motor vehicle fuel during the week ending the Saturday next preceding, and, if any distributor shall so bind himself, said board shall fix his bond or bonds in a total amount equivalent to twice the license tax accruing on account of his estimated weekly distributions determined in such manner as said board may deem proper; and further provided that the total amount of the bond or bonds required of any distributor shall never be less than one thousand dollars nor more than one hundred thousand dollars. No recoveries on any bond or any execution of any new bond shall invalidate any bond and no revocation of any license shall affect the validity of any bond.

Validity of bond.

Deposit in lieu of bond

In lieu of any such bond or bonds in total amount as fixed hereunder, any distributor may deposit with the State Treasurer, under such terms and conditions as said board may prescribe, a like amount of lawful money of the United States, or bonds or other obligations of the United States, the State of California, or any county or city and county of this State, of an actual market value not less than the amount so fixed by said board. All licenses issued to distributors under this section shall be valid until revoked by the State Board of Equalization.

Monthly statement

Nothing in this section shall be construed as relieving any distributor of the duty of filing the sworn monthly statement required by section 6 of this act. The assessment of any distributor who makes weekly payments shall be shown on the assessment roll prepared under said section 6 in the same manner as the assessments of other distributors are shown thereon, and the Controller shall apply such payments to the credit of such distributor on the assessment roll for the month during which the distributions covered by such payments were made.

Default in weekly payment

Whenever any distributor undertaking to pay his license tax in weekly installments, as provided in this section, shall fail to pay the full amount thereof in accordance with the terms and conditions prescribed by the State Board of Equalization, his license may be revoked forthwith, unless he complies immediately with the requirement of this section relating to the filing of a bond or bonds equivalent in total amount to twice the estimated monthly license tax. In the event of nonpayment of any weekly installment of the license tax, or any part thereof, pursuant to the undertaking of any distributor, the full amount of the license tax accrued against such distributor shall become immediately due and payable and the Controller and the Attorney General shall proceed forthwith to collect the license tax due from such distributor in the manner prescribed by section 4 of this act with reference to delinquency in the payment of the monthly license tax. All provisions of said section 4 shall apply with full force and effect to collections required to be made under this section; provided, however, that the ten per cent penalty for delinquency for which provision is made under section 4

Penalty

hereof shall accrue only as provided in said section, and there shall be added to any weekly installment of license tax remaining unpaid at five o'clock in the afternoon of the Tuesday following the close of such week, a penalty of five per cent on account of such delinquency; the accrual of any such penalty of five per cent shall not in anywise affect the ten per cent penalty for delinquency imposed under section 4 hereof, but such ten per cent penalty shall not be computed upon any amount added to such weekly license tax as a penalty under this section.

Sale or transfer of business.

The license issued hereunder to any distributor shall not be transferable. Whenever a distributor ceases to engage in business as a distributor within the State of California by reason of the discontinuance, sale or transfer of such business, he shall give notice in writing thereof to the State Board of Equalization on or before the date of such discontinuance, sale or transfer. Such notice shall give the date of discontinuance and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee. All taxes and penalties under this act, not yet due and payable under other provisions hereof, shall become due and payable concurrently with such discontinuance, sale or transfer, and the distributor shall forthwith make a report and pay all such taxes and penalties, and shall surrender to the State Board of Equalization the license theretofore issued. Unless such notice shall have been given as hereinbefore provided, such purchaser or transferee shall be liable for all taxes and penalties under this act accrued against the vendor or transferor to the date of such sale or transfer, but only to the extent of the value of the property and business thereby acquired.

Producers' and brokers' license.

Every producer and every broker before April 1, 1931, and thereafter every person, firm, association or corporation before becoming a producer or broker shall register as such with the State Board of Equalization and make application for a license on forms to be prepared and furnished by the State Board of Equalization. Each such application shall be accompanied by a registration fee of ten dollars.

Upon the receipt of the application of any such producer or broker, accompanied by such license fee, the State Board of Equalization shall issue to every such applicant a license to engage in such business from the date of the issuance thereof, until and including the following December 31st, and on or before January 1st, of each and every year and before any such producer or broker shall engage in business, an application shall be filed and a license obtained for the calendar year. Any license so issued shall not be transferable and may be revoked by the State Board of Equalization as hereinafter provided. All registration fees collected under the provisions of this section shall be credited to the "Fuel tax enforcement fund" hereinafter created.

Stats 1923, p 571.

SEC. 3. Section 3 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows:

License tax on distributors.

Sec. 3. A license tax is hereby imposed for the privilege of distributing, within the meaning of section 7 of this act, any motor vehicle fuel. Said license tax shall be according to or measured by the gallonage of motor vehicle fuel so distributed in this State and shall be at the rate of three cents for each gallon of such fuel refined, manufactured, produced, blended or compounded by such distributor in this State and so distributed by him in this State, or imported by such distributor into and so distributed by him in this State otherwise than in the original package or container in which such motor vehicle fuel was imported into this State, and for each gallon of motor vehicle fuel imported into this State and thereafter acquired by such distributor in the original package or container in which the same was imported and thereafter so distributed by such distributor otherwise than in the original package or container in which the same was imported into this State.

Deductions.

From any amount found to be due upon any report hereunder the distributor shall first be allowed to deduct one per cent of the tax otherwise due hereunder to cover subsequent losses occasioned by evaporation and handling.

Stats 1931, p. 105

SEC. 4. Section 5 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows:

Distributor's record.

Sec. 5. Every distributor must keep a true and accurate record in such form as the State Board of Equalization may prescribe, of all stocks of petroleum products on hand, of all raw gasoline, gasoline stock, kerosene distillates, casinghead gasoline and other petroleum products used in, or which may be used in, compounding, blending or manufacturing motor vehicle fuel; of the amount of crude oil refined, the gravity of the crude oil refined and the yield from said crude oil, as well as of such other matters relating to transactions in petroleum products as said board may direct. Every distributor must take a physical inventory of the petroleum products on hand on the first day of every calendar month and must have the record of such inventory and of the other matters mentioned in this section, available at all times for the inspection of said board or its representatives. Upon demand of said board or its representatives every distributor must furnish a statement under oath reflecting the contents of any records to be kept under this section.

Monthly inventory.

Producer's record.

Every producer must keep a true and accurate record in such form as the State Board of Equalization may prescribe of all manufacture and distribution of any petroleum product or products used in, or which may be used in, the blending, compounding or manufacturing of motor vehicle fuel, and every broker must likewise keep a true and accurate record of all purchases of motor vehicle fuel and such petroleum products in such manner as to disclose the vendor, the quantity purchased, the correct description of the commodity and the

means of transportation to said broker, as well as all of the sales of motor vehicle fuel and such petroleum products in such manner as to disclose the vendee, the quantity sold, the correct description of the commodity and the means of transportation from said broker to the vendee. All such records required by this section must be available at all times for the inspection of said board or its representatives, who may require a statement or statements under oath at such intervals as said board may determine, reflecting the contents thereof.

SEC. 5. Section 6 of Chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows: Stats 1931, p. 105.

Sec. 6. Each distributor shall on or before the fifteenth day of May, 1931, and on or before the fifteenth day of each and every month thereafter, file on forms prescribed, prepared and furnished by the State Board of Equalization, a sworn statement showing the total number of gallons of motor vehicle fuel produced, refined, manufactured or compounded by such distributor within this State and sold during the preceding calendar month by such distributor within this State; the total number of gallons of motor vehicle fuel imported into this State by such distributor and sold or distributed within this State by such distributor during such month, when sold or distributed otherwise than in the original packages or containers in which imported into this State or used by such importer; also the number of gallons of such fuel acquired by him in the original package or container in which the same was imported into this State and thereafter sold, distributed or used by him; and such other information as the State Board of Equalization may require. If any distributor shall fail, neglect or refuse to file said report within the time prescribed by this section, the State Board of Equalization must note such failure, neglect, or refusal upon the tax roll hereinafter described, and must estimate the motor vehicle fuel distributions of said distributor, assessing the license tax thereon adding to said license tax a penalty of fifteen per cent thereof for failure, neglect or refusal to report, and said distributor shall be estopped from complaining of the amount of said estimate. Said penalty for failure to report shall not be in lieu of the penalty for delinquency prescribed by section 4 of this act, but the penalty for delinquency shall not apply to or be charged against the penalty for failure to report. The State Board of Equalization shall, on or before the twenty-second day of May, 1931, and on or before the twenty-second day of each calendar month thereafter, assess the license tax due hereunder, and prepare and complete an assessment roll showing the amount of the license tax assessed against each distributor, and immediately deliver said assessment roll to the State Controller.

Distributor's monthly statement.

Estimate and penalty if statement not filed.

Monthly assessment of tax

SEC. 6. Section 7 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows: Stats. 1931, p 105

Sec. 7. For the purposes of this act all motor vehicle fuel sold, donated, consigned for sale, stolen, bartered, used, or in

What fuel to be considered sold.

any way voluntarily disposed of so as to terminate the ownership and possession thereof by the distributor plus one-ninety-ninth thereof, shall be deemed to be distributed; provided, however, that the exchange of motor vehicle fuel for motor vehicle fuel, gallon for gallon, shall not be considered a taxable distribution; and provided, that in lieu of the collection and refund of the tax on motor vehicle fuel used by a distributor in such a manner as would entitle a purchaser to claim refund under the provisions of section 11 hereof, credit may be given such distributor upon his tax return and assessment; and provided, further, that under such regulations as the State Board of Equalization may prescribe, sales and other deliveries of natural gasoline may be made to a duly licensed distributor free of tax.

Nothing in this act shall be construed as requiring the payment of the license tax herein specified upon more than one sale, distribution or transfer of the same motor vehicle fuel.

Stats 1931, p. 105.

SEC. 7. Section 10 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows:

What sales exempt from tax

Sec. 10. The provisions of this act requiring the payment of license taxes shall not be held or construed to apply to motor vehicle fuel imported into this State in interstate or foreign commerce and intended to be sold in the original and unbroken tank cars or other original receptacles, containers or packages and so sold while the same are in interstate or foreign commerce, nor to any motor vehicle fuel exported from this State by the distributor or delivered by the distributor to any vessel clearing from a port of this State for a port outside of this State and actually exported from this State in such vessel, nor to any motor vehicle fuel sold to the government of the United States or any department thereof for official use of said government, but every distributor shall be required to report such exports and sales to the State Board of Equalization in such detail as that board may require, otherwise the exemption herein granted shall be null and void and all such fuel shall be considered distributed in this State subject fully to the provisions of this act.

Export certificates

In support of any exemption from license taxes claimed under this section on account of the exportation of motor vehicle fuel, every distributor must execute an export certificate in such form as shall be prescribed, prepared and furnished by the State Board of Equalization, containing a sworn statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the State of California, and giving such details with reference to such shipment as said board may require. All export certificates must be completed and on file in the office of the State Board of Equalization within forty-five days after the close of the calendar month in which the shipments to which they relate are made, and no certificate not completed and filed within such period shall be recognized for any purpose by the State of California or any

agency thereof. The State Board of Equalization may demand of any distributor such additional data as are deemed necessary by said board in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate.

Sale to United States

Any claim for exemption based on a sale to the United States government or any department thereof may be made by the distributor at any time within six months from the date of sale by filing such claim in the office of the State Board of Equalization, but no claim made after the expiration of said period of six months shall be recognized for any purpose by the State or any agency thereof.

Stats 1931, p 105.

SEC. 8. Section 11 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows:

Refunds

Sec. 11. Any person, firm, association or corporation who shall buy and use any motor vehicle fuel for purposes other than in motor vehicles or export the same for use outside of this State, and who shall have paid any license tax for such motor vehicle fuel hereby required to be paid, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of such license tax to the price of such fuel, shall be reimbursed and repaid the amount of such license tax paid by him or it upon presenting to the State Controller an affidavit supported by the original invoice or invoices showing such purchase, which affidavit shall be verified by the oath of the claimant and shall state the total amount of such fuel so purchased and that the claimant has paid the price thereof and the manner and the equipment in which the claimant has used the same; provided, however, that any motor vehicle fuel carried from this State in the fuel tank of a motor vehicle shall not be considered as exported from this State.

Affidavit

The State Controller, upon the presentation of such an affidavit and such invoice or invoices shall cause to be paid to such claimant, from the license taxes collected in accordance with the provisions of this act, an amount equal to the license taxes collected hereunder on such motor vehicle fuel; provided, however, that the State Controller shall have the right if he so desires, in order to establish the validity of any claim, to examine the books and records of the claimant for such purpose and the failure upon the part of the claimant to accede to such demand shall constitute a waiver of all right to the refund claimed on the account of the transactions questioned. Such examination may be made either through employees of the office of the State Controller or of the office of the State Board of Equalization.

Application for refund

All such applications for refund based upon exportation of motor vehicle fuel from this State must be filed with the State Controller within forty-five days from the date of exportation; all other applications shall be filed within twelve months from the date of the purchase of such motor vehicle fuel. Any application filed after the times herein prescribed shall not be

considered for any purpose by the State Controller, the State Treasurer or the State of California.

Stats 1931, p 2288

SEC. 9. Section 13 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows:

Motor vehicle fuel fund Appropriations

Sec. 13. All money received by the State Controller in payment of license taxes under the provisions of this act shall be by him deposited in the State treasury and credited to the "Motor vehicle fuel fund," which fund is hereby created. The moneys in said fund are hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and section 361 of the Political Code, as follows:

(a) To pay the refunds authorized in this act.

(b) To the State Controller, to carry out any duties imposed upon him by this act.

(c) To the State Board of Equalization, to carry out any duties imposed upon it by this act, and the duties of said board arising out of the provisions of section 15 of Article XIII of the Constitution and legislation enacted pursuant thereto.

(d) To the counties of the State as hereinafter provided.

(e) To the State highway fund, as hereinafter provided.

(f) To pay the pro rata share of the overhead and general administrative expense of the State Controller and the State Board of Equalization attributable to duties imposed by this act or under the provisions of section 15 of Article XIII of the Constitution, and legislation enacted pursuant thereto. Such pro rata share shall be payable upon presentation of claim against any appropriation from the motor vehicle fuel fund for the support of the State Controller or the State Board of Equalization, as the case may be.

(g) To pay refunds as may be due on account of judgments for the return of license taxes illegally collected, as provided in section 16 of this act.

One-third of all moneys in said "Motor vehicle fuel fund" after the biennial appropriations to the State Controller and the State Board of Equalization have been deducted and the refunds herein provided for shall have been paid, shall be paid to the counties as hereinafter provided.

Apportionment to counties

Out of said appropriation, each county and city and county shall first be paid five thousand dollars for each quarter of a year. The balance remaining in said appropriation, after making said apportionment of five thousand dollars quarterly shall be apportioned to all of the counties and cities and counties of this State in the proportion that the registration of vehicles in each of such counties and cities and counties bears to the total number of vehicles registered in this State.

All such amounts so paid to the several counties shall be paid into a special road improvement fund. Such fund shall be expended by the county receiving it exclusively in the construction and maintenance of roads, bridges and culverts in each such county.

But the board of supervisors of any county may in its discretion expend any portion of such sums so received by

such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance or resolution authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county is hereby empowered to expend any portion of the amounts paid to the said county, or city and county and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; provided, however, that the construction thereof is authorized by ordinance or resolution of the board of supervisors of the county, or city and county, in which said highway is to be constructed. Where such authorization is given, as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own board, officers or commissions expend the amounts herein authorized to be expended, or may, by resolution of its board of supervisors, transfer said amounts to the account of the Highway Commission of the State of California or to the account of the Secretary of Agriculture of the United States, and may by said resolution specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said Highway Commission, or said Secretary of Agriculture, be expended for the purpose specified and determined in said resolution, and not otherwise.

Streets, etc., in incorporated cities.

Highways outside of county

In the event that any such county has not established such a road fund, its proportion of such fund shall be retained by the State until provision for such a road fund has been made, and it shall then be paid over to such county.

In the months of January, April, July and October of each year, the Controller shall ascertain the gross amounts received and the net receipts remaining after deducting the amounts withdrawn for the support of the Controller and the Board of Equalization and the payment of the refunds for which provision is made in section 11 of this act during the preceding three months, and thereupon the Controller shall draw his warrant upon the "Motor vehicle fuel fund" in favor of each county in the State for the amount to which each such county is entitled. The Controller shall not draw such warrant in favor of any county which shall not have established such a road fund as is herein required or which shall be delinquent in its annual report to the State Department of Public Works as hereinafter required.

Payment to counties

The board of supervisors of each county shall make an annual report to the State Department of Public Works not later than three months after the close of the county's fiscal year upon forms to be provided by such department, showing the amount of moneys received from the "Motor vehicle fuel fund" during the preceding fiscal year and the disposition of said moneys, giving such details as to the disposition of said

Annual report

moneys as may be required by said department. Whenever such report shall not have been duly filed in the manner and form herein provided for at or before the time herein specified, the State Controller shall not draw his warrant in favor of the treasurer of such county until such report has been filed.

"State highway fund"

All moneys in the "Motor vehicle fuel fund" other than those hereinbefore appropriated, are hereby appropriated to and shall by the State Treasurer be paid into the "State highway fund," which fund is hereby created, and shall be allocated and expended by the State Department of Public Works, Division of Highways for the acquisition of rights of way for, or the construction, maintenance, repair, widening, resurfacing, reconstruction or other improvement of State highways, and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in State parks subject to the approval of the official or officials charged by law with the management and control of such parks and in the manner specified in that certain act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways" passed at the forty-seventh session of the Legislature, as amended.

All money from said "State highway fund" shall be upon warrants drawn by the State Controller upon demands made by the Department of Public Works, Division of Highways, and allowed and audited as provided by the rules of the State Board of Control

Stats 1931, p. 1652

SEC. 10. Section 13a of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows:

Revolving funds

Sec. 13a. The State Board of Equalization may, without at the time furnishing vouchers and itemized statements, draw from the "Fuel tax enforcement fund," a sum not to exceed five thousand dollars; and the Department of Public Works, Division of Highways, may, in like manner, draw five hundred thousand dollars from the "State highway fund." The sum or sums so drawn shall be used as a revolving fund where cash advances are necessary.

Stats 1931, p 105

SEC. 11. Section 14 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows:

Penalties

Sec. 14. Any person, firm, association or corporation or any officer or agent thereof failing to pay the license tax as herein provided, or violating any of the other provisions of this act, or unlawfully making any false statement, or concealing any material fact in any record, report, affidavit or claim provided for herein, shall be guilty of a misdemeanor, unless such act is by any other law of this State declared to be a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

The State Board of Equalization shall have power to revoke the license of any distributor, producer, or broker, refusing or neglecting to comply with the provisions of this act. Revocation of license

Before revoking any license issued hereunder said board shall send notice by registered mail directed to said licensee at his last known address ordering him to show cause, before said board at Sacramento or such other place in this State as may be designated by said board, at a time not less than ten days after the mailing of such notice, why his license issued hereunder should not be revoked. Said board shall allow such distributor, producer or broker an opportunity to be heard in pursuance of such notice and thereafter shall have full power to revoke his license issued hereunder. Notice and hearing

The State Board of Equalization is hereby authorized to pay out of the "Fuel tax enforcement fund" all expenses incurred in the prosecution before any court of this State of any person, firm, association or corporation charged with the violation of any of the provisions of this act. Expenses

SEC. 12 Section 16 of chapter 267, Statutes of 1923, as amended, is hereby amended to read as follows: Stats 1923, p 571

Sec. 16. No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof, to prevent or enjoin the collection under this act of any license tax assessed by the State Board of Equalization; but after payment of any such license tax under protest duly verified and setting forth the grounds of objection to the legality of such license tax, the distributor paying such license tax may bring an action against the State Treasurer in the superior court of the county of Sacramento for the recovery of the license tax so paid under protest. No such action may be instituted more than ninety days after the last day prescribed for the payment of such license tax without penalty, and failure to bring suit within said ninety days shall constitute waiver of any and all demands against this State on account of alleged overpayment of license taxes hereunder. No grounds of illegality of the license tax shall be considered by the court other than those set forth in the protest filed at the time of the payment of the license tax. If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any license taxes due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of seven per cent per annum upon the amount of the license tax found to have been illegally collected from the date of payment thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the State Board of Equalization. Action for tax paid under protest

Judgment

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to Assignee may not sue.

recover any license tax paid hereunder, when such action is brought by or in the name of an assignee of the distributor paying said license tax, or by any person, company or corporation other than the person, company or corporation that has paid such license tax.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

New section

SEC. 13. A new section is hereby added to chapter 267, Statutes of 1923, as amended, to be numbered 19 and to read as follows:

Sec. 19. This act shall be known as the "Motor vehicle fuel license tax act."

Stats. 1927, p. 1565, repealed.

SEC. 14. Chapter 795, Statutes of 1927, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions not inconsistent herewith, of an act entitled, 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for the violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as amended, is hereby repealed.

Tax levy

SEC. 15. Inasmuch as this act provides for a tax levy, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 632.

An act to add a new section to the Penal Code to be numbered 653c-1, relating to the hours of labor on public works during the present emergency whether such work is done by contract or otherwise, providing penalties for violations of its provisions, and declaring the urgency thereof.

[Approved by the Governor May 29, 1933. In effect immediately.]

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

New section

SECTION 1. A new section is hereby added to the Penal Code to be numbered 653c-1, and to read as follows:

Thirty hour week on public work.

653c-1. During the economic emergency existing when this section takes effect, the time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any municipal corporation, political subdivision or district thereof, or upon work done for or by the authority of said State, or of any municipal corporation or political subdivision or district thereof, and whether said work is done by contract or otherwise, is

hereby limited to thirty hours during any one calendar week, except that any laborer, workman or mechanic employed upon maintenance or repair work by the said State, or any municipal corporation or political subdivision or district thereof, may work not more than forty-four hours in any one calendar week, nor more than eight hours in any one calendar day.

During said emergency it shall be unlawful for any officer or agent of said State, municipal corporation, political subdivision or district thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than thirty hours during any one calendar week, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except to work upon public military or naval defenses or works in time of war. Exceptions.

Within thirty days after any such employee is so permitted to work over thirty hours in any one calendar week owing to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file a report, verified by his oath, with the officer or agent which awarded the contract, setting forth the nature of the said emergency. Such report shall contain the name of the said worker and the hours worked by him during said week. Failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. Report of emergency.

Such contractor and each subcontractor shall also keep an accurate record showing the names and actual hours worked of all workers employed by him, in connection with the said public work, and such record shall be open at all reasonable hours to the inspection of the said officer or agent, or the deputies of agents thereof, and to the Chief of the Division of Labor Statistics and Law Enforcement of the Department of Industrial Relations, and his deputies or agents. Record of hours worked

Whenever any officer or agent of the State or of any municipal corporation, political subdivision, or district makes or awards, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any public works or work herein mentioned, such officer or agent shall cause to be inserted therein a stipulation which shall provide that for every such person thus employed in the execution of said contract, whether such employment is by said contractor or by a subcontractor under him, the contractor to whom said contract is awarded shall forfeit as a penalty, to the State or the governmental unit in behalf of which the contract is made and awarded, the sum of ten dollars for each calendar day of each week during which such laborer, workman, or mechanic is required or permitted to labor more than thirty hours in violation of the provisions of this section. Stipulation in contract

Forfeiture of payments

It shall be the duty of such officer or agent to take cognizance of all violations of the provisions of this section which are committed in the course of the execution of said contract, and to report the same to the governmental officer or agent that is authorized, on behalf of the State or governmental unit which is party to the contract, to pay to the contractor moneys becoming due to him under said contract. Said officer or agent, when making payments of moneys thus due, shall withhold and retain therefrom, as in this section provided, all sums and amounts which shall have been forfeited pursuant to the said stipulation and the terms of this section, or shall withhold or retain the payment until paid said sums or amounts, as in this section provided. No sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the Division of Labor Statistics and Law Enforcement of the State Department of Industrial Relations or by said awarding body. In all cases of contracts with assessment or improvement districts where the full payment is made in the form of a single warrant, or other evidence of full payment, after the completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld or retained under the provisions of this section. On receipt of said sum, the awarding body shall then release the final warrant or payment in full.

Payments to subcontractor.

It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover the amount of any penalties withheld on behalf of the awarding body from the contractor, or paid by him to that body, on account of the subcontractor's failure to comply with the terms of this act. If payment has already been made to the subcontractor the contractor may recover from him the amount of the penalty or forfeiture in a civil action.

Penalty.

Any officer or agent of the State of California, or of any municipal corporation, political subdivision or district who violates or omits to comply with any of the provisions of this section, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who neglects to keep an accurate record of the names and actual hours worked by the workers employed by him, in connection with the said public work, or who refuses to allow access to such record at any reasonable hour to any person authorized under this section to inspect the record, is guilty of a misdemeanor, and punishable therefor by a fine not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

Applicability of section

With the exception of the operation of their irrigation or drainage systems, all work done for irrigation, utility, reclamation and improvement districts, and other districts of this type, as well as street, sewer or other improvement work done under the direction and supervision of the State, or of any municipal corporation, political subdivision or district thereof,

whether such municipal corporation or political subdivision operates under a freeholder's charter heretofore or hereafter approved or not, except work done directly by any public utility company pursuant to order of the Railroad Commission or other public authority, shall be subject to the provisions of this section.

Section not applicable

The provisions of this act shall not, however, apply to any work already contracted for or for which bids are now being invited or advertised or bids have already been received and consideration of which is pending at the time of the taking effect of this act or to any work to be subcontracted thereunder; and provided further, however, that the provisions of this act shall not apply to any work performed in any shop, plant, manufacturing establishment, mill, or other place of employment the product of which is to be incorporated in the public works, but shall only apply to men actually engaged in the construction of the public works at the job site.

Whereas, the universal application of the provisions of this section may as to certain projects or parts thereof be impracticable, it is further provided that as to such projects or parts thereof the provisions of this section shall not apply. It shall be the duty of the Director of the Department of Industrial Relations upon request to examine any project or part thereof and determine whether as to that project or part thereof, the application of the provisions of this section is impracticable.

Duration of the "present economic emergency."

For the purpose of this section the present economic emergency shall be deemed to now exist and to continue until:

(a) The Governor, at any time prior to July 1, 1935, and after such inquiry as to him seems proper, determines that the economic situation of the State is such that the said economic emergency no longer exists. Thereupon he shall by proclamation state that, in his opinion, said emergency no longer exists. Thereafter, beginning with the first day of the calendar month next ensuing after the issue of such proclamation, the time of service of any such laborer, workman, or mechanic upon any such work shall be as prescribed by section 653c of this code, and no limitation in this section as to the number of hours of such service in any calendar week shall be in force or effect.

(b) In case such proclamation does not issue prior to July 1, 1935, on and after that date it shall be deemed that the economic emergency no longer exists and thereon and thereafter such time of such service shall be governed as though such proclamation had issued.

(c) In the event of a final judgment of an appellate court of this State holding invalid the mode of determining the end of the economic emergency, as set forth in this section, this section shall cease to be effective on July 1, 1935.

Constitutionality.

(d) If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the

fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

Urgency.

SEC. 2. This act is declared to be an urgency measure deemed necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and as such it shall take effect immediately.

The following is a statement of the facts constituting such necessity: According to the estimate of the State Unemployment Commission, the number of persons affected by unemployment in California is 1,589 000, which includes 700,000 unemployed and 889,000 dependents. As a result of this condition of joblessness, poverty, destitution, and pauperism have become a grave menace to the health, safety, morals, and welfare of the people of the State. Because hundreds of thousands of self-respecting citizens, able and willing to work, are unable to find employment to support themselves and their families, it is essential that a policy of work-spreading and a shorter work-week should be put into effect at once. The State, by adopting such a policy for the period of the present emergency, can furnish employment to many unemployed workers and can thereby give added impetus to the practice of work-spreading in private industry. This act constitutes one of the means of adopting such a policy and therefore should be adopted as an emergency measure.

CHAPTER 633.

Stats 1931, p. 1313, amended.

An act to amend section 3 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, relating to the sale of motor vehicle fuel and lubricating oil.

[Approved by the Governor May 31, 1933. In effect August 21, 1933.]

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

Stats 1931 p. 1313

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Markings on containers

Sec. 3. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to sell, offer for sale or assist in the sale

of, or permit to be sold or offered for sale, or deliver or offer for delivery, any gasoline, as hereinbefore in section 1 of this act defined, or any oil represented as lubricating or motor oil for internal combustion engines, at any place where petroleum products are kept or stored for sale, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such gasoline or oil is drawn or poured out for sale or delivery, and so as to be plainly visible, a sign or label consisting of the word or words, in letters not less than one-half (½) of an inch in height, "gasoline," "lubricating oil" or "motor oil," as the case may be, together with the brand, trade-mark or trade name of such product, and unless and until there shall be firmly attached to or painted upon each pump from which gasoline is dispensed and upon each container, receptacle, and fill-pipe inlet end from which or into which gasoline or oil is drawn or poured or sold or offered for sale, in letters not less than one inch in height, so as to be plainly visible (and in case of such pump, not less than two feet above the ground), a label or sign containing the words "refined by," "manufactured by," or "blended by," as the case may be, followed by the name of the person, firm or corporation who and/or which refined, manufactured or blended the said gasoline, lubricating oil or motor oil, provided that the provisions of this section relating to a label or sign on pumps containing the words "refined by," "manufactured by," or "blended by," as the case may be shall not apply to a sale by a manufacturer, refiner or blender to a manufacturer, refiner or blender, or to a distributor selling under his own brand or through an agent selling under his own brand, but in such case the vendee or agent shall, as to any sale as to which this section applies and for the purpose of this section, be deemed the manufacturer, the refiner, or blender, as the case may be, of such gasoline or lubricating oil. If any such lubricating or motor oil so sold, or so offered for sale or delivery, has been previously used for the lubrication of internal combustion engines or any gearing or shafting attached to or connected thereto, or for any other lubricating purposes, and has been rerun, filtered, redistilled or reclaimed, each such sign or label shall bear the words in letters not less than three (3) inches in height "Reclaimed used lubricating oil" or "Reclaimed used motor oil," as the case may be, in addition to the brand, trade-mark or trade name of such product.

Reclaimed oil.

Provided, that in attaching any such sign or label to the inlet end of the fill-pipe of an underground storage tank, it shall consist of a tag or plate firmly attached or affixed to such fill-pipe, at said end, so as to be plainly visible when filling same, but the letters thereon may be of any convenient size; and

Visibility of markings

Provided further, that as to any bottles used for dispensing lubricating or motor oil, either unused or reclaimed, if such

Labels on bottles, racks, etc

bottles are kept in baskets, stands or racks, for holding same, it shall be sufficient to label each such basket, stand or rack in lieu of labeling the bottle itself, but no bottles containing reclaimed lubricating or motor oil shall be kept or commingled in any basket, stand or rack containing any bottles used to dispense unused lubricating or motor oils; and

Products without trade mark or trade name.

Provided further, that if any gasoline shall have no brand, trade-mark or trade name, each such sign or label therefor shall consist of the words, in letters not less than three (3) inches in height, "gasoline, no brand," and if any lubricating or motor oil shall have no brand, trade-mark or trade name, each such sign or label therefor shall consist of the words, in letters not less than three (3) inches in height, "lubricating oil, no brand" or "motor oil, no brand"; provided, however, that if such lubricating or motor oil shall be reclaimed oil, each such sign or label shall also include the words "Reclaimed used lubricating oil" or "Reclaimed used motor oil," as the case may be. This provision as to size of letters shall not apply to signs or labels at the inlet end of any underground storage tank, which letters may be of any convenient size but must be plainly visible when filling such underground storage tank.

CHAPTER 634.

An act to add a new section to the Agricultural Code, to be numbered 91.5, relating to the sixth district agricultural association.

[Approved by the Governor June 1, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 635.

Stats. 1931, p. 972, amended

An act to amend sections 1, 3, 4 and 7, to an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging, and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931.

[Approved by the Governor June 1, 1933. In effect August 21, 1933.]

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

Stats 1931, p 972

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Definitions

Section 1. Wherever used in this act the following terms are defined as set forth in this section:

"Person"

The term "person" means and includes any individual, manager, agent, copartnership, company, organization, association or corporation.

"Cleaning and dyeing shop or store"

The terms "cleaning and dyeing shop or store," and "spotting, sponging and/or pressing establishment" are defined as any premises, building or room, other than a clothes cleaning establishment, in or upon which premises, building or room the business of spotting or sponging, or cleaning by local application, or pressing and finishing clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles is conducted, maintained or carried on; provided, however, that where such spotting or sponging, or cleaning by local application, or pressing and finishing is performed in hotels, hospitals or sanitariums entirely without the commercial field and solely for the proprietors, employees, guests or patients thereof, such hotels, hospitals or sanitariums are not subject to the provisions of this act.

"Agency."

The term "agency" is defined as any premises, building or room in or upon which is conducted, maintained or operated a branch of a cleaning and dyeing shop or store, or of a spotting, sponging and/or pressing establishment, and/or of a cleaning and dyeing establishment, or of a private spotting, sponging and/or pressing school or college, or of a hat renovating establishment, in or upon which any of the acts or processes of spotting, sponging, pressing, renovating and/or finishing clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles are conducted, maintained or carried on, and/or whereon or wherein clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles are received to be spotted, sponged, pressed, renovated and/or finished.

"Private spotting, sponging and/or pressing school or college"

The term "private spotting, sponging and/or pressing school or college" is defined as any establishment wherein spotting, sponging and/or pressing or clothes cleaning is done for or without compensatory gain, and wherein individuals are instructed, taught and/or informed in the operations and/or processes employed by a "spotter and sponger" and/or "presser," or in the operations and/or processes employed in a "clothes cleaning establishment," as defined in this act, for a charge or fee of any nature whatsoever in the opinion of the State Fire Marshal.

"Clothes cleaning establishment"

The term "clothes cleaning establishment" is defined as any building, room or premises in or upon which the business or process of cleaning, dyeing, or renovating clothes, wearing apparel, feathers, or any fabric or textile, or hats, is conducted, maintained, or carried on, and where the process of such cleaning, dyeing, or renovating is accomplished by the use of any volatile and inflammable product or substance, or by the use of any other product used in a machine, apparatus, appliance or other device which machine, apparatus, appliance or other device, in the opinion of the State Fire Marshal, may be used

with or be converted for use with a liquid volatile and inflammable product or substance, and where any liquid volatile and inflammable product or substance in an amount exceeding one gallon in the aggregate of all such volatile and inflammable products is kept or stored, or where any viscous or other compound, powder or solid volatile and inflammable product or substance in the aggregate amount of more than eight pounds is kept or stored.

"Spotter and sponger"

A "spotter and sponger" is defined as any person who removes spots, stains or other discolorations caused by foreign matter from clothing wearing apparel, feathers, furs, hats, fabrics or other textiles by means of a cleaning medium applied manually.

"Presser"

A "presser" is defined as any person who renovates clothing, wearing apparel feathers, furs, hats, fabrics or other textiles by means of ironing either manually or through the use of a mechanical appliance.

"Volatile and inflammable product"

The term "volatile and inflammable product" is defined as any liquid, viscous or other compound, powder or solid product or substance having the capacity to evaporate, and during such evaporation generate and emit a gas or vapor propagative of flame or fire, or explosive in nature; or any other product or substance propagative of flame, fire or explosion incident to evaporation

Stats 1931, p 972.

SEC. 2. Sect on 3 of said act is hereby amended to read as follows:

Conducting cleaning establishment without license

Sec. 3. It shall be unlawful for any person, copartnership, firm, organizat on or corporation to conduct, maintain or operate a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, without first making application to and obtaining from the State Fire Marshal a certificate of registration and a license so to do; provided, however, that all residents of the State of California who at the time of the approval of the act recited in the title hereof and for a period three months prior thereto have conducted, maintained, and operated a cleaning or dyeing shop or store, or a spotting, sponging and/or pressing business, or any agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, and who at the time of the approval of this act have not retired from business, shall upon application and payment of the fees hereinafter set forth, be granted, without examination, certificates of registration and licenses to conduct, maintain and operate a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment.

Conducting spotting, etc, college without license

It shall be unlawful for any person, copartnership, firm, organization or corporation to maintain, operate or manage any private spotting, sponging and/or pressing school or college unless, each and all, the owners, managers, operators and instructors thereof and/or therein have a competent knowledge of the business, and all necessary machinery, apparatus, uten-

sils, fixtures and furnishings, in good order and repair and properly, adequately and legally housed, necessary for its proper operation, and hold a special certification of registration in verification thereof, and a license to maintain, conduct and operate such school or college.

Penalty.

From and after ninety days after the adjournment of the fiftieth session of the California Legislature 1933, any person, copartnership, firm, organization or corporation who conducts, maintains or operates a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private school or college of spotting, sponging and/or pressing, without a license therefor, issued as provided herein, shall be guilty of a misdemeanor punishable by a fine of not less than thirty dollars nor more than two hundred dollars, or by imprisonment for a term of not less than thirty days nor more than one hundred eighty days, or by both such fine and imprisonment. Each person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this act is committed, continued, or performed by such person.

Stats. 1931, p. 972.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Application for license.

Sec. 4. From and after ninety days after the adjournment of the fiftieth session of the California Legislature 1933, and semiannually thereafter not later than the first day of January and July in each succeeding year, every person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, a spotting and sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private spotting, sponging and/or pressing school or college shall apply to the State Fire Marshal for registration and a license in writing, upon blanks prepared by the State Fire Marshal. Each application shall contain proof of the particular requisites for registration provided for in this act and shall be verified under oath, and shall be accompanied by the fee hereinafter set forth.

Fees

The annual registration fee for a person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or any agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, shall be eight dollars for each such shop, store, agency or establishment, payable in two equal installments on or before the first day of January and the first day of July, respectively, of each year.

The annual registration fee for a private school or college of spotting, sponging, and/or pressing shall be two hundred fifty dollars, payable in two equal installments on or before the first day of January and the first day of July, respectively, of each year.

Registration fees shall be due and payable as above set forth in this section and if not so paid the following penalties shall obtain:

If the fee for registration of a person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or a private school or college of spotting, sponging and/or pressing, is not paid within ninety days from and after the date it is due a penalty of fifty per cent shall be added to such fee.

Disposition of fees

All moneys derived from this act shall be paid into the State treasury and credited to a fund to be known as the State Fire Marshal's fund, which fund is hereby created.

Causes for refusal, etc., of license

The State Fire Marshal may refuse to issue, or renew, or may suspend or revoke any certificate of registration and/or license for any of the following causes:

(a) Obtaining or attempting to obtain a certificate of registration by fraudulent misrepresentations;

(b) The violation of any of the provisions of any of the sections of this act.

Notice and hearing

Provided, however, that the State Fire Marshal shall not refuse to issue or renew any license as required by the provisions of section 4 hereof, or suspend or revoke any license issued, except upon five days' notice in writing to the interested person, copartnership, firm, organization or corporation, which notice shall contain a brief statement of the reasons for the contemplated action of the State Fire Marshal and designate a proper time and place for the hearing of all interested parties before any final action is taken as hereinabove provided; provided, however, that due notice within the provisions of this section shall be deemed to have been given when the State Fire Marshal shall have placed in a United States post office a copy of the notice as hereinabove provided, addressed to the designated place of business or last known residence of the person, copartnership, firm, organization or corporation applying for such license or to whom such license has been issued; provided further, that any such person, copartnership firm, organization or corporation whose license to do business as herein provided is suspended or revoked, or who is refused a license, or a renewal of a license may commence an action in a court of competent jurisdiction against the State Fire Marshal for the purpose of canceling or obtaining other relief therefrom. All the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action.

Stats. 1931, p. 972

SEC. 4. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 7. All powers and duties given by this act to the State Fire Marshal or the Department of Industrial Relations shall be administered by the State Fire Marshal through the Division of Fire Safety in the Department of Industrial Relations. Administration.

The State Fire Marshal, and all deputy and assistant State fire marshals, are hereby empowered and directed to enter and inspect any premises and/or building whereon or wherein the business of spotting, sponging and/or pressing, is conducted, maintained or carried on, or the premises and building of any agency thereof, or whereon or wherein a school or college of spotting, sponging and/or pressing is conducted, or the premises and building of any agency thereof, in the performance of their duties in carrying out the provisions of this act, during customary business hours, or at any time the said business or school or college, or any unit thereof, is in operation, and it shall be unlawful for any owner, lessee, manager, or operator of a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or a school or college of spotting, sponging and/or pressing, to refuse said officers the right to enter and inspect such premises or building at the times and for the purposes aforesaid. Inspection.

CHAPTER 636.

An act regulating and restricting the sale of goods, wares and merchandise manufactured, produced or mined by convicts or prisoners or in penal or reformatory institutions and prescribing penalties for violation of the provisions hereof.

[Approved by the Governor June 2, 1933 See Sec. 3 for effective date]

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

SECTION 1. To the extent and in so far as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress, and particularly under the provisions of the act of Congress approved January 19, 1929, and entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases," all goods, wares and merchandise manufactured, produced or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or manufactured, produced or mined wholly or in part in any penal and/or reformatory institution, transported into the State of California and remaining herein for use, consumption, sale or storage, shall upon arrival and delivery in this State be subject to the operation and effect of the laws of this State to the same extent and in the same manner as though such commodities had been manufactured, produced or mined in this State by Certain prison-made goods subject to State law.

convicts or prisoners or in any penal and/or reformatory institution, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

Prohibition against sale

SEC. 2. No person or corporation may sell, expose for sale or offer for sale any goods wares or merchandise manufactured, produced or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or manufactured, produced or mined wholly or in part in any penal and/or reformatory institution, the sale of which is not specifically sanctioned by law; and any person or corporation violating any provision of this section is guilty of a misdemeanor.

Effective date.

SEC. 3. This act shall take effect and become operative immediately upon the act cited in section 1 hereof becoming effective and operative.

CHAPTER 637.

Stats 1915, p. 1225, amended

An act to amend section 19x13 of the Juvenile Court Law, relating to probation officers in counties of the thirteenth class.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1745

SECTION 1. Section 19x13 of the Juvenile Court Law is hereby amended to read as follows:

Contra Costa County Probation officer

Sec. 19x13. In counties of the thirteenth class there shall be one probation officer whose salary shall be two hundred eighteen and 75/100 dollars per month and one stenographer whose salary shall be one hundred nine and 38/100 dollars per month.

The probation officer shall be allowed six and one-half cents ($6\frac{1}{2}\phi$) per mile, without any constructive mileage for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

CHAPTER 638.

An act to amend section 2322x13 of the Political Code, relating to the office of the agricultural commissioner in counties of the thirteenth class.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1143.

SECTION 1. Section 2322x13 of the Political Code is hereby amended to read as follows:

2322x13. In counties of the thirteenth class the commissioner shall receive a compensation of two thousand six hundred twenty-five dollars ($2,625) per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit: Contra Costa County Agricultural commissioner

(a) One standardization inspector at a salary of five dollars per diem during the term actually employed; and four rodent inspectors at a salary of four and 50/100 dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eight thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one hundred dollars ($100) per month.

(c) All mileage actually traveled by the commissioner and inspectors in the performance of their duties shall be paid for at the rate of six and one-half (6½) cents per mile, computed on the basis of actual mileage traveled.

CHAPTER 639.

An act to amend section 4264 of the Political Code, relating to the compensation of county and township officers in counties of the thirty-fifth class.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4264 of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1099.

4264. In counties of the thirty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Madera County: Salaries.

1. The county clerk, two thousand four hundred dollars per annum and such fees and commissions as are now or may hereafter be allowed by law; one deputy at one hundred twenty-five dollars per month; one deputy at one hundred twelve dollars and fifty cents per month; which offices are hereby created; the salaries of said deputies shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; provided further, in each year in which a new and complete or supplemental registration of voters is required by law the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration Clerk.

clerks shall receive as compensation for their services the sum of ten cents per name for each and every voter registered by them; said compensation to be paid out of the general fund of the county on the presentation and filing with the board of supervisors of the county a duly verified claim therefor approved by the county clerk.

Sheriff. 2. The sheriff, two thousand seven hundred dollars per annum and such mileage as is allowed by law for the service of all papers issued by courts outside this county; and all fees and mileage for service of papers in civil cases in this county; and actual expenses incurred in criminal cases; he shall have one deputy at one hundred fifty-seven dollars and fifty cents per month, and two deputies at one hundred thirty-five dollars each per month, which offices are hereby created, said deputies to be appointed by the sheriff, and to be paid by said county in equal monthly installments at the same time and out of the same fund as the salary of the sheriff is paid.

Recorder 3. The recorder, two thousand one hundred dollars per annum; he shall have one deputy recorder at one hundred twelve dollars and fifty cents per month; one deputy recorder at ninety dollars per month, and one deputy to be employed at the discretion of the recorder at a salary not to exceed nine hundred dollars per annum. Said deputies to be appointed by the recorder and to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor 4. The auditor, two thousand one hundred dollars per annum; he shall have one deputy auditor at one hundred twenty-five dollars per month; such deputy to be appointed by the auditor and to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the auditor is paid. The auditor shall be allowed the sum of three hundred dollars per annum for the employment of additional help, to be employed at his discretion.

Treasurer 5. The treasurer, two thousand one hundred dollars per annum; one deputy treasurer at one thousand two hundred dollars per annum; the salary of said deputy to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the treasurer is paid.

Tax collector 6. The tax collector, one thousand eight hundred sixty dollars per annum; he shall have one deputy at one hundred twelve dollars and fifty cents per month; the salary of said deputy to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the tax collector is paid. The tax collector shall also be allowed a sum not to exceed five hundred dollars per annum for additional help when, in his opinion, it is necessary.

Assessor 7. The assessor, two thousand one hundred sixty dollars per annum; he shall have one deputy assessor at one hundred twenty-five dollars per month; one deputy at one hundred

twelve dollars and fifty cents per month; the salaries of said deputies to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the assessor is paid. The assessor may also be allowed a sum not to exceed two thousand three hundred dollars per annum for additional help when in the opinion of the assessor such additional help is necessary; provided further, that the assessor shall be entitled to receive and retain for his own use four per cent only on personal property tax collected by him as authorized by sections 3820 and 3829 of the Political Code.

District attorney.

8. The district attorney, two thousand five hundred fifty dollars per annum; he shall have one deputy district attorney at one hundred twelve dollars and fifty cents per month, and one stenographer at ninety dollars per month, both to be appointed by the district attorney. Said salaries are to be paid in equal monthly installments at the same time, in the same manner and out of the same fund as the district attorney is paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law

Public administrator

10. The public administrator, such fees as are now or may hereafter be allowed by law

Superintendent of schools.

11. The superintendent of schools, two thousand one hundred dollars per annum; he shall have one deputy to be appointed by him at a salary of ninety dollars per month, said salary to be paid in monthly installments at the same time, in the same manner and out of the same fund as the superintendent of schools is paid.

Surveyor.

12. The surveyor, two thousand one hundred dollars per annum. He shall also receive his actual expenses, and compensation for necessary additional help, when at work in the field.

Justices of the peace.

13. The justices of the peace shall receive the following salaries to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of five thousand or more, one hundred twelve dollars and fifty cents per month; in townships less than five thousand and more than three thousand, ninety dollars per month; in townships having a population of less than three thousand, forty dollars per month.

Constables.

14. The constables shall receive the following salaries to be paid each month as the salaries of county officials are paid: In townships having a population of more than five thousand, one hundred twelve dollars and fifty cents per month; in townships of less than five thousand and more than three thousand, ninety dollars per month: in townships having a population of less than three thousand, thirty-five dollars per month. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees and mileage as are allowed by law for service of all

papers issued by any court outside of this county and all fees and mileage for service of papers in civil cases in this county.

Supervisors

15. Each member of the board of supervisors, one thousand six hundred twenty dollars per annum, in full payment for services as member of the board of supervisors, and as member of the board of equalization. Each member shall receive his actual mileage as road commissioner not to exceed three hundred dollars per annum.

Reporter

16. The official reporter of the superior court shall receive ten dollars per day for reporting criminal cases, and such other fees as are now or may hereafter be allowed by law.

Librarian.

17. The salary of the county librarian shall be two thousand one hundred dollars per annum, to be paid in equal monthly installments, at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.

Jurors

18. Grand jurors and jurors in the superior court shall receive the following fees: For each day's attendance two dollars fifty cents, and for each mile actually traveled in attending court as a juror, one way, twelve cents.

Agricultural commissioner.

19. In counties of the thirty-fifth class, the agricultural commissioner shall receive a salary of two thousand forty dollars per annum. He shall have one inspector at a salary of one hundred twenty dollars per month for not exceeding six months per annum. Said inspector is to be employed at the discretion of the agricultural commissioner. The commissioner shall also be allowed the sum of five hundred dollars per annum for a clerk to be employed when he sees fit.

Live stock inspector.

20. In counties of the thirty-fifth class, the live stock inspector shall receive a salary of nine hundred dollars per annum.

CHAPTER 640.

Stats. 1911, p. 71, amended.

An act to amend section 3 of an act entitled "An act to authorize and regulate the employment of prisoners in the State prisons of this State and to provide for the disposition of the products of their skill and labor," approved February 23, 1911, by adding a provision thereto relating to the purchase or use of goods, wares and merchandise manufactured, produced or mined by convicts or prisoners.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats. 1911, p. 71.

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Purchase of prison-made goods.

Sec. 3. After the passage of this act all articles, materials and supplies, herein authorized to be produced or manufactured, shall be purchased from the State prisons of this State, and at the prices fixed in the manner herein provided, except

such articles, materials, and supplies as the State prisons are unable to furnish; provided, however, that on and after January 19, 1934, no goods, wares or merchandise, manufactured, produced or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, and except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, shall be purchased or used by this State or any agency thereof, or by any county, city, district, or political subdivision, or by any officer, employee or agency thereof, except such as may be manufactured, produced or mined, wholly or in part, in the State prisons of this State.

CHAPTER 641.

An act to add 22 new sections to the Political Code, to be numbered 4248 and 4248a to 4248v, inclusive, and to repeal sections 2322x19 and 4248 of said code, section 19x19 of the Juvenile Court Law, and section 16x19 of the Weights and Measures Act, relating to compensation of county and township officers in counties of the nineteenth class.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4248 of the Political Code is hereby repealed. Repeal.

SEC. 2. A new section is hereby added to the Political Code, to be numbered 4248 and to read as follows: New section

4248. In counties of the nineteenth class the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices the following salaries, and fees: Stanislaus County. Salaries.

SEC. 3. A new section is hereby added to the Political Code, to be numbered 4248a and to read as follows: New section

4248a. The county clerk shall receive a salary of three thousand dollars per annum, all fees of the clerk's office to be paid into the county treasury; provided, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of two thousand one hundred dollars per annum. One deputy clerk for each department of the superior court in this class of counties who shall receive a salary of one thousand six hundred eighty dollars each per annum, also one deputy clerk at a salary of one thousand six hundred eighty dollars per annum, and a deputy at a salary of one thousand two hundred dollars per annum; said salaries to be paid in equal monthly installments at the same time and out of the same fund as the salary of the county clerk. Clerk

He shall also be allowed deputies as needed for the purpose of registering electors, who shall be paid by the county not to exceed ten cents for each elector registered; except that any of such deputies as are required to work in the office shall receive not to exceed four dollars per day for the time so employed. All fees and commissions received by the county clerk shall be paid by him into the general fund of the county.

New section

SEC. 4. A new section is hereby added to the Political Code, to be numbered 4248b and to read as follows:

Sheriff

4248b. The sheriff, three thousand dollars per annum and fees for the service of papers or process coming from courts other than those of his own county; provided, that in counties of this class there shall be one undersheriff at two thousand one hundred dollars per annum to be paid in equal monthly installments; one chief criminal deputy sheriff at two thousand one hundred dollars per annum to be paid in equal monthly installments; three deputy sheriffs at one thousand seven hundred forty dollars per annum, one deputy sheriff to be designated a civil deputy at one thousand five hundred dollars per annum, one deputy sheriff at one thousand eighty dollars per annum. The sheriff may also with the consent of the superior judge, when necessary for the care of the jury, appoint a woman as deputy sheriff who shall be paid a per diem of three dollars and fifty cents when actually engaged in the performance of her duties. The sheriff may also employ a matron for the county jail, who shall be paid a per diem of three dollars and fifty cents for each day a female is imprisoned in the county jail.

New section

SEC. 5. A new section is hereby added to the Political Code, to be numbered 4248c and to read as follows:

Recorder.

4248c. The recorder, two thousand six hundred fifty dollars per annum and for his office the fees provided by law; provided, that in counties of this class there shall be one chief deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum; two deputies who shall each receive a salary of one thousand eighty dollars per annum, one deputy who shall receive a salary of five hundred forty dollars per annum for half time and such copyists as are necessary to perform the duties of the office, at a compensation of four cents per folio, the salaries of said recorder, deputies and copyists to be paid in equal monthly installments by the county.

New section

SEC. 6. A new section is hereby added to the Political Code, to be numbered 4248d and to read as follows:

Auditor

4248d. The auditor, two thousand six hundred dollars per annum; provided, that in counties of this class there shall be one chief deputy auditor who shall receive a salary of two thousand one hundred dollars per annum, and one deputy auditor who shall receive a salary of one thousand eighty dollars per annum. And one deputy auditor who shall receive a salary of one thousand eighty dollars per annum. The auditor shall also be allowed and may employ such additional

clerical and office help as may be absolutely necessary for the performance of his official duties, at a salary not to exceed four dollars per day, and not exceeding a total sum of four hundred dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the auditor is paid.

New section

SEC. 7. A new section is hereby added to the Political Code, to be numbered 4248e and to read as follows:

Treasurer.

4248e. The treasurer, one thousand five hundred dollars per annum.

New section.

SEC. 8. A new section is hereby added to the Political Code, to be numbered 4248f and to read as follows:

Tax collector.

4248f. The tax collector, one thousand five hundred dollars per annum; provided, that in counties of this class, there shall be one deputy tax collector who shall receive a salary of two thousand one hundred dollars per annum, to be paid in equal monthly installments at the same time and out of the same fund as the salary of the tax collector is paid; also provided, that in counties of this class there shall be one deputy tax collector for not exceeding seven months in each year at a salary of ninety dollars per month, and also one deputy tax collector for not exceeding five months in each year, ninety dollars per month, and also one deputy tax collector for not exceeding two months in each year at a salary of ninety dollars per month, said salaries to be paid at the times and in the manner and out of the same fund as the tax collector's salary is paid. The tax collector shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duties, at a salary not to exceed four dollars per day, and not exceeding a total sum of two hundred dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the tax collector is paid.

New section.

SEC. 9. A new section is hereby added to the Political Code, to be numbered 4248g and to read as follows:

Assessor.

4248g. The assessor, three thousand dollars per annum without any fees or commissions but with five cents per mile while on the official business of the county; provided, that in counties of this class there shall be allowed three deputies who shall be appointed by the assessor, one to receive a salary of two thousand one hundred dollars per annum, and one a salary of one thousand six hundred eighty dollars per annum, and one a salary of one thousand eighty dollars per annum to be paid in equal monthly installments, at the same time and in the same manner and out of the same funds as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all plats, maps and block books for the assessor's office. In counties of this class the assessor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duty at a salary

not to exceed four dollars per day each, and not exceeding a total sum of two thousand dollars per annum; such salaries to be paid at the times and in the manner and out of the same fund as the assessor's salary is paid. The assessor may employ field deputies as needed, the total compensation for which shall not exceed three thousand five hundred dollars in any one year. It is hereby found as a fact that the changes provided for in this section do not work an increase in the compensation of the assessor, and it is intended that the same shall apply immediately to the present incumbents.

New section

SEC. 10. A new section is hereby added to the Political Code, to be numbered 4248h and to read as follows:

District attorney.

4248h. The district attorney, three thousand dollars per annum; provided, that in counties of this class there shall be one deputy district attorney at a salary of two thousand one hundred dollars per annum, and one deputy district attorney at a salary of one thousand eight hundred dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of one thousand two hundred dollars per annum, to be paid in equal monthly installments by the county.

New section

SEC. 11. A new section is hereby added to the Political Code, to be numbered 4248i and to read as follows:

Coroner.

4248i. The coroner, such fees as are now or may hereafter be allowed by law.

New section.

SEC. 12. A new section is hereby added to the Political Code, to be numbered 4248j and to read as follows:

Public administrator

4248j. The public administrator, such fees as are now or may hereafter be allowed by law.

New section

SEC. 13. A new section is hereby added to the Political Code, to be numbered 4248k and to read as follows:

Superintendent of schools

4248k. The superintendent of schools, two thousand seven hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of one thousand dollars in any one year. The superintendent of schools shall be allowed one deputy, to be appointed by him, who shall receive a salary of one thousand five hundred dollars per annum; also one deputy, who shall receive a salary of one thousand eighty dollars per annum; said salaries of deputies to be paid in equal monthly installments, at the same time in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

New section

SEC. 14. A new section is hereby added to the Political Code, to be numbered 4248l and to read as follows:

Surveyor.

4248l. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy county surveyor at a salary of two thousand one hundred dollars per annum, and one deputy at a salary of one thousand eight hundred dollars per annum,

said deputies to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor, among other things, to make all necessary county and road maps, and all necessary plans said deputies to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor, among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; also, to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; provided, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of one thousand eighty dollars per annum, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury. In counties of this class, the surveyor shall be allowed and may employ such additional assistance as may be absolutely necessary for the performance of his official duties, except with regard to roads, at a salary not to exceed four dollars per day each and their actual and necessary expenses incurred in connection with field work, said salary not to exceed a total sum of eight hundred dollars, and to be paid at the times and in the manner and out of the same fund as the salary of the surveyor is paid.

New section

SEC. 15. A new section is hereby added to the Political Code, to be numbered 4248m and to read as follows:

Township classification.

4248m. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eleven thousand and less than fifteen thousand shall belong to and be known as townships of the one and one-half class; townships having a population of eight thousand and less than eleven

thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; provided, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

New section

SEC. 16. A new section is hereby added to the Political Code, to be numbered 4248n and to read as follows:

Justices of the peace

4248n. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them, to wit: In townships of the first class, one hundred seventy-five dollars per month; provided, in townships of this class the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township and shall hold office during the pleasure of said justice of the peace. He shall have authority to receive and file all pleadings and other papers to be filed; sign and issue summons and process, including writs of attachment and execution; enter satisfaction of judgments; issue transcripts and abstracts thereof and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court.

The clerk shall be in attendance on the court in the court room of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. of each day.

Such clerks shall receive a salary of one hundred dollars per month, payable monthly in the same manner as salaries of county officers are paid.

In townships of the one and one-half class, one hundred fifty dollars per month; in townships of the second class, one hundred dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m., until five o'clock p.m. and justices of the peace of the one and one-half class are required to keep their offices open from nine o'clock a.m., until 12 m., and from one o'clock p.m., until 5 o'clock p.m., daily, legal holidays excepted. In townships of the first, one and one-half, second and third classes the board of supervisors shall furnish adequate office room; in all other townships all justices shall be allowed not to exceed five dollars per month for office rent.

SEC. 17. A new section is hereby added to the Political Code, to be numbered 4248o and to read as follows: New section.

4248o. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars; in townships of the one and one-half class, one hundred dollars; in townships of the second class, one hundred dollars; in townships of the third class, eighty dollars; in townships of the fourth class, sixty dollars; in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; provided, further, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents. Constables.

SEC. 18. A new section is hereby added to the Political Code, to be numbered 4248p and to read as follows: New section

4248p. The members of the board of supervisors shall receive a salary of two thousand one hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; provided, that only one mileage at any one session of the board shall be allowed. Said salaries shall be paid in equal monthly installments and out of the same funds as other county officials are paid. Said supervisors shall act as road commissioners in their respective districts. It is hereby found as a fact that the changes herein provided for do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Supervisors.

SEC. 19. A new section is hereby added to the Political Code, to be numbered 4248q and to read as follows: New section

4248q. The librarian shall receive one thousand seven hundred dollars per annum; provided, that when the county librarian also acts as city librarian that he may receive additional compensation from said city for which he acts as city librarian. Librarian

SEC. 20. A new section is hereby added to the Political Code, to be numbered 4248r and to read as follows: New section.

4248r. Jurors in a county of this class, both grand and trial jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile from their residence to the county seat the sum of ten Jurors.

cents per mile, such mileage to be allowed for each day such jurors are required to and do attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the auditor, unless otherwise specifically ordered, shall draw said warrants on the first and fifteenth days of each and every month, and the treasurer shall pay the same.

New section.

SEC. 21. A new section is hereby added to the Political Code, to be numbered 4248t and to read as follows:

Agricultural commissioner.

4248t. The agricultural commissioner shall receive a salary of two thousand seven hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Five inspectors at a salary of one hundred twenty-five dollars per month.

(b) Inspectors as needed at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any one year for all such inspectors shall not exceed two thousand five hundred dollars.

(c) One clerk at a monthly salary of ninety dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk, shall not exceed one thousand eighty dollars.

New section

SEC. 22. A new section is hereby added to the Political Code, to be numbered 4248u and to read as follows:

Probation officer.

4248u. One probation officer whose salary shall be two hundred fifteen dollars a month, one assistant probation officer whose salary shall be one hundred thirty-seven dollars fifty cents per month, and an additional assistant probation officer, on a part time basis, whose salary shall be seventy-five dollars per month.

New section

SEC. 23. A new section is hereby added to the Political Code, to be numbered 4248v and to read as follows:

Sealer.

4248v. The sealer of weights and measures shall receive a salary of one hundred seventy-five dollars per month and a deputy as needed shall receive four dollars per day for each day actually employed, but the aggregate amount which may be expended in any one year for such deputy shall not exceed seven hundred dollars.

Repeals

SEC. 24. The following sections are hereby repealed

Section 2322x19 of the Political Code.

Section 19x19 of the Juvenile Court Law.

Section 16x19 of the Weights and Measures Act.

Effect

SEC. 25. This act shall go into effect on the ninety-first day after the adjournment of the Legislature in its fiftieth session, immediately and apply to all present incumbents, except as herein expressly provided and excepted

CHAPTER 642.

An act to amend section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale; and to add a new section to the Civil Code to be numbered 2924b, relating to giving of notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale; and to add a new section to the Civil Code numbered 2924c, relating to reinstatement of loans when due date of principal sum has been accelerated; and to add a new section to the Code of Civil Procedure to be numbered 580a, limiting amount of deficiency judgments and the time within which actions therefor may be commenced; and to add a new section to the Code of Civil Procedure to be numbered 580b prohibiting deficiency judgments on purchase money mortgages and deeds of trust; and to add a new section to the Code of Civil Procedure to be numbered 580c limiting the trustee's or attorney's fees which a mortgagor or trustor may be required to pay; and to add a new section to the Code of Civil Procedure to be numbered 725a permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage; and to add a new section to the Civil Code to be numbered 2924½, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2924 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1605

2924. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge. Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a security, such power shall not be exercised except where such mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record, or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or is made by a public utility subject to the provisions

Transfer, when mortgage, when pledge

Power of sale, when to be exercised

of the Public Utilities Act, until (a) the trustee, mortgagee, or beneficiary, shall first file for record, in the office of the recorder of each county wherein the mortgaged or trust property or some part or parcel thereof is situated, a notice of default, identifying the mortgage or deed of trust by stating the name or names of the trustor or trustors and giving the book and page where the same is recorded or a description of the mortgaged or trust property and containing a statement that a breach of the obligation for which such mortgage or transfer in trust is security has occurred, and setting forth the nature of such breach and of his election to sell or cause to be sold such property to satisfy the obligation; (b) not less than three months shall thereafter elapse; and (c) the mortgagee, trustee or other person authorized to make the sale shall give notice of sale, stating the time and place thereof, in the manner and for a time not less than that required by law for sales of real property upon execution.

New section.

SEC. 2. A new section is hereby added to the Civil Code to be numbered 2924b and to read as follows:

Notice of default, request

2924b. Any person desiring a copy of any notice of default and of any notice of sale under any deed of trust or mortgage with power of sale upon real property, as to which deed of trust or mortgage the power of sale can not be exercised until such notices are given for the time and in the manner provided in section 2924 of this code may, at any time subsequent to recordation or registration of such deed of trust or mortgage and prior to recordation of notice of default thereunder, cause to be filed for record in the office of the recorder of any county in which any part or parcel of the real property is situated, a duly acknowledged request for a copy of any such notice of default and of sale. This request shall set forth the name and address of the person requesting copies of such notices, shall identify the deed of trust or mortgage by stating the names of the parties thereto, the date of recordation or registration thereof and the book and page where the same is recorded or the recorder's or registrar's serial number and shall be in substantially the following form:

Form of request

"In accordance with section 2924b, Civil Code, request is hereby made that a copy of any notice of default and a copy of any notice of sale under the deed of trust (or mortgage) recorded _____ 19__ in Book _____ page _____ records of _____ County, (or filed for record with recorder's serial number _____, or registered under registrar's number _____, _____ County) California, executed by _____ as trustor (or mortgagor) in which _____ is named as beneficiary (or mortgagee) and _____ as trustee be mailed to _____ at _____.
Name Address

Signature _____"

Marginal entry.

Immediately upon the filing for record of such request, the recorder shall enter upon the margin of the record of the deed

of trust or mortgage therein referred to a reference to the place where such request is recorded, which reference shall be substantially in the following form:

"Request recorded in book ------ page ------ of ------ for copy of notice of default and sale."

Notice

The mortgagee, trustee or other person authorized to record the notice of default, shall within ten days following recordation of such notice of default deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of such notice with the recording date shown thereon, addressed to each person whose name and address are set forth in a duly recorded request therefor, and a reference to which request has, prior to recordation of said notice of default, been entered on the margin of the record of the deed of trust or mortgage, directed to the address designated in said request, and at least twenty days before date of sale the mortgagee, trustee or other person authorized to make the sale shall deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of the notice of time and place of sale, addressed to each person whose name and address are set forth in a request therefor recorded, within the time herein provided, a reference to which request has been entered upon the record as above provided at the address set forth in such request.

Request for notice in instrument.

Any deed of trust or mortgage with power of sale hereafter executed upon real property may contain a request that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to any person a party thereto at the address of such person given therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as herein authorized.

Recital of compliance.

A recital in the deed executed pursuant to the power of sale of compliance with all requirements of law regarding the mailing of copies of notices for which requests have been recorded shall constitute prima facie evidence of compliance therewith and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value and without notice.

No request for copy of any notice filed for record pursuant to this section nor any statement or allegation in any such request nor any record thereof shall affect the title to real property or be deemed notice to any person that any person requesting copies of notice has or claims any right, title or interest in, or lien or charge upon the property described in the deed of trust or mortgage referred to therein.

New section

SEC. 3. A new section is hereby added to the Civil Code to be numbered 2924c and to read as follows:

Reinstatement of deed of trust or mortgage.

2924c. Whenever all or a portion of the principal sum of any obligation secured by deed of trust or mortgage

on real property hereafter executed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of default in payment of interest or of any installment of principal, or by reason of failure of trustor or mortgagor to pay, in accordance with the terms of such obligation or of such deed of trust or mortgage, taxes, assessments, premiums for insurance or advances made by beneficiary or mortgagee in accordance with the terms of such obligation or of such deed of trust or mortgage, the trustor or mortgagor or his successor in interest in the mortgaged or trust property at any time within three months of the recording of the notice of default under such deed of trust or mortgage, if the power of sale therein is to be exercised, or, otherwise at any time prior to entry of the decree of foreclosure, may pay to the beneficiary or the mortgagee or their successors in interest, respectively, the entire amount then due under the terms of such deed of trust or mortgage and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation, deed of trust or mortgage, and trustee's or attorney's fees actually incurred not exceeding fifty dollars in case of a mortgage and twenty-five dollars in case of a deed of trust) other than such portion of principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust or mortgage shall be reinstated and shall be and remain in force and effect, the same as if no such acceleration had occurred. The provisions of this section shall not apply to bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by a public utility subject to the provisions of the Public Utilities Act.

Bonds, etc., excepted.

New section.

SEC. 4. A new section is hereby added to the Code of Civil Procedure to be numbered 580a and to read as follows:

Complaint in action for deficiency judgment.

580a. Whenever a money judgment is sought for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, the plaintiff shall set forth in his complaint the entire amount of the indebtedness which was secured by said deed of trust or mortgage at the time of sale, the amount for which such real property or interest therein was sold and the fair market value thereof at the date of sale and the date of such sale.

Appraisal.

Upon the application of either party made at least ten days before the time of trial the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax appraisers provided for by law to appraise the property or the interest therein sold as of the time of sale. Such appraiser shall file his appraisal with the clerk and the same shall be admissible in evidence. Such appraiser shall take and subscribe an oath to be attached to the appraisal that

he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any appraiser so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation of such appraiser, not to exceed five dollars per day, and expenses for the time actually engaged in such appraisal, which may be taxed and allowed in like manner as other costs. Before rendering any judgment the court shall find the fair market value of the real property, or interest therein sold, at the time of sale. The court may render judgment for not more than the amount by which the entire amount of the indebtedness due at the time of sale exceeded the fair market value of the real property or interest therein sold at the time of sale with interest thereon from the date of the sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest after the date of sale, exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said deed of trust or mortgage. Any such action must be brought within three months of the time of sale under such deed of trust or mortgage. No judgment shall be rendered in any such action until the real property or interest therein has first been sold pursuant to the terms of such deed of trust or mortgage, unless such real property or interest therein has become valueless.

Deficiency judgment.

Limitation of actions.

SEC. 5. A new section is hereby added to the Code of Civil Procedure to be known as 580b and to read as follows:

New section

580b. No deficiency judgment shall lie in any event after any sale under a deed of trust or mortgage given to secure payment of the balance of the purchase price of real property.

Deficiency judgment prohibited.

SEC. 6. A new section is hereby added to the Code of Civil Procedure to be known as 580c and to read as follows:

New section.

580c. In all cases where existing deeds of trust or mortgages are foreclosed under the power of sale contained in said instruments, unless a different amount is set up in said mortgage or deed of trust, and in all cases of mortgages and deeds of trust executed after this act takes effect, the mortgagor or trustor may be required to pay only such amount as trustee's or attorney's fees for conducting the sale as the court may find reasonable and also the actual cost of publishing, recording, mailing and posting notices and procuring evidence of title.

Foreclosure of existing instruments.

SEC. 7. A new section is hereby added to the Code of Civil Procedure to be numbered section 725a and to read as follows:

New section

725a. The beneficiary or the trustee named in a deed of trust upon real property or any interest therein to secure a debt or other obligation, shall have the right to bring suit to foreclose the same in the manner and subject to the provisions, rights and remedies relating to the foreclosure of a mortgage upon such property.

Foreclosure of trust deed

New section

SEC. 8. A new section to be numbered section 2924½ is hereby added to the Civil Code, to read as follows:

Deficiency judgments, limitations on.

2924½. No judgment shall be rendered for the balance due upon any obligation which was secured by a deed of trust or mortgage with power of sale upon real property following the exercise of such power of sale, if exercised at any time between the effective date of this act and September 1, 1935, unless it shall affirmatively appear that the notice of breach and election to sell provided for in section 2924 of the Civil Code, pursuant to which such sale was held, was recorded at least one year before the date of such sale. This act and the provisions of this section shall be effective to and until September 1, 1936.

Constitutionality

SEC. 9. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 643.

An act to add a new section to the Political Code to be numbered 4056d, relating to powers and duties of board of supervisors with respect to county and township officers, deputies, assistants and employees.

[Approved by the Governor June 2, 1933. In effect June 27, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 4056d and to read as follows:

Board of supervisors to regulate compensation

4056d. The board of supervisors of each county shall have the power and it shall be the duty of such board to regulate the compensation of all county or township officers, including justices of inferior courts other than the board of supervisors, the district attorney, the auditor, and the judges of municipal courts, and to regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants and employees of the county.

Existing provisions applicable.

Except so far as they apply to boards of supervisors, district attorneys, grand and trial jurors, and auditors, all laws or parts of laws now in force establishing, regulating or otherwise affecting the salaries or compensation of county officers, and all laws or parts of laws now in force establishing, regulating or otherwise affecting the number, method of appointment, except as hereinafter provided terms of office or employment,

and salaries or compensation of deputies, assistants and employees of the counties, are hereby continued in force and effect solely as ordinances of the respective counties to which they relate, and may be superseded, modified or otherwise affected by ordinances hereafter adopted in the respective counties and subject to the rights of initiative, referendum and recall as reserved to the electors of such counties.

Power of Legislature unabridged.

This section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or any deputy or assistant, or to prescribe the method of appointment of any person so qualified, and shall not govern or otherwise affect any existing provisions of law relating to the qualification and method of appointment of any such officer, deputy or assistant.

Time of taking effect

SEC. 2. This act shall take effect upon the adoption by the people of the State of California of an amendment to the Constitution of said State validating this act and making it fully and completely effective.

CHAPTER 644.

An act to add a new section to the Political Code to be numbered 661½, relating to the powers of the State Board of Control.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 661½ and to read as follows:

Revolving funds.

661½. The State Board of Control may authorize any State officer, board, commission or department for whom any appropriation is made by law, to withdraw, without at the time furnishing vouchers or itemized statements, from the appropriation available to such officer, board, commission or department, an amount not to exceed five per cent of the total amount appropriated; provided, however, that the total amount withdrawn under the provisions of this section shall not exceed five thousand dollars. Any sums withdrawn under the provisions of this section shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium or at any other time, upon the demand of the board, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

CHAPTER 645.

Stats 1929, p. 1427, amended

An act to amend the title and sections 4 and 6 of, and to add sections 2a and 7 to, an act entitled "An act creating a commission to codify, consolidate, revise or compile the Statutes of California and to report thereon to the Legislature at the fiftieth session thereof and making an appropriation therefor," approved June 10, 1929, defining the powers and duties of the California Code Commission, directing a report to the fifty-first session of the Legislature, making an appropriation therefor and authorizing State departments, boards, bureaus and commissions to contract with the commission for the revision of certain laws.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1927.

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

Title amended

An act creating a commission to codify, consolidate, revise or compile the Statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws.

New section

SEC. 2. A new section is hereby added to said act to be numbered 2a. and to read as follows:

Contracts with State departments, etc

Sec. 2a. Any State department, board, bureau or commission may enter into a contract with the commission for the purpose of securing the preparation of a revision of any existing California law or group of laws, independent of the general revision of all of the laws of this State directed under the provisions of section 2 of this act. Such independent revision of any law or laws shall be prepared in the same manner as is provided in this act for the general revision, and shall be so prepared as to form a part of the plan of general revision adopted and pursued by the commission

Cost of revision of laws

The cost of any revision prepared pursuant to a contract entered into under the provisions of this section shall be defrayed entirely from the appropriation made for the use or support of the department, board, bureau or commission contracting for such revision work, and any department, board, bureau or commission desiring to so contract is authorized to use any part of such appropriation for this purpose. Such cost shall in no event exceed the actual necessary expenses incurred in the preparation of such revision. None of the money appropriated by section 7 of this act shall be used to defray the cost of preparing any revision pursuant to contract, as in this section provided.

Stats. 1931, p. 1927

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Sec. 4. The commission shall submit its report, including its recommendations as to revision of the laws in bill form, to the Governor and the Legislature at the fifty-first session of the Legislature, and shall distribute the report to the Governor, the members of the Legislature, and the heads of all departments of the State. Said report shall be accompanied by exhibits of various changes, modifications, improvements, and suggest enactments prepared or proposed by it with a full and accurate index thereto. Report.

SEC. 4. Section 6 of said act is hereby amended to read as follows: Stats 1931, p. 1927.

Sec. 6. The Legislative Counsel shall be the secretary of the commission and the commission shall have power to employ and fix the compensation of such clerical and other assistants as may be necessary. Secretary and assistants

SEC. 5. Section 7 is hereby added to said act to read as follows: New section.

Sec. 7. Out of the moneys in the State treasury the sum of twenty-five thousand five hundred dollars is hereby appropriated to be expended in accordance with law in carrying out the provisions of this act. Said sum of twenty-five thousand five hundred dollars is appropriated out of and payable from certain moneys and funds, as follows: Appropriation California Code Commission

Out of the Department of Agriculture fund three thousand five hundred dollars; out of the fish and game preservation fund four thousand dollars; out of the motor vehicle fund six thousand dollars; out of the insurance fund two thousand dollars, and the remainder, ten thousand dollars, out of moneys in the general fund not otherwise appropriated. The commission is also authorized to accept donations of money for use in carrying out the provisions of this act.

CHAPTER 646.

An act to amend section 476 of the Penal Code, relating to fictitious bills, notes and instruments.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 476 of the Penal Code is hereby amended to read as follows: Pen. Code 1872.

476. Every person who makes, passes, utters, or publishes, with intention to defraud any other person, or who, with the like intention, attempts to pass, utter, or publish, or who has in his possession, with like intent to utter, pass, or publish, any fictitious bill, note, or check, purporting to be the bill, note, or check, or other instrument in writing for the payment of money or property of some bank, corporation, copartnership, or individual, when, in fact, there is no such bank, Fictitious instruments.

corporation, copartnership, or individual in existence, knowing the bill, note, check, or instrument in writing to be fictitious, is punishable by imprisonment in the county jail for not more than one year, or in the State prison for not more than fourteen years.

Penalty.

CHAPTER 647.

An act to amend section 269b of the Penal Code, relating to adultery.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats 1911, p. 426

SECTION 1. Section 239b of the Penal Code is hereby amended to read as follows:

Adultery

269b. If two persons, each being married to another, live together in a state of cohabitation and adultery, each is guilty of a misdemeanor. A recorded certificate of marriage or a certified copy thereof, there being no interlocutory decree of divorce, proves the marriage of a person for the purpose of this section.

CHAPTER 648.

An act to amend section 801 of the Penal Code, relating to limitation of one year in misdemeanors.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Code Amdts 1880, p. 10.

SECTION 1. Section 801 of the Penal Code is hereby amended to read as follows:

Limitation of one year in misdemeanors

801. An indictment for any misdemeanor must be found or an information or complaint filed within one year after its commission.

CHAPTER 649.

An act to amend section 1197 of the Political Code, relating to election ballots.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1929

SECTION 1. Section 1197 of the Political Code is hereby amended to read as follows:

1197. 1. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth. One form of ballot

2. The order in which the list of offices shall appear on the ballot shall, as to State offices and district offices, when the district includes more than one county, be determined by the Secretary of State, and shall as nearly as may be practicable be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk. Order of list of officers

The order in which the list of candidates for any office shall appear upon the ballot shall be determined as follows: Determination of order.

(a) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; provided, however, that the names of candidates for the office of electors for President and Vice President shall be arranged in groups as presented in the several certificates of nomination, and the Secretary of State shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for President and Vice President, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (+) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "a cross (+) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed Provisions re form of ballot

in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group." At the top of each group of electors shall be placed the following: "_____Electors. The Presidential nominee of the _____party is_____and the Vice Presidential nominee is_____."

(insert name)

(insert name)

Officers voted for in more than one county.

If the office is that of representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Certifying list to county clerk

In certifying to each county clerk or registrar of voters the list of names as required in section 23 of the primary election law, the Secretary of State shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters

County officers

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in Congress or State Senator or Assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; provided, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged

(c) If the office is that of State Senator or Assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order. State Senator or Assemblyman.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order. Municipal officers

If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "Independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; provided, however, that in the case of judicial officers and school officers the word "Independent" shall be omitted.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the Secretary of State. The Attorney General shall provide and return to the Secretary of State a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; provided, however, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section 1 of article four of the Constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may at any time prior to one hundred thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the Secretary of State, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The Secretary of State shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the Attorney General. Within ten days after the same is filed with him, said Attorney General shall provide and return to the Secretary of State a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the Attorney General shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the Attorney General, the Secretary

Order of propositions, etc.

Ballot title

Statement of purposes.

of State shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the Attorney General has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the Attorney General.

Objections

Any person who is dissatisfied with the ballot title prepared by the Attorney General for any such question, proposition, proposed law or constitutional amendment may, after the same has been returned to the Secretary of State, as herein before provided, and within ten days after said notice shall have been mailed by the Secretary of State, as above provided, file in writing with the Secretary of State his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the Attorney General and the said objections thereto, with the Board of Title Commissioners, which board shall consist of the three justices of the District Court of Appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said Board of Title Commissioners shall proceed to consider the said title prepared by the Attorney General and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the Secretary of State within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the Secretary of State by the said Attorney General, or in case a different title has been prepared, certified and filed by the said Board of Title Commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

Board of title commissioners

Size of ballot.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be three inches in width, and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be elected to such office, such designation of

Headings.

the office and of the number of candidates to be voted for shall be printed in heavy-faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight-point roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight-point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated, the first political party so designated being the party with which such candidate was affiliated thirty-five days before the date of the primary election, as ascertained by the Secretary of State from the affidavit of registration of such candidate in the office of the county clerk in the county in which such candidate resides; provided, that when a candidate has been nominated by petition, the word "Independent," shall be printed to the right of his name, and provided also, that as to candidates for judicial offices, and school offices the designation of the political party or parties, or the word "Independent," if there be an independent candidate, shall be omitted. The name of the candidate and the designation of the political party or parties by which he has been nominated shall be printed in a space three-eighths of an inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof three-eighths of an inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (+) therein and after the name of the candidate, his choice of particular candidates.

Names of candidates

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the lists of candidates for other offices by a double rule, above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "Legislative," "County," or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three-point line.

Additional designations.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

a. Words designating the city, county, district or State office which the candidate then holds.

b. If the candidate be a candidate for the same office which he then holds, the word "incumbent."

c. The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of such candidate; provided, however, the word "incumbent" shall be used only under subsection b herein.

In all cases words so used shall be printed in eight-point roman bold-face capitals and lower-case type.

Borders.

6. The left-hand side of each column of names on the ballot, and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide. The ballot shall be so printed as to give each voter a clear opportunity to designate, by stamping a cross (+) in a blank enclosed space hereinbefore designated as the voting square on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision 2 of this section. The binding or stitching of each package of ballots shall be on the left side thereof. The ballot shall be printed on the same leaf with a stub not over one and one-half inches in width and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left-hand side of the ballot, and above this number shall be printed in parenthesis, in small type, as follows: (This number is to be torn off by inspector); and one-half inch to the right of this ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type at least twelve point in size, and enclosed in a parenthesis, the following, ("Fold ballot to this perforated line, leaving top margin exposed)." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type at least twelve point in size, and, with the four middle words underlined or otherwise made prominent, the following: "MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed immediately

Form of ballot.

below the perforated line along the top of the ballot, and above the instructions to voters, the words in capital type at least twelve point in size the words "GENERAL TICKET," followed by the respective number of the congressional, senatorial, and assembly district in which the ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of city and county offices, and also all ballots printed by the clerk, registrar of voters, or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner below the perforated line the words "MUNICIPAL TICKET." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

Ballots of same size, color, etc.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

Term of office, when printed.

8. If two or more officers are to be elected for the same office for different terms, the terms for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "Full Term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "Short Term" printed immediately thereafter.

Propositions column

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column, or columns of sufficient width, with voting squares, in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as herein provided for, and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (+) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (+) after the printed word "No," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot the following directions shall be printed:

INSTRUCTIONS TO VOTERS.

Instructions to voters.

To vote for a candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose.

To vote on any question, proposition or constitutional amendment, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: "To vote for all or a group of persons, stamp a cross (+) in the square opposite such group," this instruction appearing immediately before the words: "To vote for a person not on the ballot."

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

10. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

Form of ballot

3347

3347

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL

(Fold Ballot to this Perforated Line, leaving Top Margin exposed)

GENERAL TICKET—7TH CONGRESSIONAL, 38TH SENATORIAL, 72ND ASSEMBLY DISTRICT

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection stamp a cross (+) in the voting square next to the right of the name of such candidate Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose To vote on any question, proposition or constitutional amendment, stamp a cross (+) in the voting square after the word "Yes" or after the word "No" All marks except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another

STATE

Governor — Vote for One

- JOHN C. KELLY, Republican, Incumbent
- THOMAS G. ADAMS, Democrat, State Lieutenant Governor
- FRANK K. BROWN, Prohibition

Lieutenant Governor — Vote for One

- L. G. STEVENS, Republican, Prohibition, State Senator
- H. DEAN, Democrat, Socialist, Legislative Counsel
- N. DUFFY, People's Party

Chief Justice of the Supreme Court — Vote for One

- JOHN LAW, Incumbent
- HENRY McBRIDE, Superior Judge

Associate Justices of the Supreme Court — Vote for Two

- ARTHUR COREY, Incumbent
- JOHN WHITE, Incumbent

Secretary of State — Vote for One

- CLINTON STOLZ, Democrat, Republican, Attorney
- ARCH DENNY, Socialist, Incumbent
- CLAUDE PIERSON, Labor Party

Controller — Vote for One

- HENRY SIMPSON, Democrat
- TOMAS JONES, Socialist, Republican
- JOHN MADISON, People's Party

Treasurer — Vote for One

- EDGAR ALLEN, Prohibition, Dentist
- FREDERICK LUKENS, Republican, Democrat, Incumbent

Attorney General — Vote for One

- J. T. WILLIAMS, Republican, Democrat, Prohibition, Superior Judge
- JOHN MASTERS, Socialist, Incumbent

Surveyor General — Vote for One

- HENRY SULLIVAN, Democrat, Incumbent
- JOHN BENSON, Republican
- WILLIAM FULLER, Prohibition

Superintendent of Public Instruction — Vote for One

- C. C. THOMPSON, Incumbent
- I. W. HASON
- A. L. SMITH

Member State Board of Equalization, Fourth District — Vote for One

- FRANK MATTHEWS, Republican
- JAMES HANDLEY, Democrat
- FRANK MARK, Socialist, Prohibition

CONGRESSIONAL

United States Senator — Vote for One

- JOHN McCULLOUGH, Republican, Prohibition, Incumbent
- T. H. BERKHART, Democrat, U. S. Representative
- A. L. CURTIS, Socialist

Representative in Congress, Seventh Congressional District — Vote for One

- ALLAN WHITE, Republican, Incumbent
- GEORGE MURRAY, Democrat
- EDGAR SHANNON, Prohibition

LEGISLATIVE

Senator, Thirty-eighth Senatorial District — Vote for One

- H. G. CHAPIN, Democrat, Prohibition, Incumbent
- C. S. COLBY, Socialist
- T. K. JONES, Republican, Physician

Member of the Assembly, Seventy-second District — Vote for One

- T. J. KEER, Republican, Prohibition, Incumbent
- A. K. SPAULDING, Democrat, Laborer

COUNTY

Judges of the Superior Court — Vote for Two

- LUCIEN EARLE, Incumbent
- SILAS MACKEY, Incumbent

Sheriff — Vote for One

- M. C. CONNELLY, Incumbent
- L. MIND, Democrat

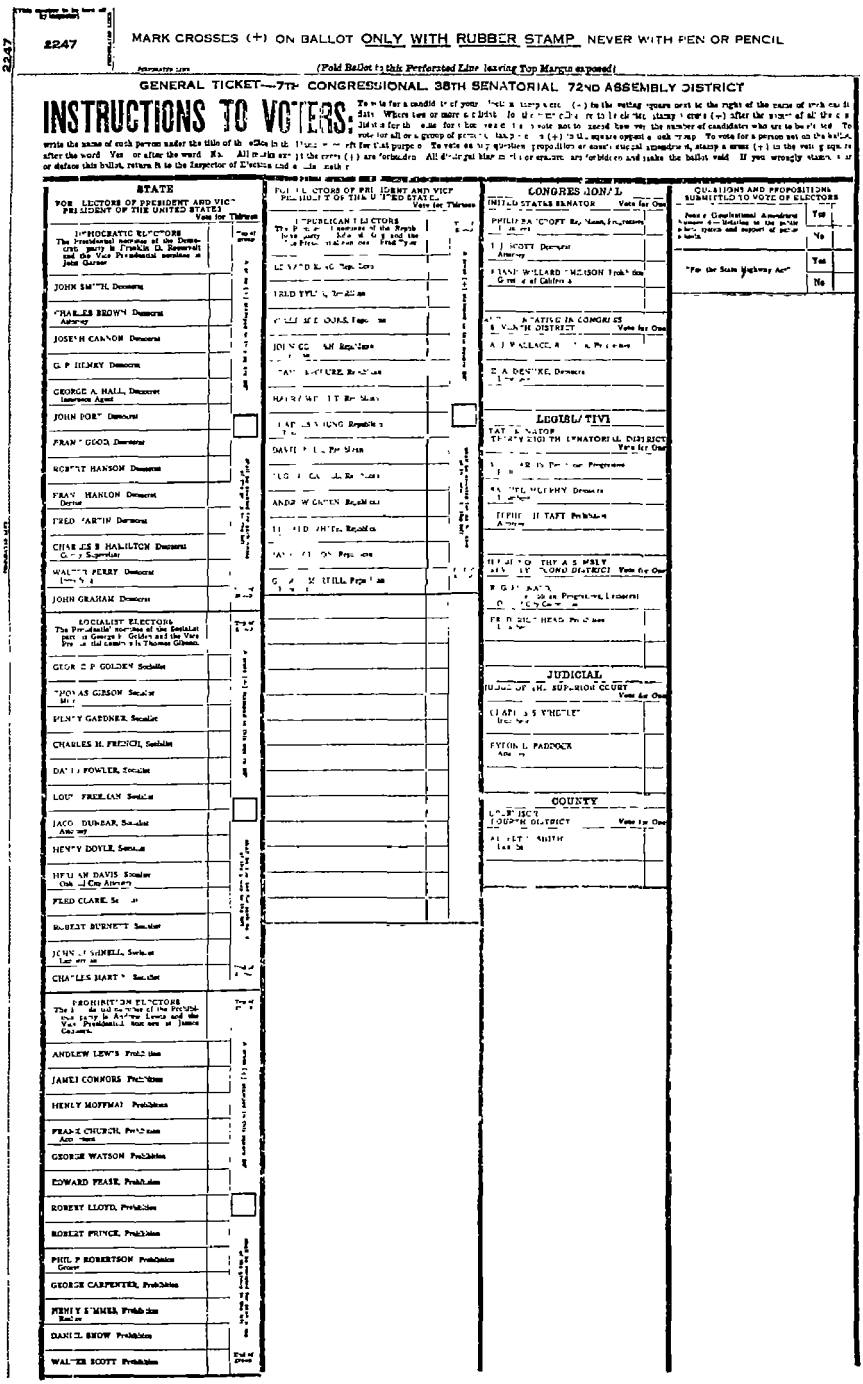
Senate Constitutional Amendment Number 1—Relating to the public school system and support of public schools.

- Yes
- No

"For the State Highway Act"

- Yes
- No

Form of ballot.



CHAPTER 650.

An act to amend section 1381 of the Penal Code, relating to the time of trial of prisoners on charge other than that for which imprisoned.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1381 of the Penal Code is hereby amended to read as follows: Stats 1931, p. 1060.

1381. Whenever a defendant has been convicted, in any court of this State, of the commission of a felony or indictable misdemeanor and has been sentenced to and has entered upon a term of imprisonment in a State prison and at the time of the entry upon such term of imprisonment there is pending, in any court of this State, any other indictment, information, or complaint charging the defendant with the commission of any crime it is hereby made mandatory upon the district attorney of the county in which such charge is pending to bring the same to trial within ninety days after such defendant shall have delivered to said district attorney written notice of the place of his imprisonment and his desire to be brought to trial upon said charge unless a continuance beyond said ninety days is requested or consented to by the defendant, in open court, and such request or consent entered upon the minutes of the court in which event the ninety day period herein provided for shall commence to run anew from the date to which such consent or request continued the trial. In the event such action is not brought to trial within the ninety days as herein provided the court in which such charge is pending must, on motion or suggestion of the district attorney, or of the defendant or his counsel, or of the State Board of Prison Directors, or on its own motion, dismiss such charge. If a charge is filed against a person during the time such person is serving a sentence in any State prison of this State it is hereby made mandatory upon the district attorney of the county in which such charge is filed to bring the same to trial within ninety days after said person shall have delivered to said district attorney written notice of the place of his imprisonment and his desire to be brought to trial upon said charge, unless a continuance is requested or consented to by the defendant, in open court, and such request or consent entered upon the minutes of the court, in which event the ninety day period herein provided for shall commence to run anew from the date to which such request or consent continued the trial. In the event such action is not brought to trial within the ninety days as herein provided the court in which such action is pending must, on motion or suggestion of the district attorney, or of the defendant or his counsel, or of the State Board of Prison Directors, or on its own motion, dismiss such charge.

Charge against defendant at time of imprisonment on another charge

Time for trial

Dismissal of indictment or information

Charge against one serving sentence in State prison

Dismissal of charge

CHAPTER 651.

An act to amend sections 6.740 and 6.771 of the School Code, relating to the use of school buildings or grounds.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Sch. C. p. 301.

SECTION 1. Section 6.740 of the School Code is hereby amended to read as follows:

Use of school buildings or grounds.

6.740. Boards of school trustees and city boards of education are hereby authorized to grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest upon such terms and conditions as said board may deem proper, and subject to the limitations, requirements, and restrictions set forth in this chapter.

Sch. C. p. 302.

SEC. 2. Section 6.771 of the School Code is hereby amended to read as follows:

Charge made for use

6.771. In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of such admission fees or contributions are not expended for the welfare of the pupils of the district or for charitable purposes a charge must be made for the use of said schoolhouses, property and grounds.

CHAPTER 652.

Stats. 1881, p. 26, amended.

An act to amend section 24½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purposes, and to create a board of fire commissioners," approved March 4, 1881, relating to inclusion of outlying territory within the fire limits of unincorporated towns and villages.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1013.

SECTION 1. Section 24½ of the act cited in the title hereof is hereby amended to read as follows:

Procedure to include territory within fire limits of unincorporated towns.

Sec. 24½. Territory contiguous to any unincorporated town or village and being in the same county as such town or village may be included in the fire limits thereof in the manner following: A petition signed by the owners of real property in such contiguous territory, which real property represents at least twenty-five per cent of the total assessed valuation of said contiguous territory, as shown by the last equalized assessment book of the county in which such town or village is located,

designating specifically the boundaries of such contiguous territory and the assessed valuation thereof, as shown by such last equalized assessment book, and showing the amount of real property owned by each of the petitioners and the assessed valuation thereof, as shown by the last equalized assessment book of the county in which said real property is situated, and stating that such territory is not within the fire limits of any other unincorporated town or village, and asking that such territory be included in the fire limits of such unincorporated town or village, which said petition shall also be signed by the board of fire commissioners of such unincorporated town or village, shall be presented to the board of supervisors of the county, in which such unincorporated town or village is located. The petition must be verified by the affidavit of one of the petitioners and must be published at least two weeks preceding the hearing thereof, by the board of supervisors, in a newspaper of general circulation published in the county in which the unincorporated town or village is located, together with a notice stating the time when such petition will be presented to the board of supervisors and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear the petition, and any person interested therein and may adjourn such hearing from time to time. Upon the hearing of the petition the board of supervisors shall have the power to determine whether or not it is for the best interests of such unincorporated town or village and of such contiguous territory that said territory be included in the fire limits of such town or village and such board of supervisors shall have the power to modify the boundaries of such contiguous territory proposed to be included in the fire limits of the unincorporated town or village as set forth in the petition; provided, however, that the board of supervisors shall not modify the boundaries of such contiguous territory proposed to be included in the unincorporated town or village as set forth in said petition so as to exclude therefrom any real property which will be benefited by inclusion in the fire limits of such unincorporated town or village, nor shall any real property which will not in the judgment of the board of fire commissioners, be benefited by inclusion in the fire limits of such unincorporated town or village, be included within the boundaries of the territory proposed to be included; provided, however, that the board of supervisors of said county shall not include within the fire limits of the unincorporated town or village any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owners thereof file objections to the inclusion of any such land within a district with said board. If the board of supervisors upon final hearing shall determine that it is for the best interests of such unincorporated town or village and the territory proposed to be included therein that such territory be included, it shall make an order including such contiguous territory within the fire limits of the unincorporated

Verified petition

Hearing.

Order including territory.

town or village which order shall describe the exterior boundaries of such contiguous territory.

CHAPTER 653.

An act to amend section 2322x34 of the Political Code, relating to the office of the agricultural commissioner in counties of the thirty-fourth class.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats 1931, p 412.

SECTION 1. Section 2322x34 of the Political Code is hereby amended to read as follows:

Napa County Agricultural commissioner

2322x34. In counties of the thirty-fourth class, the commissioner shall receive a salary of two thousand one hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of four dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of seventy-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars per year.

CHAPTER 654.

An act to amend section 737u of the Political Code, relating to the salary of the superior judge in and for the county of Marin.

[Approved by the Governor June 2, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1503.

SECTION 1. Section 737u of the Political Code is hereby amended to read as follows:

Superior judge Marin County

737u. The annual salary of the judge of the superior court in and for the county of Marin is seven thousand five hundred dollars.

CHAPTER 655.

An act to amend sections 4254b, 4254c, 4254d, 4254e, 4254f, 4254g, 4254k, 4254m and 4254r, and to add section 4254t to the Political Code, relating to compensation of county and township officers in counties of the twenty-fifth class.

[Approved by the Governor June 2, 1933 In effect August 21, 1933]

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

SECTION 1. Section 4254b of the Political Code is hereby amended to read as follows: Stats. 1931, p 1178

4254b. In counties of the twenty-fifth class, the sheriff shall receive a salary of three thousand dollars per annum; provided, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of two thousand one hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of one thousand five hundred sixty dollars per annum, and one deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum, and one deputy for civil work who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy who shall act as a bailiff and who shall receive a salary of three hundred dollars per annum. The said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; and also provided, that the sheriff may employ from one to two persons to act as deputy sheriffs at salaries not to exceed five dollars per day each when in the judgment of the sheriff such deputies are necessary; provided, however, that the total amount of the compensation of such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand dollars per annum; and also provided, that the compensation of the last mentioned deputies shall be paid on presentation of duly verified claims filed with the board of supervisors of the said county and in the same manner that other claims are filed and paid; and provided, further, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees and commissions for the service of all papers whatsoever issued by any court in the State outside of counties of this class It is hereby found as a fact that the provisions of this section do not work an increase in compensation of the offices and it is intended that the same shall apply immediately to the present incumbent. Santa Cruz County Salaries Sheriff

SEC. 2. Section 4254c of the Political Code is hereby amended to read as follows: Stats 1931, p 1178.

4254c. In counties of the twenty-fifth class, the recorder shall receive a salary of three thousand dollars per annum and he shall be allowed the following deputies who shall be Recorder

appointed by said recorder and shall be paid salaries and compensations as follows: One chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum; the said deputies to be paid at the same time and out of the same fund as the recorder's salary is paid. Said recorder may employ as many copyists as may be required for the recording of all papers, notices or documents in his office and shall be entitled to the actual cost incurred by him not exceeding six cents per folio for copying and comparing, and their salaries shall be paid in the same manner and out of the same funds as the salary of the recorder is paid, upon certifying to the auditor the actual number of folios so recorded. The recorder shall file with the auditor each month the names of the copyists together with the number of folios and the amount each copyist is to receive. The said copyists may be appointed deputies without extra compensation.

Stats 1931, p 1178

SEC. 3. Section 4254d of the Political Code is hereby amended to read as follows:

Auditor

4254d. In counties of the twenty-fifth class, the auditor shall receive a salary of three thousand dollars per annum; provided, that in counties of this class the auditor shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; and provided, further, that in counties of this class the auditor shall be allowed such additional clerks and copyists as he may require at a salary of three dollars per day each and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one calendar year. The deputy, clerks and copyists named herein shall be appointed by the auditor and their salaries shall be paid in the same manner and at the same time and out of the same fund as the salary of the auditor is paid.

Stats 1931, p. 1178.

SEC. 4. Section 4254e of the Political Code is hereby amended to read as follows:

Treasurer and tax collector.

4254e. In counties of the twenty-fifth class, the treasurer and tax collector shall receive a salary of three thousand dollars per annum and such fees as are allowed by law; provided, that in counties of this class the treasurer and tax collector shall be allowed one deputy who shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum and one deputy who shall be paid a salary of one thousand two hundred dollars per annum; and provided, further, that in counties of this class there shall be and hereby is allowed to the treasurer and tax collector such additional clerks and copyists as may be required from time to time to promptly perform the work necessary in the conduct of the office who shall be paid at the rate of three dollars per day; provided, that the compensation of such clerks and copyists shall not exceed in the aggregate, the sum of one thousand eight hundred dollars in one calendar year.

SEC. 5. Section 4254f of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1178.

4254f. In counties of the twenty-fifth class, the assessor shall receive a salary of three thousand dollars per annum; provided, that in counties of this class the assessor shall be allowed a chief deputy at a salary of one thousand eight hundred dollars per annum; two office deputies at a salary of one thousand eighty dollars, each, per annum; one rural appraiser at a salary of one thousand eight hundred dollars per annum and the necessary equipment to perform the duties of his office; one draftsman at a salary of two thousand one hundred dollars per annum; one field deputy for not to exceed six months in any one year at a salary of two hundred dollars per month; two field deputies for not to exceed four months in any one year at a salary of two hundred dollars, each, per month; two field deputies for not to exceed three months in any one year at a salary of one hundred fifty dollars, each, per month; and provided, further, that the assessor shall be allowed sufficient copyists, at a salary of three dollars per diem, but whose salaries in the aggregate shall not exceed the sum of one thousand two hundred dollars in any one year; and provided, further, that in counties of this class the assessor is hereby authorized to contract with an abstract and title company for copies of transcripts of recorded instruments affecting titles, at a compensation not to exceed forty dollars per month. Said deputies, appraiser, draftsman and copyists shall be appointed by said assessor, and said salaries shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the assessor is paid upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation for the officer, and it is intended that the same shall apply immediately to the present incumbents. Assessor

SEC. 6. Section 4254g of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1178

4254g. In counties of the twenty-fifth class, the district attorney shall receive a salary of two thousand four hundred dollars per annum; provided, in counties of this class there shall hereby be allowed to the district attorney, one deputy at an annual salary of one thousand five hundred dollars and one deputy who shall receive a salary of nine hundred dollars per annum; provided, that one of these deputies shall be employed in a place other than the county seat. In addition to the two deputies the district attorney shall be allowed a clerk and stenographer who shall be paid an annual salary of one thousand two hundred dollars. All salaries herein provided shall be paid in monthly installments out of the same fund as the district attorney's salary is paid. The said stenographer shall perform all services required by the district attorney in his official capacity in civil and criminal actions District attorney

in which the county is interested. The deputies shall be admitted to practice law.

Stats 1931, p 1178

SEC. 7. Section 4254k of the Political Code is hereby amended to read as follows:

Surveyor

4254k. In counties of the twenty-fifth class, the county surveyor shall receive a salary of three thousand dollars per annum. The surveyor shall be allowed a clerk and stenographer at an annual salary of one thousand two hundred dollars, which clerk and stenographer shall do statistical work for the board of supervisors. The compensation of the surveyor is fixed upon the basis of part-time service and no provision of this section or of any other law shall prohibit or prevent him from also engaging in the general practice of his profession so long as he discharges the duties of his office.

Stats 1931, p 1178.

SEC. 8. Section 4254m of the Political Code is hereby amended to read as follows:

Justices of the peace

4254m. In counties of the twenty-fifth class there shall be two judicial townships. Townships having a population of twenty thousand or over shall be townships of the first class; townships having a population under twenty thousand shall be townships of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice of the peace shall be paid a salary of one thousand five hundred dollars per annum and clerical help not to exceed nine hundred dollars in each year. The board of supervisors shall provide each of said justices with a suitable office and all necessary supplies and equipment for the proper conduct of business.

For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of said townships as shown by the last preceding Federal census.

Stats. 1931, p 1178.

SEC. 9. Section 4254r of the Political Code is hereby amended to read as follows:

Jurors

4254r. In counties of the twenty-fifth class, grand jurors and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of ten cents per mile, such mileage to be allowed but once during each session such jurors are required to attend.

New section.

SEC. 10. A new section to be numbered 4254t is hereby added to the Political Code and to read as follows:

Mileage

4254t. In counties of the twenty-fifth class, any officer, deputy or employee of the county entitled to receive mileage for distances traveled by them in the discharge of their official duties shall receive such mileage at the rate of five cents per each mile so traveled.

CHAPTER 656.

An act to add section 484.5 to the Fish and Game Code, to amend section 665, and to repeal sections 863, 876, 887 and 942 thereof, relating to fish and game and making an appropriation for the purchase of certain property used in connection with the fishing industry.

[Approved by the Governor June 2, 1933. In effect January 1, 1934.]

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

NOTE.—For affected sections of the Fish and Game Code, see Stats. 1933, Ch. 73.

SEC. 4. This act shall not take effect until January 1, 1934. Effect

SEC. 5. There is hereby appropriated out of any money in the fish and game preservation fund not otherwise appropriated the sum of fifteen thousand dollars ($15,000) to be expended in accordance with law for the purchase of the Klamath River Packers' Association cannery near Requa, used in connection with the canning of salmon in the Klamath River district, more particularly described as follows: Appropriation Purchase of Klamath River Packers' Association cannery

That certain tract of land consisting of one hundred acres more or less, together with all improvements and personal property thereon, located on the north bank of the Klamath River in Del Norte County about one-half mile from the town of Requa.

CHAPTER 657.

An act to amend sections 656 and 843 of the Fish and Game Code, and to repeal sections 863 and 887 thereof, relating to salmon and nets

[Approved by the Governor June 2, 1933 In effect January 1, 1934.]

NOTE.—See Stats 1933, Ch. 73.

CHAPTER 658.

An act to control, license, and regulate the manufacture, transportation, sale, purchase, possession, and disposition of wine, beer, and intoxicating liquor; to make an appropriation therefor; and to provide penalties for the violation hereof. "State Liquor Control Act"

[Approved by the Governor June 3, 1933 For effective date see Sec 39]

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

SECTION 1. In hotels, boarding houses, restaurants, cafeterias, and other public eating places, wines and beer may be Serving wines and beer.

served and consumed with meals furnished in good faith to the guests and patrons thereof, subject to the provisions of this act and other applicable provisions of law.

Liquor in original package

SEC. 2. Liquor contained in original packages may be sold in retail stores where such liquor is not consumed and is not sold to be consumed on the premises where sold, subject to the provisions of this act and other applicable provisions of law.

Saloons, etc., prohibited

SEC. 3. No public saloon, public bar or barroom or other public drinking place where intoxicating liquors to be used for any purpose shall be kept, bought, sold, consumed or otherwise disposed of, shall ever be established, maintained or operated within this State.

Definitions

SEC. 4. As used in this act:

(a) "Beer" means any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof in water.

(b) "Wine" means any alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar.

(c) "Alcohol" means the product of distillation of any fermented liquid, rectified either once or oftener, whatever may be the origin thereof, and includes synthetic ethyl alcohol and alcohol which is considered nonpotable under the customs laws of the United States.

(d) "Liquor" or "intoxicating liquor" means beer, wine, gin, whiskey, cordials, or rum, and every liquid or solid, patented or not, containing one-half of one per cent or more of alcohol by volume and which are fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor shall not be construed to be beer or wine.

(e) "Package" or "original package" means any container or receptacle used for holding liquor, which container or receptacle is corked or sealed. "Corked" or "sealed" means closed with any stub, stopper, or cap whether made of cork, wood, glass, or metal.

(f) "To sell" or "sale" means and includes any of the following: to exchange, barter, possess, or traffic in; to solicit or receive an order for; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle; to possess with intent to sell; to possess or transport in contravention of this act; to traffic in for any consideration, promised or obtained directly or indirectly; to procure or allow to be procured for any reason.

(g) "Hotel" or "boarding house" means any establishment, provided with special space and accommodation, where, in consideration of payment, food, lodging, or both are habitually furnished to guests.

(h) "Restaurant," "cafe," "cafeteria," or other "public eating place" means any establishment provided with special space and accommodation, where, in consideration of payment,

food (without lodging) is habitually furnished to guests at tables, or seated at counters. Definitions

(i) "Club" means a corporation created by competent authority, which is the owner, lessee or occupant of an establishment operated solely for objects of a national, social, patriotic, political, or athletic nature, or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members.

(j) "Retail liquor store" means an establishment where goods, wares and merchandise, and liquor in original packages, in quantities of not more than five gallons at one time, are sold.

(k) "Wholesale dealer" means a person licensed to sell liquor in original packages to retail liquor stores but not to sell to the consumer or general public.

(l) "Meal" means that quantity of food of such nature as is ordinarily consumed by an individual at regular intervals for the purpose of sustenance, in the following places:

(1) In any dining room of a hotel or boarding house operated for the accommodation and reception of travelers or guests and where meals are regularly served at tables, and in any guest room thereof when the guest has meals served therein.

(2) In the dining room of a restaurant, cafe, cafeteria, or other public eating place which is equipped for the reception of travelers or guests and where meals are regularly served at tables.

(3) In the dining room or rooms of a club where meals are regularly served at tables to the members and their guests.

(4) In the dining room or rooms of a boat or in the dining car or cars of a train where meals are served at tables, provided that it be while passengers are being transported.

(m) "Brewery" means an establishment where beer is manufactured, brewed, prepared, bottled or barreled.

(n) "Winery" means an establishment where wine is manufactured, fermented, bottled or barreled, or in any way prepared.

(o) "Distillery" means an establishment where liquor other than wine or beer is manufactured, distilled, bottled, barreled, or in any way prepared.

(p) "Industrial alcohol license" means a license to sell for use in the trades, professions or industries, but not for human consumption.

(q) "Medicinal alcohol license" means a license to sell any liquor for use in the pharmaceutical or medical and dental profession in the manufacture of medicine or other allied products and to sell liquor on a prescription written by a duly licensed physician.

(r) "On sale license" means a license to sell beer or wine for consumption with meals only on the premises in respect to which the license is issued. The holder of each "on sale" license shall have the right without further payment of license fees, to exercise the rights of an "off sale" license and to make

"off sale" transactions on the premises covered by the "on sale" license.

(s) "Off sale license" means a license to sell liquor in original packages in retail stores for consumption only off the premises in respect to which the license is issued.

(t) "Person" means natural person, partnership, association, company, corporation, organization or the manager, agent, servant, officer or employee of any of them.

(u) "Premises" shall, when applied to drive-in eating places, include the stand from which meals are served and the grounds immediately surrounding such stand on or from which meals are served in the usual and ordinary course of business.

(v) "Importer" means any person who, in the case of wine, beer or liquor which is brewed, fermented or produced outside the State, is first in possession thereof within the State after completion of the act of importation.

(w) "Board" means the State Board of Equalization.

Administration of act.

SEC. 5. The State Board of Equalization is hereby directed to administer and enforce the provisions of this act. For this purpose the board may employ, exempt from the provisions of the "State Civil Service Act," such additional inspectors and clerks as may be determined by the State Personnel Board to be necessary for the efficient administration and enforcement of the provisions of this act.

The members of the board and the inspectors employed under the provisions of this act shall have all the powers of peace officers in enforcing the provisions of this act.

Report

SEC. 6. The board shall biennially report to the Governor and to the Legislature respecting its administration of this act. It shall make such recommendation in regard to legislation and the administration of this act as it shall deem proper and necessary.

Rules and regulations

SEC. 7. The board shall make rules and regulations pursuant to the provisions of this act and such rules and regulations may be modified from time to time.

Records

SEC. 8. The board shall keep in its office a complete record of all its acts and a record of all transactions for violations of this act. These records and reports shall always be open to inspection by the public.

Power to examine, hear complaints, etc

SEC. 9. The board and each of its inspectors shall have power to examine books, records and papers of every licensee hereunder. The board shall also have power to hear and determine complaints against any licensee, to administer oaths and to issue subpoenas to require the presence of persons and the production of papers, books and records.

Application for license

SEC. 10. Application for any license must be made to the board at one of its offices. Application must be made on such form as the board may prescribe and in accordance with such rules and regulations as it may adopt. The board may prescribe the information to be contained in such application, which shall also include the name and address of the appli-

cant, and if a partnership, also the names and addresses of all the partners, and if a corporation, association, or other organization, also the names and addresses of the president, vice president, secretary, and managing officer or officers; together with all the other information deemed necessary by the board. Each application shall be accompanied by the annual license fee required herein for the particular license for which application is made. If the application is denied such fee shall be returned to the applicant.

With each such application the applicant must file a photostatic copy of the permit issued to the applicant under the laws of the United States of America if such a permit be required under said laws establishing the right of the applicant to engage in said business.

Permits.

SEC. 11. On application to the board and pursuant to such regulations as it may from time to time prescribe, the board shall issue permits to sell and furnish beer and wine on trains, vehicles or boats operated as common carriers. Said board shall charge and collect therefor permit fees which are hereinafter fixed in amounts hereby found to be reasonably required to defray the expenses of issuing and supervising such permits. Such permit fees shall be based on the average number in actual operation of each class of operating units, namely, trains, vehicles and boats, operated under such permit during the calendar year and upon which beer and wine are sold, furnished or offered for sale within this State, such average to be ascertained by the board under such regulations as it may prescribe. Such permit fees shall be: For each train or vehicle of said average number, the sum of twelve dollars, and for each boat of said average number, the sum of fifty dollars. The said permits shall authorize only the sale or furnishing of beer and wine on such train, vehicle or boat to a bona fide passenger or employee or person then actually being transported on said train, vehicle or boat, for consumption only on such train, vehicle or boat. Said permits shall not authorize "off sale" privileges or transactions nor shall it authorize "on sale" privileges at any fixed place of business such as a hotel, restaurant, eating house or station.

Investigation of applicants.

SEC. 12. Upon receipt of an application for a license and the license fee the board shall thoroughly investigate and determine whether:

(a) The premises in respect to which the license is to be issued complies with the provisions of the law and the rules and regulations of the board;

(b) The premises and equipment or the plans and specifications thereof in respect to which the license is to be issued are proper and suitable for public use if such applicant is to sell liquor;

(c) The applicant has had a license forfeited, suspended or revoked under the provisions of this act.

(d) The applicant is possessed of a good moral character. No license shall be granted to any applicant who fails to comply with the provisions of this section.

Refusal to issue license

SEC. 13. The board may consider any objections or protests to the issuance of any licenses filed by any person with it, and the board may grant or refuse the license applied for if the applicant does not comply with the provisions of this act or the rules and regulations made in pursuance thereto.

License, contents.

SEC. 14. Every license issued under this act shall set forth the name of the person to whom it is issued. If the license is issued under a fictitious name, such license shall set forth in addition to said name, the name or names of each of the persons conducting the business under the fictitious name. The license shall also specify the location by street and number of the premises in respect to which the license is issued.

License regulations

SEC. 15. Each license shall be signed by the licensee, shall be nontransferable, shall be posted in a conspicuous place in the premises in respect to which it was issued, and shall be exhibited to any duly authorized representative of the board whenever the same is requested.

Separate license for each location

SEC. 16. Each license issued under the provisions of this act is separate and distinct, and no person shall exercise any of the privileges granted under any license or licenses other than the license or licenses he holds. A separate license shall be issued for each specific business and each location, and in said license the particular liquor which the applicant shall be authorized to sell shall be named and described. All licenses are applicable only to the premises in respect to which they are issued. The board shall determine what constitutes a single store, business, or establishment with respect to the issuance of a license hereunder, and its decision shall be conclusive.

Licenses and fees

SEC. 17. Subject to the provisions and limitations of this act, the following are the types of licenses to be issued hereunder and the fees to be charged therefor:

(1) "On sale" beer and wine license	$50 per year
(2) "Off sale" beer and wine license	10 per year
(3) "Off sale" license for liquor other than beer or wine	100 per year
(4) Industrial alcohol license (under five gallons)	5 per year
(5) Industrial alcohol license (over five gallons)	50 per year
(6) Medical alcohol license	1 per year
(7) Wholesale dealer's license for liquor other than beer or wine	100 per year
(8) Wholesale dealer's license for beer and wine	10 per year
(9) Winery license	10 per year
(10) Brewery license	1 per year

(11) Distillery license ..... $50 per year
(12) Importer's license ..... 100 per year

Licenses, expiration date

SEC. 18. All licenses issued hereunder shall expire on the last day of December of each year.

All license fees are due and payable on or before the first day of January of each year and if not paid are delinquent on the fifteenth day of January next succeeding. Application for annual licenses shall be made to the board upon forms prescribed by the board. Failure to pay the annual license fee on or before the fifteenth day of January automatically cancels and terminates the license Upon payment to the board of the annual license fee and an additional amount equal to five per cent of the amount of the license fee the board shall renew the license for the then current year.

Application

Proportionate fee

If any license is issued at any time during the year other than the first day of January, except delinquent licenses, the licensee shall pay a proportionate part of the annual fee for the remainder of that year, except that "on sale" licenses operating for a period of six months or less shall pay a proportionate amount of the license fee, which shall not in any event be less than twenty-five per cent of the annual rate.

Investigations

SEC. 19. The board may upon its own motion and shall upon the verified complaint in writing of any person, investigate the action of any licensee hereunder and shall have power to temporarily suspend or permanently revoke a license hereunder for any one of the following acts or omissions:

Grounds for suspension or revocation of license

(a) Misrepresentation of a material fact by the applicant in obtaining a license hereunder; or

(b) If the licensee violates or causes or permits to be violated any of the provisions of this act or any of the applicable rules or regulations of the board; or

(c) If the licensee commits any act which would be sufficient ground for the denial of an application for a license hereunder.

Service of citation

SEC. 20. Upon the filing with the board of a verified complaint charging the licensee with the commission within one year prior to the date of filing such complaint of any act which is cause for suspension or revocation of a license, the board must forthwith issue a citation directing the licensee within ten days after service of the citation upon him to appear by filing with the board his verified answer to the complaint showing cause, if any he has, why his license should not be suspended or revoked Service of the citation upon the licensee shall be fully effected by mailing a true copy thereof together with a true copy of the complaint by United States registered mail in a sealed envelope with postage fully prepaid thereon addressed to the licensee at his latest address of record in the office of the board. Service of the citation shall be completed at the time of such deposit subject to the provisions of section 1013 of the Code of Civil Procedure of this State. Failure of the licensee to answer shall be deemed

an admission by him of the commission of the act or acts charged in the complaint and thereupon the board shall have power forthwith to suspend or revoke the license.

Hearing

SEC. 21. Upon filing of the answer the board shall fix a time and place for the hearing and give the licensee and the complainant not less than five days notice thereof. The notice may be served by depositing in the United States mail a true copy of the notice inclosed in a sealed envelope with postage thereon fully prepaid and addressed to the licensee and to the complainant, respectively, at their last known address. With the notice to the complainant there shall be attached or inclosed a copy of the answer. If either party has appeared by counsel, the notice shall be given, in like manner, to counsel instead of to the party.

SEC. 22. Upon the hearing, the board shall hear all relevant and competent evidence offered by the complainant and by the licensee, and shall have power to continue the hearing from time to time as in its judgment may be necessary or proper. After the hearing is concluded and the matter submitted, the board shall, within ten days after such submission, render its decision in writing suspending or revoking the license, or dismissing the complaint, with a brief statement of its reasons therefor. The board shall give to the complainant and the licensee, or their respective attorneys, notice of the decision, by mail, in the same manner as prescribed herein for the giving of notice of hearing. The decision of the board suspending or revoking a license shall not take effect until ten days after such service of notice of the decision.

Written decision

Notice of decision

Rehearing.

SEC. 23. Within ten days after such service of notice of the decision of the board suspending or revoking a license, the licensee may apply for a rehearing by filing with the board his petition in writing therefor. Within five days after such filing the board shall cause notice thereof to be served upon the complainant by mailing a copy of the petition for rehearing to the complainant in the same manner as herein prescribed for the giving of notice of hearing.

Suspension of action

The filing of a petition for rehearing as to the board's action in suspending or revoking a license suspends such action and permits the licensee to continue doing business as a licensee hereunder pending the granting or denial of the petition, and, if the petition be granted, pending the decision of the board upon hearing.

Order on rehearing

In its order granting or denying a rehearing the board shall set forth a statement of the particular grounds and reasons for its action on the petition and shall forthwith mail a copy of the order to the parties who have appeared in support of or in opposition to the petition for rehearing. If a rehearing is granted, the board shall set the matter for further hearing on due notice to the parties given in the same manner as prescribed herein for the giving of notice of an original hearing.

Within ten days after submission of the matter upon rehearing, the board shall render its decision thereon, which is final and effective upon the rendition thereof. Decision

SEC. 24. In any investigation, proceeding or hearing which under the provisions of this act it is empowered to institute, conduct, or hold, the commission shall have the power to administer oaths, certify to official acts, issue subpenas for the attendance of witnesses and the production of books, papers, and records, and exercise all of the powers conferred upon the head of a State department by the provisions of section 353 of the Political Code. Power to administer oaths, etc

SEC. 25. After suspension or revocation of a license the board shall have power, after a hearing or upon rehearing, to renew or cancel the same if, in the sound discretion of the board, a proper showing has been made therefor. Renewal or cancellation of license

SEC. 26. No person who owns any interest in any business or occupation in respect to which a winery, brewery or distillery license is issued, or who is an officer, employee or agent thereof, and no importer or any officer, director or employee of such importer or any person who owns any interest in the business of such importer shall acquire, hold or have any interest either directly or indirectly in the business of any "on sale" licensee nor in the furniture and fixtures on the premises wherein the business of such licensee is conducted; nor shall any such person endorse, guarantee or stand surety for a lease or any other obligation of such licensee. Restrictions on interested persons

SEC. 27. No member of the board shall be employed in any way by any person licensed under this act; nor shall any member hold stock or other securities in any corporation licensed under this act; nor shall any member be connected or affiliated in any way with any person licensed under this act. Restrictions on board members

SEC. 28. Any person who shall hinder or obstruct in any way the board or any member thereof or its inspectors in the performance of their official duties, shall be guilty of a violation of this act. Penalty for hindrance of official

SEC. 29. The board shall cause the prosecution by the proper authorities of any person who violates the provisions of this act. Prosecution

SEC. 30. All moneys collected under this act shall be paid into the State treasury to the credit of the license tax fund, which fund is hereby created. "License tax fund" created

SEC. 31. There is hereby appropriated from said fund so much as may be necessary to pay the salaries and expenses of the inspectors and clerks employed by the board subject to the approval of the State Personnel Board, and to defray the necessary expenses, approved by the State Board of Control, arising by reason of the administration and enforcement of the provisions of this act. Appropriation

SEC. 32. Of the balance of the moneys in the license tax fund after salaries and expenses have been paid therefrom sixty per cent is hereby appropriated to be apportioned to the counties, cities and counties, and cities in the proportion that Apportionment of balance

the amount of the fees collected in the particular county, city and county, or city bears to the total amount collected throughout the State.

The moneys in said fund apportioned to the counties, cities and counties, and cities shall be computed semiannually and paid at the same time as the semiannual settlements by the State and the counties, cities and counties and cities are made.

Surplus

SEC. 33. If at any time there is a surplus in said license tax fund over and above the amount herein appropriated for the support of the board and the amount apportioned to the counties, cities and counties, and cities, such amount shall be transferred to the general fund on the order of the Controller, approved by the board.

Prohibited acts

SEC. 34. No person shall conduct, maintain or operate any establishment, business, or premises, under or by virtue of a license issued under this act to, or issued in the name of, any other person.

No liquor shall be sold or served except by a licensee in accordance with the provisions of this act.

No person shall transfer or attempt to transfer any license issued hereunder.

No person shall ever sell liquor under any circumstances to any person under the age of twenty-one years.

Penalty

SEC. 35. Any person who violates or fails to comply with any order, rule or regulation made under or pursuant to the provisions of this act by the board, or who violates the terms or conditions of any license issued hereunder, or who violates any of the provisions of this act, shall be liable for each such violation or noncompliance and shall be guilty of a misdemeanor punishable by a fine of not to exceed five hundred dollars or by imprisonment of not to exceed six months in the county jail or by both such fine and imprisonment.

Construction of act

SEC. 36. Nothing contained in this act shall be construed as repealing, superseding, or otherwise affecting any of those provisions relating to an excise tax on beverages containing

Stats 1933, Ch 51

alcohol, which provisions are found in an act entitled "An act to impose an excise tax on the manufacture and distribution of certain beverages, to provide for the collection and disposition thereof, to provide penalties for the violation hereof and to declare that this act shall take effect as a statute immediately," approved April 6, 1933, and an act entitled

Stats 1933, Ch 178

"An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to provide penalties for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1933.

Constitutionality

SEC. 37. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sen-

tence, clause and phrase thereof irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases be declared unconstitutional

SEC. 38. This act shall be cited as the "State Liquor Control Act." Short title

SEC. 39. If and when it shall become lawful under the Constitution and laws of the United States to manufacture, sell, purchase, possess, or transport intoxicating liquors for beverage purposes within the United States, this act shall take effect. Effective date

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CHAPTER 659.

An act to amend section 737g of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Contra Costa.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737g of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1901

737g. The annual salary of each of the judges of the superior court in and for the county of Contra Costa is seven thousand dollars. Superior judges Contra Costa County

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CHAPTER 660.

An act to add section 4234a to the Political Code, relating to compensation of county officers and employees in counties of the fifth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 4234a to read as follows: New section

4234a. From and after the effective date of this section until the first Monday after the first day in January, 1935, county and township officers in counties of the fifth class shall receive the compensation prescribed in this section. Thereafter, said county and township officers shall receive the compensation prescribed in section 4234 of this code. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Santa Clara County Salaries

1. The county clerk, three thousand seven hundred twenty dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the county clerk Clerk

one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of two thousand one hundred ninety dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of two thousand one hundred ninety dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of two thousand one hundred ninety dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of two thousand one hundred ninety dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of one thousand nine hundred thirty-five dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of one thousand nine hundred thirty-five dollars per annum; provided, however, that the county clerk shall not be allowed the additional deputy provided by section 4290 of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of one thousand nine hundred thirty-five dollars per annum; also one deputy county clerk in the probate department, who shall receive a salary of one thousand nine hundred thirty-five dollars per annum; also one deputy county clerk who shall receive a salary of one thousand four hundred twenty-five dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk. The county clerk shall also be allowed two additional deputies at an annual salary of one thousand nine hundred thirty-five dollars per annum to be paid as are other deputies herein provided for; provided, further, that in any year in which a general election is held the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred eighteen dollars and seventy-five cents per month, to be paid as are other deputies herein provided for; two deputies who shall serve for a term of ten months, and two deputies who shall serve for a term of eight months who shall each receive a salary of one hundred eighteen dollars and seventy-five cents per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred eighteen dollars and seventy-five cents per month, to be paid as are other deputies herein provided for; also, in the event of special elections in any odd-numbered year, the county clerk shall be allowed additional deputies at a compensation to be fixed by said county clerk, such compensation, however, not to exceed in the aggregate for all of such deputies the sum of one thousand dollars in any one year; and he shall be

allowed each year such number of registration deputies, to be appointed by him, as may be necessary for the registration of voters outside of the office of said county clerk, each of said deputies to receive the sum of seven cents per name for each elector legally registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor on the general fund of said county after proper allowance of said claim by said board of supervisors; provided, that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Sheriff.

2. The sheriff, four thousand sixty dollars per annum; provided, that there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand four hundred forty-five dollars per annum; also fifteen deputies who shall each receive a salary of one thousand nine hundred thirty-five dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also two deputies who shall each receive a salary of one thousand six hundred eighty dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand two hundred seventy-two dollars per annum. The undersheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; provided, that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this State.

Recorder.

3. The county recorder, three thousand seven hundred twenty dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of two thousand one hundred ninety dollars per annum; also four deputy recorders who shall each receive a salary of one thousand nine hundred thirty-five dollars per annum; also two deputy recorders who shall each receive a salary of one thousand six hundred eighty dollars per annum; also as many deputies to act as copyists as may be required, who shall receive as compensation the sum of six cents per folio for recording all instruments or notices, except maps and plats, and for copies of any record six cents per folio; provided, that such recorder may be allowed the actual and necessary expense incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor

4. The county auditor, three thousand seven hundred twenty dollars per annum; and said auditor may appoint one deputy

auditor who shall receive a salary of two thousand one hundred ninety dollars per annum; also one deputy auditor to serve as accountant who shall receive a salary of one thousand nine hundred thirty-five dollars per annum; also two deputy auditors who shall receive a salary of one thousand nine hundred thirty-five dollars each per annum; also one redemption clerk who shall receive a salary of one thousand nine hundred thirty-five dollars per annum; provided, that the auditor shall be allowed additional deputies who shall each receive a salary or compensation of four dollars and fifty cents per day for each day actually employed, the total amount to be paid such additional deputies not to exceed the sum of two thousand nine hundred dollars in any one year. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; provided, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer

5. The county treasurer, three thousand seven hundred twenty dollars per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of two thousand one hundred ninety dollars per annum. The treasurer may also appoint a deputy county treasurer, which office is hereby created, at an annual salary of one thousand nine hundred thirty-five dollars per annum. All fees and commissions collected by said treasurer in his official capacity shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

Tax and license collector

6. The tax collector and license collector shall receive as full compensation for services required of him by law as such tax collector and ex officio license collector, three thousand seven hundred twenty dollars per annum; and said tax collector may appoint one deputy tax collector who shall receive a salary of two thousand one hundred ninety dollars per annum, three additional deputy tax collectors who shall receive a salary of one thousand nine hundred thirty-five dollars each per annum; also two additional deputy tax collectors who shall serve as such only for a period of six months in each year, and who shall receive a salary of one hundred forty dollars each per month; also two additional deputy tax collectors to serve as such only for a period of three months in each year, and who shall receive a salary of one hundred eighteen dollars and seventy-five cents each per month; also thirteen additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred eighteen dollars and seventy-five cents each per month; also five additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred eighteen dollars and seventy-five cents each per month; also twelve copyists who shall serve only during one and one-half months of each year, and who shall each receive a salary of

one hundred eighteen dollars and seventy-five cents per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; provided, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived; provided, that checks, drafts and post-office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; provided, further, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section 3888 of the Political Code.

Assessor

7. The county assessor, three thousand seven hundred twenty dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of two thousand one hundred ninety dollars per annum; one supervising deputy assessor who shall receive a salary of two thousand sixty-two dollars and fifty cents per annum; seven office deputy assessors who shall each receive a salary of one thousand nine hundred thirty-five dollars per annum; one deputy assessor who shall be a draftsman, whose duties shall include the preparation of maps for the county assessor, who shall receive a salary of one thousand nine hundred thirty-five dollars per annum; also twenty-three deputy assessors who shall serve as such during the months of March, April, May, and June of each year who shall each receive a salary of one hundred forty dollars per month; one deputy assessor to serve as such during six months of each year who shall receive a salary of one hundred eighteen dollars and seventy-five cents per month; two deputy assessors to serve as such during four months of each year who shall receive a salary of one hundred eighteen dollars and seventy-five cents each per month; eleven deputy assessors to serve as such during three months and a half of each year, who shall receive a salary of one hundred eighteen dollars and seventy-five cents each per month; three deputy assessors to serve as such during three months of each year, who shall receive a salary of one hundred eighteen dollars and seventy-five cents each per month; one deputy assessor to serve as such during two months of each year, who shall receive a salary of one hundred eighteen dollars and seventy-five cents per month; and one deputy assessor to serve as such for four months of each year, who shall receive a salary of ninety-seven dollars and fifty cents per month; provided, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection

of State or infirmary poll taxes or personal property taxes shall be retained by him but that all of such commissions shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; provided, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of official duties; and provided, further, that all deputies herein specified shall be allowed actual and necessary traveling expenses incurred in the performance of official duties, not to exceed, however, for each deputy the sum of twenty-five dollars per month

District attorney

8. The district attorney, three thousand seven hundred twenty dollars per annum; he may appoint a chief deputy at a salary of two thousand nine hundred fifty-five dollars per annum; four assistant district attorneys at a salary of two thousand four hundred forty-five dollars each per annum; one detective who shall serve at a salary of one thousand nine hundred thirty-five dollars per annum; one clerk at a salary of one thousand six hundred eighty dollars per annum; and one stenographer at a salary of one thousand five hundred twenty-seven dollars per annum; all of whom shall be paid in the same manner as said district attorney; provided, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

Coroner and public administrator

9. The coroner and public administrator, such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; provided, that said deputy coroner shall receive only such fees as the coroner would receive if acting.

Superintendent of schools

10. The county superintendent of schools, three thousand seven hundred twenty dollars per annum; and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of two thousand one hundred ninety dollars per annum, one deputy superintendent of schools who shall receive one thousand six hundred eighty dollars per annum, one deputy superintendent of schools, at an annual salary of one thousand four hundred twenty-five dollars per annum, and one deputy at one thousand one hundred seventy dollars per annum. The said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

Surveyor.

11. The county surveyor, the sum of three thousand seven hundred twenty dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of two thousand three hundred forty-three dollars per annum; also, two deputies who shall receive a salary of two thousand one hundred ninety dollars each per annum; one deputy who shall

receive a salary of two thousand eighty-eight dollars per annum; one deputy who shall receive a salary of two thousand thirty-seven dollars per annum; three deputies who shall receive a salary of one thousand nine hundred thirty-five dollars each per annum one of whom shall be a draftsman whose duties shall include the preparation of maps for the county assessor, one deputy at a salary of one thousand six hundred eighty dollars per annum; and one deputy at a salary of one thousand five hundred twenty-seven dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; provided, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

Justices of the peace

12. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of three thousand seven hundred twenty dollars per annum as full compensation for all services rendered by them, except as hereinafter provided; provided, however, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township; provided, that in townships of this class there is hereby allowed to each justice of the peace two clerks and two deputy clerks, to be appointed by said justice, and to receive the following salaries: Each clerk shall receive a salary of one thousand nine hundred thirty-five dollars per annum; each deputy clerk shall receive a salary of one thousand six hundred eighty dollars per annum. Said salaries shall be paid monthly in the same manner as salaries of county officers are paid.

Said clerks shall take the oath of office prescribed for county officers and shall each give a bond in the sum of five thousand dollars conditioned upon and for the faithful discharge of the duties of the office, which said bond shall be approved and filed in the same manner as are bonds of county officers. If a surety company be the surety on such bond, the premium or charge thereon shall be paid by the county in the same manner as are the bonds of county officers. Such clerks shall perform the duties required of them by law, and also, such clerical

duties in connection with the business of the court as are required of said clerks by the justices of said court; they shall keep a record of the proceedings of said court and shall have the custody of all records and papers in said justice's court and in addition to the other powers conferred upon them by law, shall be authorized in civil actions to issue, sign, certify and file all pleadings, summonses, writs, notices, subpenas, abstracts, certificates, transcripts, records, papers, and proceedings which are required to be issued, signed, certified or filed by the justice of the peace by whom they are appointed, and in criminal matters pending before said justice of the peace, to file all papers and to issue subpenas, to prepare bonds, justify bail when the amount has been fixed by the court or justice, and may administer and certify oaths, and to attest and authenticate said acts in substantially the following form:

"_____
Justice of the Peace.

By_____
Clerk."

Said clerks shall exact in advance and receive all fees which are allowed by law for any official service of the justice of the peace, and shall collect and receive all fines and forfeitures in criminal cases, and said clerk shall account for the same under oath and shall pay the same to the authorities legally entitled to receive the same at the time and in the manner provided by law, except as hereinafter provided.

(2) In townships having a population of fifteen thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred sixty-one dollars and twenty-five cents per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of five thousand and less than ten thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(5) In townships having a population of two thousand five hundred and less than five thousand, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided; provided, that where a township census has been ordered taken and adopted by the board of supervisors, as in this act contained, said census shall be and remain the official census of such township; and shall not be affected

by any provision of this act with respect to the application of the Federal census of 1930, in classifying townships.

Justices of the peace in all townships in counties of this class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month. They shall be furnished with offices and necessary supplies, including light, heat, telephone service and incidental expenses, by the board of supervisors.

Constables.

13. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred forty dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of fifteen thousand and less than twenty thousand, constables shall each receive the sum of one hundred eighteen dollars and seventy-five cents per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all matters wherein they may charge fees for their services, constables in such townships may collect and retain for their own use such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of ten thousand and less than fifteen thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(4) In townships having a population of five thousand and less than ten thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(5) In townships having a population of two thousand five hundred and less than five thousand, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases

shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

Determination of population.

The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the Federal census taken in the year 1930; provided, however, that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such person so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon the same shall be known and shall be the official census of said township or townships.

Supervisors

14. Each supervisor, two thousand seven hundred dollars per annum and mileage of six cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; provided, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year.

Fish and game warden

15. The fish and game warden, one thousand one hundred seventy dollars per annum, and the actual and necessary expenses incurred by him in the performance of his official duties.

Jurors

16. The fees of grand jurors and trial jurors in the superior courts of said counties of this class, in civil and criminal cases shall be two dollars and fifty cents, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twelve cents per mile for each mile necessarily traveled in attending court, in going only. In

criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Whenever under the provisions of law or otherwise a bond is required of any county officer or of any of his deputies, the premium of such bond shall be paid from the general funds of the county. Bond.

CHAPTER 661.

An act to amend section 19x5 of the Juvenile Court Law, relating to probation officers in counties of the fifth class. Stats 1915, p. 1225, amended.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 19x5 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p 861

Sec. 19x5. In counties of the fifth class there shall be one probation officer, two assistant probation officers and one deputy probation officer who shall act as probation officer's clerk. The salaries of said officers shall be as follows: The probation officer shall receive a salary of two hundred twenty-five dollars per month, the first assistant probation officer shall receive a salary of one hundred sixty-one dollars and twenty-five cents per month, the second assistant probation officer shall receive a salary of one hundred forty dollars per month, and the deputy probation officer shall receive a salary of one hundred eighteen dollars and seventy-five cents per month. Santa Clara County Probation officer.

CHAPTER 662.

An act to amend section 9a5 of and to add section 18 to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing "An act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, prescribing a short title and relating to librarians in counties of the fifth class. Stats 1911, p 80, amended

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 9a5 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p 893

Santa Clara County Librarian

Sec. 9a5. In counties of the fifth class the salary of the county librarian shall be two thousand one hundred ninety dollars per annum.

New section

SEC. 2. A new section is hereby added to said act, to be numbered 18 and to read as follows:

Short title

Sec. 18. This act shall be known as the "County Free Library Act."

CHAPTER 663.

Stats 1913, p. 1086, amended.

An act to amend section 16x5 of the Weights and Measures Act, relating to sealers in counties of the fifth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1861

SECTION 1. Section 16x5 of the act cited in the title hereof is hereby amended to read as follows:

Santa Clara County Sealer

Sec. 16x5. The sealer of weights and measures in counties of the fifth class shall receive a salary of one hundred forty dollars per month, and deputies shall receive four dollars and seventy cents per day for each day actually employed.

CHAPTER 664.

An act to amend section 2322x5 of the Political Code, relating to agricultural commissioner in counties of the fifth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p 893.

SECTION 1. Section 2322x5 of the Political Code is hereby amended to read as follows:

Santa Clara County Agricultural commissioner

2322x5. In counties of the fifth class the commissioner shall receive a compensation of two thousand seven hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county agricultural commissioners at a compensation of two thousand one hundred ninety dollars per annum.

(b) One deputy county agricultural commissioner at a compensation of one thousand nine hundred eighty-six dollars per annum.

(c) One clerk at a monthly salary of ninety-seven dollars and fifty cents during the time actually employed, but the

aggregate amount which may be expended in one year for such clerk shall not exceed one thousand one hundred seventy dollars.

(d) One inspector at a monthly salary of one hundred forty-eight dollars and fifty cents, during the time actually employed, three inspectors at a monthly salary of one hundred forty dollars each, during the time actually employed, but the aggregate amount which may be expended in one year for all such inspectors shall not exceed six thousand eight hundred twenty-two dollars. The commissioner is also authorized and empowered to appoint fifteen additional inspectors at a compensation of one dollar each per annum.

CHAPTER 665.

An act to amend section 2322x20 of the Political Code, relating to the salary of the agricultural commissioner, his deputies and inspectors in counties of the twentieth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2322x20 of the Political Code is hereby amended to read as follows: Stats. 1931 p. 726.

2322x20. In counties of the twentieth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit: Ventura County Agricultural commissioner.

(a) The commissioner is hereby authorized and empowered to appoint one chief deputy commissioner at a salary of two thousand seven hundred dollars per annum; one deputy commissioner at a salary of two thousand four hundred dollars per annum, but the aggregate amount which may be expended in any year for such deputies shall not exceed five thousand one hundred dollars per annum.

(b) The commissioner is also authorized, and empowered to appoint not to exceed six inspectors at a salary of one thousand eight hundred dollars each per annum during the time actually employed; four inspectors at a yearly salary not to exceed one thousand six hundred twenty dollars each; two inspectors at a yearly salary not to exceed one thousand five hundred dollars each, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty thousand two hundred eighty dollars.

(c) The commissioner is also authorized and empowered to employ one mechanic at a salary of one hundred twenty-

five dollars per month during the time actually employed; three rodent control supervisors at a monthly salary not to exceed one hundred dollars each during the time actually employed.

(d) The commissioner is also authorized and empowered to appoint one clerk at a salary not to exceed one thousand five hundred dollars per annum; one clerk at a salary not to exceed one thousand two hundred dollars per annum, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand seven hundred dollars.

(e) Deputies and employees shall be allowed five cents per mile for each mile actually and necessarily traveled in the performance of their official duties, when such traveling is done in motor vehicles not owned by the county.

CHAPTER 666.

An act to amend section 4249 of the Political Code, relating to compensation of county and township officers in counties of the twentieth class, approved May 11, 1931.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 711.

SECTION 1. Section 4249 of the Political Code is hereby amended to read as follows:

Ventura County Salaries

4249. In counties of the twentieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk shall receive a salary of three thousand six hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the county clerk one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of two thousand four hundred dollars per annum; which said deputy shall act as a court room clerk and be in attendance upon the superior court; one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand six hundred eighty dollars per annum; one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand five hundred dollars per annum; and one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand two hundred dollars per annum. The salaries of each of said deputies shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; provided, that the county clerk

be, and he is hereby allowed the sum of eight cents for the registration of each voter, which registration is taken and made outside of the office of the county clerk; provided further, that in any year that a general election, primary election, special State election, or special county election within the county is held, such number of assistants as is necessary to properly prepare for and conduct said election shall be allowed, to be paid out of the general fund of the county on the presentation and filing with the board of supervisors, of duly verified claims therefor, approved by the county clerk, said compensation not to exceed seven hundred fifty dollars for each election held. The office of the county clerk shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m., to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. All fees, commissions and perquisites collected by the clerk from whatever source received shall belong to the county and shall be paid by the clerk into the county treasury.

Sheriff

2. The sheriff shall receive a salary of four thousand five hundred dollars per annum; provided, that in counties of this class there shall be, and there hereby is, allowed to the sheriff the following deputies, who shall be appointed by the sheriff and who shall be paid salaries as follows to wit: One undersheriff at a salary of three thousand dollars per annum; one deputy sheriff at a salary of two thousand seven hundred dollars per annum; one deputy sheriff at a salary of two thousand two hundred fifty dollars per annum; six deputy sheriffs at a salary of two thousand one hundred sixty dollars each per annum; one deputy sheriff at a salary of one thousand six hundred dollars per annum, who shall be the head jailer at the county jail in said county; one deputy sheriff, who shall be assistant to the head jailer and who shall receive a salary of one thousand three hundred fifty dollars per annum, and who shall also receive his board and lodging at the county jail at the expense of the county, and one deputy sheriff at a salary of one thousand three hundred fifty dollars per annum, who shall be assigned by the sheriff to the performance of clerical duties; one deputy, who shall be matron, who shall receive a salary of one thousand three hundred fifty dollars per annum.

Said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; except that the sheriff shall have for his use the per diems allowed by law for the transportation of prisoners and insane persons to State institutions; all fees of every nature and kind collected by the sheriff shall be turned into the county treasury, and belong to said county. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments by said county at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Recorder

3. The county recorder shall receive a salary of three thousand six hundred dollars per annum; provided, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of four thousand eight hundred dollars per annum; and provided further, that in counties of this class there shall be, and there is hereby, allowed to the recorder one chief deputy recorder of said county, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy recorder, who shall receive a salary of one thousand five hundred dollars per annum; one deputy recorder, who shall receive a salary of one thousand two hundred dollars per annum. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid; and provided further, that the recorder may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall each receive for their services not to exceed the sum of five cents per folio; and for copies of any paper or record, not to exceed five cents per folio. The compensation of such copyists shall be paid monthly by said county, upon claims duly presented to and allowed by the board of supervisors of said county, as other claims are presented and allowed. All fees, commissions, and perquisites collected by the recorder from whatever source received, shall belong to said county and shall be paid by the recorder into the county treasury.

Auditor

4. The county auditor shall receive a salary of three thousand six hundred dollars per annum; and there is hereby allowed to the auditor one chief deputy auditor, who shall be appointed by the auditor and who shall be paid a salary of one thousand eight hundred dollars per annum; two deputies, who shall be appointed by the auditor and who shall be paid a salary of one thousand five hundred dollars each per annum; two deputies, who shall be appointed by the auditor and who shall each receive a salary of one thousand two hundred dollars per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; provided, that the auditor shall be allowed not to exceed the sum of two thousand five hundred dollars per annum for additional clerical assistance when needed in computing the tax roll. All fees, commissions, and perquisites collected by the auditor from whatever source received, shall belong to said county and shall be paid by the auditor into the county treasury.

Tax collector

5. The tax collector shall receive a salary of three thousand six hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the tax collector two deputies, each to be appointed by the

tax collector, one to receive a salary of one thousand eight hundred dollars per annum and the other to receive a salary of one thousand five hundred dollars per annum, each of which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; provided, that the tax collector shall be allowed not to exceed four thousand dollars per annum for necessary clerical assistance when needed.

Assessor.

6 The assessor shall receive a salary of three thousand six hundred dollars per annum, and his necessary traveling expenses, not to exceed four hundred dollars per annum, paid or incurred by him in the performance of duties of his office; and said assessor may appoint one chief deputy, who shall receive a salary of two thousand one hundred dollars per annum, two field deputies, who shall receive a salary of one thousand eight hundred dollars each per annum, and said deputies shall receive not to exceed seven cents per mile for each mile actually traveled by said deputy in the discharge of the duties of said deputy pertaining to the office of assessor, unless transportation is furnished to said deputy by the county; and four deputies, who shall each receive a salary of one thousand two hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid The assessor shall receive no compensation or commissions of any kind for the collection of any kind of personal property taxes or for compiling the military roll, and all commissions, perquisites or fees now, or hereafter allowed by law, from whatever source received or derived, collected by him, shall be paid into the county treasury and shall belong to said county. The county assessor may also appoint: One deputy for six months in each year at a compensation of eighty-five dollars per month; two deputies for five months in each year at a compensation of eighty-five dollars per month; six deputies for four months in each year at a compensation of one hundred dollars per month; two deputies for three months in each year at a compensation of eighty-five dollars per month; provided, that said deputies, unless transportation is provided for them by said county, shall each receive not to exceed seven cents per mile for each mile actually traveled by each of said deputies in the discharge of the duties of said deputies pertaining to the office of assessor; provided, that the assessor shall file with the county auditor on the first Monday in each month, a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The office of county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

Treasurer. 7. The county treasurer shall receive a salary of three thousand six hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the treasurer a deputy, to be appointed by the treasurer, who shall receive a salary of one thousand eight hundred dollars per annum; which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid; provided, that the treasurer shall be allowed not to exceed nine hundred dollars per annum for necessary clerical assistance, when needed. All fees, commissions, and perquisites collected by the treasurer from whatever source received, shall belong to said county and shall be paid by the treasurer into the county treasury.

District attorney. 8. The district attorney shall receive a salary of four thousand three hundred fifty dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the district attorney one chief deputy to be appointed by the district attorney, who shall receive a salary of three thousand dollars per annum; two deputies to be appointed by the district attorney, who shall receive a salary of two thousand four hundred dollars each per annum; one stenographer, to be appointed by the district attorney, and who shall receive a salary of one thousand six hundred twenty dollars per annum; one stenographer, to be appointed by the district attorney and who shall receive a salary of one thousand five hundred dollars per annum; and one stenographer, to be appointed by the district attorney who shall receive a salary of one thousand three hundred fifty dollars per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Coroner 9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools 11. The superintendent of schools shall receive a salary of three thousand six hundred dollars per annum. This office shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. The superintendent of schools shall be allowed actual traveling expenses when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law, for services as a member of the county board of education; provided, that in counties of this class there shall be, and there is hereby, allowed to the superintendent of schools a deputy to be appointed by the superintendent of schools, who shall receive from the county a salary of one thousand eight hundred dollars per annum; and there is hereby allowed to the superintendent of schools one clerk to be appointed by the superintendent of schools, who shall receive a salary of one

thousand three hundred fifty dollars per annum; and there is hereby allowed to the superintendent of schools one clerk to be appointed by the superintendent of schools, who shall receive a salary of one thousand two hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments and at the same time and in the same manner and out of the same fund as is the salary of the superintendent of schools. All fees, commissions, and perquisites collected by the superintendent of schools from whatever source received, shall belong to said county and shall be paid by the superintendent of schools into the county treasury.

Surveyor

12. The county surveyor shall receive a salary of three thousand six hundred dollars per annum; provided, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this State providing for the appointment of such superintendent, then and in that event such county surveyor shall receive a salary of four thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby, allowed to the county surveyor the following deputies, who may be appointed by the county surveyor and who shall be paid salaries as follows: One assistant county surveyor and engineer, who shall receive a salary of two thousand seven hundred dollars per annum; one deputy county surveyor, who shall receive a salary of two thousand four hundred dollars per annum; one deputy county surveyor, who shall receive a salary of two thousand one hundred dollars per annum; one deputy county surveyor, who shall receive a salary of one thousand five hundred dollars per annum; and one deputy county surveyor, who shall receive a salary of one thousand three hundred fifty dollars per annum; which offices are hereby created, and the salaries of said deputies and each of them shall be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Librarian

13. The county librarian, two thousand one hundred dollars per annum.

Board of education.

14. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred fifty dollars per annum. In addition, each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same fund and in the same manner as is the salary of the county superintendent of schools.

Justices of the peace.

15. The justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: In townships where the population is ten thousand or more, two hundred two

and 50/100 dollars per month; in townships where the population is four thousand and less than ten thousand, one hundred thirty-five dollars per month; in townships where the population is two thousand and less than four thousand, seventy-two dollars per month; in townships where the population is one thousand and less than two thousand, thirty-six dollars per month; in townships where the population is less than one thousand, eighteen dollars per month. Provided, that the said justices of the peace shall be furnished with offices and the necessary supplies by the board of supervisors of the said county; provided further, that there is hereby allowed two clerks, who may be appointed by the justice of the peace of the township wherein the county seat of the county is located; and one of said clerks shall receive a salary of one thousand five hundred dollars per annum and one of said clerks shall receive a salary of one thousand two hundred dollars per annum; which said salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. Provided further, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all funds received, together with the treasurer's receipt for said funds; and provided further, that no justice of the peace shall hold the office of city recorder.

Constables

16. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is ten thousand or more, one hundred twelve and 50/100 dollars per month; in townships where the population is four thousand and less than ten thousand, seventy-two dollars per month; in townships where the population is two thousand and less than four thousand, sixty-three dollars per month; in townships where the population is one thousand and less than two thousand, sixty-seven and 50/100 dollars per month; in townships where the population is less than one thousand, twenty-two and 50/100 dollars per month. In addition to the monthly salary herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; each constable shall also be allowed all necessary expenses actually incurred by him in arresting, pursuing or conveying prisoners to court or to prison, and actual expenses incurred in serving any process in any criminal case pending in said county, which said expenses shall be audited and allowed by the board of supervisors out of the county treasury.

Population of townships

17. Population of townships. For the purposes of subdivisions fifteen and sixteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the

month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination.

Supervisors.

18. Each member of the board of supervisors shall receive two thousand one hundred sixty dollars per annum, and his necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents per mile in traveling from his residence to the county seat; provided, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

Salaries

19. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month.

Grand jurors.

20. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile.

CHAPTER 667.

An act to amend section 737xx of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Stanislaus.

[Approved by the Governor June 5, 1933 In effect August 21, 1933.]

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

Stats 1927, p 558.

SECTION 1. Section 737xx of the Political Code is hereby amended to read as follows:

Superior judges Stanislaus County

737xx. The annual salary of each of the judges of the superior court in and for the county of Stanislaus is five thousand four hundred dollars.

CHAPTER 668.

An act to amend section 2322x32 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-second class.

[Approved by the Governor June 5, 1933 In effect August 21, 1933.]

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

Stats 1931, p 397

SECTION 1 Section 2322x32 of the Political Code is hereby amended to read as follows:

Yolo County Agricultural commissioner.

2322x32. In counties of the thirty-second class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and stenographer to be appointed by said commissioner which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a salary of one thousand five hundred dollars per annum.

(b) Two inspectors at a salary of one thousand two hundred dollars per annum each.

(c) The commissioner is also authorized and empowered to appoint one stenographer at a monthly salary not to exceed one hundred dollars per month, during the time actually employed, but the aggregate amount which may be expended in any year for such stenographer shall not exceed one thousand two hundred dollars.

CHAPTER 669.

An act to amend section 4261 of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 421.

SECTION 1. Section 4261 of the Political Code is hereby amended to read as follows:

Yolo County Salaries

4261. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is required by law to be made, he shall receive his actual expense in making said register and the index thereto, and ten cents per name for every name registered. In counties of this class the county clerk may appoint one deputy county clerk at a salary of one thousand six hundred eighty dollars per annum and one typist at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Sheriff.

2. The sheriff, three thousand three hundred dollars per annum. The sheriff shall be allowed his actual and necessary

traveling expenses incurred in pursuing criminals and his actual and necessary traveling expenses incurred in the investigation of crimes committed in his jurisdiction. The mileage herein allowed the sheriff shall not exceed fifteen cents per mile one way when such travel can be made by rail; in other cases such mileage shall not exceed sixteen cents per mile one way. In counties of this class the sheriff may appoint one undersheriff at a salary of one thousand five hundred dollars per annum, and one deputy sheriff at a salary of one thousand two hundred dollars per annum, which offices are hereby created and salary fixed to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid. All fees collected by the sheriff for the service of civil papers whether originating within or without the county shall be paid into the county treasury.

Recorder. 3. The recorder, two thousand eight hundred dollars per annum. In counties of this class the recorder may appoint one typist at a salary of nine hundred dollars per annum, which office is hereby created, payable at the same time and out of the same fund as salaries of county officers are paid.

Auditor 4. The auditor, one thousand nine hundred dollars per annum and in lieu of fees heretofore paid him under the provisions of section 4099a of the Political Code, he shall receive an additional sum of five hundred dollars per annum as compensation for the extra duties imposed by said section 4099a. In counties of this class the auditor may appoint one deputy at a salary of two thousand one hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the auditor shall be allowed to employ clerical assistance when needed, at not to exceed four hundred fifty dollars in any one year.

Treasurer 5. The treasurer, two thousand dollars per annum. In counties of this class the treasurer may appoint one deputy treasurer at a salary of nine hundred dollars per annum, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

Tax collector 6. The tax collector, two thousand four hundred dollars per annum. In counties of this class, the tax collector shall be allowed to employ clerical assistance when needed, at not to exceed eight hundred dollars in any one year.

Assessor 7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses when engaged in assessing the property of his county; provided, such traveling expenses shall not in any one year exceed the sum of three hundred dollars.

District attorney. 8. The district attorney, three thousand dollars per annum. In counties of this class, the district attorney may appoint a deputy district attorney, which office of deputy district

attorney is hereby created and said deputy district attorney shall receive as compensation for all services performed as such, the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund that the salaries of county officers are paid. The district attorney may also appoint a clerk, which office of clerk to the district attorney is hereby created and said clerk shall receive as compensation for all services performed as such, the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund that the salaries of the county officers are paid.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may be allowed by law.

Superintendent of schools.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of this county. In counties of this class the secretary of the county board of education shall receive the sum of three hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the superintendent of schools. The compensation of the secretary of the county board of education of this county hereby provided is in lieu of the fees heretofore allowed under the provisions of section 1770 of this code. It is hereby found as a fact that the salary provided for in this section does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. In counties of this class the superintendent of schools may appoint one deputy superintendent of schools at a salary of one thousand two hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools.

Surveyor.

12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two-thirds of the working days in any month, except on payment of fees now allowed by law.

Justices of the peace.

13. Justices of the peace, the following salaries to be paid each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace; in townships having a population of five thousand and more, one hundred dollars; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dol-

lars; in townships having a population of one thousand and less than one thousand five hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

Constables.

14. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for services rendered by them in criminal cases, to wit: In townships having a population of two thousand five hundred or more, seventy dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than two thousand five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section in proportion to their duties.

In addition to the fees and expenses allowed by law as set forth in section 4300d of the Political Code, constables shall be allowed the necessary and actual traveling expenses incurred by them in the investigation of a felony committed within the township of which they are officers, and the necessary and actual traveling expenses incurred by them in pursuing criminals charged with the commission of a felony.

Supervisors.

15. Each supervisor, one thousand two hundred dollars per annum, for all services performed by him as supervisor, member of the board of equalization and road commissioner.

Librarian.

15a. County librarian, one thousand eight hundred dollars per annum.

Jurors.

16. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, three dollars; and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents; and grand

jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents.

Deputies.

17. Deputies. It is hereby found and declared that all deputies, assistants, and other subordinate officers provided for herein are additional deputies and assistants necessary and proper to be allowed to the incumbent principals and shall be effective at once during their present term of office.

CHAPTER 670.

An act to amend section 737eee of the Political Code, relating to the superior judge in and for the county of Yolo.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1760.

SECTION 1. Section 737eee of the Political Code is hereby amended to read as follows:

Superior judge. Yolo County

737eee. The annual salary of the judge of the superior court in and for the county of Yolo is six thousand dollars.

CHAPTER 671.

Stats 1913, p 1086, amended.

An act to amend section 16x32 of the Weights and Measures Act, relating to the sealer of weights and measures in counties of the thirty-second class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1927, p 1834.

SECTION 1. Section 16x32 of the Weights and Measures Act is hereby amended to read as follows:

Yolo County Sealer.

Sec. 16x32. The sealer of weights and measures in counties of the thirty-second class shall receive a salary of one dollar per year.

CHAPTER 672.

An act to amend section 737vv of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Solano.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1899.

SECTION 1. Section 737vv of the Political Code is hereby amended to read as follows:

Superior judge. Solano County.

737vv. The annual salary of the judge of the superior court in and for the county of Solano is six thousand five hundred dollars.

CHAPTER 673.

An act to amend section 737h of the Political Code, relating to the salary of the judge of the superior court in and for the county of Del Norte.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737h of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1440.

737h. The annual salary of the judge of the superior court in and for the county of Del Norte is four thousand seven hundred fifty dollars. Superior judge Del Norte County

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CHAPTER 674.

An act to amend section 737x of the Political Code, relating to the compensation of judges of the superior court, Merced County.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737x of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1408.

737x. The annual salary of each judge of the superior court in and for the county of Merced is six thousand four hundred dollars. Superior judges: Merced County.

CHAPTER 675.

An act to amend section 737aa of the Political Code, relating to compensation of the judge of the superior court in and for the county of Monterey.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737aa of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1503.

737aa. The annual salary of the judge of the superior court in and for the county of Monterey is seven thousand four hundred dollars. Superior judge: Monterey County.

CHAPTER 676.

An act to amend sections 2322x7, 4236a, 4236b, 4236c, 4236d, 4236e, 4236f, 4236g, 4236h, 4236i, 4236j, 4236l, 4236n, 4236o, 4236p and 4236q of the Political Code, and to add thereto sections 4236r and 4236s, relating to the compensation of county officers in counties of the seventh class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 261.

SECTION 1. Section 2322x7 of the Political Code is hereby amended to read as follows.

Sacramento County Agricultural commissioner.

2322x7. In counties of the seventh class, the commissioner shall receive a salary of two thousand one hundred sixty dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner such additional assistants, to be appointed by the commissioner, as the board of supervisors may deem necessary, whose compensation in the aggregate shall not exceed the sum of four thousand eight hundred dollars per annum.

Stats 1931, p 1227.

SEC. 2. Section 4236a of the Political Code is hereby amended to read as follows:

Clerk.

4236a. In counties of the seventh class the county clerk shall receive as full compensation for the services required of him by law the sum of three thousand six hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed the county clerk, the following deputies, clerks and employees, to be appointed by said clerk, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy who shall serve as chief deputy and registrar of voters, two thousand four hundred thirty dollars per annum; one deputy, two thousand two hundred thirty-two dollars per annum; eight deputies, one thousand nine hundred forty-three and 50/100 dollars each per annum; four deputies, one thousand eight hundred eighty-one dollars each per annum; provided, that whenever a special State or special county, or municipal election is held, the county clerk, in counties of this class, shall be, and is hereby allowed the following additional help: Five clerks for a period of and not exceeding sixty days, immediately preceding such election date, whose salary shall be one hundred twenty-five dollars each, per month; provided, further, that, for the purpose of registering electors, the county clerk in counties of this class shall be, and he is hereby allowed as many clerks as are necessary, in his discretion, at one hundred dollars each per month and whose compensation shall not exceed the sum of four thousand dollars in the aggregate for any two consecutive years, commencing January 1, 1932, for all clerks, so employed; provided, further, the county clerk may appoint such number of registration deputies in any precinct as may be necessary

for the purpose of registering electors, each of whom shall be a qualified elector in his respective precinct, each of said deputies in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, shall be paid the sum of fifteen cents per name, for each person legally registered by him, and that each of said deputies, within the corporate limits of a municipality containing twenty-five thousand or more inhabitants, shall be paid the sum of seven and one-half cents per name for each person legally registered by him, and the said registration deputies to be paid for their services on the presentation and filing with the county auditor of said county, a duly verified claim therefor, duly approved by the said county clerk. The county clerk shall be allowed such additional assistants as the board of supervisors may deem necessary, whose compensation in the aggregate shall not exceed the sum of one thousand eight hundred dollars per annum.

The salaries and compensation of each of said deputy clerks and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. The county clerk shall pay into the county treasury at the close of each month, all fees received by him as county clerk during the month accompanied by a statement of the sources from whence received.

SEC. 3. Section 4236b of the Political Code is hereby amended to read as follows: Stats 1931, p 1090.

4236b. In counties of the seventh class the sheriff shall receive as full compensation for the services required of him by law, the sum of three thousand six hundred dollars per annum salary; the sheriff shall also be paid twelve and one-half cents per meal each, for all meals furnished prisoners confined in the county jail. He shall be allowed the actual and necessary expenses incurred in the performance of his official duties, including the actual and necessary expense incurred by him in recovering or searching for the body of any person meeting death through drowning; provided, that in counties of this class, there shall be, and there is hereby allowed the sheriff, the following deputies, jailers and bailiffs, to be appointed by said sheriff, which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy who shall act as undersheriff, at a salary of two thousand four hundred thirty dollars per annum; one deputy, who shall act as chief criminal deputy and Bertillon expert, at a salary of two thousand one hundred dollars per annum; one chief jailer at a salary of two thousand one hundred nine dollars per annum; two deputies who shall act as process servers at a salary of one thousand eight hundred eighty-one dollars each per annum; four deputies who shall act as criminal deputies at a salary of one thousand nine hundred forty-three and 50/100 dollars each per annum; one matron at a salary of one thousand two hundred dollars per annum; one Sheriff

matron, to attend female prisoners at a salary of one thousand five hundred dollars per annum; one deputy who shall act as bookkeeper at a salary of one thousand eight hundred eighty-one dollars per annum; one assistant bookkeeper and property clerk at a salary of two thousand thirty-five dollars per annum; one deputy to act as stenographer and assistant bookkeeper at a salary of one thousand eight hundred eighty-one dollars per annum; one deputy to act as transportation deputy at a salary of one thousand eight hundred eighty-one dollars per annum; six deputies who shall act as jailers at a salary of one thousand eight hundred eighty-one dollars each per annum; four deputies to act as court bailiffs at a salary of one thousand eight hundred twenty-four dollars each per annum.

The sheriff shall be allowed such additional assistants as the board of supervisors may deem necessary, whose compensation in the aggregate shall not exceed the sum of one thousand dollars per annum.

The salaries and compensation of each of said deputies, jailers and bailiffs, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him as sheriff during the month, accompanied by a statement of the sources from whence received.

Stats 1929, p. 243.

SEC. 4. Section 4236c of the Political Code is hereby amended to read as follows:

Recorder.

4236c. In counties of the seventh class the recorder shall receive as full compensation for the services required of him by law, the sum of three thousand six hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the county recorder, the following deputies, clerks and copyists, to be appointed by said recorder, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred thirty dollars per annum; one comparing clerk, at a salary of two thousand fifty-three dollars per annum; one comparing clerk, at a salary of one thousand eight hundred twenty-four dollars per annum; one index clerk, at a salary of two thousand fifty-three dollars per annum; one filing clerk, at a salary of one thousand seven hundred ten dollars per annum; said recorder may also appoint such copyists, not to exceed five, as may be required, for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services the sum of one thousand seven hundred ten dollars per annum. The recorder shall be allowed such additional assistants as the board of supervisors may deem necessary, whose compensation in the aggregate shall not exceed the sum of two thousand five hundred dollars per annum. The salaries and compensation of each of said deputies, clerks and copyists and

employees herein provided for, each of whom shall be a deputy county recorder, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

SEC. 5. Section 4236d of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1090.

4236d. In counties of the seventh class the auditor shall receive as full compensation for the services required of him by law, the sum of three thousand six hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed the auditor, the following deputies, clerks and employees to be appointed by said auditor, which positions are hereby created and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred thirty dollars per annum; one redemption deputy at a salary of two thousand one hundred sixty dollars per annum; one warrant deputy at a salary of two thousand one hundred sixty dollars per annum; one budget deputy at a salary of two thousand one hundred sixty dollars per annum; one claim expert, at a salary of two thousand one hundred sixty dollars per annum; one assistant claim clerk, at a salary of one thousand nine hundred forty-three and 50/100 dollars per annum; one deputy, at a salary of one thousand nine hundred forty-three and 50/100 dollars per annum; and such additional assistants as the board of supervisors may deem necessary whose compensation shall not exceed four thousand dollars per annum, in the aggregate, for all assistance so rendered; provided, however, that if taxes are collected in more than two installments the aggregate compensation of such additional assistants shall not exceed six thousand dollars per annum; provided, further, that the auditor shall certify thereon, as to the correctness of such additional assistants. The salaries and compensations of each of said deputies and clerks, shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid. Auditor.

SEC. 6. Section 4236e of the Political Code is hereby amended to read as follows: Stats. 1927, p. 757.

4236e. In counties of the seventh class the county treasurer shall receive as full compensation for the services required by law, the sum of three thousand six hundred dollars per annum; provided, that he shall also be allowed not to exceed the sum of five dollars per day for his actual and necessary traveling expenses in visiting towns outside the county seat for the purpose of opening safety deposit boxes under the provisions of the "Inheritance Tax Act"; provided, that in counties of this class, there shall be and there is hereby allowed the following deputies, to be appointed by said treasurer, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred thirty dollars per annum; one Treasurer.

bond deputy to act as accountant at a salary of two thousand one hundred sixty dollars per annum; one deputy to act as cashier at a salary of one thousand nine hundred forty-three and 50/100 dollars per annum, the salaries and compensation of each of said deputies and bookkeeper shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid. The treasurer shall be allowed such additional assistants as the board of supervisors may deem necessary, whose compensation in the aggregate shall not exceed the sum of one thousand five hundred dollars per annum; provided, that if taxes are collected in more than two installments, the aggregate pay of such additional assistants shall not exceed two thousand dollars per annum. The county treasurer shall pay into the county treasury at the close of each month, all fees received by him as county treasurer during the month, accompanied by a statement of the sources from whence received.

Stats. 1929, p. 243.

SEC. 7. Section 4236f of the Political Code is hereby amended to read as follows:

Tax and license collector.

4236f. In counties of the seventh class the county tax and license collector shall receive as full compensation for services as tax collector and ex officio license collector, required of him by law, the sum of three thousand six hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed the tax collector, the following deputies, bookkeepers and assistants, to be appointed by said tax collector, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred thirty dollars per annum; one office deputy at a salary of two thousand one hundred sixty dollars per annum; one cashier, at a salary of two thousand one hundred sixty dollars per annum; one deputy at a salary of one thousand nine hundred forty-three and 50/100 dollars per annum; one deputy who shall be correspondence and mail clerk, at a salary of one thousand eight hundred eighty-one dollars per annum; and such emergency assistants as the board of supervisors may deem necessary; provided, however, that the aggregate pay of such emergency assistants, copyists or clerks shall not exceed in the aggregate four thousand five hundred dollars per annum. If taxes are collected in more than two installments, the aggregate pay of such emergency assistants shall not exceed seven thousand five hundred dollars per annum. The salaries and compensations of each of said deputies, cashiers, bookkeepers, assistants, copyists and clerks shall be paid out of the county treasury, in equal monthly installments at the same time and in the same manner as other county officials are paid. The tax collector is hereby declared to be the ex officio license collector, and the office of license collector heretofore existing is hereby abolished.

The tax and license collector shall deposit in the county treasury all the money received by him in his official capacity, not later than the day succeeding the collection thereof, in the manner provided by section 4101a of the Political Code; provided, that checks, drafts and post-office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; provided, further, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section 3888 of the Political Code. The tax and license collector shall be allowed his actual and necessary traveling expenses incurred by him, in the performance of his official duty, not exceeding two hundred dollars for the year.

SEC. 8. Section 4236g of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1090.

4236g. In counties of the seventh class the county assessor shall receive as full compensation for services required of him by law, the sum of three thousand six hundred dollars per annum. He shall be provided with transportation to be used by him and his deputies in assessing property and gathering assessment data; provided, that in counties of this class there shall be and there is hereby allowed the assessor, the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of each are hereby fixed as follows: One assistant county assessor at a salary of two thousand four hundred thirty dollars per annum; five deputies at a salary one thousand nine hundred forty-three and 50/100 dollars each per annum; one stenographer and bookkeeper at a salary of one thousand five hundred sixty dollars per annum; one file clerk at a salary of one thousand five hundred dollars per annum; one country real estate valuation deputy, for not exceeding eight months in any one year, at a salary of one hundred sixty-one and 96/100 dollars per month; as many deputies as are necessary in the discretion of the board of supervisors during each year at a salary of five dollars per day each, and whose compensation for such services shall not exceed the sum of seventeen thousand five hundred dollars per annum in the aggregate for all deputies so employed. Assessor.

SEC. 8a. Section 4236h of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1090.

4236h. In counties of the seventh class the district attorney shall receive as full compensation for the services required of him by law the sum of five thousand one hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the district attorney the following assistant deputies and employees, to be appointed by said district attorney which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant District attorney.

district attorney, whose salary is hereby fixed at the sum of four thousand fifty dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of four thousand fifty dollars per annum; three deputy district attorneys whose compensation is hereby fixed at the sum of three thousand two hundred forty dollars each per annum; one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand eight hundred twenty-four dollars per annum; one chief clerk, whose salary is hereby fixed at the sum of one thousand eight hundred twenty-four dollars per annum; one county detective who shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code and who shall perform such duties as may be required of him by the district attorney, or by the ordinance of the board of supervisors of the county, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; provided, further, that in addition to the salary herein fixed for said county detective he shall be allowed and paid actual and necessary expenses incurred by him in the performance of his official duties; provided, further, that the said county detective shall file with the board of supervisors a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; and provided, further, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. Neither the district attorney nor any of his assistants or deputies shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county.

The salaries and compensation of each of said assistants, deputies and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

Stats 1927, p. 757.

SEC. 9. Section 4236i of the Political Code is hereby amended to read as follows:

Coroner.

4236i. In counties of the seventh class there shall be one coroner who shall receive as full compensation for the services required of him by law, such fees as are now or may hereafter be allowed by law; provided, the coroner, or other officer holding an inquest upon the body of a deceased person may subpena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or sur-

geon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his direction; provided, that in counties of this class there shall be and there is hereby allowed the coroner the following assistants to be appointed by said coroner which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy who shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of one thousand five hundred ninety-six dollars per annum. The coroner shall be allowed such additional assistants as the board of supervisors may deem necessary, whose compensation shall not exceed in the aggregate the sum of one thousand two hundred dollars per annum.

The salaries and compensation of said deputy and stenographer, shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 10. Section 4236j of the Political Code is hereby amended to read as follows: Stats. 1929, p. 243.

4236j. In counties of the seventh class the superintendent of schools shall receive as full compensation for the services required of him by law, the sum of three thousand six hundred dollars per annum and actual and necessary traveling expenses in the performance of the duties of his office; provided, further, that in counties of this class, there shall be and there is hereby allowed the superintendent the following assistants and deputies to be appointed by said superintendent which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant superintendent of schools who shall receive as compensation the sum of two thousand four hundred thirty dollars per annum; one deputy superintendent of schools who shall receive as compensation the sum of two thousand two hundred sixty-eight dollars per annum; one deputy who shall receive as compensation the sum of one thousand nine hundred forty-three and 50/100 dollars per annum; one stenographer, who shall receive as compensation the sum of one thousand five hundred dollars per annum. The superintendent of schools shall be allowed such additional assistants as the board of supervisors may deem necessary, whose aggregate compensation shall not exceed one thousand dollars per annum. The salary of said assistant superintendent of schools and deputy superintendent of schools and stenographer shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate

Superintendent of schools.

of ten cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same funds as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section 1770 of this code.

Stats 1931, p. 1090.

SEC. 11. Section 4236*l* of the Political Code is hereby amended to read as follows:

Township classification.

4236*l*. For the purpose of regulating the compensation of township justices and constables in counties of the seventh class, townships shall be classified on the basis of the population shown by the Federal census taken in 1930. Incorporated cities having a population of twenty thousand or more shall be known as townships of the first class; townships having a population of five thousand and less than twenty thousand shall be known as townships of the second class; townships having a population of more than two thousand and less than five thousand shall be known as townships of the third class; provided, that no township shall contain less than two thousand population; provided, further, that the number of townships shall not exceed eight in counties of this class. It shall be the duty of the board of supervisors to fix the boundaries of townships, so that all the territory in counties of the seventh class, shall be comprised within the above limitations of population, and where the boundary line of any township is changed they shall take the census of said township or townships in the manner as in this section provided and the population therein determined shall be and become the official population of the township.

Townships of the second and third classes shall each have one justice and one constable.

Townships of the first class shall have one justice and two constables; provided, however, that in all such townships having a population of twenty thousand or more there shall be one clerk to be appointed by the justice of the peace, such clerk to receive a salary of two hundred dollars per month; one deputy clerk to be appointed by the justice of the peace, such clerk to receive a salary of one hundred twenty-five dollars per month; such salaries to be payable monthly in the same manner as salaries of county officers are paid. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All fees and mileage collected by constables in civil cases shall be deposited in the county treasury monthly.

In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such township an office to be occupied by such justice and constables jointly. In such townships the constables shall be allowed one clerk at a salary of one hundred twenty-five dollars per month. In any township or townships of the second or third class when, in the opinion of the board of supervisors, it is necessary for the proper conduct of the business of the justices of the peace of any of the township courts, the supervisors shall have the power to provide court room space and the rental thereof shall be a proper charge against the county.

Justices of the peace

The compensation of justices of the peace in counties of the seventh class is hereby fixed as follows: Class one townships, three thousand six hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officers are paid.

Constables.

The compensation of constables in counties of the seventh class is hereby fixed as follows: Class one townships, two thousand four hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officials are paid.

Stats 1927, p 757

SEC. 12. Section 4236n of the Political Code is hereby amended to read as follows:

Supervisors

4236n. In counties of the seventh class each supervisor shall receive as compensation one thousand nine hundred twenty dollars per annum and in addition thereto the board of supervisors as a whole shall be allotted and paid five hundred dollars per year for traveling expenses, and five cents per mile for traveling to and from the county seat; provided, mileage for traveling to and from the county seat shall not be allowed oftener than once in each month.

Stats 1925, p. 803

SEC. 13. Section 4236o of the Political Code is hereby amended to read as follows:

Trial jurors

4236o. In counties of the seventh class the fees for trial jurors for attendance in any court shall be three dollars for each day's attendance, and said trial jurors shall be allowed mileage at the rate of five cents per mile for each and every mile actually and necessarily traveled in attending upon and returning from court, said mileage to be computed for daily attendance, irrespective of whether said daily attendance covers one or more sessions of court.

Grand jurors.

Each member of the grand jury shall be allowed three dollars for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury; each grand juror shall be allowed mileage at the rate of five cents per mile for each and every mile actually and necessarily traveled in attend-

ance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

Stats. 1925, p 803.

SEC. 14. Section 4236p of the Political Code is hereby amended to read as follows:

Librarian

4236p. In counties of the seventh class the salary of the county librarian shall be two thousand seven hundred dollars per annum.

Stats 1925, p. 803.

SEC. 15. Section 4236q of the Political Code is hereby amended to read as follows:

Probation officer.

4236q. In counties of the seventh class there shall be one probation officer and three assistant probation officers. The salaries of such officers shall be as follows: probation officer, two thousand seven hundred dollars per annum; one assistant probation officer, two thousand one hundred sixty dollars per annum; and two assistant probation officers, one thousand eight hundred eighty-one dollars per annum.

New section.

SEC. 16. A new section is hereby added to the Political Code to be numbered 4236r, to read as follows:

Sealer.

4236r. The sealer of weights and measures, in counties of the seventh class, shall receive a salary of two thousand one hundred sixty dollars per annum, and deputies shall receive a salary of one thousand nine hundred forty-three and 50/100 dollars, each, per annum.

New section

SEC. 17. A new section is hereby added to the Political Code to be numbered 4236s, to read as follows:

Mileage

4236s. Whenever under the provisions of this article mileage is allowed to any officer or deputy for the use of a motor vehicle not owned by counties of this class in the performance of official duties, said mileage shall be at the rate of five cents per mile, for each mile actually and necessarily traveled.

CHAPTER 677.

An act to amend section 737p of the Political Code, relating to the salary of the superior judge of the county of Kings.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1717.

SECTION 1. Section 737p of the Political Code is hereby amended to read as follows:

Superior judge Kings County

737p. The annual salary of the judge of the superior court in and for the county of Kings is five thousand dollars.

CHAPTER 678.

An act to amend section 4265 of the Political Code, relating to compensation of county and township officers in counties of the thirty-sixth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4265 of the Political Code is hereby amended to read as follows: Stats 1931, p 1219

4265. In counties of the thirty-sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Sutter County Salaries

1. County clerk, two thousand six hundred twenty-five dollars per annum; and in counties of this class the county clerk shall appoint such deputies and assistants as may be necessary for the proper discharge of the duties of his office, whose compensation shall not for any one calendar year exceed the sum of one thousand five hundred dollars. The salaries of said deputies and assistants shall be paid upon verified claims filed and allowed by the board of supervisors. Clerk

2. Sheriff, two thousand six hundred twenty-five dollars per annum, and actual traveling expenses in pursuit or arrest of criminals, either in or out of his county, and in counties of this class there shall be one chief deputy sheriff who shall be appointed by the sheriff, who shall receive a salary of one thousand five hundred dollars per annum, and one deputy sheriff who shall be appointed by the sheriff to act as night jailer, and to perform such other functions as may be required of him by the sheriff, and who shall receive a salary of one thousand two hundred dollars per annum, and that the salaries of said deputies shall be paid out of the treasury of the county at the same time and in the same manner as the salaries of county officers are paid. Sheriff.

3. Recorder, two thousand six hundred twenty-five dollars per annum, and in counties of this class the recorder shall appoint such deputies and assistants as may be necessary for the proper discharge of the duties of his office, whose compensation in any one calendar year shall not exceed the sum of one thousand eight hundred dollars. The salaries of said deputies and assistants shall be paid upon verified claims filed and allowed by the board of supervisors. Recorder

4. Auditor, two thousand six hundred twenty-five dollars per annum, and in counties of this class the auditor may appoint such deputies and assistants as may be necessary for the proper discharge of the duties of his office, whose compensation shall not for any one calendar year exceed the sum of one thousand five hundred dollars. The salaries of said deputies and assistants shall be paid upon verified claims Auditor.

filed and allowed by the board of supervisors. It shall be the duty of the auditor, in addition to his duties as auditor, to prepare for the board of supervisors, a statistical report as provided by section 4049a of the Political Code as adopted in 1907.

Treasurer. 5. Treasurer, one thousand six hundred twenty-five dollars per annum, and in counties of this class the treasurer shall appoint such deputies and assistants, as may be necessary for the proper transaction of the business of this office, whose salaries shall not in any one calendar year exceed the sum of one thousand five hundred dollars. Salaries of said deputies and assistants to be paid upon verified claims filed with and allowed by the board of supervisors.

Tax collector 6. Tax collector, one thousand dollars per annum, and in counties of this class the tax collector shall appoint such deputies and assistants as may be necessary for the proper transaction of the business of this office, whose salaries shall not in any one calendar year exceed the sum of one thousand five hundred dollars. Salaries of said deputies and assistants shall be paid upon verified claims filed with and allowed by the board of supervisors.

Assessor. 7. Assessor, two thousand six hundred twenty-five dollars per annum, and in counties of this class the assessor may appoint such deputies and assistants as may be necessary for the transaction of the business of this office, whose salaries shall not in any one calendar year exceed the sum of one thousand eight hundred dollars. Salaries of said deputies and assistants shall be paid upon verified claims filed with and allowed by the board of supervisors. The assessor shall also be allowed mileage in performance of the duties of his office at the rate of fifteen cents per mile, one way, but in no event shall such mileage exceed the sum of two hundred fifty dollars in any one calendar year.

District attorney 8. District attorney, two thousand four hundred dollars per annum, and in counties of this class the district attorney shall appoint a clerk or stenographer who shall receive a salary of six hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid.

Coroner. 9. Coroner, five hundred dollars per annum, and the actual traveling and other expenses that he incurs while discharging the duties of his office.

Public administrator 10. Public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor. 11. Surveyor, one thousand five hundred seventy-five dollars per annum to the first Monday of January, 1935, and from and after the first Monday of January, 1935, the salary of the surveyor shall be reduced to one thousand dollars per annum. The surveyor shall be allowed his actual traveling and other expenses while in the performance of the duties of his office and while on the business of the county by order of the board of supervisors; and provided that whenever the

board of supervisors shall direct the surveyor to perform engineering or surveying work for the county he shall have the power to employ such office and field assistants as shall be necessary for the performance of such work, such office and field assistants to be paid upon verified claims filed with and allowed by the board of supervisors. The surveyor shall also be allowed his actual and necessary expenses incurred while traveling to and from and while attending the annual convention of the association of county surveyors; provided that in no event shall such expenses exceed the sum of fifty dollars in any one calendar year.

Superintendent of schools.

12. Superintendent of schools, two thousand four hundred dollars per annum. The salary so fixed for the superintendent of schools includes compensation for his services as secretary of the board of education as provided by sections 2.1300 to 2.1303 inclusive, of the School Code of the State of California, and is in lieu of the compensation provided for his services as such secretary of the board of education.

Supervisors

13. Supervisors, each supervisor shall receive one hundred dollars per month, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents per mile, one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors, and mileage at the rate of fifteen cents per mile, one way, for all actual distances traveled by him in the performance of his duties as road commissioner.

Township classification.

14. In counties of this class, township officers shall receive the following compensation: For the purpose of fixing their compensation according to their duties, townships in counties of this class are hereby classified according to population as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of less than four thousand shall belong to and be known as townships of the second class. For the purpose of determining the population of townships, the population shall be determined by the United States census taken in the year 1930.

Justices of the peace

15. Justices of the peace shall receive the following salaries: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, twenty dollars per month. Such salaries shall be paid at the same time and in the same manner as the salaries of county officers are paid.

Constables

16. Constables shall receive the following salaries: In townships of the first class, one hundred dollars per month; in townships of the second class, twenty dollars per month; and constables shall also receive their actual traveling and other necessary expenses incurred in the performance of the duties of their office, and in pursuit and arrest of criminals and in the investigation of criminal offenses, and provided that said constables for their services in civil cases should be

entitled to retain for their own use the mileage fee in civil cases; but all other fees received by them, shall be paid into the county treasury each month. Salaries of constables shall be paid at the same time and in the same manner as salaries of county officers are paid.

Consolidation of townships. Justice of the peace.

17. In the event that the townships of counties of this class are consolidated into one township then from and after the first Monday of January, 1935, there shall be one justice of the peace in counties of this class, whose salary shall be one thousand five hundred dollars per annum.

Constable.

18. In the event that townships of counties of this class are consolidated into one township, then from and after the first Monday of January, 1935, there shall be one constable in counties of this class, whose salary shall be one thousand two hundred dollars per annum; and said constable shall also receive his actual traveling and other necessary expenses incurred in the performance of the duties of his office and in pursuit and arrest of criminals and in the investigation of criminal offenses; and provided, that said constable, for his services in civil cases, shall be entitled to retain for his own use the mileage fee in civil cases, and all other fees received by them shall be paid into the county treasury each month.

Jurors.

19. Grand jurors and jurors in the superior court shall receive for each day's attendance three dollars; for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way, fifteen cents. Mileage shall be paid for each time a regularly empaneled jury or grand jury shall be called in separate session.

Librarian.

20. Librarian, one thousand eight hundred dollars per annum, and provided said librarian may appoint such assistants as shall be necessary for the expeditious transaction of the duties of his office, and the compensation of such assistants shall be paid out of the county library fund and upon verified claims filed with and allowed by the board of supervisors and shall not exceed in any one calendar year the sum of five thousand dollars.

Salaries and fees.

21. The compensation provided in this section shall be in full compensation, exclusive of expenses, for all services of every kind and nature rendered by the assessor, clerk, treasurer, tax collector, superintendent of schools, auditor and recorder, their deputies and assistants, either as officers or ex officio officers, unless in this section otherwise expressly provided; and all fees provided by section 4290 of the Political Code, all fees paid to the county clerk for the issuance of fishing and hunting licenses, all naturalization fees provided to be retained by the county clerk, all inheritance tax fees provided to be retained by the treasurer, all fees for the registration of birth and death certificates, any compensation paid to any of said officers by any reclamation or drainage district, and any and all other compensation or fees provided to be retained for their own use by any of the officers in this subdivision named,

shall not be so retained, but shall be received by them and then paid into the county treasury to the credit of the salary fund; provided, however, that any salary, compensation or fee provided by law to be paid to any county officer as officers or ex officio officers of levee district number one in said county of Sutter, shall be retained by such officer for his own use and not be paid into the county treasury.

CHAPTER 679.

An act to amend section 2322x36 of the Political Code, relating to the office of the agricultural commissioner in counties of the thirty-sixth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2322x36 of the Political Code is hereby amended to read as follows: Stats 1931, p 753.

2322x36. In counties of the thirty-sixth class, the commissioner shall receive a salary of two thousand six hundred twenty-five dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit: Sutter County. Agricultural commissioner.

(a) Fifteen inspectors at a compensation of four dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed six thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of one hundred dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

CHAPTER 680.

An act to amend section 737k of the Political Code, relating to the superior judge in and for the county of Glenn.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737k of the Political Code is hereby amended to read as follows: Stats 1929, p. 1746.

737k. The annual salary of the judge of the superior court in and for the county of Glenn is five thousand dollars, effective thirty days after this act takes effect. Superior judge Glenn County.

CHAPTER 681.

An act to amend sections 4263a, 4263b, 4263c, 4263d, 4263e, 4263f, 4263g, 4263h, 4263i, 4263k, 4263l, 4263m, 4263o, 4263p and 4263q of the Political Code, relating to the compensation of county and township officers in counties of the thirty-fourth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p 412.

SECTION 1. Section 4263a of the Political Code is hereby amended to read as follows:

Napa County Salaries. Clerk.

4263a. The county clerk, three thousand dollars per annum. In counties of this class the county clerk may appoint a deputy county clerk at a salary of one thousand eight hundred dollars per annum, and a copyist and stenographer at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him to be paid monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid; provided, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens, and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Stats. 1931, p. 412.

SEC. 2. Section 4263b of the Political Code is hereby amended to read as follows:

Sheriff

4263b. The sheriff, four thousand dollars per annum. In counties of this class the sheriff may appoint an undersheriff, which office of undersheriff is hereby created, and said undersheriff shall receive as compensation for all services performed

as such the sum of two thousand two hundred eighty dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff may appoint a deputy sheriff, which office of deputy sheriff is hereby created, for a period of six days in each month. Said deputy sheriff shall receive as compensation for all services performed as such a sum not to exceed six dollars per day, to be paid out of the county treasury monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane and for conveying prisoners and persons charged with being insane to court and to prison or other places of confinement or detention and to and from State prisons, State hospitals and other institutions, and his actual necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the State all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from State prisons, State hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensations other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation, shall be paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

SEC. 3. Section 4263c of the Political Code is hereby amended to read as follows: Stats. 1931, p 412.

4263c. The recorder, one thousand eight hundred dollars per annum; provided, that in counties of this class the recorder may appoint a deputy which office is hereby created, and said deputy county recorder, shall receive as compensation for all services performed as such the sum of one thousand eighty dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records Recorder.

or papers, four and one-half cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; provided, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Stats. 1931, p. 412.

SEC. 4. Section 4263d of the Political Code is hereby amended to read as follows:

Auditor

4263d. The auditor, two thousand four hundred dollars per annum; provided, that in counties of this class the auditor may appoint two deputies, which offices are hereby created. One deputy auditor shall receive as compensation for all services performed as such, the sum of one thousand five hundred dollars per annum, and one deputy auditor shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, the above salaries to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

Stats. 1931, p. 412.

SEC. 5. Section 4263e of the Political Code is hereby amended to read as follows:

Treasurer

4263e. The county treasurer, two thousand four hundred dollars per annum. The treasurer may appoint a deputy for not to exceed twelve days in any one year, at a salary of five dollars per day. All fees, commissions or other compensation allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Stats. 1931, p. 412.

SEC. 6. Section 4263f of the Political Code is hereby amended to read as follows:

Tax collector.

4263f. The tax collector, two thousand two hundred eighty dollars per annum; provided, that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

Stats. 1931, p. 412.

SEC. 7. Section 4263g of the Political Code is hereby amended to read as follows:

4263g. The assessor, three thousand dollars per annum; provided, in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid. The assessor may also appoint an additional deputy assessor, which office of additional deputy is hereby created, and said additional deputy assessor shall be employed for a period not to exceed ninety days in any one year from January first to December thirty-first, and who shall receive as compensation seven dollars per diem for the time so employed, to be paid in the same manner, at the same time and out of the same funds as salaries of county officers are paid. The assessor may also appoint one copyist, which office of copyist is hereby created, to serve for not more than two hundred fifty days in any one year, and said copyist shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such. Provided, however, that if, in counties of this class, a copy of the assessment roll of any city having a population of less than two thousand is made for any such city, the copyist may be employed and serve ten extra days at five dollars per day for each of said assessment rolls so copied. The assessor may also appoint four field deputies, which office of field deputies are hereby created, to serve for not exceeding ninety days in any one year, and said field deputy assessors shall each receive as compensation for all services performed as such the sum of six dollars and fifty cents per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; providing, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for the services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation. Assessor.

SEC. 8. Section 4263h of the Political Code is hereby amended to read as follows: Stats. 1931, p 412.

District attorney.

4263h. The district attorney, two thousand four hundred dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a secretary for service in his office, which office of secretary to the district attorney is hereby created, and said secretary shall receive as compensation for all services performed as such the sum of one thousand eighty dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

Stats 1931, p 412.

SEC. 9. Section 4263i of the Political Code is hereby amended to read as follows:

Coroner

4263i. The coroner, nine hundred dollars per annum. In counties of this class the coroner shall be allowed as traveling expenses, such mileage as the board of supervisors shall deem proper, which mileage is hereby declared to be a proper legal charge against the county. All fees, commissions or other compensations allowed by law to the coroner in other counties of other classes as a part of his compensation shall be paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

Stats. 1931, p 412

SEC. 9a. Section 4263k of the Political Code is hereby amended to read as follows:

Superintendent of schools

4263k. The superintendent of schools, two thousand dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

Stats. 1931, p 412

SEC. 10. Section 4263*l* of the Political Code is hereby amended to read as follows:

Surveyor.

4263*l*. The surveyor, one thousand dollars per annum, for all work performed for the county and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work and actual necessary expenses and costs of supplies in preparing maps, tracings, plats and diagrams for the county assessor or other county officers, when directed by him or them to prepare the same; provided, further, that the surveyor may employ such other assistants as shall be ordered and required by the board of supervisors, from

time to time. Appointment and salaries of such assistants to be under the control of the board of supervisors to be known as ordinary employees to be discharged at will; provided, that whenever it is necessary to furnish, or otherwise make the county assessor a new and complete set of block books, the board of supervisors may employ a competent draftsman for the purpose of making such block books, who shall receive a salary of eight dollars per day for each day actually and necessarily employed, or contract with some other competent person for the making thereof. All of such expenses and costs shall be proper legal charges against the county and shall be allowed, audited and paid out of the county treasury in the same manner that other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury and no part thereof, except such fees or charges for such private surveys shall be retained by him as a part of his compensation.

Stats 1931, p. 412.

SEC. 11. Section 4263m of the Political Code is hereby amended to read as follows:

Librarian.

4263m. In counties of this class the salary of the county librarian shall be one thousand six hundred eighty dollars per annum.

Stats 1931, p. 412.

SEC. 12. Section 4263o of the Political Code is hereby amended to read as follows:

Justices of the peace

4263o. Justices of the peace shall receive the following salaries, which shall be paid monthly, out of the county treasury, in the same manner, at the same time, and out of the same fund as salaries of county officers are paid, to wit:

1. In townships of the first class the sum of one hundred fifty dollars per month;

2. In townships of the second class, seventy dollars per month;

3. In townships of the third class forty dollars per month.

Justices of the peace in townships of the first and second classes shall be allowed their office rent not to exceed twenty-five dollars per month, and necessary incidental expenses.

Stats 1931, p. 412.

SEC. 13. Section 4263p of the Political Code is hereby amended to read as follows:

Constables.

4263p. Constables shall receive the following salaries, which shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit:

1. In townships of the first class, one hundred dollars per month;

2. In townships of the second class, fifty-five dollars per month;

3. In townships of the third class, thirty dollars per month.

In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals and in conveying prisoners to court or to prison, which said actual necessary expenses shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid.

Stats. 1931, p. 412.

SEC. 14. Section 4263q of the Political Code is hereby amended to read as follows:

Supervisors.

4263q. Each member of the board of supervisors shall receive one thousand two hundred dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors, and shall be paid in the same manner, at the same time and out of the same fund that salaries of other county officers are paid.

CHAPTER 682.

An act to amend section 737ff of the Political Code, relating to the compensation of the judge of the superior court, Plumas County.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1408.

SECTION 1. Section 737ff of the Political Code is hereby amended to read as follows:

Superior judge Plumas County.

737ff. The annual salary of the judge of the superior court in and for the county of Plumas is five thousand four hundred dollars.

CHAPTER 683.

An act to amend section 737q of the Political Code, relating to the salaries of judges of the superior courts.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1512.

SECTION 1. Section 737q of the Political Code is hereby amended to read as follows:

Superior judge. Lake County

737q. The annual salary of the judge of the superior court in and for the county of Lake is five thousand five hundred dollars.

CHAPTER 684.

An act to amend sections 737kk and 737ww of the Political Code, relating to the salaries of the judges of the superior court in and for the counties of San Diego and Sonoma.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 737kk of the Political Code is hereby amended to read as follows: Stats. 1931, p. 1393.

737kk. The annual salary of each of the judges of the superior court in and for the county of San Diego is six thousand seven hundred fifty dollars. Superior judges San Diego County

SEC. 2. Section 737ww of the Political Code is hereby amended to read as follows: Stats. 1931, p 1284

737ww. The annual salary of each of the judges of the superior court in and for the county of Sonoma is six thousand five hundred dollars. Sonoma County.

CHAPTER 685.

An act to amend section 209 of the Penal Code, relating to the punishment of kidnaping.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 209 of the Penal Code is hereby amended to read as follows: Stats 1901, p. 98. See Stats. 1933, Ch 1025

209. Every person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains, such individual for ransom, reward or to commit extortion or robbery or to exact from relatives or friends of such person any money or valuable thing, or who aids or abets any such act, is guilty of a felony and upon conviction thereof shall be punished by life imprisonment without possibility of parole in cases in which the person or persons subjected to such kidnaping suffers or suffer bodily harm inflicted by such kidnapers; or by life imprisonment with possibility of parole in cases where there is no violence and upon the recommendation of the trial jury or in the discretion of the trial judge. Penalty for kidnaping

CHAPTER 686.

An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1934.

Stats. 1921, p. 815.

[Approved by the Governor June 5, 1933. For effective date see Sec. 14.]

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

Creation of State debt.

Stats. 1921, p. 815.

SECTION 1. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act approved May 30, 1921, and of any and all acts amendatory of or supplemental to said act, the Veterans' Welfare Finance Committee created by this act shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Bonds.

SEC. 2. After the issuance of the proclamation of the Governor, provided for in section 16 of this act, and immediately after adoption of any resolution by the Veterans' Welfare Finance Committee hereby created, provided for in section 11 of this act, the State Treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of thirty million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said Veterans' Welfare Finance Committee and specified in such resolution, but in no case exceeding five per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office

of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer, and shall be so payable at the times specified in said resolution or resolutions.

Signatures and seal.

All bonds issued under this act shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be indorsed by the State Treasurer either by original signature or by a signature stamp adopted for each particular bond issue under this act and the said bonds shall be signed, countersigned and indorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, indorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and indorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or indorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and referring to this act and to the resolution of the Veterans' Welfare Finance Committee hereunder by virtue of which said bond is issued.

Coupons.

SEC. 3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Surrender and payment

SEC. 4. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in section 5 hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the State Treasurer.

Appropriation.

SEC. 5. There is hereby appropriated from the general fund in the State treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

Tax levy.

There shall be collected annually in the same manner and at the same time as other State revenue is collected such a

sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Transfer of funds

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the State treasury, all of the moneys in the specific fund into which the proceeds from the sale of the said bonds have been covered as herein prescribed, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the State treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semiannually.

Method of payment.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the Controller of the State in favor of the State Treasurer or in favor of any duly authorized agent of the State Treasurer, upon demands audited by the State Board of Control, and the moneys to be returned into the general fund in the State treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller of the State upon demands duly audited by the State Board of Control.

Appropriation: Expenses.

SEC. 6. The sum of thirty-five thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the expenses that may be incurred by the State Treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the general fund in the State treasury out of the specific funds into which the proceeds from the sale of said bonds shall be respectively covered in accordance with the provisions of this act on Controller's warrant duly drawn for that purpose.

Sale of bonds.

SEC. 7. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said Treasurer shall be directed by the Governor of the State, under seal thereof, after a resolution requesting such sale shall have been adopted by the Veterans' Welfare Board and approved by the Governor of the State, but said Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the Governor, he may from time to time, by public announcement at

the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said Treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Notice of sale

SEC. 8. Due notice of the time and place of sale of all bonds must be given by said Treasurer by publication in one newspaper published in the City and County of San Francisco and also by publication in one newspaper published in the city of Sacramento and by publication in one newspaper published in the city of Los Angeles once a week during four weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said Treasurer into the veterans' farm and home building fund and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of the Veterans' Farm and Home Purchase Act, and of any and all acts amendatory or supplemental to said act; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Proceeds of sale.

Investment of surplus.

SEC. 9. The Veterans' Welfare Board shall be and hereby is authorized, with the approval of the State Board of Control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the State Board of Control; or, the Veterans' Welfare Board may, with the approval of the Director of Finance, invest moneys in any of the funds subject to the control of the Veterans' Welfare Board or appropriated for its use, in interest bearing certificates of deposit of State banks having a paid up capital of five hundred thousand dollars or more; provided, that the total amount of money so deposited with any one bank shall not exceed a sum equal to fifty per cent of the paid up capital of such bank; provided, however, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with the provisions of an act entitled "An act to authorize and control the depositing in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts conflicting with this act," approved April 12, 1923, and of any and all acts amendatory thereof or supplemental thereto, of moneys of any of the

Stats 1923, p. 21.

funds subject to the control of the Veterans' Welfare Board or appropriated for its use.

Interest accruing upon the deposit of moneys appropriated for the use of the Veterans' Welfare Board or of any of the funds subject to the control of said board shall be paid into and credited to the respective appropriation or fund to which the money so deposited belongs.

Veterans' Welfare Finance Committee created.

SEC. 10. There is hereby created a Veterans' Welfare Finance Committee composed of the Governor, State Controller, State Treasurer, chairman of the State Board of Control, and chairman of Veterans' Welfare Board, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The Attorney General of the State shall be the legal adviser of the Veterans' Welfare Finance Committee.

Upon request of the Veterans' Welfare Board, supported by a statement of the plans and projects of the Veterans' Welfare Board with respect thereto, the Veterans' Welfare Finance Committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

Resolution of determination to issue bonds.

SEC. 11. Whenever the said Veterans' Welfare Finance Committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

Determination of maturity dates

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the Veterans' Welfare Finance Committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the Veterans' Welfare Board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenues; provided, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance

thereof; provided further, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; and provided further, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof.

Interest rate.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the Veterans' Welfare Finance Committee according to the then prevailing market conditions, but shall in no case exceed five per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; provided, that the interest coupon first payable may, if the Veterans' Welfare Finance Committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Expenses.

SEC. 12. All actual and necessary expenses of the Veteran's Welfare Finance Committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Veterans' Welfare Board.

Record and report.

SEC. 13. The State Controller, the State Treasurer and the Veterans' Welfare Finance Committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

Effective date.

SEC. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1934, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Ballot.

SEC. 15. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1934, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans' Welfare Bond Act of 1933," and in the same square under said words the following in brevier type: "This act provides for a bond issue of thirty million dollars to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms or homes." In the square immediately below the square con-

taining such words, there shall be printed on said ballot the words, "Against the Veterans' Welfare Bond Act of 1933," and in the same square immediately below said words, "Against the Veterans' Welfare Bond Act of 1933," in brevier type shall be printed "This act provides for a bond issue of thirty million dollars to be used by the Veterans' Welfare Board in assisting California war veterans to acquire farms or homes." Opposite the words "For the Veterans' Welfare Bond Act of 1933" and "Against the Veterans' Welfare Bond Act of 1933," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the Veterans' Welfare Bond Act of 1933" and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans' Welfare Bond Act of 1933." The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Canvass and return of votes

SEC. 16. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for State officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Publication of act.

SEC. 17. It shall be the duty of the Secretary of State in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be held in the month of November, 1934, the costs of publication shall be paid out of the general fund, on Controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the veterans' farm and home building fund. Said refund shall be made upon Controller's warrants duly drawn against said fund for said purpose upon demands audited by the State Board of Control.

Short title

SEC. 18. This act may be known and cited as the "Veterans Welfare Bond Act of 1933."

Repeal.

SEC. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 687.

An act providing for powers of counties in joint county and city projects.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. The legislative body of any county may require as a condition to its participation in any joint county and city project, that any resident of the county, otherwise qualified, shall be eligible for employment in such project. Joint county and city projects.

CHAPTER 688.

An act granting certain tidelands and submerged lands of the State of California to the city of San Diego upon certain trusts and conditions.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. There is hereby granted to the city of San Diego, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all tidelands and submerged lands, whether filled or unfilled, within the present boundaries of said city, not already granted to said city or to the United States government, or to the county of San Diego, in said State, and situated below the line of mean high tide of the Pacific Ocean, which border upon and are in front of the upland now within the boundaries of said city, to be forever held by said city, and by its successors. Nothing in this act shall be deemed or construed to grant any of the tidelands of Mission Bay or of its entrance, or to in any way affect the act of June 15, 1929, providing for a State park on Mission Bay. Grant to city of San Diego of certain State lands. Reservation.

(a) Said lands shall be used by said city and by its successors solely for the establishment, improvement and conduct of harbors and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbors, and for the construction, maintenance and operation thereon of wharves, structures and appliances necessary or convenient for the protection or accommodation of commerce, navigation and fisheries, and for the establishment and maintenance of playgrounds, bathhouses, recreation piers and facilities necessary or convenient for the inhabitants of said city; and said city or its successors shall not at any time grant, con- Trusts and conditions.

vey, give or alien said lands or any part thereof to any individual, firm or corporation for any purpose whatsoever; provided, that said city or its successors may grant franchises thereon for limited periods, but in no event exceeding fifty years, for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, but in no event exceeding fifty years, for purposes consistent with the trust upon which said lands are held by the State of California and with the requirements of commerce, navigation or fisheries.

(b) That said harbors and tidelands shall be improved by said city without expense to the State and shall always remain public harbors and public tidelands for all purposes of commerce, navigation and fisheries; and the State of California shall have at all times the right to use without charge all wharves, docks, piers and other improvements constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbors and tidelands or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to the public use of said tidelands and to fish in the waters thereof, with the right of access to said waters over said tidelands for said purpose.

CHAPTER 689.

An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillates, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded, in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to

be paid therefor, and prescribing penalties for violations of this act.

[Approved by the Governor June 5, 1933 In effect August 21, 1933]

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

Unlawful to distribute or sell certain petroleum

SECTION 1. It shall be unlawful for any person, firm, corporation or association to bring or cause to be brought into this State, or to sell or distribute or offer for sale or distribution, or to assist in the bringing into this State or in the sale or distribution in this State of any crude petroleum oil produced in violation of any law of any State, other than the State of California, or nation in which such crude petroleum oil was produced or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation, or to bring or cause to be brought into this State or to sell or distribute, or offer for sale or distribution, or to assist in the bringing into this State or in the sale or distribution in this State of any gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded, in whole or in part, from crude petroleum oil or gas produced in violation of any law of said State or nation in which such crude petroleum oil or gas was produced, or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation.

Certificate that petroleum not illegally produced.

SEC. 2. It shall be the duty of every person, firm, corporation or association bringing into this State, from any other State or nation, any crude petroleum oil for delivery, sale, distribution, use, refining or blending therein to file with the State Superintendent of Weights and Measures, Department of Agriculture, or any person authorized by him, a certificate that such crude petroleum oil was not produced, in whole or in part, in violation of any law of said State or nation in which such crude petroleum oil was produced, or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation; it shall be the duty of every person, firm, corporation or association bringing into this State, from any other State or nation, any gasoline, distillate, kerosene, gas oil or other motor fuel for delivery, sale, distribution, use or blending therein, to file with the State Superintendent of Weights and Measures, or any person authorized by him, a certificate that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded, in whole or in part, from any crude petroleum oil or gas produced in violation of any law of the State or nation in which such crude petroleum oil or gas was produced, or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation; such certificates shall be issued by and over the official seal of such board, commission

Contents of certificate.

or officer and shall contain the names of the seller and buyer of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, the names of the producer and of the field of production of the crude petroleum oil to be brought in or of the crude petroleum oil or gas from which the gasoline, distillate, kerosene, gas oil or other motor fuel to be brought in was extracted, manufactured, distilled, or compounded, in whole or in part, and such other information as the State Superintendent of Weights and Measures may require.

Permit to unload.

SEC. 3. No person, firm, corporation or association shall unload or cause to be unloaded or take delivery of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel brought into this State for delivery, sale, distribution, use, refining, distilling or blending therein, without first having obtained a permit to do so from the State Superintendent of Weights and Measures or the person authorized by him in the county in this State in which such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel is sought to be brought; for each of such permits a fee of $25 shall be paid into the Department of Agriculture fund.

Fee.

Monthly report.

SEC. 4. Every person, firm, corporation or association bringing into this State crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel for which a certificate and permit are required under the provisions of sections 2 and 3 of this act, shall, on or before the fifteenth day of each calendar month, render to the Superintendent of Weights and Measures on forms prescribed by him a true and complete report of all such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel brought into, delivered, sold, distributed, used, refined, distilled or blended during the preceding month, showing date of delivery, sale or distribution, number and size of barrels or other containers, total number of gallons, names of consignor and consignee or persons to whom delivery, sale or distribution was made, the net quantity consigned, delivered, sold, used, refined, distilled or blended, and such other information as the Superintendent of Weights and Measures may require.

Investigations.

SEC. 5. The Superintendent of Weights and Measures may make his own investigations to determine whether or not any crude petroleum oil brought into this State was produced in violation of any law of the State or nation in which such crude petroleum oil was produced, or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation, or whether any gasoline, distillate, kerosene, gas oil or other motor fuel brought into this State was extracted, manufactured, distilled or compounded, in whole or in part, from crude petroleum oil or gas produced in violation of any law of the State or nation in which such crude petroleum oil or gas was produced, or of any order, rule or regulation of any board, commission or

officer having jurisdiction to enforce such law in that State or nation.

Penalty

SEC. 6. Every person, firm, corporation or association who brings or who assists another to bring into this State for delivery, sale, distribution, use, refining or blending therein, any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel without the permit provided for in section 3 of this act, and every person, firm, corporation or association who sells, distributes, offers for sale or distribution or assists in the sale or distribution in this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel knowing the same to have been brought into this State without the permit provided for in section 3 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment, and such product so brought in shall be seized and destroyed by the Superintendent of Weights and Measures.

Certificate issued under false representations

Every person, firm, corporation or association who files a certificate required by section 2 of this act knowing such certificate to have been issued under false representations, and every person, firm, corporation or association who refuses to file the report provided for in section 4 of this act, or who knowingly makes any false statement therein, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Enforcement.

SEC. 7. It shall be the duty of the Division of Weights and Measures of the Department of Agriculture, to enforce the provisions of this act.

SEC. 8. The provisions of this act shall not apply to:

Exceptions

(a) Gasoline or other motor fuel used in internal combustion engines brought into this State in motor vehicles for their own operation in quantities ordinarily carried in the fuel tanks of like vehicles.

(b) Common carriers performing in good faith their duties as common carriers.

(c) Railroads which bring into this State any crude petroleum oil, gasoline, distillate, kerosene, gas oil, or other motor fuel for their own use or for the use of their subsidiary companies and not for sale or redistribution to the public.

Constitutionality.

SEC. 9. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 690.

An act to add section 365e½ to the Political Code, relating to powers and duties of the California Highway Commission in respect to construction or repair of highways.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 365e½ and to read as follows:

High-type paving.

365e½. Whenever any high-type paving work is to be done by contract under the control and direction of the Department of Public Works which is to be paid for in whole or in part with moneys coming out of the State highway maintenance fund or the State highway construction fund, and in the judgment of said department the conditions do not require the use of a particular type of pavement, the said department shall cause to be prepared alternate plans and specifications contemplating the use of all such materials as are adopted as standard for high type paving by the Division of Highways and acceptable to it. The Department of Public Works shall then advertise and call for bids for the doing of such work based on the use of such alternate materials and upon receipt of such bids shall proceed to the award of a contract to the lowest qualified bidder. Whenever the words "high type paving" are used in this act, they shall be construed to include only asphalt concrete pavement and Portland cement concrete pavement as designed by the Division of Highways.

CHAPTER 691.

Stats. 1919, p. 1252, amended

An act to amend sections 1, 2, 3, 5, 10, 11, 12, 12a, 17, and 20a, of chapter 605, Statutes of 1919, known as the "California Real Estate Act," relating to real estate brokers and salesmen, subdivisions, and directory of real estate brokers and salesmen.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1919, p. 1252.

SECTION 1. Section 1 of the "California Real Estate Act" is hereby amended to read as follows:

License for real estate business.

Section 1. It shall be unlawful for any person, copartnership or corporation to engage in the business, act in the capacity of, advertise or assume to act as a real estate broker or a real estate salesman within this State without first obtaining a license from the State Real Estate Department.

SEC. 2. Section 2 of the "California Real Estate Act" is hereby amended to read as follows: Stats. 1929, p. 223

Sec. 2. A real estate broker within the meaning of this act is a person, copartnership or corporation who, for a compensation, sells or offers for sale, buys, or offers to buy, lists, or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of real estate, or who, for compensation, negotiates loans on real estate, leases, or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents, or places for rent, or collects rent from real estate, or improvements thereon, for another or others. A real estate salesman within the meaning of this act is one who for a compensation is employed by a licensed broker to sell, or offer for sale, or to list, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to solicit for prospective purchasers of real estate, or to negotiate a loan on real estate, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any real estate, or improvements thereon. The provisions of this act, except as to sections 20a and 20b, shall not apply to anyone who shall directly perform any of the acts aforesaid with reference to his own property or, in case of corporations, through their regular officers receiving no special compensation therefor perform any of the acts aforesaid with reference to their, to wit, said corporations, own property; nor shall the provisions of this act apply to persons holding a duly executed power of attorney from the owner, nor shall this act be construed to include in any way the services rendered by an attorney at law in performing his duties as such attorney at law; nor shall it be held to include any receiver, trustee in bankruptcy, or any person acting under order of any court, nor to a trustee selling under a deed of trust. One act, for a compensation of buying or selling real estate of or for another, or offering for another to buy or sell or exchange real estate, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of real estate, or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom shall constitute the person, copartnership or corporation making such offer, sale or purchase, exchange or lease, or negotiating said loan, or so renting or placing for rent or collecting said rent or listing or soliciting, a real estate broker or salesman within the meaning of this act.

Definitions. Real estate broker

Real estate salesman.

Application of act.

Act constituting person, etc., broker or salesman

When a lease or leasing is referred to in this section, it shall be held to include any lease, whether such lease be the sole transaction involved, or the principal or an incidental part of the transaction involved.

SEC. 3. Section 3 of the "California Real Estate Act" is hereby amended to read as follows: Stats. 1931, p. 1294

Sec. 3. There is hereby created a State Real Estate Department. The chief officer of such department shall be the Real Estate Commissioner. He shall be appointed by the

State Real Estate Department created

Real Estate Commissioner: Appointment.

Salary.

Bond.

Powers and duties

Employees.

Not to engage in real estate business

Duties of employees.

Compensation.

Governor and hold office at the pleasure of the Governor, and no person shall be appointed to the office of Real Estate Commissioner who shall not have been for five years a real estate broker actively engaged in business as such in California. He shall receive an annual salary of six thousand dollars, to be paid monthly out of the State treasury upon a warrant of the Controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office, and file the same in the office of the Secretary of State and execute to the people of the State of California a bond in the penal sum of ten thousand dollars executed by two or more sureties, or by a surety company duly authorized to do business in this State, to be approved by the Governor of the State, for the faithful discharge of the duties of his office. The Real Estate Commissioner shall have full power to regulate and control the issuance and revocation, both temporary and permanent, of the licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement. The Real Estate Commissioner shall publish or cause to be published on or about July first of each year a directory or list of licensed brokers and salesmen and may publish therewith such matter as he may deem pertinent to the act, and shall mail one copy of such directory to each licensed broker upon his request therefor, without charge. The Real Estate Commissioner may periodically issue a bulletin containing matter relating to his department, and to the act, and the administration thereof and may publish the same character of matter in any established periodical published in the State, which, in his opinion, would be most likely to disseminate such matter and information to licensees under this act. The Real Estate Commissioner shall employ such deputies, clerks and assistants as he may need to discharge in proper manner the duties imposed upon him by law. After qualifying as such, neither the Real Estate Commissioner, nor any of his deputies, clerks or assistants shall be interested in any real estate company or any real estate brokerage firm, as director, stockholder, officer, member, agent or employee, or act as a broker or salesman within the meaning of this statute or act as a copartner or agent for any other such broker or brokers, salesman or salesmen. Such deputies, clerks and assistants shall perform such duties as the Real Estate Commissioner shall assign to them. The Real Estate Commissioner shall fix the compensation of such deputies, clerks and assistants, which compensation shall be paid monthly on a certificate of the Real Estate Commissioner and on the warrant of the Controller out of the State treasury. Each deputy shall, after his appointment, take and subscribe to the constitutional oath of office and file the same in the office of the Secretary of State.

Stats 1929, p. 223.

SEC. 4. Section 5 of the "California Real Estate Act" is hereby amended to read as follows:

Sec. 5. All fees charged and collected under this act shall be paid by the Real Estate Commissioner at least once a week, accompanied by a detailed statement thereof, into the treasury of the State to the credit of a fund to be known as the "real estate fund," which fund is hereby created. All moneys which shall be paid into the State treasury and credited to the "real estate fund" are hereby appropriated to be used by the commissioner in carrying out the provisions of this act, including the payment of the salaries of the commissioner and his deputies, clerks and assistants, and the moneys credited to said fund shall remain therein. The Controller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the Treasurer shall pay the same; provided, however, that all of the expenditures of said commissioner including his salary shall be paid only from the real estate fund. The commissioner may, with the consent of the Board of Control, withdraw from said fund moneys to be used as a "revolving fund" where cash advances are necessary. The commissioner must account for the sum withdrawn from said "revolving fund" at any time upon demand of the Board of Control. It shall be the duty of the Real Estate Commissioner semiannually to certify under oath to the State Treasurer and Secretary of State the total amount of receipts and expenditures of the Real Estate Commissioner's department for the six months preceding. All moneys in excess of one hundred thousand dollars ($100,000.00) remaining in the State treasury to the credit of the "real estate fund" at noon on the thirty-first day of December of each year shall on or before the fifteenth day of the succeeding month be transferred from said "real estate fund" to the general fund of the State.

"Real estate fund"

Appropriation.

SEC. 5. Section 10 of the "California Real Estate Act" is hereby amended to read as follows:

Stats. 1931, p. 1294.

Sec. 10. License fees shall be as follows:

(1) For an original broker's license the fee shall be five dollars together with an examination fee of fifteen dollars which examination fee shall cover all examinations prior to the issuance of such original broker's license. For a renewal broker's license the annual fee shall be five dollars. For the purpose of this section, an original broker's license is defined to be one issued to a person, copartnership or corporation who did not have a broker's license on December thirty-first of the year previous to the year for which the license is issued. For the purpose of this section, a renewal broker's license is defined to be one issued to a person, copartnership or corporation who did have a broker's license unrevoked and unsuspended on December thirty-first of the year previous to the year for which such renewal license is issued. If the licensee be a corporation, the license issued to it shall entitle the president thereof, on behalf of such corporation, to engage in the business of real estate broker within the meaning of this act without the payment of any further

License fees.

fee. For each officer other than the president of a licensed corporation, through whom it shall engage in the business of real estate broker, within the meaning of this act, the annual fee shall be two dollars in addition to the fee paid by said corporation. If the licensee be a copartnership, the license issued to it shall entitle one member only of said copartnership to engage on behalf of such copartnership in the business of real estate broker within the meaning of this act, said member to be designated in the application of such copartnership for a license. For each other member of such copartnership who on behalf of such copartnership engages in the business of real estate broker within the meaning of this act the annual fee shall be two dollars in addition to the fee paid by said copartnership.

(2) For an original salesman's license the annual fee shall be two dollars, together with an examination fee of three dollars, which examination fee shall cover all examinations prior to the issuance of an original salesman's license. An original salesman's license is defined to be one issued to a person who did not have a salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on December thirty-first of the year previous to the year for which the salesman's license is issued. For the purpose of this section a renewal salesman's license is defined to be one issued to a person who had a salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on December thirty-first of the year previous to the year for which the salesman's license is issued.

(3) For a renewal salesman's license the annual fee shall be two dollars.

(4) For a branch office broker's license the fee shall be one dollar.

(5) For change of name or of address of licensee on the records of the department the fee shall be one dollar.

(6) The fee for transfer of a salesman's license on change of employer shall be one dollar.

(7) For a duplicate license the fee shall be one dollar.

(8) For reinstatement of a license within the calendar year the fee shall be one dollar.

The fee for all licenses shall at all periods of the year be the same as above provided. All license fees herein provided for shall be payable in advance of issuing the licenses and all examination fees shall be payable before taking the examination. All licenses shall expire on December thirty-first of each year at midnight.

Stats 1929, p. 223.

SEC. 6. Section 11 of the "California Real Estate Act" is hereby amended to read as follows:

Display of license.

Sec. 11. The licenses of both broker and salesman shall be prominently displayed in the office of the real estate broker, and no license issued hereunder shall authorize the licensee to do business except from the location stipulated in the license

The salesman's license shall remain in the possession of the licensed broker employer until canceled or until said licensee shall leave the employ of said broker. Immediately upon the salesman's withdrawal from the employ of the broker, the broker shall return the salesman's license to the commissioner for cancellation. A license canceled but not suspended or revoked may be reinstated within the calendar year upon receipt of application and fee of one dollar. Notice in writing shall be given the commissioner of change of business location of broker, whereupon the commissioner shall issue a new license for the unexpired period. The change or abandonment of business location without notification to the commissioner and the issuance by him of a new license shall automatically cancel the license heretofore issued.

Place of business

Each licensed broker under the provisions of this act shall be required to have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business.

Stats 1931, p. 1294

SEC. 7. Section 12 of the "California Real Estate Act" is hereby amended to read as follows:

Revocation or suspension of licenses

Sec. 12. The Real Estate Commissioner may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker, or a real estate salesman, within this State, and shall have the power to temporarily suspend or permanently revoke a license issued under the provisions of this act, at any time where the holder thereof, within the immediately preceding three years, while a licensee under this act, in performing or attempting to perform any of the acts mentioned herein has been guilty of:

Grounds.

(1) Making any substantial misrepresentation, or

(2) Making any false promises of a character likely to influence, persuade or induce, or

(3) A continued and flagrant course of misrepresentation or making of false promises through agents or salesmen, or

(4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or

(5) Has commingled the money or other property of his principal with his own, or

(6) Any other conduct, whether of the same or a different character than hereinabove specified, which constitutes fraud or dishonest dealing.

The Real Estate Commissioner shall have power to suspend or revoke the license of any licensee under this act, who within three years immediately preceding has:

(7) Procured a license under this act, for himself or any salesman, by fraud, misrepresentation or deceit, or

(8) Has been convicted of a felony, knowledge of which the commissioner did not have at the time of last issuing a license to such licensee, or

(9) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision thereof offered for sale, or

(10) Wilfully disregarded or violated any of the provisions of this act.

(11) Wilfully used the term "realtor" without legal right so to do.

Stats 193., p. 1294.

SEC. 8. Section 12a of the "California Real Estate Act" is hereby amended to read as follows:

Notice before denying, suspending or revoking license.

Sec. 12a. Before denying, suspending or revoking any license the said commissioner shall notify, in writing, the applicant or holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. Service upon the licensee or applicant of the charges against him or of the notice of the time and place of trial, shall be fully effected by mailing a true copy of such charges or notice by United States registered mail in a sealed envelope with postage fully prepaid thereon to the licensee or applicant at his latest address of record in the Real Estate Department. Within ten days after service of a copy of the charges, the defendant shall be required to appear and file a verified answer to such charges

Temporary broker's license.

In case a hearing is called on an application for a broker's license, the commissioner, upon the request of the applicant, and upon the payment of a fee of five dollars, shall issue a temporary broker's license to any applicant who held an unrevoked or unsuspended license on December thirty-first of the preceding year as an individual broker, a corporation, an officer of a corporation, a copartnership or member of a copartnership, but such temporary broker's license shall expire at the time the decision rendered by the commissioner takes effect as hereinafter provided.

Temporary salesman's license.

In case a hearing is called on an application for a salesman's license, the commissioner, upon the request of such applicant, accompanied by the recommendation of the broker under whom such salesman is seeking a license, and upon the payment of a fee of two dollars, shall issue a temporary salesman's license to any applicant who held an unrevoked or unsuspended salesman's or broker's license on December thirty-first of the preceding year, but such temporary salesman's license shall expire at the time the decision rendered by the commissioner takes effect as hereinafter provided.

Review of decision

The decision of the said commissioner in denying, suspending or revoking any license under this act shall be subject to review in accordance with the provisions of Chapter I of Title I of Part III of the Code of Civil Procedure. Any party aggrieved by such decision of the commissioner may make a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying ten cents

for each folio of the transcript and one dollar for the certification thereof. Thereupon the commissioner shall, within thirty days, make and certify such transcript. In suspending or revoking any license, the decision of the commissioner shall not take effect until ten days after its date. Under the provisions of this section, the commissioner shall have power to suspend or revoke the license of a corporation as to any officer or agent acting under its license, and the license of a copartnership as to any member acting under its license, without revoking the license of such corporation or of such copartnership.

Revocation as to individual member.

SEC. 9. Section 17 of the "California Real Estate Act" is hereby amended to read as follows:

Stats. 1925, p. 600

Sec. 17. Any person or corporation acting as a real estate broker or real estate salesman within the meaning of this act without a license or who advertises using words indicating that such person or corporation is a real estate broker without being so licensed as herein provided shall, upon conviction thereof, if a person, be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment in the discretion of the court; or if a corporation, be punished by a fine of not to exceed five thousand dollars.

Penalty for acting without license.

SEC. 10. Section 20a of the "California Real Estate Act" is hereby amended to read as follows:

Stats 1931, p 1294

Sec. 20a. Prior to the time when subdivided lands shall be offered for sale or lease, the owner, his agent, or subdivider, shall notify the Real Estate Commissioner in writing of his intention to sell such offering. Such notice of intention shall contain the following information: The name and address of the owner; name and address of subdivider; legal description and area of land; a true statement of the condition of the title to the land, particularly including all encumbrances thereon, the terms and conditions on which it is intended to dispose of such land, together with copies of any contracts intended to be used and such other information as the owner, his agent, or subdivider, may desire to present.

Notice to commissioner of subdivisions

After receiving such a statement the Real Estate Commissioner may require such additional information concerning the project as he deems necessary, and for which purpose he shall be empowered to prepare a questionnaire for the owner, his agent, or subdivider, to answer.

Additional information

The Real Estate Commissioner at the expense of the owner, his agent, or subdivider, may investigate any subdivision being offered for sale or lease in this State at the time of the adoption of this act, or at any future time, and shall make public his findings thereon. The total cost of such examination shall be borne by the owner, his agent, or subdivider, of the project on the basis of actual costs to the Real Estate Department. An initial fee of fifty dollars ($50) shall accompany the answered questionnaire.

Investigation.

Expenses.

When an inspection is to be made of subdivided lands, situated outside the State of California, being offered for sale or lease in this State, the questionnaire shall be accompanied by the filing fee, together with an amount equivalent to five cents (5¢) a mile for each mile going and returning, estimated by the Real Estate Commissioner to be traveled by railroad from Sacramento to the location of the project, and an amount estimated to be necessary to cover the additional expenses of such inspection, not to exceed ten dollars ($10) a day for each day consumed in the examination of the project.

When an inspection is to be made of subdivided lands, situated within this State, being offered for sale or lease, and not to be used for residential or for business purposes, the questionnaire shall be accompanied by the filing fee, together with an amount estimated by the Real Estate Commissioner to be necessary to cover the actual expenses of such inspection, not to exceed ten dollars ($10) a day for each day consumed in the examination of the project.

If the subdivided lands are situated in this State, and are to be offered for sale or lease for residential and/or for business purposes, the questionnaire shall be accompanied by the filing fee only.

Public report

When the Real Estate Department makes an examination of any subdivision, the Real Estate Commissioner shall make a public report thereon, and is hereby authorized to publish said report. An order prohibiting the sale and/or lease of the property in this State may be issued by the Real Estate Commissioner if the examination of the project shows that the sale and/or lease thereof would constitute misrepresentation to or deceit or fraud of the purchasers of lots or parcels in such subdivision.

Order of prohibition

Hearing

Before such order of prohibition shall be issued by the commissioner, a hearing shall be held by the department, and the same procedure shall be followed as provided in sections 12, 12a, and 13 of this act, and an order of the commissioner made pursuant hereto, shall be subject to review in accordance with the provisions of Chapter I, Title I, Part III, of the Code of Civil Procedure.

Review.

Change of set-up.

It shall be unlawful for the owner, his agent, or subdivider, of the project, after it is submitted to the Real Estate Department, to materially change the set-up of such offering without first notifying the Real Estate Department in writing of such intended change.

Lands subject to encumbrance.

In case the lands to be subdivided shall be subject to a lien or encumbrance securing or evidencing the payment of money other than taxes or assessments levied by public authority, or in case the interest of the owner, his agent, or subdivider, be held under option or contract of purchase or in trust, it shall be unlawful to sell any land in such subdivision unless provision exists in such lien, encumbrance, option, contract or trust agreement, or in a valid supplementary agreement enabling the vendor to deliver, title to each parcel sold free of

such lien, encumbrance, option, contract or trust agreement, upon completion of all payments and performance of all the terms and provisions required to be made and/or performed by the vendee under the agreement of sale. Certified or verified copies of documents containing such provisions shall be filed with the Real Estate Department prior to the sale of any part of the subdivision.

Applicability of section

No lien, encumbrance, option, contract or trust agreement existing on the ninety-first day after the adjournment of the 1931 session of the Legislature, and no extension, renewal or refinancing of any such existing lien, encumbrance, option, contract or trust agreement shall be affected by any amendment to this section adopted at such session.

Definitions.

For the purpose of this act the words "subdivided lands" and "subdivision" are hereby defined as land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels.

CHAPTER 692.

Stats 1915, p. 1404, amended

An act to amend section 20a of an act entitled "An act to protect the natural resources of water, petroleum and gas from damage, waste and destruction; relating to the creation of a division in the Department of Natural Resources for the prevention of such damage, waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; providing for bonds required of drillers of oil and gas wells; and making an appropriation for the purposes of this act," approved June 10, 1915.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1644.

SECTION 1. Section 20a of the act cited in the title hereof is hereby amended to read as follows:

Driller's bond

Sec. 20a. Driller's Bond. Every person, firm, association, corporation, trust or syndicate now engaged, or who or which

shall hereafter engage, in the drilling, redrilling or deepening of any well referred to in this act, shall file with the State Oil and Gas Supervisor an indemnity bond in the sum of five thousand dollars ($5,000), for each such well being drilled, redrilled or deepened, or which shall be hereafter drilled, redrilled or deepened by him or it. In the event such bond is to cover the drilling, redrilling or deepening of a well commenced hereafter, such bond shall be filed with the State Oil and Gas Supervisor at the time of the filing of the notice of intention to drill, redrill or deepen now provided for in section 17 of this act. Such bond shall be executed by said person, firm, association, corporation, trust or syndicate, as principal, and by an authorized surety company, as surety, conditioned that the principal named in such bond shall faithfully comply with all the provisions of this act, in drilling, redrilling or deepening any well or wells covered by said bond; and such bond shall secure the State of California against any and all losses, charges or expenses incurred by said State of California to obtain such compliance by the principal named in said bond. The condition of said bond shall be stated in substantially the following language:

Condition.

"If said ------, the above bounden principal, shall well and truly comply with all the provisions of the act entitled 'An act to protect the natural resources of water, petroleum and gas from damage, waste and destruction; relating to the creation of a division in the Department of Natural Resources for the prevention of such damage, waste and destruction; providing for the appointment of a State Oil and Gas Supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the Director of the Department of Natural Resources in the name of the people of the State of California, providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; providing for bonds required of drillers of oil and gas wells; and making an appropriation for the purposes of this act,' approved June 10, 1915, as amended, and shall obey all orders of the State Oil and Gas Supervisor, or his deputy or deputies, lawfully made in pursuance thereof, if not appealed as provided in said act, or upon affirmance thereof by the board of commissioners having jurisdiction thereof, if appealed thereto, and shall pay all charges, costs and expenses incurred by such supervisor or his deputy or deputies in respect of such well or wells or the property or properties of said principal, or assessed against such well or wells or the property or properties of such principal, in pursuance of the provisions of said

act, then this obligation shall be void; otherwise, it shall remain in full force and effect."

One bond for five or more wells

Any person, firm, association, corporation, trust or syndicate now engaged, or who or which shall hereafter engage in the drilling, redrilling, or deepening of five or more wells at any time, may file with the State Oil and Gas Supervisor one bond for $25,000 to cover all operations of such person, firm, association, corporation, trust or syndicate in the drilling, redrilling, or deepening of any of his or its wells in this State in lieu of a $5,000 bond for each well being drilled, redrilled or deepened by him or it. Such bond shall be executed by said person, firm, association, corporation, trust or syndicate, as principal, and by an authorized surety company, as surety, and shall be in substantially the same language and upon the same conditions as herein provided for the $5,000 bond except as to the difference in the amount.

Cancellation of bond.

Any $5,000 bond issued in compliance with the terms of this act may with the consent of the State Oil and Gas Supervisor, be terminated and canceled, and the surety be relieved of all obligations thereunder. The State Oil and Gas Supervisor shall not consent to the termination and cancellation of any bond issued in compliance with the terms of this act until the well or wells for which it has been issued have been properly completed or abandoned.

Any $25,000 bond issued in compliance with the terms of this act may, with the consent of the State Oil and Gas Supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder when all wells covered by such bond have been properly completed or abandoned. Should the person, firm, association, corporation, trust, or syndicate who or which has filed a $25,000 bond properly complete or abandon a portion of his or its wells covered by such bond, such bond may, with the consent of the State Oil and Gas Supervisor, be terminated and canceled and the surety thereon be relieved of all obligations thereunder upon the filing by such person, firm, association, corporation, trust or syndicate, of a $5,000 bond for each well which it is still engaged in drilling, redrilling or deepening.

When well deemed completed

A well shall be deemed properly completed when it has been completed to production of oil or gas, and the person, firm, association, corporation, trust, or syndicate engaged in drilling, redrilling or deepening such well has shown to the satisfaction of the State Oil and Gas Supervisor that both the manner of drilling, redrilling, or deepening such well, and the manner of producing oil therefrom are satisfactory. A well shall be deemed properly abandoned when drilling, redrilling or deepening has ceased before completion to production of oil or gas, and the person, firm, association, corporation, trust, or syndicate drilling, redrilling, or deepening such well has shown to the satisfaction of the State Oil and Gas Supervisor that all proper steps have been taken to shut off and exclude all water from oil-bearing or gas-bearing strata encountered in the well,

When well deemed abandoned.

and to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance.

Applicability of section

The above provisions as to termination and cancellation shall apply to all bonds which have been heretofore, or which may hereafter be, posted in compliance with the provisions of this act.

CHAPTER 693.

An act to amend section 3898b of the Political Code, relating to and providing educational opportunities for children of veterans, defining the powers and duties of the Veterans' Welfare Board in relation thereto and making an appropriation therefor.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p 2033

SECTION 1. Section 3898b of the Political Code is hereby amended to read as follows:

Veterans' dependents' education fund

3898b. (1) In the State treasury there is hereby created a fund to be known as the "Veterans' dependents' education fund", and all moneys that may be in said fund from time to time are to be expended in accordance with law by the Veterans' Welfare Board in providing instruction, educational counsel, textbooks, quarters and other assistance for dependents of veterans, as herein defined.

Definitions.

(2) The word "veteran" as in this section used means and includes any person who served in the army, navy, or marine corps of the United States, who was killed in action or died as a result of war service in the World War from April 6, 1917, to July 2, 1921.

The term "dependent of a veteran" as in this section used means and includes the child of a veteran as herein defined.

A dependent of a veteran applying for aid under the provisions hereof must be over sixteen and not more than twenty-one years of age and must have lived in the State of California for five years immediately preceding the date upon which the application is filed.

Application for aid.

(3) A dependent of a veteran who desires to continue his education may apply to the Veterans' Welfare Board, and if in the opinion of the board the educational needs of the applicant can be satisfactorily met in educational institutions in this State the board shall assume State wardship over the education of the applicant. The board shall have the power within its discretion to provide educational counsel for applicants, and where necessary to assist them in securing admission to suitable institutions of learning; provided, that private tuition schools shall be chosen only when suitable opportunity is not available in public or semipublic institutions.

The board shall also, within its discretion, and in so far as the fund may permit, have power to provide: For the payment of tuition and other fees if there be such; for the purchase of necessary books and supplies; for the monthly payment of an allowance to cover all or a part of the living expenses of the student. For students of collegiate, business and trade school rank the amount shall not exceed twenty-five dollars per month; and for students of secondary schools an amount not to exceed fifteen dollars per month during which the student is in actual attendance upon a day school, absence during the month on account of illness to be included as part of such attendance. Powers of board.

The amount expended on account of any one applicant of collegiate, business and trade school rank under the provisions of this section shall not exceed two hundred fifty dollars, and for students of secondary school rank the sum shall not exceed one hundred thirty-five dollars for any one year. Limitation of expenditures.

The board shall consider such applications in the order in which they are received; however, should the funds available be insufficient to meet the obligations, should it assume wardship over all worthy applicants, the board shall assume wardship over such applicants as are most urgently in need of further education.

SEC. 2. The sum of twenty-five thousand dollars is hereby appropriated from the receipts collected under the provisions of Chapter 303, Statutes of 1921, as amended, other than those received from rents, bonuses and royalties accruing from the use of State school land, to carry out the purposes of this act, and such amount shall annually be paid into the "Veterans' dependents' education fund." Appropriation

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CHAPTER 694.

An act to amend sections 736 and 738 of the Fish and Game Code, relating to fish and game.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 695.

An act to amend sections 487 and 488 of the Agricultural Code, relating to grades for milk.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 696.

An act to amend section 990 of the Fish and Game Code, relating to commercial fishing licenses.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 697.

An act to amend section 120 of the Agricultural Code, relating to nursery stock.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 698.

An act to add a new section to the Fish and Game Code to be numbered 1203.6, relating to pheasants.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 699.

An act to add a new section to the Fish and Game Code, to be numbered 1414, relating to the forfeiture of hunting and fishing equipment illegally used.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 700.

An act to add section 21.5 to the Fish and Game Code, relating to suits against officers and deputies.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 701.

An act to repeal section 1413 of the Fish and Game Code, relating to fines and penalties.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 702.

An act to amend sections 67 and 68 of the Fish and Game Code, relating to fish and game districts.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 703.

An act to amend sections 691, 692, 693, 694, 695, 696, 720, 860, 861, 865, 879, 880, 881, 882 and 972 of the Fish and Game Code, and to repeal sections 719, 862, 903 and 904 thereof, relating to fish and game.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 704.

An act to amend section 782 of the Fish and Game Code, relating to lobsters.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 705.

An act to amend section 423 of the Fish and Game Code, relating to hunting and sporting fishing licenses.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 706.

An act to amend sections 1065 and 1068 of the Fish and Game Code, relating to fish.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 707.

An act to add sections 1415 and 1416 to the Fish and Game Code, relating to the forfeiture of hunting and sporting fishing licenses.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 708.

An act to amend section 140 of the Fish and Game Code, relating to fish and game district 1J.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 709.

An act to amend section 137 of the Fish and Game Code, relating to fish and game districts.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 710.

An act to amend sections 1094, 1095 and 1104 of the Fish and Game Code and to add thereto section 1096.5, relating to records and reports.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 711.

An act to amend sections 560, 816, 817, 818, 819, 820 and 821 of the Fish and Game Code and to add thereto a new section to be numbered 822, relating to oysters.

[Approved by the Governor June 5, 1933. In effect August 21, 1933]

NOTE —See Stats. 1933, Ch. 73.

CHAPTER 712.

An act to add section 234.25 to the Agricultural Code, relating to tuberculosis control.

[Approved by the Governor June 5, 1933. In effect August 21, 1933]

NOTE —See Stats. 1933, Ch. 25

CHAPTER 713.

An act to amend the Agricultural Code by adding thereto article 4, embracing sections 380 to 380.4, inclusive, to chapter 1, Division III, relating to marks and brands.

[Approved by the Governor June 5, 1933. In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 714.

An act to amend section 1151 of the Fish and Game Code, relating to hunting and fishing at night.

[Approved by the Governor June 5, 1933. In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 715.

An act to amend sections 1271 and 1272 of and to add a new section to be numbered 1272.5 to the Agricultural Code, relating to produce dealers.

[Approved by the Governor June 5, 1933. In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 716.

An act to amend sections 860, 861 and 870 of the Agricultural Code, relating to the standardization of canned foods.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 717.

An act to add sections 651.5, 651.6 and 691.6 to the Fish and Game Code, relating to salmon and striped bass.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 718.

An act to amend section 242 of the Agricultural Code, relating to claims for animals slaughtered on account of tuberculosis.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 719.

An act to amend section 307 of the Agricultural Code, relating to meat inspection.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 720.

An act to add sections 611.6 and 621.5 to the Fish and Game Code, relating to fish and game.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 721.

An act to add section 520.5 to the Fish and Game Code, relating to dams.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 722.

An act to amend sections 79 and 81 of the Fish and Game Code, and to add thereto a new section to be numbered 881.5, relating to fish and game.

[Approved by the Governor June 5, 1933. In effect August 21, 1933]

NOTE —See Stats. 1933, Ch. 73.

CHAPTER 723.

An act to amend sections 30, 52, 101, 105, 108, 111, 118, 119, 139, 205, 240, 247, 272, 458, 471, 485, 486, 626, 671, 781, 911, 1244, and 1246 of the Agricultural Code, and to add four new sections to said code to be numbered 16, 207.5, 234.5, and 679, relating to plant and animal industry and the products thereof.

[Approved by the Governor June 5, 1933 In effect August 21, 1933]

NOTE —See Stats. 1933, Ch 25.

CHAPTER 724.

An act to amend section 456 of the Fish and Game Code, relating to the shipment of fish and game.

[Approved by the Governor June 5, 1933. In effect August 21, 1933]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 725.

An act to amend the Fish and Game Code of the State of California by adding thereto new sections numbered respectively 170 and 282, relating to the establishment and

maintenance of a game refuge in the county of Monterey designated Monterey Peninsula Game Refuge.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 726.

An act to amend sections 1204 and 1209 of the Fish and Game Code, relating to ducks and geese.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 727.

An act to amend section 432 of the Fish and Game Code, relating to licenses.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 728.

An act to amend sections 872 and 878 of, and to add a new section to be numbered 883 to, the Agricultural Code, all relating to the regulation of canned foods and the canned food industry.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 729.

An act to amend sections 892 and 900 of the Agricultural Code, relating to field crops, the collection and disposition of fees in connection therewith.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 730.

An act to amend section 1239 of the Agricultural Code, relating to warehouses, the collection and disposition of fees therefrom.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 731.

An act to amend sections 93, 493, 534, 616, 619 and 1272, and to repeal section 94 of the Fish and Game Code, relating to fish and game.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 732.

An act to repeal sections 162 to 165, inclusive, of the Agricultural Code, relating to deer-tight fences.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 733.

An act to add a new section to the Political Code, to be numbered 452a, relating to the safekeeping of bonds deposited with treasurers.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 452a, to read as follows: New section.

Sec. 452a. Whenever there shall be deposited with the State Treasurer, or with the treasurer of any county, city and county, city, town, municipality, or other public or municipal corporation of this State, bonds to secure moneys deposited by any such treasurer with any State or national bank, as authorized by law, said treasurer may, with or without the consent of such depositing bank, deposit such bonds for safe- Bonds deposited with treasurers may be redeposited.

keeping with the Federal Reserve Bank of San Francisco or branch thereof or with the trust department of any State or national bank authorized to conduct a trust business in this State, other than the bank from which such bonds were received as security.

Upon making a deposit of bonds for safekeeping, as herein authorized, the treasurer shall take a receipt therefor from the bank with which such bonds are deposited. While the bonds so deposited as herein authorized remain on deposit with the consent of the bank owning such bonds, such treasurer shall not be responsible for any bonds so deposited nor shall the State, or any county, city and county, city, town, municipality or other public or municipal corporation be responsible for the custody and safe return of any bonds so deposited.

All bonds deposited with any bank as herein provided shall at all times be subject to the order of the treasurer depositing the same and may be withdrawn by him at any time.

The charges for the safekeeping of any bonds under the provisions of this section shall not be a charge against the treasurer making such deposit but shall be paid by the bank owning the bonds so deposited.

CHAPTER 734.

An act to amend section 261 of the Code of Civil Procedure, relating to superior court commissioners.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1860.

SECTION 1. Section 261 of the Code of Civil Procedure is hereby amended to read as follows:

Court commissioners.

261. In any county or city and county having a population of nine hundred thousand or over in which the superior court shall appoint eight court commissioners, each commissioner shall receive a salary of four thousand two hundred dollars per annum. The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against said county or city and county are required by law to be allowed and audited.

CHAPTER 735.

An act to amend the Road District Improvement Act of 1907, approved March 27, 1907, Statutes of 1907, page 806, as amended, by authorizing contributions to be made from public funds toward the payment of principal or interest on bonds issued under that act; and to provide for a repeal of said act, and providing that said repeal shall not apply to existing or authorized bonds and assessments or to existing proceedings instituted thereunder.

Stats 1907, p 806, repealed

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the "Road District Improvement Act of 1907," approved March 27, 1907, Statutes of 1907, page 806, as amended, to be known as section 26a and to read as follows:

New section

Sec. 26a. The legislative body of the county which conducted the proceedings for the improvement may annually at or prior to the time said tax levy is made, transfer from the general fund of any such county or from any fund which may be used for improvements of a similar character to those made under the proceeding, to the interest and sinking fund above provided for, such amount as in the judgment of said legislative body should be transferred. It is the intention of this provision that further assistance in addition to that, if any, provided for in the resolution of intention and that which may be given as elsewhere provided in this act, may be given by such county toward the payment of the expenses of the thing or things done under the proceedings after bonds for said expenses shall have been issued and sold, and apart from the loans elsewhere in this act provided.

Contributions to sinking funds

SEC. 2. An act entitled the "Road District Improvement Act of 1907," Statutes of 1907, page 806, as amended, is hereby repealed except as to section 26a thereof; provided, that the repeal of said act above entitled as amended, shall not operate to divest, limit or prevent the legislative body of any county authorized to conduct a proceeding under the provisions of said act, or any amendment thereof, from exercising all authority, power and jurisdiction and performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended, in any proceeding wherein the resolution of intention was adopted before January 1, 1933, nor shall said repeal be applicable to or affect in any way any bonds heretofore issued or authorized to be issued under said act or any assessment levied or required to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933,) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are

Repeal
Saving clauses

retained in full force and effect and all bonds issued under said act shall be fully paid and discharged.

CHAPTER 736.

Stats 1911, p 1018, repealed

An act to repeal an act entitled "An act to provide for the establishment and change of grade of public highways, streets, public ways and other public property and rights of way, in whole or in part, including property over which possession and right of use have been obtained under the provisions of section 14 of article one of the Constitution of the State of California, whether the same are situated within the limits of a municipality or whether such public ways or property are in part within the limits of one or more municipalities, or extend from one municipality into another municipality, or from one or more municipalities into or through unincorporated territory, or in whole or in part form the boundary between adjoining municipalities or between a municipality and adjacent unincorporated territory; and providing for work in and upon the same together with any and all appurtenances and appurtenant work; and providing for assessing the whole or any portion of the costs and expenses thereof upon private property and for the issuance and payment of improvement bonds to represent certain assessments for the costs thereof; and providing for the effect of and the enforcement of such bonds," approved April 21, 1911, Statutes of 1911, page 1018, as amended, with provision that said repeal shall not apply to existing proceedings under said act.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. An act entitled "An act to provide for the establishment and change of grade of public highways, streets, public ways and other public property and rights of way, in whole or in part, including property over which possession and right of use have been obtained under the provisions of section 14 of article one of the Constitution of the State of California, whether the same are situated within the limits of a municipality or whether such public ways or property are in part within the limits of one or more municipalities, or extend from one municipality into another municipality, or from one or more municipalities into or through unincorporated territory, or in whole or in part form the boundary between adjoining municipalities or between a municipality and adjacent unincorporated territory; and providing for work in and upon the same together with any and all appurtenances and appurtenant work; and providing for assessing the whole or any portion of

the costs and expenses thereof upon private property and for the issuance and payment of improvement bonds to represent certain assessments for the costs thereof; and providing for the effect of and the enforcement of such bonds," approved April 21, 1911, Statutes of 1911, page 1018, as amended, is hereby repealed; provided, however, that the repeal of said act above entitled as amended shall not operate to divest, limit or prevent the legislative body which is authorized to conduct a proceeding under the provisions of said act or any amendment thereof, from performing any or all of the functions, acts or duties imposed, prescribed or authorized by said act as amended in any proceeding wherein the resolution of intention shall have been adopted as provided in said act before January 1, 1933.

Saving clause

CHAPTER 737.

An act to amend section 2192 of the Political Code, requiring counties to pay the State only for the actual time that feeble-minded are inmates of the State home.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2192 of the Political Code is hereby amended to read as follows:

Stats. 1929, p. 1466

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital; provided, that any probation officer or district attorney may petition said court for an order admitting such person to such hospital. Whenever such petition is filed by a probation officer or district attorney, the court shall require such notice of the hearing of said petition be given to any parent, guardian, or other person charged with the support of said imbecile, or feeble-minded person, or idiot, or epileptic mentioned in said petition, as the court may deem proper; providing, however, that in all cases the court shall require due notice of the hearing to be given to the alleged incompetent.

Commitment of incompetents other than insane persons

The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or epileptic, and that he has been a resident of the State for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund avail-

able for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the Department of Institutions, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay his expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the county at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion.

Financial condition of parent or guardian

The judge shall designate some county officer, whose business it shall be to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the person or persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such person or persons to make such payments.

Peremptory discharges

The superintendent may, with the approval of the Department of Institutions, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. The county from which each child or other person is committed to such home shall pay the State the cost of the care of such child or other person, for the time such child or other person so committed remains an inmate of the hospital, at the monthly rate therefor fixed as hereinafter provided.

Cost of care of inmates

The cost of such care shall be determined and fixed monthly by the Department of Institutions, with the approval of the Department of Finance, but in no case shall it exceed the rate of forty dollars per month.

CHAPTER 738.

Stats. 1921, p. 1658, amended

An act to add sections 3a, 3b, and 5a to, and to amend sections 5 and 7 of an act entitled, "The County Improvement Act of 1921," approved June 3, 1921, Statutes of 1921, page 1628, relating to the improvement of roads and highways within unincorporated territory of counties.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section to be known as section 3a is hereby added to an act entitled "The County Improvement

Act of 1921," approved June 3, 1921, Statutes of 1921, page 1628, to read as follows:

Annexation of territory

Sec. 3a. The boundaries of any such maintenance district may be altered, and contiguous territory whether the same be within incorporated or unincorporated territory (provided that if municipal territory is sought to be annexed, consent thereto shall first be obtained from the legislative body of such municipality), may be annexed thereto in the following manner:

Hearing

The board of supervisors may by resolution fix a time and place for hearing upon the question of annexation of such territory to an existing maintenance district, said resolution describing the boundaries of such contiguous territory proposed to be annexed.

The date set for the hearing on such proposed annexation shall be at least three weeks from and after the date of the adoption of the resolution setting the hearing. The board of supervisors shall cause notice of the time, place and purpose of said hearing to be given by post card mailed to each owner of real property within the boundaries of the territory sought to be annexed and within the district to which such territory is proposed to be annexed, whose name and address appears on the last equalized tax roll The person directed by the board of supervisors to mail such post card notices shall file, upon the completion of the mailing of said post cards, an affidavit setting forth the time and manner of the compliance with this requirement. In addition, the board of supervisors shall cause copies of said resolution to be posted in three conspicuous places within the annexing territory and within the maintenance district to which such territory is proposed to be annexed.

At the time fixed for said hearing or to which it may be continued said board of supervisors shall hear and pass upon said proposal and any objections which may be filed to the inclusion of any property within the proposed annexation.

Ordinance fixing boundary.

Said board of supervisors shall have the power, by order entered upon its minutes, to determine that such territory or any part thereof will be benefited by annexation to said district and may order that the boundaries of said district be altered to include such benefited territory.

If the territory annexed to such maintenance district shall comprise a portion of a maintenance district theretofore formed under the provisions of this act, upon such annexation becoming complete by the adoption of the order of the board of supervisors as in this section provided, such territory shall thereupon be withdrawn from the maintenance district of which it theretofore formed a part; provided, however, that no withdrawal of territory under the provisions of this section shall become effective unless and until any outstanding contract of the maintenance district from which a portion is sought to be withdrawn has expired or such contract, with the consent of the parties thereto, has been modified or canceled so

as to relieve such maintenance district of further obligation to pay for future maintenance within the territory so withdrawn, and the funds remaining on hand upon the completion of such annexation shall have been apportioned between the maintenance district to which the territory was annexed and the maintenance district from which it was withdrawn. The division of such funds shall be prorated in the proportion that the assessed value of the real property of the territory so withdrawn bore to the total assessed value of the real property within the maintenance district prior to such withdrawal.

Existing district annexed.

If the territory annexed to such maintenance district shall comprise all of a maintenance district formed under the provisions of this act, upon such annexation becoming complete by the adoption of the order of the board of supervisors as in this section provided the theretofore existing maintenance district so annexed shall thereupon be dissolved; provided, however, that any funds of said maintenance district remaining on hand at the time of the annexation shall be transferred to the maintenance district to which such territory shall have been annexed and any contracts or obligations of said previously existing maintenance district shall become the obligations of the maintenance district to which it has been annexed.

New section.

SEC. 2. A new section is hereby added to said act, to be known as section 3b, and to read as follows:

Additional improvements in existing districts.

Sec. 3b. If after the formation of a maintenance district, as herein provided, additional improvements of the same type or nature be constructed within the boundaries of such district, the board of supervisors shall adopt a resolution declaring it is its intention that the cost of maintaining and operating such additional improvements shall be borne by the existing maintenance district and it shall fix a time and place for a hearing on such resolution, at which hearing any and all persons having any objections to the things proposed to be done may appear and be heard. Said resolution shall contain a statement of the estimated annual cost of maintaining and operating such additional improvements.

At the time of the hearing on said resolution, notice of which hearing shall be given to the persons within the existing maintenance district in the manner prescribed in section 3a hereof, the board of supervisors shall hear and pass upon any and all protests to the maintaining and operating of such additional improvements by said existing maintenance district and its decision shall be final and conclusive. At the conclusion of said hearing the board of supervisors may by order, entered upon its minutes, make the expenses of maintaining and operating such additional improvements a charge upon said existing maintenance district.

Stats. 1925, p. 729

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Dissolution.

Sec. 5. Any such maintenance district formed under this act may be dissolved by the board of supervisors as hereinafter provided. The board of supervisors upon its own motion

may adopt a resolution declaring its intention to dissolve said maintenance district and fix a time for a hearing upon such dissolution. The time for such hearing shall be not less than ten, nor more than thirty days, after the date of the adoption of such resolution, and the clerk of the board of supervisors shall, at least fifteen days prior to the time so fixed, publish notice of such hearing by one insertion in a daily, weekly or semiweekly newspaper printed, published and circulated in said county, and cause printed copies of such notice to be posted in three conspicuous places within said maintenance district. Hearing.

At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon the question of dissolution and all objections and protests and may grant or deny the same, and its decision thereon shall be final and conclusive. If the board of supervisors shall upon such hearing determine that the maintenance district shall be dissolved, the board of supervisors shall, by resolution, order the dissolution of said district and such district shall thereupon be dissolved; provided, however, that the maintenance and operation of the improvements of such district may be continued thereafter until the funds collected for the purpose of maintaining and operating the same have been expended for such purpose.

Upon the inclusion of all of the territory of such a maintenance district within one or more incorporated cities, either by reason of annexation proceedings or by reason of the incorporation of one or more cities, all funds paid into the county treasury to the credit of such district shall be paid over by the board of supervisors of such district as follows: If the whole of such district is so included within one incorporated city, such funds shall be paid to the treasurer of said incorporated city and administered by the legislative body of said incorporated city for the benefit of said district and said district shall thereupon, by reason of such inclusion, be dissolved; if a part only of such district is so included within one incorporated city and the remaining part of such district is so included within one or more other incorporated cities, so that no portion of the district remains within unincorporated territory of the county, then such proportionate part of such funds shall be paid to the treasurer of each such incorporated city as the assessed valuation of the real property of the portion of the district included therein bore, before being so included, to the total assessed valuation of the real property of the district, and such funds shall be administered by the legislative bodies of said incorporated cities for the benefit of said district and said district shall thereupon, by reason of such inclusion, be dissolved. If less than the whole of such a district shall be included within one or more incorporated cities either by reason of annexation or by reason of incorporation proceedings, the district shall continue in existence and shall continue to function without being affected thereby unless the Disposition of property upon dissolution

same shall be dissolved as in this act provided, and the fact that a portion or portions of such district is so included within one or more incorporated cities shall not deprive the board of supervisors of the right to levy the special assessment tax herein provided upon the lands and improvements thereon in such district for the purpose of maintaining the improvements thereof.

New section

SEC. 4. A new section is hereby added to said act, to be known as section 5a, and to read as follows:

Withdrawal from district

Sec. 5a. Any portion of any maintenance district formed under this act, which will not be benefited by remaining within such district, may be withdrawn therefrom as in this section provided. The board of supervisors may by resolution entered upon its minutes fix a time for a hearing to be had on the question of the withdrawal of any portion of a maintenance district on the ground that such portion will not be benefited by remaining within said district. The time for said hearing shall be not less than ten days, nor more than thirty days, from the date of the adoption of such resolution, and the board of supervisors shall at least five days prior to the time so fixed cause to be published a notice of such hearing by one insertion in a daily, weekly or semiweekly newspaper printed, published and circulated in said county, which the board deems most likely to give notice to the inhabitants of said district of the proposed withdrawal. Copies of the notice also shall be posted at least one week prior to the date fixed for said hearing in three conspicuous places within that portion of said maintenance district sought to be withdrawn and in three conspicuous places within the remaining portion of said district.

Hearing

Any person interested may appear at said hearing and object to the withdrawal of said portion from said maintenance district, or may object to the continuance of the remaining territory, as a maintenance district, and the board of supervisors shall consider all objections and shall pass upon the same and if it find that said portion of the district sought to be withdrawn will not be benefited by remaining within said maintenance district and that the territory not sought to be withdrawn will be benefited by continuing as a maintenance district, then it shall so order. Provided, however, that no withdrawal of territory under the provisions of this section shall become effective unless and until any outstanding contract of the maintenance district from which a portion is sought to be withdrawn has expired, or such contract, with the consent of the parties thereto, has been modified or canceled so as to relieve such maintenance district of further obligation to pay for future maintenance within the territory so withdrawn.

Order approving withdrawal

Stats. 1925, p 729

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Lands subject to assessment

Sec. 7. Whenever any work or improvement is done or made under the provisions of this act, whether it be in, under

or upon public ways or publicly owned property or rights of way lying exclusively within unincorporated territory of a county, or in, under or upon any public way, or publicly owned property or rights of way within a municipality, or in, under or upon any public way forming the exterior boundary of a municipality, where such municipality joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such municipality, the lands to be assessed for the construction of such work or improvement, or for the maintenance and operation thereof, or both, may include lands lying within the boundaries of any municipality benefited thereby, and all of such lands may be assessed and taxed therefor, under the procedure prescribed by this act, the same as though such lands were situated exclusively in the unincorporated territory of the county, and with the same effect, provided that consent to the inclusion of such benefited lands within the boundaries of any municipality or municipalities shall first have been granted by resolution of the legislative body of such municipality or municipalities.

CHAPTER 739.

An act to amend section 4143 of the Political Code, relating to the duties of county coroners and to the employment by such coroners of clerks and stenographers and providing for their compensation.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4143 of the Political Code is hereby amended to read as follows: Stats 1907, p 354

4143. Duties of. The coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The coroner, or other officer holding the inquest upon the body of a deceased person, may subpena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by any witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation allowed to stenographers in the superior court of the county; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness. The compensation of the clerk or stenographer hereinabove provided for shall constitute a legal charge against the county. Duties of coroner

CHAPTER 740.

An act to amend sections 274 and 274a of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1311

SECTION 1. Section 274 of the Code of Civil Procedure is hereby amended to read as follows:

Fees of court reporters.

274. For his services the official reporter shall receive the following fees, except in counties where a statute provides otherwise:

For reporting testimony and proceedings, in contested cases, twelve dollars and fifty cents per day. For reporting each default or uncontested action or proceeding the reporter's fee shall be five dollars; provided, however, that if more than four defaults or uncontested matters are reported in any one day, or two or more defaults are reported in conjunction with any contested case the reporter's fee shall be at the rate of twenty-two dollars and fifty cents per day.

For transcription for one copy, twenty cents per one hundred words; for two copies made at one time, fifteen cents each per one hundred words; for three copies made at one time, eleven cents each per one hundred words; for four copies made at one time, nine cents each per one hundred words; and for five or more copies made at one time, eight cents each per one hundred words.

In criminal cases in which the court specifically so directs the fee for reporting and for a transcript ordered by the court to be made must be paid out of the county treasury on the order of the court, except that when a daily transcript is ordered as provided in section 269 of this code then said section shall be applicable; provided, however, that in any case the court shall not order to be transcribed and paid for out of the county treasury any matter or material other than that reported by said reporter as prescribed in paragraph one of section 269 of this code; and provided further that when there is no official reporter in attendance, and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in like manner.

In civil cases the fees for reporting and for all other transcriptions ordered by the court to be made must be paid by the parties in equal proportion, and either party may, at his option, pay the whole thereof; and, in either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties must be paid by the party ordering the same. No reporter shall perform any service in

a civil action other than transcriptions until his fee therefore has been deposited with the clerk of the court.

SEC. 2. Section 274a of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929, p 1310

274a. Judges of the superior court may have any opinion given or rendered by such judge in the trial of any action or proceeding, pending in such court, or any necessary order, petition, citation, commitment or judgment in any probate proceeding, proceeding concerning new or additional bonds of county officials or juvenile court proceeding, or necessary order, petition, citation, commitment, oral testimony or judgment in any insanity proceeding or proceedings relative to an alleged feeble-minded person, or the testimony or judgment relating to the custody or support of minor children in any proceeding in which the custody or support of minor children is involved, taken down in shorthand and transcribed by the official reporter of such court, but if there be no official reporter for such court, then by any competent stenographer; the cost thereof shall be a legal charge against the county, payable out of the county treasury, except the fee for reporting and transcribing in any civil action or proceeding or in any probate proceeding, in the manner set forth in section 274 of this code. Proceedings to be reported and transcribed

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CHAPTER 741.

An act to amend section 1174 of the Code of Civil Procedure, relating to judgments in proceedings for forcible entries, forcible or unlawful detainer.

[Approved by the Governor June 5, 1933 In effect August 21, 1933]

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

SECTION 1. Section 1174 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1931, p 417.

1174. If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited. Judgment.

The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff Damages

by any forcible entry or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or the forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and the rent found due, or for three times the amount so found.

Execution

When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, the court in its discretion may order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

Satisfaction

Judgment enforced when

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

CHAPTER 742.

An act to amend sections 17, 22 and 30 of the Code of Civil Procedure, relating to definition of words used in said code.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1903, p. 134

SECTION 1. Section 17 of the Code of Civil Procedure is hereby amended to read as follows:

Definitions

17. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; justices' courts, without special designation, shall include both justices' courts of Class A and Class B; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person can not write, his name being written near it by

a person who writes his own name as a witness; provided, that when a signature is by mark it must, in order that the same may be acknowledged or may serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witness thereto.

The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "property" includes both real and personal property;

2. The words "real property" are coextensive with lands, tenements, and hereditaments;

3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;

4. The word "month" means a calendar month, unless otherwise expressed;

5. The word "will" includes codicil;

6. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer; and the word "process" a writ or summons issued in the course of judicial proceedings;

7. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the district and territories;

8. The word "section" whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned;

9. The word "affinity" when applied to the marriage relation, signifies the connection existing in consequence of marriage, between each of the married persons and the blood relatives of the other;

10. The word "justice," when used to designate a judicial officer, shall include "justice of the peace," and the word "sheriff" shall include "constable" and "marshal."

SEC. 2. Section 22 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

22. An action is an ordinary proceeding in a court of justice by which one party prosecutes another for the declaration, enforcement, or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense. "Action" defined

SEC. 3. Section 30 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872

30. A civil action is prosecuted by one party against another for the declaration, enforcement or protection of a right, or the redress or prevention of a wrong. "Civil action" defined

CHAPTER 743.

An act to amend sections 33, 34, 36, 40, 47, 53, 57, 65, 66, 67B, 73, 103a, 104, 105, 107, 112, 129, 130, 134, 135, 139, 142, 147, 150, 151, 152, 153, 156, 157, 159, 165, 170, 179, 184, 188, 189, 225, 226, 227, 228, 231, 248, and 274c of the Code of Civil Procedure; to amend the headings of Chapter V of Title I of Part I and of Chapter V of Title II of Part I thereof; to add sections 108a, 115, 116, 116a, 116b, 159a, and 203 thereto; to add a new Article II to Chapter V of, and a new Chapter V-a to Title I of Part I thereof; to repeal the existing Article I of and to add a new Article I to Chapter V of, and to repeal the existing Chapter VI of, and to add a new Chapter VI to, Title I of Part I thereof; to renumber Articles II and III of Chapter V of Title I of Part I thereof, to be Articles III and IV, respectively, of said chapter and to amend the headings of said articles; to amend sections 892, 914, 915, 916, 917, 918 and 921 thereof, and to renumber section 892 to be 109, section 914 to be 113, section 915 to be 113a, section 916 to be 113b, section 917 to be 113c, section 918 to be 113d and section 921 to be 108; and to repeal sections 37, 38, 39, 41, 42, 43, 44, 45, 46, 49, 50, 51, 52, 52a, 54, 55, 56, 68, 69, 70, 71, 72, 75, 76, 77, 78, 79, 106, 160, 161, 167, 170b, 176, 182, 183, 304, 831f, 831g, 911, 912, 913, 920, 927 to 927q, inclusive, 929, 930, 931, 932, 933 and 933½ thereof; all relating to courts of justice and various officers connected therewith.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Code Amdts 1880, p 21
Courts of justice

SECTION 1. Section 33 of the Code of Civil Procedure is hereby amended to read as follows:

33. The Constitution of this State provides for the establishment of the courts of justice.

Code Amdts 1880, p 21
Judgments and decrees

SEC. 2. Section 34 of the Code of Civil Procedure is hereby amended to read as follows:

34. The provisions of this code relating to the commencement and prosecution of, and the practice, procedure, and enforcement of judgments and decrees in, actions and proceedings in trial courts, shall apply to all such courts, except where special provision is made for particular courts, or where a general provision is not applicable by reason of jurisdictional limitations.

Code Amdts 1880, p. 21.
Senate as court of impeachment

SEC. 3. Section 36 of the Code of Civil Procedure is hereby amended to read as follows:

36. The Senate when sitting as the court of impeachment is a court of record; the officers of the Senate are the officers of the court. Proceedings on the trial of impeachments are provided for in the Penal Code.

SEC. 4. Section 40 of the Code of Civil Procedure is hereby amended to read as follows:

Code Amdts 1880, p 21.

40. The organization and jurisdiction of the Supreme Court and the District Courts of Appeal, the justices thereof, and the conduct of business therein, are provided for in the Constitution of this State.

Supreme and district courts

SEC. 5. Section 47 of the Code of Civil Procedure is hereby amended to read as follows:

Code Amdts 1880, p 21

47. The Supreme Court shall hold regular sessions for the hearing of causes, either in bank, or in one or both of its departments, in San Francisco, Los Angeles and Sacramento, at such times as may be fixed by order of the court or of the chief justice, or as may otherwise be prescribed by law; and shall hold special sessions at any of the above-named places at such other times as may be prescribed by the order of the court or of the chief justice. The justices and officers of the Supreme Court shall be allowed their actual traveling expenses in going to and from their respective places of residence upon the business of the court, or to attend its sessions. If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the State, together with attendants, furniture, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the Clerk of the Supreme Court to provide such rooms, attendants, furniture, fuel, lights, and stationery; and the expenses thereof, certified by any three justices to be correct, shall be paid out of the State treasury, for which expenses, and to defray the traveling expenses of the justices and officers of the Supreme Court above-mentioned, a sufficient sum shall be annually appropriated out of any funds in the State treasury not otherwise appropriated. The moneys so appropriated shall be subject to the order of the Clerk of the Supreme Court, and be by him disbursed on proper vouchers, and the same shall be accounted for by him in annual settlements with the Controller of the State on the first Monday of December of each year.

Supreme Court Sessions

Expenses

SEC. 6. Section 53 of the Code of Civil Procedure is hereby amended to read as follows:

Code Amdts 1880, p 21

53. The Supreme Court, and the District Courts of Appeal, may affirm, reverse, or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, or direct a new trial or further proceedings to be had The decision of the court shall be given in writing, and in giving its decision, if a new trial be granted, the court shall pass upon and determine all the questions of law involved in the case, presented upon such appeal, and necessary to the final determination of the case. Its judgment in appealed cases shall be remitted to the court from which the appeal was taken.

Powers of courts in appealed cases

SEC. 7. Section 57 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1903, p 69

Probate and election cases given preference on appeal

57. Appeals in probate proceedings shall be given preference in hearing in the Supreme Court and in the District Courts of Appeal when transferred thereto. Appeals in contested election cases shall be given like preference in the District Courts of Appeal, and in the Supreme Court when transferred thereto. All such cases shall be placed on the calendar in the order of their date of issue, next after cases in which the people of the State are parties

Code Amdts. 1880, p 21

SEC. 8. Section 65 of the Code of Civil Procedure is hereby amended to read as follows:

Superior courts.

65. The organization and jurisdiction of the superior courts are provided for in the Constitution of this State.

Code Amdts 1880, p 21.

SEC. 9. Section 66 of the Code of Civil Procedure is hereby amended to read as follows:

Sonoma County

66. In the county of Sonoma there shall be two judges of the superior court.

Stats 1909, p. 1004.

SEC. 9a. Section 67b of the Code of Civil Procedure is hereby amended to read as follows:

Extra sessions of the superior court

67b. Whenever, in the opinion of the judge or a majority of the judges of the superior court of any county, or city and county, the public interests so justify or require, one or more sessions of said superior court, to be known as extra sessions of said superior court, may be held in addition to and at the same time as the other sessions of said court.

Whenever the judge or a majority of the judges of the superior court of any county or city and county shall decide that an extra session of said court shall be held, said judge or a majority of said judges shall appoint the time when said extra session shall be held, but no extra session of any superior court shall continue beyond the thirty-first day of December of the year in which such session is established. The judge or a majority of the judges of said superior court shall likewise appoint a place, within the county seat of said county or city and county, where such extra session of said court shall be held, and shall have the same power and authority to provide a place for holding such extra session of said court as is had by a judge of a superior court to provide a place for holding a session of a superior court.

Whenever, in a county or city and county having but one judge of the superior court, said judge shall provide for an extra session of said court, he shall, at the time of so providing or from time to time during the continuance of said extra session, apportion to the judge who may preside over said extra session such portion of the business of said court as he may desire, and at the close of such extra session shall order such portions of said business so apportioned and not transacted to be transferred to himself.

Whenever, in any county or city and county having more than one judge of the superior court, a majority of said judges shall provide for an extra session of said court, a majority of said judges, at the time so providing or from time to time during the continuance of said extra session, shall order trans-

ferred to the judge who may preside over such extra session from the judges to whom they have been assigned according to law or the rules of said court, such portions of the business of said court as they may select; and, at the close of such extra session shall order retransferred to the judges of said court such portions of said business so transferred as shall not have been transacted. Except as above provided, any rules of any superior court relating to the transfer of any business from one judge of said court to another shall apply to the transfer of any business duly assigned to the judge presiding over any extra session from said judge to any judge of said court.

Outside judges.

Upon the request of the judge or a majority of the judges of the superior court of any county or city and county, the chairman of the judicial council shall designate and authorize, to hold and preside over such extra session of the superior court of said county or city and county, a judge of the superior court of some other county or city and county; and upon such designation and authorization such judge must so serve.

Proceedings in extra sessions

The judgments, orders, and proceedings of any extra session of any superior court, held in accordance with the provisions of this section, shall be equally effective as if any or all of the judges of said court presided at such session. Any judge or any number of judges of any superior court may hold and preside over any extra session of said court, with or without, the judges designated and authorized to hold and preside over said session. Any judge of any superior court may perform in connection with any business duly assigned to the judge presiding over any extra session of said court any act which he could perform in connection with any business assigned to any other judge of said court. Any judge, holding or presiding over any extra session of a superior court, may perform in chambers or in court, in connection with any business duly assigned to him, any act which could be performed by any judge of said court, in chambers or in court, in connection with such business if duly assigned to himself; but no judge, holding or presiding over any extra session of any superior court, shall perform, in chambers or in court, any act in connection with any business that has not been duly assigned to him.

Compensation of extra judges

All provisions of the laws of this State applying to the compensation of a judge of a superior court, holding the superior court in a county other than his home county, shall apply to judges holding extra sessions of a superior court in any county other than his home county.

Stats 1933, Ch 395

SEC. 10. Section 73 of the Code of Civil Procedure as amended by Chapter 706, Statutes of 1931, is hereby amended to read as follows:

Sessions of the superior court

73. The superior courts shall hold their sessions at the county seats of the several counties, or cities and counties, except as otherwise provided by section 142 of this code. They shall hold regular sessions, commencing on the first

Mondays of January, April, July and October, and special sessions at such other times as may be prescribed by the judge or judges thereof; provided, that in the City and County of San Francisco the presiding judge shall prescribe the times of holding such special sessions; provided, also, that a session of the superior court shall be held at each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse; provided further, that in such of said cities as have a population of more than one hundred twenty-five thousand, as ascertained by such census, at least three regular sessions of the superior court shall be held concurrently; and a majority of the judges of the superior court of said county, may, by an order filed with the county clerk, and published as they may prescribe, provide for, and direct the holding of, additional sessions in each of said cities, when they deem such additional sessions necessary or convenient.

A session of the superior court may be held for a period not exceeding two weeks in any one month, at each city or town containing a population of not less than seven thousand, as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall of said city or town is not less than fifty-five miles distant from the site of the county courthouse.

Heading amended

SEC. 11. The heading of Chapter V of Title I of Part I of the Code of Civil Procedure is hereby amended to read as follows:

CHAPTER V. MUNICIPAL COURTS AND JUSTICES' COURTS.

New article

SEC. 12. Article I of Chapter V of Title I of Part I of the Code of Civil Procedure, embracing sections 85 to 98, inclusive, is hereby repealed, and a new Article I, embracing sections 81 to 84, inclusive, is hereby added to said chapter, to read as follows:

Article I. General Provisions.

Justices' courts Class A

81. Justices' courts in cities, towns and judicial townships, having a population of thirty thousand or more, shall be known, and may be designated, as "Justices' courts of Class A."

Class B

Justices' courts in cities, towns and judicial townships having a population of less than thirty thousand shall be known, and may be designated, as "Justices' courts of Class B."

Effect of establishment of Class A justices' court.

82. The establishment of a municipal court, or justices' court of Class A, in a county, or city and county, or the determination of the jurisdiction of such courts by the Legislature, shall not affect, alter or diminish the previously existing juris-

diction of the superior court of any county, or city and county, other than that of the county, or city and county, wherein such municipal or justices' court is established.

Jurisdiction

83. In so far as the jurisdiction of municipal and justices' courts is the same, such jurisdiction is concurrent.

Process

84. The process of municipal courts and justices' courts shall extend throughout the State.

New article

SEC. 13. A new article, embracing sections 85 to 89 inclusive, is hereby added to Chapter V of Title I of Part I of the Code of Civil Procedure, to be numbered Article II to read as follows:

Article II. Municipal Courts.

Establishment of municipal courts

85. The establishment of municipal courts in cities and counties, and cities, governed under a charter, and containing a population of more than 40,000, is provided for in the Constitution of this State. The method of establishing such courts, the number, election, salaries, terms of office, powers and duties of the judges, clerks and other officers thereof, and the procedure therein, are provided for in an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, Statutes of 1925, Chapter 358.

Stats 1925, p 648.

Records.

86. The clerks of the municipal courts shall keep an index of the names of all judgment debtors with the date of entry of judgment and the number of the action. A record of all proceedings subsequent to judgment, including the amounts of all credits and accrued costs thereon, shall be kept in the register of actions by such clerks.

Clerk

87. The clerk of the municipal court shall, with respect to proceedings therein, exercise all powers conferred by law upon the clerk of the superior court with respect to proceedings in the superior court.

Marshal

88. The marshal of any municipal court, shall, with respect to proceedings in the municipal courts, exercise all powers and perform all duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Original jurisdiction

89. 1. Municipal courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars or less, except cases which involve the legality of any tax, impost, assessment, toll or municipal fine

(b) In actions for dissolution of partnership, where the total assets of the partnership do not exceed two thousand dollars; in actions of interpleader, where the amount of money, or the value of the property involved, does not exceed two thousand dollars.

(c) To cancel or rescind a contract, when such relief is sought in connection with an action to recover money, not exceeding two thousand dollars, or property of a value not exceeding two thousand dollars, paid or delivered under or in consideration of such contract; to revise a contract where such relief is sought in an action upon such contract, of which action the court otherwise has jurisdiction.

(d) In all proceedings in forcible entry or forcible or unlawful detainer, where the rental value is two hundred dollars or less per month, and where the whole amount of damages claimed is two thousand dollars or less.

(e) In all actions to enforce and foreclose liens on personal property, where the amount of such liens is two thousand dollars or less.

(f) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter II, Title IV, Part III of this code, where the amount of such liens is two thousand dollars or less; provided that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property, by action or actions in a municipal court, aggregates an amount in excess of two thousand dollars, the municipal court, in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by section 399 of this code, with respect to the change of place of trial.

(g) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers, where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in section 2422 of the Civil Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court.

2. In cities or cities and counties wherein a municipal court is established, and wherein an inferior court has been established, and its jurisdiction determined as provided by law, such municipal court shall have concurrent jurisdiction with such inferior court to the extent of its jurisdiction.

3. Each municipal court shall have jurisdiction of all cases in equity when pleaded as defensive matter, in any case properly pending in such municipal courts.

SEC. 14. Article II of Chapter V of Title I of Part I of the Code of Civil Procedure, embracing sections 99 to 107, inclusive, as it existed on January 1, 1933, is hereby renumbered to be Article III and the heading therof is amended to read as follows: Article renumbered and heading amended

Article III. Justices' Courts in Townships, Cities and Towns.

SEC. 15. Section 103a of the Code of Civil Procedure is hereby amended to read as follows: Stats 1915, p 942.

103a. In every township wherein provision is made by law for a clerk or clerks, for the justice of the peace, or the justices of the peace, of such township, said clerk or clerks, in addition to the other powers conferred upon them by law, shall have power to administer and certify oaths to affidavits, and all papers, documents or instruments used in, or in connection with, the civil actions or proceedings in such justices' courts and to issue summons and other writs and notices in civil actions in said courts in the name of the justice before whom the same is pending or out of whose court the same is issued. Clerks Powers and duties

SEC. 16. Section 104 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 21

104. A justice's court may be held at any place, selected by the justice holding the same, in the township, city or town for which he is elected or appointed. Justices' court Where held.

SEC. 17. Section 105 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1897, p 8.

105. At the written request of a justice of the peace, another justice of the peace within the same county, who possesses the legal qualifications prescribed for the court of the requesting justice, may attend such court, and thereupon is vested with the power, and may perform all the duties, and issue all the papers or process of the justice making such request. In any such case the proper entry of the proceedings before the attending justice, subscribed by him, shall be made in the docket or minutes of the court which he so attends, and the same shall be prima facie evidence of such proceedings, and form and become a part of the record of any, or any part of any and all actions, causes, or proceedings had before such attending justice while so holding court. If any case pending before such attending justice be adjourned, and the cause for requesting his attendance be removed, the justice who made such request may resume jurisdiction. Justice may call substitute justice to hold court.

SEC. 18. Section 107 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 21

107. In case the townships of any county are hereafter changed or altered, the board of supervisors of such county shall determine what justices shall be successors of justices of townships so changed or altered. Justices where townships altered.

SEC. 19. Article III of Chapter V of Title I of Part I of the Code of Civil Procedure as it existed on January 1, 1933, Article renumbered and heading amended

is hereby renumbered Article IV to embrace sections 108 to 116b, inclusive, and the heading thereof is amended to read as follows:

Article IV. Justices of the Peace and Justices' Courts in General.

Code Amdts 1880, p 18

SEC. 20. Section 921 of the Code of Civil Procedure is hereby renumbered 108, and is amended to read as follows:

Disposition of moneys collected on process

108. Justices of the peace must receive from the sheriff or constables of their county, all moneys collected on any process or order issued from their courts respectively, and must pay the same, and all moneys paid to them in their official capacity, over to the parties entitled or authorized to receive them, without delay.

New section

SEC. 21. A new section is hereby added to the Code of Civil Procedure, to be numbered 108a and to read as follows:

Constable of justice's court

108a. The constable of any justice's court shall, with respect to proceedings in such justice's court, exercise all powers and perform all duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Stats 1913, p 77.

SEC. 22. Section 892 of the Code of Civil Procedure is hereby renumbered 109, and is amended to read as follows:

Payment of salary.

109. No justice of the peace who is paid a salary, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court, which has been submitted for decision for a period of thirty days, remains pending and undecided.

Stats 1931, p 409

SEC. 23. Section 112 of the Code of Civil Procedure is hereby amended to read as follows:

Original jurisdiction of Class A justices' courts

112. Justices' courts shall have original jurisdiction of civil cases and proceedings as follows:

1. Justices' courts of Class A shall have original jurisdiction:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine;

(b) In all proceedings in forcible entry or forcible or unlawful detainer where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less;

(c) In all actions to enforce and foreclose liens on personal property where the amount of such liens is one thousand dollars or less;

(d) In cases in equity, when pleaded as defensive matter in any case at law of which they have jurisdiction;

(e) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in section 2422 of the Civil

Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to appoint receivers in the cases mentioned in section 547a of this code, or any amendment thereof, and to make all orders and perform all acts mentioned in said section in connection with such cases.

Class B justices' courts

2. Justices' courts of Class B shall have original jurisdiction:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine;

(b) In all proceedings in forcible entry, or forcible or unlawful detainer where the rental value is seventy-five dollars or less per month, and where the whole amount of damages claimed is three hundred dollars or less;

(c) In all cases to enforce and foreclose liens on personal property where the amount of such liens is three hundred dollars or less;

(d) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in section 2422 of the Civil Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to appoint receivers in the cases mentioned in section 547a of this code, or any amendment thereof, and to make all orders and perform all acts mentioned in said section in connection with such cases.

C. C. P. 1872

SEC. 24. Section 914 of the Code of Civil Procedure is hereby renumbered 113, and is amended to read as follows:

Court records perpetrated

113. Every justice of the peace, upon the expiration of his term of office, must deposit with his successor his official records and all papers filed in his office, as well his own as those of his predecessors or any other, which may be in his custody, to be kept as public records.

C. C. P. 1872

SEC. 25. Section 915 of the Code of Civil Procedure is hereby renumbered 113a, and is amended to read as follows:

Court records during vacancy.

113a. If the office of a justice becomes vacant by his death or removal from the township or city, or otherwise, before his successor is elected and qualified, the records and papers in possession of such justice must be deposited in the office of some other justice in the township or city, to be by him delivered to the successor of such justice. If there is no other justice in the township or city, then the records and papers of such justice must be deposited in the office of the county

clerk of the county, to be by him delivered to the successor in office of the justice.

C C P 1872

SEC. 26. Section 916 of the Code of Civil Procedure is hereby renumbered 113b, and is amended to read as follows:

Duty of justice holding court records

113b. Any justice with whom the records of his predecessor, or of any other justice are deposited, has and may exercise over all actions and proceedings entered in such records, the same jurisdiction as if originally commenced before him. In case of the creation of a new county, or the change of the boundary between two counties, any justice into whose hands the records of a justice formerly acting as such within the same territory may come, is, for the purposes of this section, considered the successor of such former justice.

C. C P 1872

SEC. 27. Section 917 of the Code of Civil Procedure is hereby renumbered 113c, and is amended to read as follows:

Successor defined

113c. The justice elected to fill a vacancy is the successor of the justice whose office became vacant before the expiration of a full term. When a full term expires, the same or another person elected to take office in the same township or city, from that time, is the successor.

Code Amdts 1880, p 18

SEC. 28. Section 918 of the Code of Civil Procedure is hereby renumbered 113d, and is amended to read as follows:

Determination of successor

113d. When two or more justices are equally entitled, under the last section, to be deemed the successors in office of the justice, a judge of the superior court must, by a certificate subscribed by him and filed in the office of the county clerk, designate which justice is the successor of a justice going out of office, or whose office has become vacant.

New section

SEC. 29. A new section is hereby added to the Code of Civil Procedure to be numbered 115, and to read as follows:

Leaving blanks in papers and process issued

115. The summons, execution, and every other paper made or issued by a justice, except a subpena, must be issued without a blank left to be filled by another, otherwise it is void.

New section

SEC. 29a. A new section is hereby added to the Code of Civil Procedure, to be numbered 116, and to read as follows:

"Docket" to contain what

116. Every justice must keep a book, denominated a "docket," in which he must enter:

1. The title of every action or proceeding.

2. The object of the action or proceeding; and if a sum of money be claimed, the amount thereof.

3. The date of the summons, and the time of its return; and if an order to arrest the defendant be made, or a writ of attachment be issued, a statement of the fact.

4. The time when the parties, or either of them, appear, or their nonappearance, if default be made; a minute of the pleadings and motions; if in writing, referring to them; if not in writing, a concise statement of the material parts of the pleading.

5. Every adjournment or continuance, stating on whose application and to what time.

6. The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the return of the jury and for the trial.

7. The names of the jurors who appear and are sworn, and the names of all witnesses sworn, and at whose request

8. The verdict of the jury, and when received; if the jury disagree and are discharged, the fact of such disagreement and discharge.

9. The judgment of the court, specifying the costs included and the time when rendered.

10. The issuing of the execution, when issued and to whom; the renewals thereof, if any, and when made, and a statement of any money paid to the justice, when and by whom.

11. The receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

SEC. 29b. A new section is hereby added to the Code of Civil Procedure, to be numbered 116a, and to read as follows: New section

116a. The several particulars in the last section specified must be entered under the title of the action to which they relate, and (unless otherwise provided) at the time when they occur. Such entries in a justice's docket, or a transcript thereof, certified by the justice, or his successor in office, are prima facie evidence of the facts so stated. Entries in docket

SEC. 29c. A new section is hereby added to the Code of Civil Procedure, to be numbered 116b, and to read as follows: New section

116b. A justice must keep an alphabetical index to his docket, in which must be entered the names of the parties to each judgment, with a reference to the page of entry. The names of the plaintiffs must be entered in the index, in the alphabetical order of the first letter of the family name. Index to docket

SEC. 30. A new chapter is hereby added to Title I of Part I of the Code of Civil Procedure, embracing sections 117 to 117m and 117o to 117q, both inclusive, to be numbered Chapter V, A, and to read as follows: New chapter.

CHAPTER V, A. SMALL CLAIMS COURTS.

117. All justices of the peace, and judges of the municipal court in any city or city and county in which a municipal court is established, and in which no other court inferior to the superior court is established, shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed fifty (50) dollars and, except as otherwise provided in this section, the defendant named is a resident of the township, city or city and county in which the action is to be maintained. When a defendant has contracted to perform an obligation in a particular township, city or city and county, an action founded on such obligation may be How established. Jurisdiction Venue.

commenced and maintained either in the township, city or city and county where such obligation is to be performed, or in which the defendant resides.

Action commenced by affidavit

117a. Actions shall be commenced, heard and determined in the small claims court under the provisions of this chapter whenever any person executes an affidavit substantially in the form set forth in section 117b of this code, and files the same with the justice of the peace or the clerk or deputy clerk of said justice's or municipal court.

Form of affidavit

117b. The affidavit mentioned in the last section shall be made on a blank substantially in the following form:

In the small claims court of ------, county of ------, State of California.

---------- Plaintiff,
vs.
---------- Defendant.

State of California } ss.
County of-------- }

------, being first duly sworn, deposes and says: that the defendant is indebted to the plaintiff in the sum of $------; that this affiant has demanded payment of said sum; that the defendant refused to pay the same and no part thereof has been paid; that the defendant resides at ------, in the above-named county, or city and county, (or, "that the obligation sued on was contracted to be performed at ------ in the above-named county, or city and county"); that this affiant resides at ------, county (or city and county) of ------ in the State of California.

Subscribed and sworn to before me this ------ day of ------, 19--.

----------,
Justice (Clerk or Notary Public)

On the said affidavit shall be printed:

ORDER.

The people of the State of California, to the within named defendant, greeting:

You are hereby directed to appear and answer the within and foregoing claim at my office in ----------, ---------- (name of building or residence)

in ------ county of------, State of California (or at the court room of department ------ of the municipal court in, etc.), on the ------ day of ------, 19--, at the hour of ------ o'clock in the ------ noon of said day; and to have with you, then and there, all books, papers, and witnesses needed by you to establish your defense to said claim.

And you are further notified that in case you do not so appear, judgment will be given against you for the amount of said claim as it is stated in said affidavit.

Dated this _____ day of _____, 19 __.

Justice of the Peace (or, Clerk of the Court)

Execution of affidavit

117c. The claimant shall prepare such an affidavit as is set forth in section 117b of this code, or, at his request, the clerk or deputy clerk of said court, or the justice if there be no clerk, shall draft the same for him. Such affidavit may be presented by the claimant in person or sent to the justice or clerk by mail. Upon the receipt of said affidavit, properly sworn to, the clerk or deputy clerk of said court, or the justice if there be no clerk, shall file the same and make a true and correct copy thereof. At the same time the justice, or clerk or deputy clerk shall fill in the blanks in the order printed on said copy, sign the order, and immediately thereafter enclose said copy and order in an envelope, address the said envelope to the said defendant at the address so stated in said affidavit, prepay the postage, and mail said envelope to said defendant by registered mail and request a return receipt, or said justice, clerk, or deputy clerk may deliver personally, or cause to be delivered, said copy and order to the defendant in person. The justice, clerk, or deputy clerk, shall then attach to the original affidavit the receipt for the registered letter and the return card thereon or other evidence of service of said affidavit and order.

Service of order.

Time for appearance.

117d. The date for the appearance of the defendant as provided in the order endorsed on the affidavit shall not be more than thirteen days nor less than three days from the date of the said order. When the justice or clerk has fixed the date for the appearance of the defendant he shall inform the plaintiff of said date and at the same time order the plaintiff to appear on said date and to have with him his books, papers, and witnesses necessary to prove his claim.

Court records

117e. The justice shall enter in his docket, or the clerk in his register of actions:

1. The title of every action;
2. The sum of money claimed;
3. The date of the order provided for in section 117b, and the date of the trial as stated in said order;
4. The date when the parties appear, or their nonappearance if default be made;
5. Every adjournment, stating on whose application and to what time;
6. The judgment of the court and when returned;
7. A statement of any money paid to the court, judge, justice, or clerk, when, and by whom; and the date of the issuance of any abstract of the judgment;
8 The date of the receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

Assignee can not sue

117f. No claim shall be filed or prosecuted in such small claims court by the assignee of such claim.

Parties not to be represented by attorneys

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or at any other time. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just.

Pleadings and process.

117h. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. No attachment or garnishment shall issue from the small claims court, but execution may issue in the manner prescribed in Title IX, Part II, of this code, and upon the payment of the fees allowed by law for such services; provided, that in any city or city and county wherein a municipal court shall have been established, the marshal of the municipal court is charged with the performance of the duties imposed upon the sheriff and constable.

Payment of judgment.

117i. If the judgment or order be against the defendant, he shall pay the same forthwith or at any time and upon such terms and conditions as the judge or justice shall prescribe.

Appeals.

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may, within five days from the entry of said judgment against him, appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justices' court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). Except as otherwise provided in this chapter, such appeal shall be taken as provided in Chapter III of Title XIII of Part II of this code for appeals from justices' courts.

Statement on appeal

117k. The defendant's appeal may be taken by filing in the small claims court a statement substantially in the following terms:

Form

In the small claims court of ------, county of ------, State of California.

----------,
Plaintiff,
vs.
----------,
Defendant.

Comes now the defendant and appeals from the judgment of the above-entitled court in the above-entitled action, to the superior court in and for the above-named county and State.

Dated this _____ day of _____, 19__ .

_____,
Appellant.

Bond on appeal

117*l*. The statement mentioned in the last section shall be accompanied by a bond substantially in the following form:

In the small claims court of _____, county of _____, State of California.

_____,
Plaintiff,
vs.
_____,
Defendant.

Whereas the above-entitled court in the above-entitled action did on the _____ day of _____, 19__, enter judgment in favor of the plaintiff and against the defendant in the sum of $_____; and

Whereas the defendant is about to appeal to the superior court of the State of California in and for the above-named county;

Now, therefore, the undersigned do hereby undertake and promise that if said judgment is affirmed, in whole or in part, or the appeal from such judgment dismissed, then and in that event, the appellant will pay the amount directed to be paid by said judgment, or the part of such amount as to which the judgment is affirmed, if affirmed only in part, and all costs which may be awarded against appellant on appeal; and that if the appellant does not make such payment within twenty days after the entry by the clerk of said superior court of the modification or affirmation of said judgment, that then judgment may be entered, on motion of respondent, in his favor and against the undersigned sureties for such amount, together with the interest that may be due thereon, costs which may be awarded against the appellant on appeal and also the sum of fifteen dollars as an attorney fee.

Dated this _____ day of _____, 19__.

_____

_____
Sureties.

State of California,)
City and County or County of _____) ss.

_____ and _____, the sureties named in the above bond, being first duly sworn, each for himself and not one for the other, deposes and says that he is a _____ holder and resident within said city and county or county and within said State, and is worth the sums hereinabove mentioned, over and above

all of his debts and liabilities, exclusive of property exempt from execution.

_____

_____

Subscribed and sworn to before me this _____ day of _____, 19__.

_____

Notice of the filing of the appeal and notice of the filing of the undertaking on appeal must be given to respondent within five days after filing the same. Within five days after the service of such notices upon respondent the adverse party may except to the sufficiency of the sureties, and unless they or other sureties justify before the judge or justice of said small claims court within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

Abstract of judgment

117m. If no appeal be taken by the defendant and the defendant fails to pay the judgment according to the terms and conditions thereof, the justice before whom such a hearing was had, shall, on application of the plaintiff, certify such judgment in substantially the following form:

In the small claims court of _____, county of _____, State of California.

_____,
Plaintiff,
vs.
_____,
Defendant.

ABSTRACT OF JUDGMENT.

In the above-entitled court and action on the _____ day of _____, 19__, judgment was entered for plaintiff for $_____; that no appeal from said judgment has been taken.

Dated this _____ day of _____, 19__.

_____,
Justice of said court.

Supervisors to furnish forms, etc

117o. The board of supervisors of every county wherein said small claims courts shall exist, shall furnish to every justice of the peace in such county a reasonable supply of various blank forms set forth in this title, also all forms, docket book and stationery necessary for the use of such justice sitting as a small claims court.

Fees

117p. A fee of one dollar shall be charged and collected for the filing of the affidavit for the commencement of any action, a fee of twenty-five cents shall be charged and collected for the mailing of the copy of the affidavit, and, except as otherwise provided in this chapter, no other fee or charge shall

be collected by any officer for any service rendered under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city, or city and county, or county under whose jurisdiction any such court shall exist.

Costs

117q. The prevailing party in any action in the small claims court is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.

Chapter repealed

SEC. 31. Chapter VI of Title I of Part I of the Code of Civil Procedure, embracing section 121, is hereby repealed and

New chapter added.

a new Chapter VI, embracing sections 121 to 122e, inclusive, is hereby added to said title, to read as follows:

Chapter VI. Police Courts.

Police courts

121. Police courts are established in incorporated cities and counties, cities and towns, and their organization, jurisdiction, and powers provided for in the Political Code, part four.

Commencement of actions

122. Civil actions in police courts are commenced by filing a complaint, setting forth the violation of the ordinance complained of, with such particulars of time, place, and manner of violation as to enable the defendant to understand distinctly the character of the violation complained of, and to answer the complaint. The ordinance may be referred to by its title. The complaint must be verified by the oath of the party complaining, or of his attorney or agent.

Time for appearance.

122a. Immediately after filing the complaint a summons must be issued, directed to the defendant, and returnable either immediately or at any time designated therein, not exceeding four days from the date of its issuing.

Answer

122b. On the return of the summons, the defendant may answer the complaint. The answer may be oral or in writing, and immediately thereafter the case must be tried, unless, for good cause shown, an adjournment is granted.

Jury trial in certain cases

122c. In all actions for violation of an ordinance, where the fine, forfeiture or penalty imposed by the ordinance is less than fifty dollars, the trial must be by the court. In actions where the fine, forfeiture, or penalty imposed by the ordinance is over fifty dollars, the defendant is entitled to a trial by jury.

Proceedings same as in justices' courts

122d. All proceedings in civil actions in police courts must, except as in this chapter otherwise provided, be conducted in the same manner as civil actions in justices' courts

To what applicable

122e. The provisions of this chapter shall apply only to police courts in counties, cities or cities and counties organized under the provisions of sections 7½, 7½a or 8 of Article XI of the Constitution of the State of California.

Stats. 1913, p. 90

SEC. 32. Section 129 of the Code of Civil Procedure is hereby amended to read as follows:

Rules of court

129. Every court of record may make rules not inconsistent with the rules adopted and prescribed by the judicial council, or the laws of this State, for its own government and the government of its officers; but such rules shall not impose any

tax, charge or penalty upon any legal proceeding, or for filing any pleading allowed by law, nor give any allowance to any officer for services.

Stats 1913, p. 90

SEC. 33. Section 130 of the Code of Civil Procedure is hereby amended to read as follows:

Rules adopted by judicial council

130. Rules adopted by the judicial council, or other authority, for courts of record, shall take effect on a date to be fixed in the order of adoption thereof. If no effective date be fixed, rules affecting the Supreme Court and District Courts of Appeal shall take effect sixty days after their adoption, and rules affecting the superior courts, the municipal courts, or any inferior courts, shall take effect thirty days after their adoption.

Stats 1931, p 1984

SEC. 34. Section 134 of the Code of Civil Procedure is hereby amended to read as follows:

Authority of courts on holidays

134. No court, other than the Supreme Court and the District Courts of Appeal, shall be open for the transaction of judicial business on any day specified or provided for as a holiday in the Political Code of this State, other than a special holiday, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

Except as herein provided, justices' courts shall always be open for the transaction of business.

Stats Ex Sess 1907, p 9

SEC. 35. Section 135 of the Code of Civil Procedure is hereby amended to read as follows:

Courts open on "special holidays"

135. On all special holidays, as the term "special holidays" is used in the Political Code, the courts of this State shall be open for the transaction of any and all judicial business. If any day specified or provided for as a holiday in the Political Code of this State, other than such a special holiday, happens to be the day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day.

Stats 1907 p 681

SEC. 36. Section 139 of the Code of Civil Procedure is hereby amended to read as follows:

Adjournment on absence of judge or justice

139. If no judge or justice attends on the day appointed for the holding or sitting of a court, or on the day to which it may have been adjourned, within one hour after the time appointed, the sheriff, constable, marshal, or clerk shall adjourn the same until the next day, at ten o'clock a.m., and if no judge or justice attend on that day, before noon, the sheriff, constable, marshal, or clerk shall adjourn the same until the following day at the same hour; and so on. from day to day unless the judge, or justice, by written order, directs it to be adjourned to some day certain, fixed in said order, in which case it shall be so adjourned.

SEC. 37. Section 142 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1933, Ch. 395.

142. The judge or judges, justice or justices, authorized to hold or preside at a court appointed to be held in a particular place in a city and county, county, township, city or town, may, by an order filed with the city and county, or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any other place in the city and county, county, township, city or town than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, township, city, or town, in which such court is established, for holding the court. The judge or judges of the superior court may, in the same manner, in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the county, not less than one hundred twenty miles distant from the county seat; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other city or town within the county containing a population of not less than seven thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States or the Legislature of the State of California wherein the city hall of said city or town is not less than fifty-five miles distant from the site of the county courthouse; provided further, that at least one session of the superior court shall be held in each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse; and provided further, that in any of said cities, the city hall of which is not less than eight miles distant from the site of the county courthouse, which has a population of more than one hundred twenty-five thousand, as ascertained by such census, at least three regular sessions of the superior court shall be held concurrently. Places for holding sessions of the superior court.

SEC. 38. Section 147 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 21.

147. Each of the following courts shall have a seal: Court seals.

1. The Supreme Court;
2. The District Courts of Appeal;
3. The superior courts;
4. The municipal courts;
5. The justices' courts.

Code Amdts. 1880, p 21. Seal for justices' court.

SEC. 39. Section 150 of the Code of Civil Procedure is hereby amended to read as follows:

150. The justices' courts of every city, town and judicial township may use any seal having upon it the inscription: "Justices' Court ------" (inserting the name of the county and of the city, town or judicial township in which such court is established).

Code Amdts. 1880, p. 21. Seals to be furnished by county or city.

SEC. 40. Section 151 of the Code of Civil Procedure is hereby amended to read as follows:

151. Courts which have not the necessary seal provided, or the judge or judges, justice or justices thereof, shall request the supervisors of their respective counties, or cities and counties, (or the city council or other governing body of the city, in the case of city courts) to provide the same, and in case of their failure to do so may order the sheriff or constable to provide the same, and the expense thereof shall be a charge against the county, or city and county, or city treasury, as the case may be, and paid out of the general fund thereof; and until such seal be provided the clerk or justice of each court may use his private seal whenever a seal is required.

Code Amdts. 1880, p 21. Clerk to keep seal

SEC. 41. Section 152 of the Code of Civil Procedure is hereby amended to read as follows:

152. The clerk of the court, or the justice, when there is no clerk, shall keep the seal thereof.

Code Amdts. 1880, p 21. Documents to which seal affixed.

SEC. 42. Section 153 of the Code of Civil Procedure is hereby amended to read as follows:

153. Except as otherwise expressly provided by law, the seal of a court need not be affixed to any proceeding therein, or to any document, except:

1. To a writ;
2. To a summons;
3. To a warrant of arrest;
4. To the certificate of probate of a will or of the appointment of an executor, administrator, or guardian;
5. To the authentication of a copy of a record or other proceeding of a court, or of an officer thereof, or of a copy of a document on file in the office of the clerk or justice.

Code Amdts. 1880, p 21 Justice of Supreme Court Qualifications

SEC. 43. Section 156 of the Code of Civil Procedure is hereby amended to read as follows:

156. No person shall be eligible to the office of Chief or Associate Justice of the Supreme Court unless he shall have been a citizen of the United States and a resident of this State for five years next preceding his election or appointment, nor unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office.

Stats 1931, p 2003

SEC. 44. Section 157 of the Code of Civil Procedure is hereby amended to read as follows:

157. No person shall be eligible for election to the office of judge of the superior court unless he shall have been a

citizen of the United States and a resident of this State for five years and of the county in which he is elected for two years next preceding his election nor unless he shall have been admitted to practice before the Supreme Court of this State, for a period of at least five years immediately preceding his election or appointment to such office, nor unless he shall have had not less than five years actual practice of law in this State; provided, this section shall not apply to the election of an incumbent in such judicial position or to one who has held such judicial position in this State.

Judge of superior court: Qualifications.

SEC. 45. Section 159 of the Code of Civil Procedure is hereby amended to read as follows:

Code Amdts. 1880, p. 21.

159. Every justice of the peace shall reside in the city, or judicial township, in which his court is held, and no person shall be eligible to the office of justice of the peace unless he shall have been a citizen of the United States and a resident of the county in which he is to serve for one year next preceding his election or appointment.

Justice of the peace: Qualifications

SEC. 46. A new section is hereby added to the Code of Civil Procedure to be numbered 159a and to read as follows:

New section

159a. No person shall be eligible to the office of justice of the peace, of a justices' court of Class A, unless he shall have been admitted to practice before the Supreme Court of this State, for a period of at least two years, and shall have had not less than two years actual practice of law in this State; provided that the provisions of this section shall not apply to an incumbent, or to the election of an incumbent in such judicial position.

Qualifications for justice in Class A courts

SEC. 47. Section 166 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1929, p. 849.

166. The judge or judges, justice or justices of the superior, municipal and justices' courts may, at chambers, in the matters within the jurisdiction of their respective courts:

Powers of judges and justices in chambers.

1. Grant all orders and writs which are usually granted in the first instance upon an ex parte application, and may, at chambers, hear and dispose of such orders and writs; and may also, at chambers, appoint appraisers, receive inventories and accounts to be filed, suspend the powers of executors, administrators, or guardians in the cases allowed by law, grant special letters of administration or guardianship, approve claims and bonds, and direct the issuance from the court of all writs and process necessary in the exercise of their powers in matters of probate;

2. Hear and determine all motions made pursuant to sections 657 or 663 of this code;

3. Hear and determine all uncontested actions, proceedings, demurrers, motions, petitions, applications, and other matters pending before the court other than actions for divorce, maintenance or annulment of marriage, and except also applications for confirmation of sale of real property in probate proceedings.

A judge, or justice, may, out of court, anywhere in the State, exercise all the powers and perform all the functions and duties conferred upon a justice or judge as contradistinguished from the court, or which a judge or justice may exercise or perform at chambers.

Stats. 1929, p. 957

SEC. 48. Section 170 of the Code of Civil Procedure is hereby amended to read as follows:

Actions on which judge or justice may not sit or act.

170. No justice, judge or justice of the peace shall sit or act as such in any action or proceeding:

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivisions two or four hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed.

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

5. When it is made to appear probable that, by reason of bias or prejudice of such justice, judge, or justice of the peace a fair and impartial trial can not be had before him.

Judge or justice must declare his disqualification

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes or docket. It shall thereupon be the duty of the clerk, or the justice if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.

Transfer on request of party

In justices' courts when, before the trial, either party makes and files an affidavit that he believes that he can not have a fair and impartial trial before the justice before which the action is pending, by reason of the interest, prejudice or bias of the justice, the court may order the transfer of the action, and the provisions of section 398 of this code shall apply to such transfer.

Determination of judges disqualification

Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge.

Within five days after the presentation and filing of any such statement, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualification. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by section 446 of this code for the verification of pleadings. The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge requested to act by the chairman of the judicial council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the chairman of the judicial council of that fact; and it shall be the duty of the chairman of the judicial council forthwith, upon receipt of notice from the

clerk, to request some other judge, not disqualified, to hear and determine the question.

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, appointed by the chairman of the judicial council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

Proceedings involving Reclamation Board, irrigation districts, etc.

6. In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right of way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of the municipal court of the city, or a justice of the peace of the township, in which such real property, or any part thereof, or such easement or right of way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge, or justice, requested to sit therein by the chairman of the judicial council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge or justice may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge or justice to sit or act in place of the judge or justice disqualified under the provisions of this subdivision, the judge or justice agreed upon shall be called by the judge or justice so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such city, from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title IV, Part II of this code.

SEC. 49. Section 179 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts. 1880, p 21

179. Every judge or justice shall have power in any part of the State to take and certify: Powers of judges and justices

1. The proof and acknowledgment of a conveyance of real property, or of any other written instrument;

2. The acknowledgment of satisfaction of a judgment of any court;

3. An affidavit or deposition to be used in this State.

SEC. 50. The heading of Chapter V of Title II of Part I of the Code of Civil Procedure is hereby amended to read as follows: Heading amended

CHAPTER V. MISCELLANEOUS PROVISIONS RESPECTING COURTS OF JUSTICE.

SEC. 51. Section 184 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts. 1880, p 21.

184. No proceeding in any court of justice, in an action or special proceeding pending therein, shall be affected by a vacancy in the office of all or any of the judges or justices thereof. Vacancy not to affect proceedings

SEC. 52. Section 188 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1915, p 942

188. When any money is deposited with the clerk or justice of any court, pursuant to any action or proceeding therein, or pursuant to any order, decree or judgment of the court, or when any money is to be paid to the treasurer pursuant to any provision of this code, such money shall be forthwith deposited with such treasurer and a duplicate receipt of the treasurer therefor shall be filed with the auditor. The certificate of the auditor that such duplicate receipt has been so filed shall be necessary before the clerk, justice, or party required to deposit such money shall be entitled to a discharge of the obligation imposed upon him to make such deposit. When any money so deposited is to be withdrawn or paid out, the order directing such payment or withdrawal shall require the auditor to draw his warrant therefor and the treasurer to pay the same; provided, however, that in any city, or city and county, governed by a charter, such withdrawals shall be made as provided in such charter. Disposal of money deposited with court

SEC. 53. Section 189 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1931, p 1386.

189. All records, papers, and exhibits, except as hereinafter provided, in any civil case in a justice's court, may be disposed of for the purpose of destruction, or may be destroyed, by the clerk of the court, or by a justice thereof, after the lapse of seven years after the date on which judgment in such case became final, or after the lapse of five years from the date of filing of the complaint, if such case has not been prosecuted to judgment. Notice must be published once in a newspaper of general circulation, published Destruction of court records after seven years.

in the county in which the court is situate, at least thirty days before the proposed disposal. The notice shall be substantially as follows:

NOTICE OF INTENTION TO DESTROY RECORDS.

Notice

Notice is hereby given that on _____ (date) the justice (or clerk) of the justice's court of _____ intends to dispose of the records, papers, and exhibits of all cases in which judgment became final seven years prior thereto, or which have not been prosecuted to judgment within five years prior thereto, unless a party to the case or his attorney appears in court and moves that such records, papers, and exhibits be not destroyed.

Such records, papers, and exhibits may be destroyed at any time after passage of this act, and the cost thereof, and the cost of publication of the notice, shall be a county charge. Minute book entries, dockets and judgment dockets shall not be destroyed, and shall be and constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed.

New section

SEC. 54. A new section is hereby added to Article III of Chapter I of Title III of Part I of the Code of Civil Procedure, to be numbered 203 and to read as follows:

Jurors for municipal court

203. In the month of January of each year, it shall be the duty of each municipal court, except as hereinafter otherwise provided, to make an order designating the estimated number of trial jurors that will, in the opinion of said court, be required for the transaction of the business of said court and the trial of causes therein during the ensuing year, or until new lists of jurors shall be provided, and the selection and listing of such jurors shall be made of men and women suitable and competent to serve as such jurors. Jurors in municipal courts shall be drawn and summoned in the manner provided in this chapter for the drawing and summoning of trial jurors in the superior court, in so far as such provisions are applicable in their nature to municipal courts, and the powers, duties and functions with respect thereto of the superior court, the judge or a majority of the judges thereof, of the county clerk or of the clerk of the superior court, and of the sheriff, as in this chapter provided, shall be severally vested in, imposed upon and exercised by the municipal court, the judge or a majority of the judges thereof, the clerk of the municipal court and the marshal thereof; provided, however, that when there is more than one judge of such municipal court, a majority of the judges thereof shall submit the names of such jurors, and the qualifications and exemptions of jurors in the municipal court shall be the same as of jurors in the superior court, except that the persons so selected as jurors must be residents of the city or city and county in which such municipal court is situated; and provided further, that whenever the judge or judges of any municipal court shall by order entered upon the minutes of the court, determine that the transaction of the business of such municipal court and

the trial of causes therein does not require the selection of trial jurors in the manner herein specified, jurors in such municipal court shall be selected in the manner provided by law for the selection of jurors in courts not of record.

SEC. 55. Section 225 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1915, p 931

225. The sheriff, or marshal, as soon as he receives the list or lists of jurors drawn, shall summon the persons named therein to attend the court at the opening of the regular session thereof, or at such session or time as the court may order, by giving personal notice to that effect to each of them, or by leaving a written notice to that effect at his place of residence, with some person of proper age, or by mailing such notice by registered mail, and shall return the list to the court at the opening of the regular session thereof, or at such session or time as the jurors may be ordered to attend, specifying the names of those who were summoned, and the manner in which each person was notified. Duties of sheriff and marshal in summoning jurors.

SEC. 56. Section 226 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1917, p 1282

226. Whenever jurors are not drawn or summoned to attend any court of record or session thereof, or a sufficient number of jurors fail to appear, such court may order a sufficient number to be forthwith drawn and summoned to attend the court, or it may by an order entered in its minutes, direct the sheriff, or marshal, or an elisor chosen by the court, forthwith to summon so many good and lawful persons to serve as jurors, as may be required, and in either case such jurors must be summoned in the manner provided in the preceding section. In the superior court the persons so summoned must be residents of the county or city and county; in the municipal court, residents of the city, or city and county, in which such court is established. Summoning additional jurors

SEC. 57. Section 227 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 21

227. When there are not competent jurors enough present to form a panel the court may direct the sheriff, or marshal, or an elisor chosen by the court, to summon a sufficient number of persons having the qualifications of jurors to complete the panel, in superior courts from the body of the county, or city and county, in municipal courts from the body of the city, or city and county, and not, in either case, from the bystanders; and the sheriff, marshal, or elisor shall summon the number so ordered accordingly and return the names to the court. Summoning jurors to fill panel

SEC. 58. Section 228 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 21

228. An elisor who shall, by order of a court of record, summon persons to serve as jurors, shall be entitled to a reasonable compensation for his services, which must be fixed by the court and paid out of the city, county, or city and Compensation of elisor for summoning jurors

county treasury, as the case may be, and out of the general fund thereof.

Stats 1927, p 1114.

SEC. 59. Section 231 of the Code of Civil Procedure is hereby amended to read as follows:

Summoning jurors in justices' and police courts

231. Such jurors must be summoned from the list of persons prepared as hereinafter stated, by notifying each orally that he is summoned and of the time and place at which his attendance is required or by leaving a written notice to that effect at his place of residence with some person of proper age or by mailing such notices by registered mail.

In the month of January in each year it shall be the duty of each justices' court and of each police or other inferior court in this State to make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein during the ensuing year; and immediately after said order is made the county clerk of the county in which said court is held shall select a list of men and women to serve as trial jurors in such court during the ensuing year or until a new list of trial jurors shall be provided.

The selections and lists shall be made of persons suitable and competent to serve as jurors resident respectively in the township, city or town in which the court is established and in making such selections the county clerk shall take the names of such only as are not exempt from serving, who are in the possession of their natural faculties, are not infirm or decrepit, of fair character and approved integrity, and of sound judgment. A list of the persons selected to serve as trial jurors in each such court, certified by the county clerk, shall at once be placed in the possession of and filed with such court. The persons whose names are so returned shall be known as regular jurors and shall serve for one year and until other persons are selected and returned.

Whenever the business of such court shall require the attendance of a trial jury, the justice or judge of the court, or any one of the justices or judges when there is more than one, may make an order directing the sheriff, constable, marshal, or policeman of the jurisdiction to summon trial jurors as hereinabove provided.

Whenever, after all the persons whose names appear upon the list of jurors for such a court have been summoned and there is not a sufficient number of competent jurors present, the court, or a justice or judge thereof, may direct the sheriff, constable, marshal, or policeman of the jurisdiction to summon a sufficient number of persons having the qualifications of jurors from the body of the township, town or city in which such court is established.

Stats 1907, p 680

SEC. 60. Section 248 of the Code of Civil Procedure is hereby amended to read as follows:

Jurors when more than one judge.

248. In any county or city and county, having two or more judges of the superior court, or in any city, or city and county, in which a municipal court having two or more judges is

established, a separate panel of jurors may be drawn, summoned and impaneled for each judge, or any one panel may be drawn, summoned and impaneled by any one of the judges, for use in the trial of cases before any two or more of the judges, as occasion may require. In such counties, cities, or cities and counties, when a panel of jurors is in attendance for service before one or more of the judges, whether impaneled for common use or not, the whole or any number of the jurors from such panel may be required to attend and serve in the trial of cases, or to complete a panel, or jury, before any other of the judges. If one of the judges has a separate panel of jurors, no part thereof shall, without his consent, be taken to serve before another judge.

SEC. 60a. Section 274c of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929, p. 831.

274c. Each municipal court in this State, a majority of the judges concurring, may, by order entered upon the minutes of the court, appoint as many competent phonographic reporters as the business of the court may require, to be known as official reporters of such court, and to hold office during the pleasure of the judges of such court respectively. Such reporters, or any one of them, must, at the request of either party or of the court in a civil proceeding, or on the order of the court in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, the arguments of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court. Those sections of the Code of Civil Procedure of this State numbered 270 to 274, inclusive, are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts. Reporters for municipal courts.

The provisions of this section shall also apply to justices' courts in cities, cities and counties, towns and judicial townships having a population of thirty thousand or more, in so far as criminal actions or proceedings in such courts are concerned.

SEC. 61. Sections 37, 38, 39, 41, 42, 43, 44, 45, 46, 49, 50, 51, 52, 52a, 54, 55, 56, 68, 69, 70, 71, 72, 75, 76, 77, 78, 79, 106, 160, 161, 167, 170b, 176, 182, 183, 304, 831f, 831g, 911, 912, 913, 920, 927 to 927q, inclusive, 929, 930, 931, 932, 933 and 933½ of the Code of Civil Procedure, as said sections existed on January 1, 1933, are hereby repealed. Repeals

Chapter headings.

SEC. 62. The headings to the articles and chapters herein shall not be deemed to govern or limit the scope or meaning of the articles or chapters to which they are appended.

Construction.

SEC. 63. All parts and provisions of this act which are the same as parts or provisions contained in the sections, articles or chapters renumbered, amended or repealed shall be considered as continuations of the latter and as having been the law from the time the latter were enacted.

CHAPTER 744.

An act to amend sections 372, 373, 392, 393, 394, 395, 397, 398, 399, 400, 406, 407, 408, 410, 412, 413, 415, 416, 422, 426, 437, 446, 465, 472, 473, 480, 481, 482, 483, 484, 485, 488, 489, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 511, 512, 513, 514, 515, 517, 518, 519, 520, 529, 538, 539, 540, 542, 542a, 543, 544, 545, 546, 547, 548, 549, 550, 551, 553, 554, 555, 556, 559, 564, 573, 574, 581, 581a, 581b, 585, 594, 595, 596, 600, 601, 607, 607a, 618, 628, 631, 632, 634, 638, 639, 640, 641, 644, 649, 650, 651, 652, 653, 659a, 661, 663, 664, 666, 667, 668, 670, 671, 672, 673, 674, 675, 681a, 682, 683, 687, 689, 691, 712, 713½, 714, 715, 716, 717, 718, 719, 720, 721, 722, 936, 959, 983, 985, 986, 988a, 988b, 988c, 989, 997, 1000, 1003, 1004, 1005, 1006, 1011, 1015, 1021, 1033, 1034, 1051, 1052, 1054, and the headings of Chapters I, II and III of Title XIII, Part II, of the Code of Civil Procedure; to add sections 396, 396a, 396b, 437b, 437c, 437d, 472a, 473a, 477, 547a, 594a, 567a, 973, 983a, 1008, 1031, 1032 and 1054a to said code; to amend sections 476, 710 (as added by chapter 92, Statutes 1903), 710½, 872, 1023, 1028, 1029, 1030, 1031, 1032, 1035, 1038 and 1039 of said code and to renumber said sections as follows: 476 to be 472b, 872 to be 586, 710 to be 710b, 710½ to be 710c, 1023 to be 1022, 1028 to be 1023, 1029 to be 1024, 1030 to be 1025, 1031 to be 1026, 1032 to be 1027, 1038 to be 1028, 1039 to be 1029, and 1036 to be 1030; and to repeal sections 396, 633, 831, 831a, 831b, 831c, 831d, 831e, 831h, 831i, 831j, 832, 833, 834, 835, 835a, 836, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 857a, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 889, 890, 890a, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 900a, 900b, 901, 901a, 902, 903, 904, 905, 906, 907, 908, 909, 910, 919, 922, 923, 924, 925, 926, 964, 965, 982a, 1022, 1024, 1025, 1026, 1027, 1035, and 1037 of said code, and the heading of Title Xa of Part II, and all chapter headings in said title, the heading of Title XI of Part II, and all chapter headings in said title, and the heading of

Title XII, of Part II, of said code, all relating to civil actions.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 372 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1913, p. 350.

372. When an infant, or an insane or incompetent person is a party, he must appear either by his general guardian or by a guardian ad litem appointed by the court in which the action is pending, or by a judge or justice thereof, in each case. A guardian ad litem may be appointed in any case, when it is deemed by the court in which the action or proceeding is prosecuted, or by a judge or justice thereof, expedient to represent the infant, insane, or incompetent person in the action or proceeding, notwithstanding he may have a general guardian and may have appeared by him. The general guardian or guardian ad litem so appearing for any infant, or insane or incompetent person in any suit shall have power to compromise the same and to agree to the judgment to be entered therein for or against his ward, subject to the approval of the court in which such suit is pending. Suit by guardian ad litem.

SEC. 2. Section 373 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p. 63.

373. When a guardian ad litem is appointed, he must be appointed as follows: Appointment of guardian ad litem

1. When the infant is plaintiff the appointment must be made before the summons is issued, upon the application of the infant, if he be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

2. When the infant is defendant, upon the application of the infant, if he be of the age of fourteen years, and apply within ten days after the service of the summons, or if under that age, or if he neglect so to apply, then upon the application of a relative or friend of the infant, or of any other party to the action, or by the court on its own motion.

3. When an insane or incompetent person is a party to an action or proceeding, upon the application of a relative or friend of such insane or incompetent person, or of any other party to the action or proceeding, or by the court on its own motion.

SEC 3. Section 392 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907, p 700.

392. (1) Subject to the power of the court to transfer actions and proceedings as provided in this title, the county in which the real property, which is the subject of the action, or some part thereof, is situated, is the proper county for the trial of the following actions: Venue for actions involving real property

(a) For the recovery of real property, or of an estate or interest therein, or for the determination in any form, of such right or interest, and for injuries to real property;

(b) for partition of real property;

(c) for the foreclosure of all liens and mortgages on real property.

Proper court.

(2) The proper court for the trial of any such action, in the county hereinabove designated as the proper county, shall be determined as follows:

If there is a municipal or justices' court, having jurisdiction of the subject matter of the action, established in the city, city and county, town or judicial township in which the real property which is the subject of the action, or some part thereof, is situated, such court is the proper court for the trial of such action; otherwise any court in such county having jurisdiction of the subject matter of the action, is a proper court for the trial thereof.

C C P 1872

SEC. 4. Section 393 of the Code of Civil Procedure is hereby amended to read as follows:

Venue

393. (1) Subject to the power of the court to transfer actions and proceedings as provided in this title, the county in which the cause, or some part thereof, arose, is the proper county for the trial of the following actions:

Recovery of penalty, etc

(a) For the recovery of a penalty or forfeiture imposed by statute; except, that when it is imposed for an offense committed on a lake, river, or other stream of water, situated in two or more counties, the action may be tried in any county bordering on such lake, river, or stream, and opposite to the place where the offense was committed;

Action against officer

(b) Against a public officer or person especially appointed to execute his duties, for an act done by him in virtue of his office; or against a person who, by his command or in his aid, does anything touching the duties of such officer.

Proper court

(2) The proper court for the trial of any such action, in the county hereinabove designated as the proper county, shall be determined as follows:

If there is a municipal or justices' court, having jurisdiction of the subject matter of the action, established in the city, city and county, town, or judicial township in which the cause, or some part thereof, arose, such court is the proper court for the trial of such action; otherwise, any court in such county, having jurisdiction of the subject matter of the action, is a proper court for the trial thereof. In the case of offenses committed on a lake, river, or stream, hereinabove mentioned, the court, having jurisdiction of the subject matter of the action, nearest to the place where such offense was committed, in any county mentioned in subdivision one of this section, is a proper court for the trial of the action.

Stats 1931, p 1948

SEC. 5. Section 394 of the Code of Civil Procedure is hereby amended to read as follows:

394. (1) An action or proceeding against a county, or city and county, may be tried in such county, or city and county,

unless such action or proceeding is brought by a county, or city and county, in which case it may be tried in any county, or city and county, not a party thereto. Whenever an action or proceeding is brought by a county, city and county, or city, against a resident of another county, city and county, or city, or a corporation doing business in the latter, the action or proceeding must be, on motion of either party, transferred for trial to a county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and county, and other than that in which the plaintiff is situated, if the plaintiff is a city, and other than that in which the defendant resides, or is doing business, or is situated. Whenever an action or proceeding is brought against a county, city and county, or city, in any county, or city and county, other than the defendant, if the defendant is a county, or city and county, or, if the defendant is a city, other than that in which the defendant is situated, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business, or is situated, and other than the plaintiff county, or city and county, or county in which such plaintiff city is situated, and other than the defendant county, or city and county, or county in which such defendant city is situated; provided, however, that any action or proceeding against a city, county, or city and county for injury occurring therein, to person or property or person and property caused by the negligence or alleged negligence of such city, county, or city and county, or its agents or employees, shall be tried in such county, or city and county, or if a city is a defendant, in such city or in the county in which such city is situated. In any such action or proceeding, the parties thereto may, by stipulation in writing, or made in open court, and entered in the minutes, agree upon any county, or city and county, for the place of trial thereof. When the action or proceeding is one in which a jury is not of right, or in case a jury be waived, then in lieu of transferring the cause the court in the original county may request the chairman of the judicial council to assign a disinterested judge from a neutral county to hear said cause and all proceedings in connection therewith. When such action or proceeding is transferred to another county for trial, a witness required to respond to a subpoena for a hearing within the original county shall be compelled to attend hearings in the county to which the cause is transferred. If the demand for transfer be made by one party and the opposing party does not consent thereto the additional costs of the nonconsenting party occasioned by the transfer of the cause, including living and traveling expenses of said nonconsenting party and material witnesses, found by the court to be material, and called by such nonconsenting party, not to exceed five dollars per day each in excess of witness fees and mileage otherwise allowed by law, shall be assessed by the court hearing the cause against the party requesting the transfer. To the extent of

Venue in actions by or against a city or county

Expenses in transferred cases.

such excess, such costs shall be awarded to the nonconsenting party regardless of the outcome of the trial. This section shall apply to actions or proceedings now pending or hereafter brought.

(2) Any court in a county hereinabove designated as a proper county, which has jurisdiction of the subject matter of the action or proceeding, is a proper court for the trial thereof.

Stats. 1911, p 848.

SEC. 6. Section 395 of the Code of Civil Procedure is hereby amended to read as follows:

Venue in general

395. (1) In all other cases, except as in this section otherwise provided, and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants, or some of them, reside at the commencement of the action, is the proper county for the trial of the action. If the action be for injury to person, or to personal property, or for death from wrongful act, or negligence, either the county where the injury occurs, or where the injury causing death occurs, or the county in which the defendants, or some of them, reside at the commencement of the action, shall be a proper county for the trial of the action. When a defendant has contracted to perform an obligation in a particular county, and the demand, exclusive of interest, does not exceed three hundred dollars, either the county where such obligation is to be performed, or the county in which the defendant, or any such defendant, resides at the commencement of the action, shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the State, or, if residing in the State, and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and if the defendant is about to depart from the State, such action may be tried in any county where either of the parties reside, or where service is had. If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the county, city and county, township, city or town where he resides, his residence must not be considered in determining the proper place for the trial of the action

Proper court

(2) The proper court for the trial of any such action in the county hereinabove designated as the proper county, shall be determined as follows:

If there is a municipal or justices' court, having jurisdiction of the subject matter of the action, established in the city, city and county, town or judicial township, in which the defendant, or any defendant, so resides, or in which the injury to person or to personal property, or the injury causing death, occurs, or, in the cases hereinabove mentioned, in which the obligation was contracted to be performed, such court is a proper court for the trial of such action; otherwise any court in such

county, having jurisdiction of the subject matter of the action, is a proper court for the trial thereof.

SEC. 7. Section 396 of the Code of Civil Procedure, as it existed on January 1, 1933, is hereby repealed and a new section numbered 396 is hereby added thereto, to read as follows: Repeal. New section

396. If an action or proceeding is commenced in a court which lacks jurisdiction of the subject matter thereof, as determined by the complaint, if there is a court of this State which has such jurisdiction, the action shall not be dismissed but shall, on the application of either party, or on the court's own motion, be transferred to a court having jurisdiction of the subject matter, which is by the provisions of this title, designated as a proper court for the trial thereof. Time to answer or otherwise plead in any such case, if summons be served prior to the filing of the action or proceeding in the court to which it is transferred, shall date from service upon the defendant of written notice of the filing of such action or proceeding in the court to which it is transferred. Case may be transferred for lack of jurisdiction.

If an action or proceeding is commenced in a court which has jurisdiction of the subject matter thereof as determined by the complaint, and it thereafter appears from the verified pleadings, or at the trial, that the determination of the action, or of a counterclaim arising out of the transaction set forth in the complaint as the foundation of the plaintiff's claim, or of a cross-complaint, will necessarily involve the determination of questions not within the jurisdiction of the court, in which the action is pending, the court, whenever such lack of jurisdiction appears, must suspend all further proceedings in the action or proceeding, and certify the pleadings (or if the pleadings be oral, a transcript of the same) to a court, having jurisdiction thereof, which is by the provisions of this title designated as a proper court for the trial thereof. Nothing herein shall be construed to require the superior court to transfer any such action or proceeding because the judgment to be rendered, as determined at the trial, is one which might have been rendered by a municipal or justices' court in the same county or city and county.

In any case where the lack of jurisdiction is due solely to an excess in the amount of the demand, the excess may be remitted and the action may continue in the court where it is pending.

Upon the making of an order for such transfer, proceedings shall be had as provided in section 399 of this code, the costs and fees thereof, and of filing the case in the court to which transferred, to be paid by the plaintiff unless the court ordering the transfer shall otherwise direct

SEC. 8. A new section is hereby added to the Code of Civil Procedure, to be numbered 396a and to read as follows: New section

396a. In all actions and proceedings within the subject matter jurisdiction of justices' courts of Class B, whether commenced in a justices' or municipal court, plaintiff must state Venue in Class B justice courts

facts in the complaint, verified by his oath, or in an affidavit of the plaintiff, from which it can be determined which court is, under the provisions of this title, the proper court for the trial of such action or proceeding. When such affidavit is filed, a copy thereof must be served with the summons. Unless such complaint or affidavit be filed, no further proceedings shall be had in the action or proceeding, except to dismiss the same, unless defendant consents in the manner hereinafter provided to the keeping of the action or proceeding in the court where commenced. If it appears, from such complaint or affidavit, or otherwise, that the court in which such action or proceeding is commenced is not the proper court for the trial thereof, as determined by the provisions of this title, the court in which such action or proceeding is commenced, or a judge or justice thereof, shall, whenever such fact appears, transfer it to such proper court, on its own motion, or on motion of the defendant, unless the defendant consents in writing, or in open court (such consent in open court being entered in the minutes or docket of the court), to the keeping of the action or proceeding in the court where commenced. If such consent be given the action or proceeding may continue in the court where commenced. In any such case where the transfer of the action or proceeding is ordered under the provisions of this paragraph, if summons is served prior to the filing of such action or proceeding in the court to which it is transferred, the time to answer or otherwise plead shall date from service upon the defendant of written notice of such filing.

Affidavit.

Consent to jurisdiction

Transfer on motion.

When it appears from such complaint or affidavit of the plaintiff that the court in which such action or proceeding is commenced is a proper court for the trial thereof, all proper proceedings may be had, and the action or proceeding may be tried therein; provided however, that in such case a motion for a transfer of the action or proceeding may be made as in other cases, within the time, upon the grounds, and in the manner provided in this title, and if upon such motion it appears that such action or proceeding is not pending in the proper court, or should for other cause be transferred, the same shall be ordered transferred as provided in this title.

When any such action or proceeding is ordered transferred as herein provided, proceedings shall be had, and the costs and fees shall be paid, as provided in sections 398 and 399 of this code.

New section

SEC. 8a. A new section is hereby added to the Code of Civil Procedure, to be numbered 396b, and to read as follows:

Transfer of actions generally

396b. Except as otherwise provided in section 396a, if an action or proceeding is commenced in a court having jurisdiction of the subject-matter thereof, other than the court designated as the proper court for the trial thereof, under the provisions of this title, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he answers or demurs, files with the clerk, or with

the justice if there be no clerk, an affidavit of merits and notice of motion for an order transferring the action or proceeding to the proper court, together with proof of service, upon the adverse party, of a copy of such papers. Upon the hearing of such motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the same transferred to the proper court; provided, however, that the court, in an action for divorce or separate maintenance, may, prior to the determination of such motion, consider and determine a motion for counsel fees and costs, and make all necessary and proper orders in connection therewith; provided, further, that in any case, if an answer be filed, the court may consider opposition to the motion, if any, and may retain the action in the county where commenced if it appears that the convenience of witnesses or the ends of justice will thereby be promoted.

Stats 1907, p. 700

SEC. 9. Section 397 of the Code of Civil Procedure is hereby amended to read as follows:

Cases in which court may change place of trial

397. The court may, on motion, change the place of trial in the following cases:

1. When the court designated in the complaint is not the proper court;

2. When there is reason to believe that an impartial trial can not be had therein;

3. When the convenience of witnesses and the ends of justice would be promoted by the change;

4. When from any cause there is no judge of the court qualified to act.

Stats 1927, p 1403.

SEC. 10. Section 398 of the Code of Civil Procedure is hereby amended to read as follows:

Court to which action should be transferred.

398. If, for any cause, specified in subdivisions 2, 3 and 4 of section 397, the court orders the transfer of an action or proceeding, it must be transferred to a court having jurisdiction of the subject matter of the action which the parties may agree upon, by stipulation in writing, or made in open court and entered in the minutes or docket; or, if they do not so agree, then to the nearest or most accessible court, where the like objection or cause for making the order does not exist.

Transfer to proper court

If an action or proceeding is commenced in a court, other than one designated as a proper court for the trial thereof by the provisions of this title, and the same be ordered transferred for that reason, it must be transferred to any such proper court which the parties may agree upon by stipulation in writing, or made in open court and entered in the minutes or docket; if the parties do not so agree, then to any such proper court in the county in which the action or proceeding was commenced which the defendant may designate, or, if there be no such proper court in such county, to any such proper court, in a proper county, designated by the defendant; if the parties do not so agree, and the defendant does not so designate the court, as herein provided, or where the court orders the transfer of an action on its own motion as provided in this

title, to such proper court as the court in which the action or proceeding is pending may determine.

The designation of the court by the defendant, herein provided for, may be made in the notice of motion for change of venue or in open court, entered in the minutes or docket, at the time the order for transfer is made.

Stats 1909, p 1097.

SEC. 11. Section 399 of the Code of Civil Procedure is hereby amended to read as follows:

Transfer of records, etc.

399. When an order is made transferring an action or proceeding, the clerk, or the justice where there is no clerk, must upon payment of the costs and fees, transmit the pleadings and papers therein to the clerk (or to the justice where there is no clerk) of the court to which the same is transferred.

Costs.

When the transfer is sought on any ground specified in subdivisions 2, 3 and 4 of section 397 of this code, the costs and fees thereof, and of filing the papers in the court to which the transfer is ordered, shall be paid at the time the notice of motion is filed, by the party making the motion for such transfer. When the transfer is sought solely, or is ordered, because the action or proceeding was commenced in a court other than that designated as proper by the provisions of this title, such costs and fees must be paid by the plaintiff before such transfer is made; and if, in any such case, the defendant has paid such costs and fees at the time of filing his notice of motion, the same shall be repaid to him, upon the making of such order.

C C P 1872

SEC. 12. Section 400 of the Code of Civil Procedure is hereby amended to read as follows:

Transfer of judgment in actions affecting real property

400. When an action or proceeding affecting the title to or possession of real estate has been brought in or transferred to any court of a county other than the county in which the real estate, or some portion of it, is situated, the clerk of such court must, after final judgment therein, certify, under his seal of office, and transmit to the corresponding court of the county in which the real estate affected by the action is situated, a copy of the judgment. The clerk receiving such copy must file, and record the judgment in the records of the court, briefly designating it as a judgment transferred from ------ court (naming the proper court).

Code Amdts 1873-4, p 279

SEC. 14. Section 406 of the Code of Civil Procedure is hereby amended to read as follows:

Summons issued and served.

406. The clerk or, if there be no clerk, the justice, must indorse on the complaint the day, month, and year that it is filed, and at any time within one year thereafter the plaintiff may have a summons issued, and if the action be brought against two or more defendants, who reside in different counties, may have a summons issued for each of such counties at the same time. At any time within the year after the complaint is filed, the defendant may, in writing, or by appearing and answering or demurring, waive the issuing of summons. If the action be brought upon a joint contract of two or more defendants, and one of them has appeared within the year,

the other or others may be served or appear after the year at any time before the trial.

SEC. 15. Section 407 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1897, p 53.

407. The summons must be directed to the defendant, signed by the clerk, or justice, and issued under the seal of the court. It must contain: Summons: What to contain

1. The title of the court in which the action is brought, the name of the county in which the complaint is filed and, in municipal and justices' courts, the name of the city, town, or judicial township in which such court is established;

2. The names of the parties to the action;

3. A direction that the defendant appear and answer the complaint within ten days, if the summons is served within the county in which the action is brought; within thirty days, if served elsewhere;

4. A notice that, unless the defendant so appears and answers, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint.

SEC. 16. Section 408 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1921, p 148

408. If the summons is returned without being served on any or all of the defendants, or if it has been lost, the clerk, or justice, upon the demand of the plaintiff, may issue an alias summons in the same form as the original, and within such time as the original might have been served if it had not been lost or returned. As many alias summonses as are necessary may be issued within such time. Alias summons.

SEC. 17. Section 410 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1895, p 207

410. The summons may be served by the sheriff, a constable, or marshal, of the county where the defendant is found, or by any other person over the age of eighteen, not a party to the action. A copy of the complaint must be served, with the summons, upon each of the defendants. When the summons is served by the sheriff, a constable, or marshal, it must be returned, with his certificate of its service, and of the service of a copy of the complaint, to the office of the clerk or justice from which it issued. When it is served by any other person, it must be returned to the same place, with the affidavit of such person of its service, and of the service of a copy of the complaint. Service of summons.

SEC. 19. Section 412 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1919, p. 293

412. Where the person on whom service is to be made resides out of the State; or has departed from the State; or can not, after due diligence, be found within the State; or conceals himself to avoid the service of summons; or is a corporation having no officer or other person upon whom summons may be served, who, after due diligence, can be found within the State, Service by publication Grounds for

and the fact appears by affidavit to the satisfaction of the court, or a judge or justice thereof; and it also appears by such affidavit or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action; or when it appears by such affidavit, or by the complaint on file, that it is an action which relates to or the subject of which is real or personal property in this State, in which such person defendant or corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or corporation from any interest therein, such court, judge, or justice, may make an order that the service be made by the publication of the summons; provided, that where service is sought to be made upon a person by publication upon the ground that he can not, after due diligence, be found within the State, it must first appear by the affidavit aforesaid that there has not been filed, on behalf of such person, either in the county in which such action was brought, or in the county in which such action is pending, the certificate of residence provided for by section 1163 of the Civil Code; or that said certificate was so filed and that the defendant can not be found at the place named in said certificate, which latter fact must be made to appear by the certificate of the sheriff, or a constable or marshal, of the county wherein said defendant claims residence in and by said certificate of residence, and which certificate of said sheriff, constable or marshal, must show that service of said summons was attempted upon said defendant at the place named in said certificate of residence but that said defendant was not to be found thereat.

Stats 1931, p 1898

SEC. 20. Section 413 of the Code of Civil Procedure is hereby amended to read as follows:

Order for publication

413. The order must direct the publication to be made in a newspaper, to be named, and designated as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, at least once a week; but publication against a defendant residing out of the State, or absent therefrom, must not be less than two months, except in proceedings instituted pursuant to the provisions of Chapter IV, Title III, Part III, of this code. In case of publication, where the residence of a nonresident or absent defendant is known, the court, judge, or justice, must direct a copy of the summons and complaint to be forthwith deposited in the post office, directed to the person to be served, at his place of residence.

Personal service outside State.

When publication is ordered, personal service of a copy of the summons and complaint out of the State is equivalent to publication and deposit in the post office, and in either case the service of the summons is complete at the expiration of the time prescribed by the order for publication.

C C P 1872.

SEC. 21. Section 415 of the Code of Civil Procedure is hereby amended to read as follows:

415. Proof of the service of summons and complaint must be as follows: Proof of service

1. If served by the sheriff, or a constable, or marshal, his certificate thereof;

2. If by any other person, his affidavit thereof; or,

3. In case of publication, the affidavit of the printer, or his foreman, or principal clerk, showing the same; and an affidavit of a deposit of a copy of the summons in the post office, if the same has been deposited; or,

4. The written admission of the defendant.

In case of service otherwise than by publication, the certificate or affidavit must state the time and place of service.

SEC. 22. Section 416 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1921, p 105

416. From the time of the service of the summons and of a copy of the complaint in a civil action, or of the completion of the publication when service by publication is ordered, the court is deemed to have acquired jurisdiction of the parties, and to have control of all the subsequent proceedings. In all cases where a corporation has forfeited its charter or right to do business in this State, the persons who become the trustees of the corporation and of its stockholders or members may be sued in the corporate name of such corporation in like manner as if no forfeiture had occurred and from the time of service of the summons and of a copy of the complaint in a civil action, upon one of said trustees, or of the completion of the publication when service by publication is ordered, the court is deemed to have acquired jurisdiction of all said trustees, and to have control of all the subsequent proceedings. The voluntary appearance of a defendant is equivalent to personal service of the summons and copy of the complaint upon him. When court acquires jurisdiction

SEC. 23. Section 422 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907, p 705.

422. The only pleadings allowed on the part of the plaintiff are: Pleadings

1. The complaint;

2. The demurrer to the answer;

3. The demurrer to the cross complaint;

4. The answer to the cross complaint;

And on the part of the defendant:

1. The demurrer to the complaint;

2. The answer;

3. The cross complaint;

4. The demurrer to the answer to the cross complaint.

(In justices' courts of Class B, the pleadings are not required to be in any particular form, but must be such as to enable a person of common understanding to know what is intended; in such justices' courts, the pleadings may, except the complaint, or cross-complaint be oral or in writing; need not be verified, unless otherwise provided in this title; if in writing, Class B justices' courts

must be filed with the justice; if oral, an entry of their substance must be made in the docket.)

C C P 1872

SEC. 24. Section 426 of the Code of Civil Procedure is hereby amended to read as follows:

Complaint.

426. The complaint must contain:

1. The title of the action, the name of the court and county, and, in municipal and justices' courts, the name of the city, town or judicial township, in which the action is brought; the names of the parties to the action;

2. A statement of the facts constituting the cause of action, in ordinary and concise language;

3. A demand of the relief which the plaintiff claims. If the recovery of money or damages be demanded, the amount thereof must be stated; provided, that in justices' courts of Class B, a copy of the account, note, bill, bond, or instrument upon which the action is based is a sufficient complaint.

Stats 1927, p 529

SEC. 25. Section 437 of the Code of Civil Procedure is hereby amended to read as follows:

Answer

437. The answer of the defendant shall contain:

1. A general or specific denial of the material allegations of the complaint controverted by the defendant.

2. A statement of any new matter constituting a defense or counterclaim.

Except in justices' courts of Class B, if the complaint be verified, the denial of the allegations controverted must be made positively, or according to the information and belief of the defendant. If the defendant has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer, and place his denial on that ground. The denials of the allegations controverted may be stated by reference to specific paragraphs or parts of the complaint; or by express admission of certain allegations of the complaint with a general denial of all of the allegations not so admitted; or by denial of certain allegations upon information and belief, or for lack of sufficient information or belief, with a general denial of all allegations not so denied or expressly admitted. If the complaint be not verified, a general denial is sufficient, but only puts in issue the material allegations of the complaint.

New section

SEC. 26. A new section is hereby added to the Code of Civil Procedure, to be numbered section 437b and to read as follows:

Answer in cases involving less than $300

437b. In any action in which the demand, exclusive of interest, or the value of the property in controversy does not exceed three hundred dollars, the defendant at his option, in lieu of demurrer and other answer, may file a general written denial verified by his own oath and a brief statement similarly verified, of any new matter constituting a defense or counterclaim.

New section.

SEC. 27. A new section is hereby added to the Code of Civil Procedure, to be numbered section 437c and to read as follows:

437c. In superior courts and municipal courts when an answer is filed in an action to recover upon a debt or upon a

liquidated demand, including an action to enforce or foreclose a lien or mortgage, if it is claimed that there is no defense to the action, on motion of the plaintiff, after notice of the time and place thereof in writing served on the answering defendant at least ten days before such motion, supported by affidavit of any person or persons having knowledge of the facts, the answer may be stricken out and judgment may be entered, in the discretion of the court, unless the defendant, by affidavit or affidavits shall show such facts as may be deemed by the judge hearing the motion sufficient to entitle him to defend. A judgment so entered is an appealable judgment as in other cases.

Spurious answer may be stricken out

The affidavit or affidavits in support of the motion must contain facts sufficient to entitle plaintiff to a judgment in the action, and the facts stated therein shall be within the personal knowledge of the affiant, and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

Affidavits for or against motion.

The affidavit or affidavits in opposition to said motion shall be made by the defendant, or by any other person having knowledge of the facts, and together shall set forth facts showing that the defendant has a good and substantial defense to the plaintiff's action (or to a portion thereof) upon the merits. The facts stated in each affidavit shall be within the personal knowledge of the affiant, shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. When the party resisting the motion appears in a representative capacity, such as a trustee, guardian, executor, administrator, or receiver, then the affidavit in opposition by such representative may be made upon his information and belief.

If it appear that such defense applies only to a part of the plaintiff's claim, or that any part is admitted, the court shall, by order, so declare, and plaintiff's claim shall be deemed established as to so much thereof as such defense shall not apply to, or as is admitted, and the cause of action may be severed accordingly, and the action may proceed as to the remainder of such claim. No judgment shall be entered prior to the termination of such action but the judgment in such action shall, in addition to any matters determined in such action, award to plaintiff the amount of his claim so established by the proceedings herein provided for. A judgment entered under this section is an appealable judgment as in other cases.

Judgment for part of claim admitted

SEC. 28. A new section is hereby added to the Code of Civil Procedure, to be numbered section 437d and to read as follows:

New section.

437d. When, in an action to recover the possession of personal property, the person making any affidavit did not truly state the value of the property, and the officer taking the property, or the sureties on any bond or undertaking is sued for taking the same, the officer or sureties may in their answer set up the true value of the property, and that the person in whose behalf said affidavit was made was entitled to the pos-

When affidavit wrongly shows value of property.

session of the same when said affidavit was made, or that the value in the affidavit stated was inserted by mistake, the court shall disregard the value as stated in the affidavit and give judgment according to the right of possession of said property at the time the affidavit was made.

Stats 1907, p 705

SEC. 29. Section 446 of the Code of Civil Procedure is hereby amended to read as follows:

Certain pleadings to be verified

446. Every pleading (except in justices' courts of Class B when the pleadings are oral) must be subscribed by the party or his attorney. When the State, or any officer of the State, in his official capacity, is plaintiff, the answer must be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or, unless an officer of the State, in his official capacity, is defendant. Except in justices' courts of Class B, when the complaint is verified, the answer must be verified. In all cases of a verification of a pleading, the affidavit of the party must state that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters that he believes it to be true; and where a pleading is verified, it must be by the affidavit of a party, unless the parties are absent from the county where the attorney has his office, or from some cause unable to verify it, or the facts are within the knowledge of his attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he must set forth in the affidavit the reasons why it is not made by one of the parties. When a corporation is a party, the verification may be made by any officer thereof. When the State, or any county thereof, or any officer of the State, or of any county thereof, in his official capacity is plaintiff, the complaint need not be verified.

Code Amdts 1873-4, p 279

SEC. 30. Section 465 of the Code of Civil Procedure is hereby amended to read as follows:

Subsequent pleadings

465. All pleadings subsequent to the complaint, must be filed with the clerk or justice, and copies thereof served upon the adverse party or his attorney, provided that in actions in justices' courts of Class B, when the pleadings are oral, an entry of their substance in the docket is sufficient.

Code Amdts 1873-4, p 279

SEC. 31. Section 472 of the Code of Civil Procedure is hereby amended to read as follows:

Amended pleadings

472. Any pleading may be amended once by the party of course, and without costs, at any time before the answer or demurrer is filed, or entered in the docket, or after demurrer and before the trial of the issue of law thereon, by filing the same as amended and serving a copy on the adverse party, who may have ten days thereafter in which to answer or demur to the amended pleading; provided, that in justices' courts of Class B when the pleading is oral, the amendment may be oral, the substance thereof being entered in the docket, and the adverse party shall have ten days from notice of such amendment in which to answer or demur thereto.

SEC. 32. A new section is hereby added to the Code of Civil Procedure, to be numbered section 472a and to read as follows: New section.

472a. A demurrer is not waived by an answer filed (or entered in the justice's docket) at the same time. When the demurrer to a complaint, or to a cross-complaint, is overruled, and there is no answer filed (or entered), the court may, upon such terms as may be just, allow an answer. If a demurrer to the answer be overruled, the action must proceed as if no demurrer had been interposed, and the facts alleged in the answer must be considered as denied to the extent mentioned in section 462 of this code. Answer may be filed with demurrer.

When a demurrer is sustained, the court may grant leave to amend the pleading and shall fix the time within which such amendment or amended pleading shall be filed, or entered in the docket.

SEC. 33. Section 476 of the Code of Civil Procedure is hereby renumbered 472b, and is amended to read as follows: Code Amdts. 1873-4, p 279

472b. When a demurrer to any pleading is sustained or overruled, and time to amend or answer is given, the time so given runs from the service of notice of the decision or order, unless such notice is waived in open court, and the waiver entered in the minutes or docket. Time for pleading after ruling on demurrer.

SEC. 34. Section 473 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1917, p 242

473. The court may, in furtherance of justice, and on such terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect; and may, upon like terms, enlarge the time for answer or demurrer. The court may likewise, in its discretion, after notice to the adverse party, allow, upon such terms as may be just, an amendment to any pleading or proceeding in other particulars; and may upon like terms allow an answer to be made after the time limited by this Code. Pleadings may be amended

When it appears to the satisfaction of the court that such amendment renders it necessary, the court may postpone the trial, and may, when such postponement will by the amendment be rendered necessary, require, as a condition to the amendment, the payment to the adverse party of such costs as may be just. Continuance

The court may, upon such terms as may be just, relieve a party or his legal representative from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, surprise or excusable neglect. Application for such relief must be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and must be made within a reasonable time, in no case exceeding six months, after such judgment, order or proceeding was taken. Relief from judgment taken by mistake, etc

The court may, upon motion of the injured party, or its own motion, correct clerical mistakes in its judgment or orders as entered, so as to conform to the judgment or order directed,

and may, on motion of either party after notice to the other party, set aside any void judgment or order.

New section.

SEC. 35. A new section is hereby added to the Code of Civil Procedure, to be numbered 473a and to read as follows:

Answer of defendant not served

473a. When from any cause the summons in an action has not been personally served on the defendant, the court may allow, on such terms as may be just, such defendant or his legal representatives, at any time within one year after the rendition of any judgment in such action, to answer to the merits of the original action.

New section

SEC. 36. A new section is hereby added to the Code of Civil Procedure, to be numbered 477 and to read as follows:

Provisional remedies not available in justices' courts.

477. Except as otherwise expressly provided, the provisional remedies, deposit in court, injunction and receivers, may not be had in justices' courts.

Code Amdts 1880, p 3

SEC. 37. Section 480 of the Code of Civil Procedure is hereby amended to read as follows:

Order for arrest

480. An order for the arrest of the defendant must be obtained from a judge or justice of the court in which the action is brought

Code Amdts 1873-4, p 279

SEC 38. Section 481 of the Code of Civil Procedure is hereby amended to read as follows:

When order shall be made

481. The order may be made whenever it appears to the judge or justice, by the affidavit of the plaintiff, or some other person, that a sufficient cause of action exists, and that the case is one of those mentioned in section 479. The affidavit must be either positive or upon information and belief; and when upon information and belief, it must state the facts upon which the information and belief are founded. If an order of arrest be made, the affidavit must be filed with the clerk or with the justice where there is no clerk.

Code Amdts 1873-4, p 279

SEC. 39. Section 482 of the Code of Civil Procedure is hereby amended to read as follows:

Undertaking

482. Before making the order, the judge or justice must require a written undertaking on the part of the plaintiff, with two or more sufficient sureties, to the effect that the plaintiff will pay all costs which may be adjudged to the defendant, and all damages which he may sustain by reason of the arrest, if the same be wrongful, or without sufficient cause, not exceeding the sum specified in the undertaking.

Such undertaking shall be in a sum to be fixed by the judge or justice, not less than three hundred dollars. The undertaking must be filed with the clerk, or with the justice if there is no clerk.

Justification of sureties

At any time after the making of the order of arrest, but not later than five days after the execution thereof, the defendant may notify the plaintiff that he does not accept the sureties on such undertaking. If he fails to do so, he shall be deemed to have waived all objections to such sureties. Within five days after the receipt of such notice the plaintiff may give to the defendant notice of the justification of such sureties, or other sureties, specifying the places of residence and occupations of

the latter, before a judge, justice or clerk of the court where the action is pending, at a specified time and place, the time to be not less than two nor more than five days thereafter, except by consent of the parties. Such justification shall be in the manner hereinafter in this chapter provided. In case other sureties justify a new undertaking must be given. If such sureties, or others in their place, fail to justify the order of arrest shall be vacated.

SEC. 40. Section 483 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

483. The order may be made at the time of the issuing of the summons, or at any time afterwards before judgment. It must require the sheriff, or any constable or marshal of the county where the defendant may be found, forthwith to arrest him and hold him to bail in a specified sum, and to return the order at a time therein mentioned, to the clerk or justice of the court in which the action is pending. Order and arrest.

SEC. 41. Section 484 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

484. The order of arrest, with a copy of the affidavit upon which it is made, must be delivered to the sheriff, or a constable, or marshal, who, upon arresting the defendant, must deliver to him a copy of the affidavit, and also, if desired, a copy of the order of arrest. Copy of order served on arrest.

SEC. 42. Section 485 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

485. The sheriff, constable, or marshal, must execute the order by arresting the defendant and keeping him in custody until discharged by law. Arrest of defendant

SEC. 43. Section 488 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

488. At any time before judgment, or within ten days thereafter, the bail may surrender the defendant in their exoneration, or he may surrender himself to the sheriff, constable or marshal of the court where the action is pending, or to the officer who made the arrest. Surrender of defendant

SEC. 44. Section 489 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

489. For the purpose of surrendering the defendant, the bail, at any time or place before they are finally charged, may themselves arrest, or, by a written authority indorsed on a certified copy of the undertaking, may empower the sheriff, or any constable or marshal of the county where the defendant may be found to do so. Upon the arrest of defendant by any such officer, or upon his delivery to such officer by the bail, or upon his own surrender, the bail are exonerated, if such arrest, delivery, or surrender take place before the expiration of ten days after judgment; but if such arrest, delivery, or surrender be not made within ten days after judgment, the bail are finally charged on their undertaking, and bound to pay the amount of the judgment within ten days thereafter. When bail are liable

C. C. P. 1872.

SEC. 45. Section 492 of the Code of Civil Procedure is hereby amended to read as follows:

Return of order.

492. Within the time limited for that purpose, the sheriff, constable or marshal making the arrest, must file the order of arrest in the office of the clerk or if there be no clerk, with the justice, of the court in which the action is pending, with his return indorsed thereon, together with a copy of the undertaking of the bail. The original undertaking he must retain in his possession until filed, as herein provided. The plaintiff, within ten days thereafter, may serve upon such officer a notice that he does not accept the bail, or he is deemed to have accepted them, and the officer is exonerated from liability. If no notice be served within ten days, the original undertaking must be filed with the clerk, or if there be no clerk, with the justice, of the court.

Exception to bail

Code Amdts 1880, p 3

SEC. 46. Section 493 of the Code of Civil Procedure is hereby amended to read as follows:

Justification of bail

493. Within five days after the receipt of notice, the sheriff, constable or marshal, or the defendant may give to the plaintiff or his attorney notice of the justification of the same, or other bail (specifying the places of residence and occupations of the latter), before a judge or justice of the court, or the clerk of the court, at a specified time and place; the time to be not less than five nor more than ten days thereafter, except by consent of the parties. In case other bail be given, there must be a new undertaking.

Code Amdts 1873-4, p 279

SEC. 47. Section 494 of the Code of Civil Procedure is hereby amended to read as follows:

Qualifications of bail

494. The qualifications of bail are as follows:

1. Each of them must be a resident and householder, or freeholder, within the State.

2. Each must be worth the amount specified in the order of the arrest, or the amount to which the order is reduced, as provided in this chapter, over and above all his debts and liabilities, exclusive of property exempt from execution; but the judge, justice, or clerk, on justification, may allow more than two sureties to justify severally, in amounts less than that expressed in the order, if the whole justification be equivalent to that of two sufficient bail.

C. C. P. 1872

SEC. 48. Section 495 of the Code of Civil Procedure is hereby amended to read as follows:

Examination of bail.

495. For the purpose of justification, each of the bail must attend before the judge, justice, or clerk, at the time and place mentioned in the notice, and may be examined on oath on the part of the plaintiff, touching his sufficiency, in such manner as the judge, justice, or clerk, in his discretion, may think proper. The examination must be reduced to writing, and subscribed by the bail, if required by the plaintiff.

C. C. P. 1872.

SEC. 49. Section 496 of the Code of Civil Procedure is hereby amended to read as follows:

If bail sufficient

496. If the judge, justice, or clerk find the bail sufficient, he must annex the examination to the undertaking, indorse

his allowance thereon, and cause them to be filed, and the sheriff, constable, or marshal is thereupon exonerated from liability.

SEC. 50. Section 497 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

497. The defendant may, at the time of his arrest, instead of giving bail, deposit with the sheriff, constable, or marshal making the arrest the amount mentioned in the order. In case the amount of the bail be reduced, as provided in this chapter, the defendant may deposit such amount instead of giving bail. In either case the sheriff, constable, or marshal must give the the defendant a certificate of the deposit made, and the defendant must be discharged from custody. Money instead of bail

SEC. 51. Section 498 of the Code of Civil Procedure is hereby amended to read as follows: C C P. 1872

498. The sheriff, constable, or marshal must, immediately after the deposit, pay the same into court, and take from the clerk or justice receiving the same two certificates of such payment, the one of which he shall deliver to the plaintiff's attorney, or to the plaintiff if he has no attorney, and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the sheriff, constable, or marshal to collect the sum deposited, as in other cases of delinquency. Deposit paid into court

SEC. 52. Section 499 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

499. If money is deposited, as provided in the two last sections, bail may be given and may justify upon notice, at any time before judgment; and on the filing of the undertaking and justification with the clerk or justice, the money deposited must be refunded to the defendant. Money refunded on giving bail.

SEC. 53. Section 500 of the Code of Civil Procedure is hereby amended to read as follows: C. C P 1872

500. Where money has been deposited, if it remain on deposit at the time of the recovery of a judgment in favor of the plaintiff, the clerk, under the direction of the court, or the justice, where there is no clerk, must apply the same in satisfaction thereof; and after satisfying the judgment, refund the surplus, if any, to the defendant. If the judgment is in favor of the defendant, the clerk, under like direction of the court, or the justice, where there is no clerk, must refund to him the whole sum deposited and remaining unapplied. Disposition of deposit

SEC. 54. Section 501 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

501. If, after being arrested, the defendant escape or is rescued, the officer having the custody of such defendant at the time of his escape or rescue is liable as bail; but he may discharge himself from such liability by the giving of bail at any time before judgment. Liability of officer for escape

SEC. 55. Section 502 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

Liability of sheriff, etc., as bail.

502. If a judgment is recovered against the sheriff, constable, or marshal upon his liability as bail, and an execution thereon is returned unsatisfied in whole or in part, the same proceedings may be had on his official bond, for the recovery of the whole or any deficiency, as in other cases of delinquency.

Code Amdts 1873-4, p. 279.

SEC. 56. Section 503 of the Code of Civil Procedure is hereby amended to read as follows:

Bail may be reduced

503. A defendant arrested may, at any time before the trial of the action, or if there be no trial, before the entry of judgment, apply to the judge or justice who made the order, or to the court in which the action is pending, upon reasonable notice, to vacate the order of arrest or to reduce the amount of bail. If the application be made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs, in addition to those on which the order of arrest was made.

C. C. P. 1872

SEC. 57. Section 511 of the Code of Civil Procedure is hereby amended to read as follows:

Seizure of property

511. The plaintiff or his attorney may, thereupon, by an indorsement in writing upon the affidavit, require the sheriff, or any constable, or marshal of the county where the property claimed may be, to take the same from the defendant.

C. C. P. 1872

SEC. 58. Section 512 of the Code of Civil Procedure is hereby amended to read as follows:

Taking property of defendant

512. Upon a receipt of the affidavit and notice, with a written undertaking, executed by two or more sufficient sureties, approved by the sheriff, constable, or marshal receiving such affidavit and notice, to the effect that they are bound to the defendant in double the value of the property as stated in the affidavit for the prosecution of the action, for the return of the property to the defendants, if return thereof be adjudged, and for the payment to him of such sum as may from any cause be recovered against the plaintiff, such officer must forthwith take the property described in the affidavit, if it be in the possession of the defendant or his agent, and

Service of affidavit, etc

retain it in his custody. He must, without delay, serve on the defendant a copy of the affidavit, notice, and undertaking, by delivering the same to him personally, if he can be found, or to his agent from whose possession the property is taken; or, if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion, or, if neither have any known place of abode, by putting them in the post office, directed to the defendant.

C. C. P. 1872

SEC. 59. Section 513 of the Code of Civil Procedure is hereby amended to read as follows:

Defendant may except to sureties

513. The defendant may, within two days after the service of a copy of the affidavit and undertaking, give notice to the officer making the service that he excepts to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When the defendant excepts, the sureties must justify on notice in like manner as upon bail or arrest; and such officer is responsible for the sufficiency of the

sureties until the objection to them is either waived or until they justify. If the defendant except to the sureties, he can not reclaim the property as provided in the next section.

SEC. 60. Section 514 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

514. At any time before the delivery of the property to the plaintiff, the defendant may, if he do not except to the sureties of the plaintiff, require the return thereof, upon giving to the officer making the service, a written undertaking, executed by two or more sufficient sureties, to the effect that they are bound in double the value of the property, as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant. If a return of the property be not so required within five days after the taking and service of notice to the defendant, it must be delivered to the plaintiff, except as provided in section 519. Defendant may retain property by giving undertaking

SEC. 61. Section 515 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

515. The defendant's sureties, upon notice to the plaintiff of not less than two or more than five days, must justify before a judge, justice, or the clerk, of the court in which the action is pending in the same manner as upon bail on arrest; and upon such justification the officer taking the property must deliver the property to the defendant. Such officer is responsible for the defendant's sureties until they justify, or until the justification is completed or waived, and may retain the property until that time. If they, or others in their place, fail to justify at the time and place appointed, he must deliver the property to the plaintiff. Defendant's sureties must justify

SEC. 62. Section 517 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

517. If the property, or any part thereof, be concealed in a building or inclosure, the sheriff, constable, or marshal must publicly demand its delivery. If it be not delivered, he must cause the building or inclosure to be broken open, and take the property into his possession; and, if necessary, he may call to his aid the power of his county. Building may be broken to obtain property

SEC. 63. Section 518 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

518. When the sheriff, constable, or marshal has taken property as in this chapter provided, he must keep it in a secure place, and deliver it to the party entitled thereto, upon receiving his fees for taking and his necessary expenses for keeping the same. Sheriff, etc., to hold property

SEC. 64. Section 519 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

519 In cases where the property taken is claimed by any other person than the defendant or his agent, the rules and proceedings applicable in cases of third party claims after levy under execution or attachment shall apply. Claim by third party

C C P 1872

SEC. 65. Section 520 of the Code of Civil Procedure is hereby amended to read as follows:

Return of sheriff, etc.

520. The sheriff, constable, or marshal must file the notice, undertaking, and affidavit, with his proceedings thereon, with the clerk or if there be no clerk, with the justice of the court in which the action is pending, within twenty days after taking the property mentioned therein.

Stats. 1931, p 201

SEC. 66. Section 529 of the Code of Civil Procedure is hereby amended to read as follows:

Undertaking on granting injunction

529. On granting an injunction, the court or judge must require, except when it is granted on the application of the people of the State, a county, a municipal corporation, or either spouse against the other in an action for divorce or separate maintenance, a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the party enjoined such damages, not exceeding an amount to be specified, as such party may sustain by reason of the injunction, if the court finally decides that the applicant was not entitled thereto. Within five days after the service of the injunction, the person enjoined may except to the sufficiency of the sureties, and unless within five days thereafter, upon notice of not less than two days to the person enjoined, such sureties, or others in their place, justify before a judge of the court, or the clerk thereof, at a time and place designated in such notice, the order granting the injunction must be dissolved.

Stats 1931, p 1920.

SEC. 67. Section 538 of the Code of Civil Procedure is hereby amended to read as follows:

Affidavit for attachment

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff showing:

1. The facts specified in section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal set-offs or counterclaims, or the amount claimed as damages; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum claimed, exclusive of interest, is less than fifteen dollars.

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of subdivision 10 of section 690 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessaries of life, the affidavit must contain a statement to that effect and must specify the character or nature of the items constituting the alleged necessaries.

Stats 1907, p 708

SEC. 68. Section 539 of the Code of Civil Procedure is hereby amended to read as follows:

Undertaking on attachment

539. Before issuing the writ, the clerk or justice must require a written undertaking on the part of the plaintiff with two or more sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, and that if the attachment is discharged on the ground that the plaintiff was not entitled thereto under section 537, the plaintiff will pay all damages which the defendant may have sustained by reason of the attachment, not exceeding the sum specified in the undertaking. The sum specified in the undertaking shall be such as the clerk, judge or justice of the court where the action is pending may require, not less than fifty dollars, and not exceeding in any case the amount claimed by the plaintiff.

Exception to sureties.

At any time after the issuing of the attachment, but not later than five days after actual notice of the levy thereof, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When excepted to, the plaintiff's sureties, within five days from service of written notice of exception, upon notice to the defendant of not less than two nor more than five days, must justify before the judge, justice, or clerk of the court in which the action is pending, in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the writ of attachment must be vacated.

Stats 1929, p 999.

SEC. 69. Section 540 of the Code of Civil Procedure is hereby amended to read as follows:

Sheriff to attach and hold property

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge or justice of the court issuing the writ, or if said writ of attachment is from another county then by a judge or justice of a court, having jurisdiction in cases involving the amount claimed in the attachment, in the county where the levy shall have been made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached; provided, however, that whenever a levy shall be made upon personal property, other than money, belonging to a going concern, then the officer making the levy must, if

Defendant may give undertaking in lieu of property.

the defendant consents, place a keeper in charge of said attached property, at plaintiff's expense, for at least two days, and said keeper's fees must be prepaid by the attaching creditor. After the expiration of said two days, the sheriff, constable, or marshal shall take said property into his immediate custody, unless other disposition is made by the court or the parties to the act on.

Where two or more defendants.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable or marshal such undertaking which must first be approved by the judge or justice as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money shall not subject such defendant to or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching, or be obliged to release from attachment, any property of any other defendant; provided, however, that such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title, the attached property, and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given, or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking, within sixty days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of different counties.

Stats 1931, p. 1724

SEC. 70. Section 542 of the Code of Civil Procedure is hereby amended to read as follows:

Manner in which property is to be attached.

542. The sheriff, constable, or marshal to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the judgment creditor, or his attorney of record, and containing a description of the property, and in the case of real property, a statement as to whether or not it is registered under the land title law, an initiative act adopted by election November 3, 1914, execute the same without delay, and if the undertaking mentioned in section 540 of this code be not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by leaving a similar copy of the writ, description and notice with an occupant of the property, if there is

one; if not, then by posting the same in a conspicuous place on the property attached.

Method of attachment

2. Real property, or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached by filing with the recorder of the county a copy of the writ, together with a description of the property, and a notice that such real property, and any interest of the defendant therein, held by or standing in the name of such other person (naming him), are attached; and by leaving with the occupant, if any, and with such other person, or his agent, if known and within the county, or at the residence of either, if within the county, a copy of the writ with a similar description and notice. If there is no occupant of the property, a copy of the writ, together with such description and notice, must be posted in a conspicuous place upon the property. The recorder must index such attachment when filed, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands on the records

3. Personal property, capable of manual delivery, must be attached by taking it into custody.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

5. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable, or marshal may require, as a prerequisite to the taking of such property, that in addition to written instructions the attaching party or judgment creditor, or the attorney of record of each, deposit with said sheriff, constable, or marshal a sum of money sufficient to pay the expense of taking and keeping safely said property for a period of not to exceed five days, and that in the event that a further detention of said property is ordered after the period for which the fees have been deposited, the sheriff, constable, or marshal may, from time to time make a written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. The demand above provided to be given to his attorney may be given by serving the same as provided in section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid within five (5) days after service of said demand given as herein provided, the sheriff, constable, or marshal

may release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable, or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with.

6. Debts and credits and other personal property, not capable of manual delivery, must be attached by leaving with the person owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent, or in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ, except in the case of attachment of growing crops, a copy of the writ, together with a description of the property attached, and a notice that it is attached shall be recorded or registered the same as in the attachment of real property: provided, however, that debts owing to the defendant by a banking corporation or association, building and loan association or title insurance company, maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such banking corporation or association, building and loan association or title insurance company, must be attached by leaving a copy of the writ and the notice with the manager or any other officer of such banking corporation or association, building and loan association or title insurance company at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such banking corporation or association, building and loan association or title insurance company has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such banking corporation or association, building and loan association or title insurance company if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served.

7. If real property sought to be attached is registered under said land title law, an additional copy of the writ, together with a description of the Torrens title certificate, a description of the property and a notice that it is attached shall be filed with the registrar of titles of the county.

Stats 1931, p. 2195

SEC. 71. Section 542a of the Code of Civil Procedure is hereby amended to read as follows:

Lien on attachment of real property

542a. The lien of the attachment on real property attaches and becomes effective upon the recording of a copy of the writ, together with a description of the property attached, and a

notice that it is attached with the county recorder of the county wherein said real property is situate; provided, however, that in the event that the sheriff, constable, or marshal does not complete the execution of said writ in the manner prescribed in section 542 of this code within a period of fifteen days next following said recording in the recorder's office then said lien shall cease at the expiration of said period of fifteen days.

Lien lasts 3 years

The attachment whether heretofore levied or hereafter to be levied shall be a lien upon all real property attached for a period of three years after the date of levy unless sooner released or discharged either as provided in this chapter, or by dismissal of the action, or by the filing with the recorder of an abstract of the judgment in the action. At the expiration of three years the lien shall cease and any proceeding or proceedings against the property under the attachment shall be barred; provided, that upon motion of a party to the action, made not less than five nor more than sixty days before the expiration of said period of three years, the court in which the action is pending may extend the time of said lien for a period not exceeding two years from the date on which the original lien would expire, and the lien shall be extended for the period specified in the order upon the recording before the expiration of the existing lien, of a certified copy of the order with the recorder of the county in which the real property attached is situated. The lien may be extended from time to time in the manner herein prescribed.

Extension of lien

SEC. 72. Section 543 of the Code of Civil Procedure is hereby amended to read as follows:

C C P 1872

543. Upon receiving information in writing from the plaintiff or his attorney, that any person has in his possession, or under his control, any credits or other personal property belonging to the defendant, or owes any debt to the defendant, the sheriff, constable, or marshal must serve upon such person a copy of the writ, and a notice that such credits, or other property or debts, as the case may be, are attached in pursuance of such writ.

Garnishment

SEC. 73. Section 544 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1931, p 2195

544. All persons having in their possession, or under their control, any credits or other personal property belonging to the defendant, or owing any debts to the defendant at the time of service upon them of a copy of the writ and notice, as provided in this chapter, shall be, unless such property be delivered up or transferred, or such debts be paid to the sheriff, constable, or marshal, liable to the plaintiff for the amount of such credits, property, or debts, until the attachment be discharged or any judgment recovered by him be satisfied.

Garnishee liable to plaintiff

SEC. 74. Section 545 of the Code of Civil Procedure is hereby amended to read as follows:

C C P 1872

545. Any person owing debts to the defendant, or having in his possession, or under his control, any credits or other

Examination of garnishee

personal property belonging to the defendant, may be required to attend before the court, judge, or justice or a referee appointed by the court, judge, or justice and be examined on oath respecting the same. The defendant may also be required to attend for the purpose of giving information respecting his property, and may be examined on oath. The court, judge, justice or referee may, after such examination, order personal property, capable of manual delivery, to be delivered to the sheriff, constable, or marshal on such terms as may be just, having reference to any liens thereon or claims against the same, and a memorandum to be given of all other personal property, containing the amount and description thereof.

C C P 1872

SEC. 75. Section 546 of the Code of Civil Procedure is hereby amended to read as follows:

Inventory of property attached

546. The officer levying the attachment must make a full inventory of the property attached, and return the same with the writ. To enable him to make such return as to debts and credits attached, he must request, at the time of service, the party owing the debt or having the credit to give him a memorandum, stating the amount and description of each; and if such memorandum be refused, he must return the fact of refusal with the writ. The party refusing to give the memorandum may be required to pay the costs of any proceedings taken for the purpose of obtaining information respecting the amounts and description of such debt or credit.

C C P 1872

SEC. 76. Section 547 of the Code of Civil Procedure is hereby amended to read as follows:

Perishable property.

547. If any of the property attached be perishable, the officer levying the attachment must sell the same in the manner in which such property is sold on execution. The proceeds, and other property attached by him, must be retained by him to answer any judgment that may be recovered in the action, unless sooner subjected to execution upon another judgment recovered previous to the levy of the attachment. Debts and credits attached may be collected by him, if the same can be done without suit. The receipt of such officer is a sufficient discharge for the amount paid.

New section

SEC. 76a. A new section, to be numbered section 547a, is hereby added to the Code of Civil Procedure, to read as follows:

Receiver for perishable crops, etc., attached

547a. Whenever a writ of attachment is issued and the holder of such writ desires to attach, or has attached, property which is perishable, or which will greatly deteriorate in value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the holder thereof, and after due notice to the owner of said property, may appoint a receiver to take charge of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be

retained by such receiver to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall fix the fee per day of such receiver and may order said applicant to pay such fee and expenses of said receiver in advance if the court may deem it proper, or may direct that the whole or any part of such fee and expenses be paid from the proceeds of any sale of such property.

Stats 1927, p 858

SEC. 77. Section 548 of the Code of Civil Procedure is hereby amended to read as follows:

Sale of attached property

548. Whenever property has been taken by an officer under a writ of attachment and it is made to appear satisfactorily to the court, or a judge or justice thereof, that the interest of the parties to the action will be subserved by a sale thereof, the court, judge, or justice may order such property to be sold in the same manner as property is sold under an execution, and the proceeds to be deposited in the court to abide the judgment in the action. Such order can be made only (1) after notice to the adverse party or his attorney in case such party has been personally served with a summons in the action or, (2) after an order of service of summons by publication has been made.

Stats 1891, p. 20

SEC. 78. Section 549 of the Code of Civil Procedure is hereby amended to read as follows:

Third party claims

549. In cases where a third person claims, as his property, any personal property attached, the rules and proceedings applicable in cases of third party claims after levy under execution shall apply.

C C P 1872.

SEC. 79. Section 550 of the Code of Civil Procedure is hereby amended to read as follows:

Satisfaction of judgment by sale of property, etc

550. If judgment be recovered by the plaintiff, the sheriff, constable, or marshal must satisfy the same out of the property attached by him which has not been delivered to the defendant, or released because of a third party claim, or subjected to a prior execution or attachment, if it be sufficient for that purpose:

1. By paying to the plaintiff the proceeds of all sales of perishable property sold by him, or of any debts or credits collected by him, or so much as shall be necessary to satisfy the judgment;

2. If any balance remain due, and an execution shall have been issued on the judgment, he must sell under the execution so much of the property, real or personal, as may be necessary to satisfy the balance, if enough for that purpose remain in his hands. Notices of the sales must be given, and the sales conducted as in other cases of sales on execution.

C C P 1872

SEC. 80. Section 551 of the Code of Civil Procedure is hereby amended to read as follows:

Proceedings after sale

551. If, after selling all the property attached by him remaining in his hands, and applying the proceeds, together with the proceeds of any debts or credits collected by him, deducting his fees, to the payment of the judgment, any balance

shall remain due, the sheriff, constable, or marshal must proceed to collect such balance, as upon an execution in other cases. Whenever the judgment shall have been paid, the sheriff, constable, or marshal upon reasonable demand, must deliver over to the defendant the attached property remaining in his hands, and any proceeds of the property attached unapplied on the judgment.

Stats 1909, p. 967

SEC. 81. Section 553 of the Code of Civil Procedure is hereby amended to read as follows:

Discharge of attachment after judgment.

553. If the defendant recovers judgment against the plaintiff, and no appeal is perfected and undertaking executed and filed as provided in section 946 of this code, any undertaking received in the action, all the proceeds of sales and money collected by the sheriff, constable, or marshal and all the property attached remaining in such officer's hands, must be delivered to the defendant or his agent, the order of attachment be discharged, and the property released therefrom.

Stats 1917, p 938

SEC. 82. Section 554 of the Code of Civil Procedure is hereby amended to read as follows:

Discharge of attachment after giving undertaking

554 Whenever any defendant has appeared in the action, such defendant may upon reasonable notice to the plaintiff, apply to the court in which the action is pending, or to the judge or justice thereof, for an order to discharge the attachment wholly, or in part; and upon the execution of the undertaking mentioned in the next section, an order may be made releasing from the operation of the attachment, any or all of the property of such defendant attached; and all of the property so released and all of the proceeds of the sales thereof, must be delivered to such defendant upon the justification of the sureties on the undertaking, if required by the plaintiff. Such justification must take place within five days after the notice of the filing of such undertaking.

Stats 1917, p 938

SEC. 83. Section 555 of the Code of Civil Procedure is hereby amended to read as follows:

Undertaking of defendant

555 Before making such order, the court, judge, or justice must require an undertaking on behalf of such defendant, by at least two sureties, residents and freeholders, or householders in the State to the effect that in case the plaintiff recovers judgment in the action against the defendant, by whom, or in whose behalf such undertaking shall be given, such defendant will, on demand, redeliver the attached property so released to the proper officer, to be applied to the payment of any judgment in such action against said defendant, or in default thereof, that such defendant and sureties will, on demand, pay to the plaintiff the full value of the property released not exceeding the amount of such judgment against such defendant. The court, judge, or justice making such order may fix the sum for which the undertaking must be executed, and if necessary in fixing such sum to know the value of the property released, the same may be appraised by one or more disinterested persons, to be appointed for that purpose. The sureties may be required to justify before the court, judge, or justice

and the property attached can not be released from the attachment without their justification if the same is required.

SEC. 84. Section 556 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 3

556. The defendant may also at any time, either before or after the release of the attached property, or before any attachment shall have been actually levied, apply, on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought, or to a judge or justice thereof, that the writ of attachment be discharged on the ground that the same was improperly or irregularly issued. Discharge of attachment improperly issued.

SEC. 85. Section 559 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1875-6, p 91

559. The sheriff, constable, or marshal must return the writ of attachment with the summons, if issued at the same time; otherwise, within twenty days after its receipt, with a certificate of his proceedings indorsed thereon or attached thereto; and whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be filed in the offices of the county recorders in which the notices of attachment have been filed, and be indexed in like manner. Time for return of attachment

SEC. 85a. Section 564 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1919, p 251

564. A receiver may be appointed, in the manner provided in this chapter, by the court in which an action or proceeding is pending in any case in which such court is empowered by law to appoint a receiver. Appointment of receivers

In superior courts a receiver may be appointed by the court in which an action or proceeding is pending, or by a judge thereof, in the following cases:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to his claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed, or materially injured;

2 In an action by a mortgagee for the foreclosure of his mortgage and sale of the mortgaged property, where it appears that the mortgaged property is in danger of being lost, removed, or materially injured, or that the condition of the mortgage has not been performed, and that the property is probably insufficient to discharge the mortgage debt;

3. After judgment, to carry the judgment into effect;

4. After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply his property in satisfaction of the judgment;

5. In the cases when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights;

6. In an action of unlawful detainer

7. In all other cases where receivers have heretofore been appointed by the usages of courts of equity.

Stats 1907, p 710

SEC. 86. Section 573 of the Code of Civil Procedure is hereby amended to read as follows:

Clerk, etc., to receive money

573. Whenever money is paid into or deposited in court, the same must be delivered to the clerk, or, if there be no clerk, to the justice, in person, or to such of the clerk's deputies as shall be specially authorized by his appointment in writing to receive the same. Such appointment must be filed with the county treasurer, who must exhibit it, and give to each person applying for the same a certified copy of the same. It shall be in force until a revocation in writing is filed with the county treasurer, who must thereupon write "revoked," in ink, across the face of the appointment. The justice, clerk, or such deputy clerk, must, unless otherwise directed by law, deposit such money with the county treasurer, to be held by him subject to the order of the court. The treasurer must keep each fund distinct, and open an account for each. For the safekeeping of the money deposited with him the treasurer is liable on his official bond.

C C P 1872

SEC. 87. Section 574 of the Code of Civil Procedure is hereby amended to read as follows:

Court to enforce deposit of money

574. Whenever, in the exercise of its authority, a court has ordered the deposit or delivery of money, or other thing, and the order is disobeyed, the court, beside punishing the disobedience, may make an order requiring the sheriff, constable, or marshal to take the money, or thing, and deposit or deliver it in conformity with the direction of the court.

Stats 1919, p. 116

SEC. 88. Section 581 of the Code of Civil Procedure is hereby amended to read as follows:

Dismissals and nonsuits

581. An action may be dismissed, or a judgment of nonsuit entered, in the following cases:

1. By the plaintiff, by written request to the clerk, filed with the papers in the case, or by oral or written request to the justice where there is no clerk, at any time before the trial, upon payment of the costs of the clerk or justice; provided that a counterclaim has not been set up, or affirmative relief sought by the cross complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking shall upon such dismissal be delivered by the clerk or justice of the peace to the defendant who may have his action thereon.

2. By either party, upon the written consent of the other.

No dismissal mentioned in subdivisions one and two of this section shall be granted unless upon the written consent of the attorney of record of the party or parties applying therefor, or if such consent is not obtained, upon order of the court after notice to such attorney.

3. By the court, when either party fails to appear on the trial and the other party appears and asks for the dismissal, or when, after a demurrer to the complaint has been sustained, the plaintiff fails to amend it within the time allowed by the court, and the defendant moves for such dismissal.

4. By the court, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. By the court upon motion of the defendant when upon the trial the plaintiff fails to prove a sufficient case.

The dismissals mentioned in subdivisions one and two hereof must be made by entry in the clerk's register or in the justice's docket, as the case may be, and are effective for all purposes when so entered.

The dismissals mentioned in subdivisions three, four, and five of this section must be made by order of the court entered upon the minutes thereof, or in the docket by the justice, as the case may be, and are effective for all purposes when so entered; but the clerk, in superior and municipal courts, must note such orders in his register of actions in the case.

SEC. 89. Section 581a of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907, p. 711

581a. No action heretofore or hereafter commenced shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced must be dismissed by the court in which the same shall have been commenced, on its own motion, or on motion of any party interested therein, whether named in the complaint as a party or not, unless summons shall have issued within one year, and all such actions must be in like manner dismissed, unless the summons shall be served and return thereon made within three years after the commencement of said action. But all such actions may be prosecuted, if appearance has been made by the defendant or defendants, within said three years in the same manner as if summons had been issued and served; provided, that, except in actions to partition or to recover possession of, or to enforce a lien upon, or to determine conflicting claims to, real or personal property, no dismissal shall be had under this section as to any defendant because of the failure to serve summons on him during his absence from the State, or while he has secreted himself within the State to prevent the service of summons on him. Dismissal on lack of prosecution

All actions, heretofore or hereafter commenced, must be dismissed by the court in which the same may be pending, on its own motion, or on the motion of any party interested therein, if summons has been served, and no answer has been filed, if plaintiff fails, or has failed, to have judgment entered within three years after service of summons.

SEC. 90. Section 581b of the Code of Civil Procedure is hereby amended to read as follows: Stats 1913, p 244

581b. No action heretofore or hereafter commenced, where the same was not originally commenced in the proper court, and which has been ordered transferred to the proper court,

Transferred action to be dismissed unless fees and costs paid

shall be further prosecuted, and no further proceedings shall be had therein, until the fees and costs of the transfer thereof and of filing the papers in the court to which transferred have been paid, as provided in section 399 of this code; and all such actions heretofore or hereafter commenced must be dismissed by the court, on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not, where the costs and fees of making up the transcript or papers or for transmission of the same to the clerk or justice of the court to which it is ordered transferred, or of filing the papers anew, have not been so paid for one year after the entry of the order for transfer.

Stats 1931, p 692.

SEC. 92. Section 585 of the Code of Civil Procedure is hereby amended to read as follows:

Default judgments.

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of said defendants have, been personally served and no answer or demurrer has been filed with the clerk or justice of the court within the time specified in the summons, or such further time as may have been granted, the clerk, or the justice, if there be no clerk, upon application of the plaintiff, and proof of such service of summons, must enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the amount demanded in the complaint, including the costs against said defendant, or defendants, or against one or more of said defendants.

2. In other actions, if the defendant has been personally served and no answer or demurrer has been filed with the clerk or justice of the court within the time specified in the summons, or such further time as may have been granted, the clerk, in courts having a clerk, must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; in courts which have no clerk, the court must hear the evidence offered by the plaintiff, and must render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment, or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved, by a reference as above provided.

3. In all actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer has been filed, apply for judgment; and

the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the State, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

Stats 1921, p 122

SEC. 93. Section 872 of the Code of Civil Procedure is hereby renumbered 586, and is amended to read as follows:

Other defaults

586. In the following cases the same proceedings must be had, and judgment must be rendered in the same manner, as if defendant had failed to answer:

1. If the complaint has been amended, and the defendant fails to answer it, as amended, within the time allowed by the court;

2. If the demurrer to the complaint is overruled, and the defendant fails to answer within the time allowed by the court;

3. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court.

Stats 1899, p 5

SEC. 94. Section 594 of the Code of Civil Procedure is hereby amended to read as follows:

Proceedings for default

594. 1. In superior courts and municipal courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise direct, may proceed with his case, and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof must first be made to the satisfaction of the court that the adverse party has had five days notice of such trial.

2. In justices' courts if either party fails to appear at the time fixed for trial, the trial may proceed at the request of the adverse party. When all the parties served with process shall have appeared, or when some of them have appeared, and the default of the others has been entered, the

justice must fix the day for trial, whether the issue be one of law or fact, and the day so fixed for such trial shall be entered on the docket. Notice of the day so fixed for trial shall be given, as herein provided, to the parties to the action who have appeared. Such notice shall be in writing, signed by the justice, or by the clerk, if there be a clerk, and substantially in the following form

Notice of trial

Justice's court.

In the justices' court, _____ township (or, city or town), county of _____, State of California.

_____, plaintiff

vs

_____, defendant

To _____, plaintiff (or attorney for plaintiff) and to _____, defendant (or attorney for defendant),

You and each of you will please take notice that the undersigned justice of the peace before whom the above-entitled cause is pending, has set for hearing the demurrer of _____, filed in said cause (or has set the said cause for trial, as the case may be), before me at my office in said township (or, city or town), at _____ o'clock __m., on the _____ day of _____, 19__.

Dated this _____ day of _____, 19__.

(Signed)_____,
Justice of the Peace.

Service of notice of trial.

When a party has appeared by attorney, the notice may be served in the manner prescribed by subdivision one of section 1011 of this code.

When a party appears in person, he shall leave with the justice, or with the clerk, if there be a clerk, an address, where service of such notice may be made, which shall be entered upon the docket, and such notice may, if such address be within the county in which the cause is pending, be served on such party personally, if he can be found at such address, otherwise, it may be served by mail, in the manner hereinafter specified.

When such notice is personally served, it must be served at least five days before the day so fixed for such trial, and may be served by any person competent to serve a summons in such justices' court. It shall be served, returned and filed in the same manner as a summons.

When such notice is served by mail, it shall be served as follows: For each party who is to be so served with such notice, the justice, or clerk, if there be a clerk, shall place a copy of such notice in an envelope, seal the same, and address it to the party on whom it is to be served, at the place of residence of such party, and deposit the same in the post office, at least ten days before the day so fixed for the trial, with the postage prepaid thereon.

When such notice is served by mail, the justice shall enter on his docket the date of mailing such notice, and such entry shall be prima facie evidence of the fact of such service.

New section

SEC. 95. A new section is hereby added to the Code of Civil Procedure, to be numbered 594a and to read as follows:

Postponement of trial

594a The court may, of its own motion, postpone the trial, if at the time fixed for the trial the court is engaged in the trial of another action; or if, as provided in section 473 of this code, an amendment of the pleadings, or the allowance of time to make such amendment, or to plead, renders a postponement necessary.

Stats 1933, Ch 282

SEC. 96 Section 595 of the Code of Civil Procedure is hereby amended to read as follows:

Grounds for continuance

595. The trial of any action, irrespective of the date of the filing thereof or when it became at issue, or the hearing of any motion, demurrer, or other proceeding, shall be postponed when it appears to the court in which such action or proceeding is pending that either a party thereto, or any attorney of record therein, or a principal witness, is a member of the Legislature of this State and that the Legislature is in session or in recess, and such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment of the Legislature.

A motion to postpone a trial on the ground of the absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed.

In all cases, the court shall postpone a trial, or the hearing of any motion or demurrer, for a period not to exceed thirty days, when all attorneys of record of parties who have appeared in the action agree in writing to such postponement.

Actions involving mining claims

In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, under ground or upon the surface of the mining claims involved in such action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work.

C C P 1872.

SEC. 97. Section 596 of the Code of Civil Procedure is hereby amended to read as follows:

Deposition of witness in case of postponement

596. The party obtaining a postponement of a trial, if required by the adverse party, must consent that the testimony of any witness of such adverse party, who is in attendance, be then taken by deposition before a judge, justice, or clerk of the court in which the case is pending, or before such notary public as the court may indicate, which must accordingly be done; and the testimony so taken may be read on the trial, with the same effect, and subject to the same objections, as if the witnesses were produced.

C C P 1872

SEC. 98. Section 600 of the Code of Civil Procedure is hereby amended to read as follows:

Jurors

600. When the action is called for trial by jury, the clerk, or the justice where there is no clerk must draw from the trial jury box of the court the ballots containing the names of the jurors, until the jury is completed, or the ballots are exhausted.

Stats 1919, p. 131.

SEC. 99. Section 601 of the Code of Civil Procedure is hereby amended to read as follows:

Challenge to jurors

601. Either party may challenge the jurors, but where there are several parties on either side, they must join in the challenge before it can be made. The challenges are to individual jurors, and are either peremptory or for cause. Each side is entitled to four peremptory challenges. If no peremptory challenges are taken until the panel is full, they must be taken by the sides alternately, commencing with the plaintiff, and each side shall be entitled to have the panel full before exercising any peremptory challenge.

C C P 1872.

SEC. 100. Section 607 of the Code of Civil Procedure is hereby amended to read as follows:

Order of trial

607. When the jury has been sworn, the trial must proceed in the following order, unless the court, for special reasons otherwise directs:

1. The plaintiff, after stating the issue and his case, must produce the evidence on his part;

2. The defendant may then open his defense, and offer his evidence in support thereof;

3. The parties may then respectively offer rebutting evidence only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case;

4. When the evidence is concluded, unless the case is submitted to the jury on either side or on both sides without argument, the plaintiff must commence and may conclude the argument;

5. If several defendants, having separate defenses, appear by different counsel, the court must determine their relative order in the evidence and argument;

6. The court may then charge the jury.

Stats 1929, p 845

SEC. 101. Section 607a of the Code of Civil Procedure is hereby amended to read as follows:

Proposed instructions of attorneys

607a. In every case which is being tried before the court with a jury, it shall be the duty of counsel for the respective parties, before the first witness is sworn, to deliver to the

judge or justice presiding at the trial, and serve upon opposing counsel, all proposed instructions to the jury covering the law as disclosed by the pleadings. Thereafter, and before the court has commenced instructing the jury, and before the commencement of the argument, counsel may deliver to such judge or justice, and serve upon opposing counsel, additional proposed instructions to the jury upon questions of law developed by the evidence and not disclosed by the pleadings. All proposed instructions shall be typewritten, each on a separate sheet of paper. Any proposed instruction which is delivered to the judge or justice at a time later than is provided for herein may be disregarded; but, in that event, the judge or justice shall write upon the margin of such proposed instruction the fact that he refused to consider the same for the reason that the requirements of this section have been disregarded.

Code Amdts 1880, p. 10.

SEC. 102. Section 618 of the Code of Civil Procedure is hereby amended to read as follows:

Verdict of jury

618. When the jury, or three-fourths of them, have agreed upon a verdict, they must be conducted into court, their names called by the clerk, or by the justice if there be no clerk, and the verdict rendered by their foreman; the verdict must be in writing, signed by the foreman, and must be read by the clerk, or by the justice if there be no clerk, to the jury, and the inquiry made whether it is their verdict. Either party may require the jury to be polled, which is done by the court or clerk, or justice if there be no clerk, asking each juror if it is his verdict; if upon such inquiry or polling, more than one-fourth of the jurors disagree thereto, the jury must be sent out again, but if no such disagreement be expressed, the verdict is complete and the jury discharged from the case.

C C P 1872

SEC. 103. Section 628 of the Code of Civil Procedure is hereby amended to read as follows:

Verdict entered in records

628. In superior courts and municipal courts upon receipt of a verdict, an entry must be made in the minutes of the court, specifying the time of trial, the names of the jurors and witnesses, and setting out the verdict at length; and where special verdict is found, either the judgment rendered thereon, or if the case be reserved for argument or further consideration, the order thus reserving it.

In justices' courts the verdict of the jury shall be entered in the docket as provided in section 116 of this code.

Stats 1931, p 1712

SEC. 104. Section 631 of the Code of Civil Procedure is hereby amended to read as follows:

Waiver of jury trial.

631. Trial by jury may be waived by the several parties to an issue of fact in manner following:

1. By failing to appear at the trial;

2. By written consent filed with the clerk or justice;

3. By oral consent, in open court, entered in the minutes or docket;

4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation, or within five days after notice of setting if it be set without notice or stipulation; provided, that in justices' courts such waiver may be made by failure of either party to demand a jury within two days after service upon him of the notice provided for in section 594 of this code;

5. By failing to deposit with the clerk, or justice, a sum equal to the amount of one day's jury fees payable under the law, as provided herein. In justices' courts such deposit must be made two days prior to the date set for trial or prior to the date to which the trial has been postponed because of the demand for a jury trial; in other courts such deposit must be made ten days prior to the date set for trial;

6. By failing to deposit with the clerk or justice, promptly after the impanelment of the jury, a sum equal to the mileage or transportation (if any be allowed by law) of the jury accrued up to that time;

7. By failing to deposit with the clerk or justice, at the beginning of the second and each succeeding day's session a sum equal to one day's fees of the jury, and the mileage or transportation, if any there be.

The court may, in its discretion upon such terms as may be just, allow a trial by jury to be had although there has been a waiver of such a trial.

Code Amdts 1873-4, p. 279.

SEC. 105. Section 632 of the Code of Civil Procedure is hereby amended to read as follows:

Decisions

632. 1. In superior courts and municipal courts, upon the trial of a question of fact by the court, its decision must be given in writing and filed with the clerk within thirty days after the cause is submitted for decision. In giving the decision, the facts found and the conclusions of law must be separately stated. In all cases written findings of fact and conclusions of law shall be deemed waived by a party by failure to appear at the trial. In municipal courts written findings of fact and conclusions of law shall be deemed waived unless they shall be expressly requested by one or more of the parties at the time of the trial; provided, that the court shall not be required to make any written findings of fact and conclusions of law in cases in which the amount of the demand, exclusive of interest and costs, or the value of the property in controversy, does not exceed three hundred dollars. In superior courts, written findings of fact and conclusions of law may be waived by consent in writing filed with the clerk or justice, or by oral consent in open court, entered in the minutes.

Judgment upon the decision must be entered accordingly.

2. In justices' courts when the trial is by the court, judgment must be entered as provided in section 664 of this code.

Stats 1913, p. 58.

SEC. 106. Section 634 of the Code of Civil Procedure is hereby amended to read as follows:

634. In all cases where findings are to be made, a copy of the proposed findings shall be served upon all parties to the action and the court shall not sign any findings therein prior to the expiration of five days after such service. The court may direct a party to prepare findings. Service of findings

SEC. 107. Section 638 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

638. A reference may be ordered upon the agreement of the parties filed with the clerk, or justice, or entered in the minutes or in the docket: Reference by agreement

1. To try any or all of the issues in an action or proceeding, whether of fact or of law, and to report a finding and judgment thereon;

2. To ascertain a fact necessary to enable the court to determine an action or proceeding.

SEC. 108. Section 639 of the Code of Civil Procedure is hereby amended to read as follows: C. C P 1872.

639. Except in justices' courts, when the parties do not consent, the court may, upon the application of either, or of its own motion, direct a reference in the following cases: Reference by court on application

1. When the trial of an issue of fact requires the examination of a long account on either side; in which case the referees may be directed to hear and decide the whole issue, or report upon any specific question of fact involved therein;

2. When the taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect;

3. When a question of fact, other than upon the pleadings, arises upon motion or otherwise, in any stage of the action;

4. When it is necessary for the information of the court in a special proceeding.

SEC. 109. Section 640 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1913, p 246

640. A reference may be ordered to the person or persons, not exceeding three, agreed upon by the parties. If the parties do not agree, the court, judge, or justice must appoint one or more referees, not exceeding three, who reside in the county in which the action or proceeding is triable, and against whom there is no legal objection, or the reference may be made to a court commissioner of the county where the cause is pending; provided, that in any action brought under Title VII of Part III of this code, if the plaintiff is the State, a county, city and county, or any incorporated city or town, or a municipal water district, the referees are not required to be residents of the county in which the action or proceeding is triable. Nothing herein contained shall be construed as repealing any law of this State giving jurisdiction to the State Railroad Commission to ascertain the just compensation which must be paid in eminent domain proceedings. Who may be referee.

SEC. 110. Section 641 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907, p 714.

Disqualification of referees

641. A party may object to the appointment of any person as referee, on one or more of the following grounds:

1. A want of any of the qualifications prescribed by statute to render a person competent as a juror;

2. Consanguinity or affinity, within the third degree, to either party, or to an officer of a corporation which is a party, or to any judge or justice of the court in which the appointment shall be made;

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party; or being a member of the family of either party; or a partner in business with either party; or security on any bond or obligation for either party;

4. Having served as a juror or been a witness on any trial between the same parties for the same cause of action;

5. Interest on the part of such person in the event of the action, or in the main question involved in the action;

6. Having formed or expressed an unqualified opinion or belief as to the merits of the action;

7. The existence of a state of mind in such person evincing enmity against or bias to either party.

C C P. 1872

SEC. 111. Section 644 of the Code of Civil Procedure is hereby amended to read as follows:

Finding of referee

644. The finding of the referee or commissioner upon the whole issue must stand as the finding of the court, and upon filing of the finding with the clerk of the court, or with the justice where there is no clerk, judgment may be entered thereon in the same manner as if the action had been tried by the court.

Stats 1911, p. 402

SEC. 113. Section 649 of the Code of Civil Procedure is hereby amended to read as follows:

Settlement of bill of exceptions

649. A bill containing the exception to any decision may be presented to the court, or judge, for settlement at any time after the decision is made, but the same must be presented within ten days after service of written notice of making such decision, and after having been settled must be signed by the judge and filed with the clerk When the decision excepted to is made by a tribunal other than a court, or by a judicial officer, the bill of exceptions must be presented to and settled and signed by such tribunal or officer.

Stats 1929, p 839

SEC. 114. Section 650 of the Code of Civil Procedure is hereby amended to read as follows:

Bill of exceptions

650. Where a trial shall have been had on a question of fact, and a party desires to have exceptions taken at such trial settled in a bill of exceptions, he may at any time thereafter, and within twenty (20) days after service upon him of written notice of entry of the judgment, or if proceedings on motion for a new trial be pending within ten (10) days after notice of the order denying said motion, or other determination thereof, or such further time as the court in which the action is pending or a judge thereof, may allow, prepare and file with the clerk of the court the draft of a bill.

Service

Proof must be made at the time of the filing of such draft, by affidavit or admission of service, that the adverse party has been served with a copy thereof, and of the date of such service.

Such draft must contain all the exceptions and proceedings taken upon which the party relies, and shall contain all matters reviewable on the same appeal, including those occurring at the trial and also on motion for a new trial.

It may also contain a statement of any matters occurring upon the trial in the presence of the court, showing any of the matters mentioned in subdivisions one and two of section 657 of this code.

Amendments

Within ten (10) days after such service the adverse party may propose amendments thereto, which must be filed with the clerk of the court within such ten (10) days. Proof must also be made at the time of the filing thereof, by affidavit or admission of service, that the adverse party has been served with a copy thereof.

The clerk, immediately upon the receipt of such proposed amendments, or upon the expiration of the time for filing such amendments, if none be filed, must deliver the draft, and the proposed amendments, if any, to the judge, if he is in the county; if he is absent from the county, and either party desires the paper to be forwarded to the judge, the clerk must, upon notice in writing from such party, immediately forward them by mail or other safe channel; if such notice be not given the clerk must deliver them to the judge immediately after his return to the county.

Settling bill of exceptions

When received from the clerk, the judge must designate the time at which he will settle the bill, and the clerk must immediately notify the parties of the time so designated. At the time designated the judge must settle the bill, which must thereupon be engrossed. Within ten (10) days after the settlement the party who filed the bill must present it to the judge to be certified.

If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement in the same manner as if presented to the judge. The referee shall designate the time at which he will settle the bill, and settle the same, in the manner provided for settlement by the judge.

It is the duty of the judge, or referee, in settling the bill to strike out of it all redundant and useless matter so that the exceptions and proceedings may be presented as briefly as possible. When settled, the bill must be signed by the judge, or referee, with his certificate to the effect that the same is allowed, and must then be filed with the clerk.

No bill of exceptions, notice of appeal, or notice or paper, other than amendments to the pleadings or an amended pleading, need be served upon any party whose default has been duly entered, or who has not appeared in the action or proceeding.

Stats. 1919, p. 288

SEC. 115. Section 651 of the Code of Civil Procedure is hereby amended to read as follows:

Exceptions after judgment

651. Exceptions to any decision made after judgment may be presented to the judge at the time of such decision, and be settled or noted, as provided in section 649, or a bill thereof may be presented and settled afterward, as provided in section 650, and within like periods after written notice of entry of the order, upon appeal from which such decision is reviewable.

Stats 1907, p. 715.

SEC. 116. Section 652 of the Code of Civil Procedure is hereby amended to read as follows:

Appeal when judge refuses to settle bill

652. 1. If the judge in any case, in the superior court, refuses to allow a bill of exceptions or to certify a transcript in accordance with the facts, the party desiring the bill settled or the transcript certified may apply by petition to the Supreme Court, or the District Court of Appeal, to prove the same; the application may be made in the mode and manner, and under such regulations as may be prescribed, and the bill, when proven, must be certified by the chief justice or the presiding justice as correct, and filed with the clerk of the court in which the action was tried, and when so filed it has the same force and effect as if settled by the judge who tried the cause.

2. If the judge, in any case in a municipal court, refuses to settle a bill of exceptions, or to certify to a transcript, in accordance with the facts, the party aggrieved by such refusal may apply by petition to the superior court to prove the same, or any changes, corrections or additions therein or thereto necessary to make it accord with the facts. The application may be made and acted upon in such mode and manner and under such regulations as may be prescribed by rules adopted for that purpose. The bill, when proved, or the transcript, when prepared, or such changes, corrections or alterations, when proved, must be certified by the judge of the superior court by whom said application is determined, and filed with the clerk of the superior court, and when so filed, shall have the same force and effect as if settled and certified by the judge who tried the cause.

Code Amdts 1875-6, p 93.

SEC. 117. Section 653 of the Code of Civil Procedure is hereby amended to read as follows:

Bill settled by person hearing case

653. When the decision excepted to was made by any judicial officer, other than a judge, the bill of exceptions shall be presented to such judicial officer, and be settled and signed by him in the same manner as it is required to be presented to, settled, and signed by a court or judge. A judge, or judicial officer may settle and sign a bill of exceptions after, as well as before he ceases to be such judge, or judicial officer. If such judge, or judicial officer, before the bill of exceptions is settled, dies, is removed from office, becomes disqualified, is absent from the State, or refuses to settle the bill of exceptions, or if no mode is provided by law for the settlement of the same, it shall be settled and certified in such manner as the Supreme Court

may, by its order or rules, direct. Judges, judicial officers, the Supreme Court, the district courts of appeal and the superior courts shall respectively possess the same power, in settling and certifying statements, as is by this section conferred upon them in settling and certifying bills of exceptions.

Stats 1929, p 839

SEC. 118. Section 659a of the Code of Civil Procedure is hereby amended to read as follows:

Motion for new trial Affidavits and counter affidavits

659a. Within ten (10) days after serving the notice, the moving party shall serve upon all other parties and file any affidavits intended to be used upon such motion. Such other parties shall have ten (10) days after such service within which to serve upon the moving party and file counter-affidavits. The time herein specified, except as above provided, may, for good cause shown by affidavit, or by written stipulation of the parties, be extended by any judge or justice for an additional period of not exceeding twenty (20) days.

Stats 1931, p 1603

SEC. 119. Section 661 of the Code of Civil Procedure is hereby amended to read as follows:

Judge to hear motion for new trial

661. The motion for a new trial shall be heard and determined by the judge who presided at the trial; provided, however, that in case of the inability of such judge or if at the time noticed for hearing thereon he is absent from the county where the trial was had, the same shall be heard and determined by any other judge of the same court. Upon the expiration of the time to file counter affidavits the clerk forthwith shall call the motion to the attention of the judge who presided at the trial, or the judge acting in his place, as the case may be, and such judge thereupon shall designate the time for oral argument, if any, to be had on said motion. Five (5) days' notice by mail shall be given of such oral argument, if any, by the clerk to the respective parties. Such motion, if heard by a judge other than the trial judge shall be argued orally or shall be submitted without oral argument, as the judge may direct, not later than ten (10) days before the expiration of the time within which the court has power to pass on the same.

Notice

Stats 1897, p 58.

SEC. 120. Section 663 of the Code of Civil Procedure is hereby amended to read as follows:

Judgment set aside.

663 A judgment or decree, when based upon findings of fact made by the court, or the special verdict of a jury, may, upon motion of the party aggrieved, be set aside and vacated by the same court, and another and different judgment entered, for either of the following causes, materially affecting the substantial rights of such party and entitling him to a different judgment:

Grounds.

1. Incorrect or erroneous conclusions of law not consistent with or not supported by the findings of fact; and in such case when the judgment is set aside, the conclusions of law shall be amended and corrected.

2 A judgment or decree not consistent with or not supported by the special verdict.

Stats 1907, p 719

SEC. 121. Section 664 of the Code of Civil Procedure is hereby amended to read as follows:

Entry of judgment in conformity to verdict.

664. When trial by jury has been had, judgment must be entered by the clerk, in conformity to the verdict, within twenty-four hours after the rendition of the verdict (provided that in justices' courts such judgment shall be entered in the docket at once), unless the court order the case to be reserved for argument or further consideration, or grant a stay of proceedings. When a motion for judgment notwithstanding the verdict is pending, entry of judgment in conformity to the verdict shall be automatically stayed until the court has rendered its decision upon the motion. If the trial, in a superior or municipal court, has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision; in justices' courts, judgment must be entered within thirty days after the submission of the cause. In no case is a judgment effectual for any purpose until entered.

C C P 1872

SEC. 122. Section 666 of the Code of Civil Procedure is hereby amended to read as follows:

Amount of judgment.

666. If a counterclaim, established at the trial, exceed the plaintiff's demand, judgment for the defendant must be given for the excess; or if it appear that the defendant is entitled to any other affirmative relief, judgment must be given accordingly.

When the amount found due to either party exceeds the sum for which the court is authorized to enter judgment, such party may remit the excess, and judgment may be rendered for the residue.

C. C. P. 1872.

SEC. 123. Section 667 of the Code of Civil Procedure is hereby amended to read as follows:

Judgment for property or money

667. In an action to recover the possession of personal property, judgment for the plaintiff may be for the possession or the value thereof, in case a delivery can not be had, and damages for the detention. If the property has been delivered to the plaintiff, and the defendant claim a return thereof, judgment for the defendant may be for a return of the property or the value thereof, in case a return can not be had, and damages for taking and withholding the same. In an action on a contract or obligation in writing, for the direct payment of money, made payable in a specified kind of money or currency, judgment for the plaintiff, whether it be by default or after verdict, may follow the contract or obligation, and be made payable in the kind of money or currency specified therein; and in all actions for the recovery of money, if the plaintiff allege in his complaint that the same was understood and agreed by the respective parties to be payable in a specified kind of money or currency, and this fact is admitted by the default of the defendant or established by evidence, the judgment for the plaintiff must be made payable in the kind of money or currency so alleged in the complaint; and in an action against any person for the recovery of money received

by such person in a fiduciary capacity, or to the use of another, judgment for the plaintiff must be made payable in the kind of money or currency so received by such person.

Where the defendant is subject to arrest and imprisonment on the judgment, that fact must be stated in the judgment.

SEC. 123a. A new section is hereby added to the Code of Civil Procedure, to be numbered 667a, and to read as follows: New section

667a. In justices' courts notice of the rendition of judgment must be given to the parties to the action in writing signed by the justice. Where any of the parties are represented by an attorney, notice shall be given to the attorney. Said notice shall be served by mail or personally, and shall be substantially in the form of the abstract of judgment required in section 674 of this code. When served by mail the justice of the peace, or the clerk where there is a clerk, shall deposit copies thereof, in sealed envelopes, in the post office, not later than five days after the rendition of the judgment, addressed to each of the persons on whom notice is to be served at their place of residence, or place of business if on an attorney, and the postage prepaid thereon. When served personally said notice shall be served within five days after the rendition of the judgment. Entry of the date of mailing shall be made in the docket. Notice of judgment in justice's court

SEC. 124. Section 668 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

668. The clerk of the superior court must keep, with the records of the court, a book called the "judgment book," in which judgments must be entered. In the municipal court, the clerk, within the time specified in this code, shall enter all civil judgments of such court in the minute book of such court, and shall certify to a copy thereof, and file said copy in the files of the action, and shall subscribe a condensed statement of the judgment, with the date of entry thereof, on the appropriate page in the register of actions. "Judgment book" Minute book

In justices' courts judgments shall, within the time specified in this code, be entered in the docket.

SEC. 125. Section 670 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1907, p. 719

670. In superior courts and municipal courts, immediately after entering the judgment, the clerk must attach together and file the following papers, which constitute the judgment roll: Judgment roll

1. In case the complaint is not answered by any defendant, the summons, with the affidavit or proof of service; the complaint with a memorandum indorsed thereon that the default of the defendant in not answering was entered, and a copy of the judgment; if defendant has appeared by demurrer, and such demurrer has been overruled, then notice of the overruling thereof served on defendant's attorney, together with proof of such service; and in case the service so made is by publication, the affidavit for publication of summons, and the order directing the publication of summons;

2. In all other cases, the pleadings, all orders striking out any pleading in whole or in part, a copy of the verdict of the jury, or finding of the court or referee, and a copy of any order made on demurrer, or relating to a change of parties, and a copy of the judgment; if there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of its service, on such defendant, and if the service on such defaulting defendant be by publication, then the affidavit for publication, and the order directing the publication of the summons.

Stats 1927, p. 829.

SEC. 126. Section 671 of the Code of Civil Procedure is hereby amended to read as follows:

Docketing of judgment

671. In cases in the superior court, immediately after filing the judgment roll, the clerk must make the proper entries of the judgment under appropriate heads, in the docket kept by him.

Stats 1921, p 112

SEC. 127. Section 672 of the Code of Civil Procedure is hereby amended to read as follows:

Docket

672. The docket mentioned in the last section is a book which the clerk of the superior court keeps in his office, with each page divided into nine columns, and headed as follows: Date of entry in docket; judgment debtors; judgment creditors; judgment; time of entry; where entered in judgment book; appeals, when taken; judgment of appellate court; satisfaction of judgment, when entered. If the judgment is for the recovery of money, the amount must be stated in the docket under the head of judgment; if the judgment is for any other relief, a memorandum of the general character of the relief granted must be stated. The names of the judgment debtors must be entered in alphabetical order.

C C P 1872

SEC. 128. Section 673 of the Code of Civil Procedure is hereby amended to read as follows:

Docket to be open at all times

673. The docket mentioned in the last two sections, kept by the clerk, is open at all times, during office hours, for the inspection of the public, without charge. The clerk must arrange the several dockets kept by him in such a manner as to facilitate their inspection.

Stats 1927, p 830

SEC. 129. Section 674 of the Code of Civil Procedure is hereby amended to read as follows:

Abstract of judgment

674. An abstract of the judgment or decree of any court of this State, including a judgment of any court sitting as a small claims court, or any court of record of the United States, the enforcement of which has not been stayed on appeal, certified by the clerk or justice of the court where such judgment or decree was rendered, may be filed with the recorder of any county and from such filing the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterwards and before the lien expires, acquire. Such lien continues for five years from the date of the entry of the judgment or decree, unless the enforcement of the judgment or decree is stayed on

appeal by the execution of a sufficient undertaking as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The abstract above mentioned shall contain the following: Title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book, minutes or justices' docket.

SEC. 130. Section 675 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1931, p. 101

675. Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the justice, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor, or by his indorsement on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such indorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it. Entry of satisfaction of judgment

In the superior court such entry shall be made in the clerk's docket; in municipal courts, in the register of actions; in justices' courts, in the justices' docket.

SEC. 131. Section 681a of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1929, p. 847

681a The court, or the judge or justice thereof may stay the execution of any judgment or order; provided that no court shall have power, without the consent of the adverse party, to stay the execution of any judgment or order, the execution whereof would be stayed on appeal only by the execution of a stay bond, for a longer period than ten days in justices' courts, nor for a longer period than thirty days in other courts. If a motion for a new trial is pending, execution may be stayed until ten days after the determination thereof. Stay of execution

SEC. 132. Section 682 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872

682. The writ of execution must be issued in the name of the people, sealed with the seal of the court, and subscribed by the clerk or justice, and be directed to the sheriff, constable, or marshal, and it must intelligibly refer to the judgment, stating the court, the county, and in municipal and justices' courts, the city, town or township, where the judg- Writ of execution

ment is entered, and if it be for money, the amount thereof, and the amount actually due thereon, and if made payable in a specified kind of money or currency, as provided in section 667, the execution must also state the kind of money or currency in which the judgment is payable, and must require the officer to whom it is directed to proceed substantially as follows:

1. If it be against the property of the judgment debtor, it must require such officer to satisfy the judgment, with interest, out of the personal property of such debtor, and if sufficient personal property can not be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in section 674 of this code, or at any time thereafter;

2. If it be against real or personal property in the hands of the personal representatives, heirs, devisees, legatees, tenants, or trustees, it must require such officer to satisfy the judgment, with interest, out of such property;

3 If it be against the person of the judgment debtor, it must require such officer to arrest such debtor and commit him to the jail of the county until he pay the judgment, with interest, or be discharged according to law;

4. If it be issued on a judgment made payable in a specified kind of money or currency, as provided in section 667, it must also require such officer to satisfy the same in the kind of money or currency in which the judgment is made payable, and such officer must refuse payment in any other kind of money or currency; and in case of levy and sale of the property of the judgment debtor, he must refuse payment from any purchaser at such sale in any other kind of money or currency than that specified in the execution. Any such officer collecting money or currency in the manner required by this chapter, must pay to the plaintiff or party entitled to recover the same, the same kind of money or currency received by him, and in case of neglect or refusal to do so, he shall be liable on his official bond to the judgment creditor in three times the amount of the money so collected.

5. If it be for the delivery of the possession of real or personal property, it must require such officer to deliver the possession of the same, describing it, to the party entitled thereto, and may at the same time require such officer to satisfy any costs, damages, rents, or profits recovered by the same judgment, out of the personal property of the person against whom it was rendered, and the value of the property for which the judgment was rendered to be specified therein if a delivery thereof can not be had; and if sufficient personal property can not be found, then out of the real property, as provided in the first subdivision of this section.

Stats 1931, p. 2501.

SEC 133. Section 683 of the Code of Civil Procedure is hereby amended to read as follows:

683. The execution may be made returnable, at any time not less than ten nor more than sixty days after its receipt by the officer to whom it is directed, to the court in which the judgment is entered. When the execution is returned, the clerk must attach it to the judgment roll, or the justice must make the proper entry in the docket. Return of execution

If an execution is returned unsatisfied, another may be afterwards issued within the time specified in this code.

SEC. 134. Section 687 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907, p 682

687. Where the execution is against the property of the judgment debtor, it may be issued to the sheriff, or any constable, or marshal of any county in the State. Where it requires the delivery of real or personal property, it must be issued to the sheriff, or a constable, or marshal of the county where the property, or some part thereof, is situated. If the judgment directs or authorizes the issuing of any process requiring the sale, or the delivery of possession of, or otherwise affecting specific real property, which is then, or subsequently becomes, a part of a county other than that in which such judgment was entered, such process may be issued to, and executed by, the sheriff, or any constable, or marshal of such other county, as to the property situate therein. Executions may be issued to different counties. Execution To whom directed

SEC. 135. Section 689 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929, p 661

689. If the property levied on is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting out his right to the possession thereof, and served upon the officer making the levy, such officer must release the property if the plaintiff, or the person in whose favor the writ of execution runs, fails within five days after written demand, to give such officer an undertaking executed by at least two good and sufficient sureties in a sum equal to double the value of the property levied on. Third party claims Undertaking

Such undertaking shall be made in favor of, and shall indemnify such third person against loss, liability, damages, costs and counsel fees, by reason of such seizing, taking, withholding, or sale of such property by such officer.

Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment. If they, or others in their place, fail to justify at the time and place appointed, such officer must release the property; provided, however, that if no exception is taken, within five days after notice of receipt of the undertaking, the third person shall be deemed to have waived any and all objections to the sufficiency of the sureties If objection be made to such undertaking, by such third person, on the ground that the amount thereof is not sufficient, or if for any other reason it becomes necessary to ascertain the value of the property involved, the property involved may be appraised by one or more disinterested per- Exception to sureties.

sons, appointed for that purpose by the court in which the action is pending, or from which the execution issued, or by a judge or justice thereof, or the court, judge or justice may direct a hearing to determine the value of such property. If, upon such appraisal or hearing, the court, judge or justice finds that the undertaking given is not sufficient, a sufficient undertaking shall be given.

The officer making the levy may demand and exact the undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim served upon him. Such officer shall not be liable for damages to any such third person for the taking or keeping of such property if no claim is served by any such third person, nor, in any event, shall such officer be liable for the holding, release, or other disposition of such property in accordance with the provisions of this section.

If such undertaking be given, such officer, shall hold the property; provided, however, that if an undertaking be given under the provisions of section 710b, of this code, such property shall be released.

Hearing

Whenever a verified third party claim is served as herein provided, upon levy of execution or attachment, the plaintiff, or the person in whose favor the writ of execution runs (whether any undertaking hereinabove mentioned, be given or not), shall be entitled to a hearing within twenty days from the filing of the application or petition hereinafter mentioned, before the court having jurisdiction of the action, in order to determine title to the property in question, which hearing must be granted by the said court upon the filing of an application or petition therefor. Ten days' notice of such hearing must be given to all parties claiming an interest in the property, or their attorneys, which notice must specify that the hearing is for the purpose of determining title to the property in question. The court may continue the hearing beyond the said twenty-day period, but good cause must be shown for any such continuance. If the plaintiff, or the person in whose favor the writ of execution runs, gives the undertaking mentioned above to have the property held, such third person may initiate similar proceedings to determine title. The court may order the sale of any perishable property held by such officer and direct the deposit of the proceeds of such sale, and may, by order, forbid a transfer or other disposition of the property until the proceeding, herein provided, for the determination of such title, can be commenced, and prosecuted to termination. Such order may be modified or vacated by the judge granting the same, or by the court in which the proceeding is pending at any time, upon such terms as may be just. Upon the termination of such proceedings the court may make all proper orders for the disposition of such property or proceeds.

Court orders

Code Amdts 1873-4, p. 279.

SEC. 136. Section 691 of the Code of Civil Procedure is hereby amended to read as follows:

691. The officer to whom the writ is directed, must execute the writ against the property of the judgment debtor, by levying on a sufficient amount of property, if there be sufficient; collecting or selling the things in action, and selling the other property, and paying to the plaintiff or his attorney so much of the proceeds as will satisfy the judgment. Any excess in the proceeds over the judgment and accruing costs must be returned to the judgment debtor, unless otherwise directed by the judgment or order of the court. When there is more property of the judgment debtor than is sufficient to satisfy the judgment and accruing costs within the view of such officer, he must levy only on such part of the property as the judgment debtor may indicate, if the property indicated be amply sufficient to satisfy the judgment and costs

Officer to sell property

SEC. 137. Section 710 of the Code of Civil Procedure, as added by Chapter 92, Statutes of 1903, is hereby renumbered 710b, and is amended to read as follows:

Stats 1903, p 101

710b. Where property levied upon under execution to satisfy a judgment for the payment of money is claimed, in whole or in part, by a person, corporation, partnership or association, other than the judgment debtor, such claimant may give an undertaking as herein provided, which undertaking shall release the property in the undertaking described from the lien and levy of such execution.

Undertaking by third party claimant

SEC. 138. Section 710½ of the Code of Civil Procedure is hereby renumbered 710c, and is amended to read as follows:

Stats 1903, p 101

710c. Such undertaking, with two sureties, shall be executed by the person, corporation, partnership or association, claiming in whole or in part, the property upon which execution is levied in double the estimated value of the property claimed by the person, corporation, partnership or association; provided, in no case need such undertaking be for a greater sum than double the amount for which the execution is levied; and where the estimated value of the property so claimed by the person, corporation, partnership or association is less than the sum for which such execution is levied, such estimated value shall be stated in the undertaking. Said undertaking shall be conditioned that if the property claimed by the person, corporation, partnership or association is finally adjudged to be the property of the judgment debtor, said person, corporation, partnership or association will pay of said judgment upon which execution has issued a sum equal to the value, as estimated in said undertaking, of said property claimed by said person, corporation, partnership or association, and said property claimed shall be described in said undertaking.

Undertaking Form and contents

SEC. 138a. Section 712 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1903, p 101

712. When the sureties, or either of them, are objected to, the surety or sureties so objected to shall justify before the court out of which such execution issued, upon ten days' notice of the time when they will so justify being given to the

Justification of sureties

judgment creditor or his attorney. Upon the hearing and examination into the sufficiency of a surety, witnesses may be required to attend and evidence may be procured and introduced in the same manner as in trial of civil cases. Upon such hearing and examination, the court shall make its order, in writing, approving or disapproving the sufficiency of the surety or sureties on such undertaking. In case the court disapproves of the surety or sureties on any undertaking, a new undertaking may be filed and served, and to any undertaking given under the provisions of this section the same objection to the sureties may be made, and the same proceedings had as in case of the first undertaking filed and served.

Stats. 1903, p. 101.

SEC. 139. Section 713½ of the Code of Civil Procedure is hereby amended to read as follows:

Time undertaking takes effect.

713½. The undertaking shall become effective for the purpose herein specified ten days after service of copy thereof on the judgment creditor, unless objection to such undertaking is made as herein provided, and in case objection is made to the undertaking filed and served, then the undertaking shall become effective for such purposes when an undertaking is given as herein provided.

Stats 1907, p 685.

SEC. 140. Section 714 of the Code of Civil Procedure is hereby amended to read as follows:

Examination of judgment debtor.

714. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, issued to the sheriff, or a constable, or marshal of the county where he resides, or if he does not reside in this State, to the sheriff, or a constable, or marshal of the county where the judgment roll is filed, or the judgment entered in the justices' docket, is returned unsatisfied in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from a judge or justice of the court, requiring such judgment debtor to appear and answer concerning his property before such judge or justice, or a referee appointed by him, at a time and place specified in the order; but no judgment debtor must be required to attend before a judge, or justice, or referee out of the county in which he resides, or in which he has a place of business.

Code Amdts. 1880, p. 5.

SEC. 141. Section 715 of the Code of Civil Procedure is hereby amended to read as follows:

Proceedings in aid of execution.

715. After the issuing of an execution against property, and upon proof, by affidavit of a party or otherwise, to the satisfaction of a judge or justice of the court, that any judgment debtor has property which he unjustly refuses to apply toward the satisfaction of the judgment, such judge or justice may, by an order, require the judgment debtor to appear, at a specified time and place, before such judge or justice or a referee appointed by him, to answer concerning the same; and such proceedings may thereupon be had for the application of the property of the judgment debtor toward the satisfaction of the judgment as are provided upon the return of an execution. Instead of the order requiring the attendance of the

judgment debtor, the judge or justice may, upon affidavit of the judgment creditor, his agent or attorney, if it appear to him that there is danger of the debtor absconding, order the sheriff, or a constable, or marshal to arrest the debtor and bring him before such judge or justice. Upon being brought before the judge or justice, he may be ordered to enter into an undertaking, with sufficient sureties, that he will attend from time to time before the judge, or justice, or referee, as may be directed during the pendency of proceedings and until the final determination thereof, and will not in the meantime dispose of any portion of his property not exempt from execution. In default of entering into such undertaking he may be committed to prison.

C C P. 1872.

SEC. 142. Section 716 of the Code of Civil Procedure is hereby amended to read as follows:

Payment of judgment by third party.

716. After the issuing of an execution against property, and before its return, any person indebted to the judgment debtor may pay to the sheriff, constable, or marshal having such execution the amount of his debt, or so much thereof as may be necessary to satisfy the execution; and such officer's receipt is a sufficient discharge for the amount so paid.

Stats 1907, p 685

SEC. 143. Section 717 of the Code of Civil Procedure is hereby amended to read as follows:

Examination of debtor of judgment debtor.

717. After the issuing or return of an execution against property of the judgment debtor, or of any one of the several debtors in the same judgment, and upon proof by affidavit or otherwise, to the satisfaction of the judge or justice, that any person or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars, the judge or justice may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same.

C C P. 1872.

SEC. 144. Section 718 of the Code of Civil Procedure is hereby amended to read as follows:

Witnesses.

718. Witnesses may be required to appear and testify before the judge, justice, or referee, upon any proceeding under this chapter, in the same manner as upon the trial of an issue.

Stats 1907, p. 685.

SEC. 145. Section 719 of the Code of Civil Procedure is hereby amended to read as follows:

Judge may order property applied to judgment.

719. The judge, justice, or referee may order any property of the judgment debtor, not exempt from execution, in the hands of such debtor, or any other person, or due to the judgment debtor, to be applied toward the satisfaction of the judgment; but no such order can be made as to money or property in the hands of any other person or claimed to be due from him to the judgment debtor, if such person claims an interest in the property adverse to the judgment debtor or denies the debt.

Stats 1931, p 1309.

SEC. 146. Section 720 of the Code of Civil Procedure is hereby amended to read as follows:

Property of third party applied to debt.

720. If it appears that a person or corporation, alleged to have property of the judgment debtor, or to be indebted to him, claims an interest in the property adverse to him, or denies the debt, the judgment creditor may maintain an action against such person or corporation for the recovery of such interest or debt; and the judge, justice, or referee may, by order, forbid a transfer or other disposition of such interest or debt, until an action can be commenced and prosecuted to judgment. Such order may be modified or vacated by the judge, justice, or referee granting the same, or the court in which the action is brought, at any time, upon such terms as may be just.

C. C. P. 1872.

SEC. 147. Section 721 of the Code of Civil Procedure is hereby amended to read as follows:

Contempt.

721. If any person, party, or witness disobey an order of the referee, properly made, in the proceedings before him under this chapter, he may be punished by the court, judge, or justice, ordering the reference, for a contempt.

Stats. 1929, p. 847

SEC. 148. Section 722 of the Code of Civil Procedure is hereby amended to read as follows:

Execution on judgment in another county.

722. When any judgment debtor, or any person or corporation or officer or member of such corporation, does not reside or have a place of business in the county where the judgment roll is filed, or where the judgment is entered in the justices' docket, an order authorized to be made under any of the provisions of this chapter may be made by any judge or justice of a court of similar jurisdiction of the county where such judgment debtor or other person resides or has a place of business, or if there be no court of similar jurisdiction in such county, by a court of higher jurisdiction therein, upon filing with the clerk or justice of said court an abstract of the judgment, in the form prescribed by section 674 of this code and upon presenting to the judge or justice of such court an affidavit showing the existence of the facts required to be shown herein. At the time of filing such abstract, there shall be paid to such clerk or justice, as and for a filing fee, the sum of four dollars when filed in a justice's court; the sum of five dollars when filed in a superior or municipal court.

Heading amended

SEC. 149. The heading of Chapter I of Title XIII of Part II of the Code of Civil Procedure is hereby amended to read as follows:

CHAPTER I.

Appeals from Superior Courts in General.

C. C. P. 1872.

SEC. 150. Section 936 of the Code of Civil Procedure is hereby amended to read as follows:

Orders, etc., reviewable.

936 A judgment or order, in a civil action, except when expressly made final by this code, may be reviewed as prescribed in this title, and not otherwise, except as otherwise expressly provided.

SEC. 151. Section 959 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 6.

959. The provisions of this chapter do not apply to appeals to superior courts, except as particular provisions are expressly made applicable. Appeals to superior courts.

SEC. 152. The heading of Chapter II of Title XIII of Part II of the Code of Civil Procedure is hereby amended to read as follows: Heading amended.

CHAPTER II.

Appeals to Supreme Court and District Courts of Appeal.

SEC. 153. The heading of Chapter III of Title XIII of Part II of the Code of Civil Procedure is hereby amended to read as follows: Heading amended.

CHAPTER III.

Appeals from Justices' Courts.

SEC. 154 A new section is hereby added to the Code of Civil Procedure, to be numbered 973 and to read as follows: New section.

973. The sections of this code from section 974 to section 982, both inclusive, shall apply only to appeals from justices' courts, except as particular provisions are specifically made applicable to other courts. Appeals from justices' courts

SEC. 156. Section 983 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1927, p 118

983. An appeal may be taken from a municipal court on questions of law alone, in the following cases: Appeals from municipal courts.

1. From a final judgment entered in an action or special proceeding commenced therein or transferred thereto from another court;

2. From an order granting a new trial, or denying a motion for judgment notwithstanding the verdict in an action or proceeding tried by a jury, where such trial by jury is a matter of right; from an order discharging or refusing to discharge an attachment, or changing or refusing to change the place of trial, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver; from any special order made after final judgment.

SEC. 157. A new section is hereby added to the Code of Civil Procedure, to be numbered 983a and to read as follows: New section.

983a. An appeal may be taken from any judgment or order of a municipal court, from which an appeal lies, at any time after the rendition of the judgment or the making of the order, and within thirty days after notice of the entry of such judgment or the making of such order; provided, that if proceedings on motion for a new trial are pending, the time for appeal from the judgment shall not expire until fifteen days after entry of an order determining such motion for a new trial, or after other determination in the municipal Time for appeal from municipal courts

court, or such justices' court, of the proceedings upon such motion.

Stats 1927, p 118.

SEC. 159. Section 985 of the Code of Civil Procedure is hereby amended to read as follows:

Stay of execution on appeal from municipal court.

985. If a stay of execution is desired on any appeal from a municipal court, an undertaking must be filed on the part of the appellant with two or more sureties, for the sums and containing the conditions hereinafter stated, to wit:

1. When the judgment or order is for the recovery of money, the undertaking shall be for a sum equal to twice the amount of the judgment, including costs, and must be conditioned that if the judgment or order appealed from, or any part thereof, be affirmed or the appeal withdrawn or dismissed, the appellant will pay the amount directed to be paid by such judgment or order, or the part of such amount as to which the judgment or order is affirmed, if affirmed only in part, and that if the appellant does not make such payment within thirty days after the filing of the remittitur from the superior court in the court from which the appeal was taken, judgment may be entered on motion of the respondent in his favor against the sureties for such amount, together with the interest that may be due thereon and the damages and costs which may be awarded against the appellant on the appeal;

2. When the judgment is for the recovery of specific personal property, the undertaking shall be for a sum equal to twice the value of the property and the costs included in the judgment, and must be conditioned that the appellant will pay the judgment appealed from, including costs, and obey the order of the court made therein, if the appeal be withdrawn or dismissed or the judgment be affirmed;

3. When the judgment directs the delivery of possession of real property the undertaking shall be for such sum as may be fixed by a judge of the municipal court, and must be conditioned that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the appeal be withdrawn or dismissed, or the judgment affirmed, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, not exceeding the sum specified in the undertaking;

4. If the judgment direct the sale of personal property upon the foreclosure of a mortgage or other lien thereon, the undertaking shall be for such amount as may be fixed by a judge of the municipal court, and must be conditioned that the appellant will, on demand, deliver the said property to the proper officer, if the appeal be withdrawn or dismissed or the judgment affirmed, and that in default of such delivery the appellant and sureties will, on demand, pay to the proper officer the full value of such property at the date of the appeal.

A deposit with the clerk of the court of such sum as is provided for in any paragraph of this section shall be equivalent to the filing of an undertaking to stay execution in the

sum provided for in such paragraph. Upon the affirmance of the judgment or order appealed from, or the withdrawal or dismissal of the appeal, the court may order any money so deposited to be applied in accordance with the conditions required for the undertaking in place of which it was deposited.

Stats 1927, p. 118.

SEC. 160. Section 986 of the Code of Civil Procedure is hereby amended to read as follows:

Undertaking on stay of execution.

986. The undertaking staying execution must be filed within five days after the filing of the notice on appeal, and notice of the filing of the undertaking must be given to the respondent. The adverse party may except to the sufficiency of the sureties within five days after service of written notice of the filing of the undertaking, and unless they or other sureties justify before a judge, or the clerk, of the court within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, proceedings may be had as if no such undertaking had been given.

Stats 1931, p 1984.

SEC. 163. Section 988a of the Code of Civil Procedure is hereby amended to read as follows:

Bill of exceptions and transcript

988a. A party appealing or intending to appeal from a municipal court may have a bill of exceptions settled or a transcript prepared and certified for use on such appeal in the same manner as is or may be provided by law for bills of exceptions or transcripts to be used on appeal from the superior courts.

Notwithstanding any provisions of the sections above referred to, it shall not be necessary in any such bill of exceptions or transcript to copy any exhibit or any notice, affidavit, order or other paper or document on file with the municipal court, but the same may be merely referred to in such bill of exceptions or transcript by any designation sufficient to identify it.

Stats. 1931, p 1984

SEC. 164. Section 988b of the Code of Civil Procedure is hereby amended to read as follows:

Record on appeal from municipal court

988b. The record on appeal from a municipal court shall consist of:

(1) The notice of appeal, and if the record is prepared under section 953a of this code, the notice required by that section;

(2) The judgment roll if the appeal is from a judgment, or an order vacating or refusing to vacate the judgment;

(3) The order appealed from, if the appeal is from an order;

(4) Any bill of exceptions settled or any transcript certified for use on such appeal and all exhibits, notices, affidavits, orders, papers and documents properly referred to and identified in such bill of exceptions or transcript.

Copies of those parts of the record on appeal which are entered in the docket or minutes of the municipal court and the originals of all other parts thereof, with the certificate of the clerk of the court or of the attorneys of the respective

parties that they are such copies and originals respectively, *shall be transmitted to the superior court.*

If it appear that there is any paper or record in the custody of the clerk of the municipal court which was before said court but which is not included in the record on appeal, and that an examination of such paper or record will assist in the determination of the appeal on its merits, the superior court may, on motion of either party, or on its own motion, require the production of such paper or a certified copy of such record, and the same shall thereupon be deemed a part of the record on appeal.

Stats 1929, p. 856.

SEC. 165. Section 988c of the Code of Civil Procedure is hereby amended to read as follows:

Record to be transferred by clerk

988c. Upon the filing of the notice of appeal and the payment of all fees required to be paid by the appellant, and upon the certification by the judge of any bill of exceptions, or transcript, or on the expiration of the time within which such bill of exceptions, or transcript, may be proposed without such bill or transcript having been proposed by the appealing party, the clerk of the municipal court must, within five days, transmit to the clerk of the superior court the record on appeal, and he may be compelled by the superior court, by an order entered upon motion, to transmit such record, and may be punished for contempt in case of his neglect or refusal to transmit the same in accordance with such order. Where the inspection of an original paper which was offered in evidence in the municipal court is shown to be necessary to a correct decision of the appeal, the superior court may order the clerk of such municipal court to transmit such original paper, if in his possession, to the clerk of the superior court; and if such paper be in possession of a party to the action, he may produce the same on the hearing of the appeal, or he may, on motion and notice to the adverse party, be required by the superior court to produce such paper at such hearing; and in default thereof, the court will presume the paper to be, in all respects, as alleged by the party giving such notice.

C C P. 1872.

SEC. 170. Section 989 of the Code of Civil Procedure is hereby amended to read as follows:

Subjecting persons not served to judgment.

989. When a judgment is recovered against one or more of several persons, jointly indebted upon an obligation, by proceeding as provided in section 414, those who were not originally served with the summons, and did not appear to the action, may be summoned by the court in which such judgment is entered to show cause why they should not be bound by the judgment, in the same manner as though they had been originally served with the summons.

Code Amdts 1873-4, p 279

SEC. 171. Section 997 of the Code of Civil Procedure is hereby amended to read as follows:

Offer to accept compromise judgment

997. The defendant may, at any time before the trial or judgment, serve upon the plaintiff an offer to allow judgment to be taken against him for the sum or property, or to the

effect therein specified. If the plaintiff accept the offer, and give notice thereof within five days, he may file the offer, with proof of notice of acceptance, and the clerk, or the justice where there is no clerk, must thereupon enter judgment accordingly. If the notice of acceptance be not given, the offer is to be deemed withdrawn, and can not be given in evidence upon the trial; and if the plaintiff fail to obtain a more favorable judgment, he can not recover costs, but must pay the defendant's costs from the time of the offer.

Code Amdts 1880, p. 72.

SEC. 172. Section 1000 of the Code of Civil Procedure is hereby amended to read as follows:

Examination of books of plaintiff.

1000. Any court in which an action is pending, or a judge or justice thereof may, upon notice, order either party to give to the other, within a specified time, an inspection and copy or permission to take a copy, of entries of accounts in any book, or of any document or paper in his possession, or under his control, containing evidence relating to the merits of the action, or the defense therein. If compliance with the order be refused, the court may exclude the entries of accounts of the book, or the document, or paper from being given in evidence, or if wanted as evidence by the party applying may direct the jury to presume them to be such as he alleges them to be; and the court may also punish the party refusing for a contempt. This section is not to be construed to prevent a party from compelling another to produce books, papers, or documents when he is examined as a witness.

C C P. 1872.

SEC. 173. Section 1003 of the Code of Civil Procedure is hereby amended to read as follows:

Order defined

1003. Every direction of a court, judge, or justice, made or entered in writing, and not included in a judgment, is denominated an order. An application for an order is a motion.

Code Amdts. 1880, p 12

SEC. 174. Section 1004 of the Code of Civil Procedure is hereby amended to read as follows:

Motions Where made

1004. Except as provided in section 166 of this code, motions must be made in the court in which the action is pending.

Stats 1919, p 289

SEC. 175. Section 1005 of the Code of Civil Procedure is hereby amended to read as follows:

Notice of motion Time for services

1005. When a written notice of a motion is necessary, it must be given, if the court is held in the county in which at least one of the attorneys of the party notified has his office, five days before the time appointed for the hearing; otherwise, ten days. When the notice is served by mail, the number of days before the hearing must be increased one day for every twenty-five miles of distance between the place of deposit and the place of service; such increase, however, not to exceed in all thirty days; but in all cases the court, or a judge or justice thereof, may prescribe a shorter time.

C. C. P 1872.

SEC. 176. Section 1006 of the Code of Civil Procedure is hereby amended to read as follows:

Transfer of motion, etc.

1006. When a notice of motion is given, or an order to show cause is made returnable before a judge or justice out

of court, and at the time fixed for the motion, or on the return day of the order, the judge or justice is unable to hear the parties, the matter may be transferred by his order to some other judge or justice, before whom it might originally have been brought.

New section

SEC. 177. A new section is hereby added to the Code of Civil Procedure, to be numbered 1008 and to read as follows:

Subsequent application for order refused

1008. When an application for an order has been made to a judge or justice, or to the court, and refused in whole or in part, or granted conditionally, or on terms, and subsequent application for the same order, upon an alleged different state of facts, shall be made, it shall be shown by affidavit what application was before made, when and to what judge or justice, what order or decision was made thereon and what new facts are claimed to be shown. For a failure to comply with this requirement, any order made on such subsequent application may be revoked or set aside on ex parte motion.

A violation of this section may be punished as a contempt; and an order made contrary thereto may be revoked by the judge, justice, or commissioner who made it, or vacated by a judge, or justice of the court in which the action or proceeding is pending.

Stats 1919, p 289

SEC. 178. Section 1011 of the Code of Civil Procedure is hereby amended to read as follows:

Service How to be made

1011. The service may be personal, by delivery to the party or attorney on whom the service is required to be made, or it may be as follows:

1. If upon an attorney, it may be made during his absence from his office, by leaving the notice or other papers with his clerk therein, or with a person having charge thereof; or when there is no person in the office, by leaving them between the hours of nine in the morning and five in the afternoon, in a conspicuous place in the office; or, if it is not open so as to admit of such service, then by leaving them at the attorney's residence, with some person of not less than eighteen years of age, if his residence is in the same county with his office; and if his residence is not known, or is not in the same county with his office, or being in the same county it is not open, or there is not found thereat any person of not less than eighteen years of age, then by putting the same, inclosed in a sealed envelope, into the post office directed to such attorney at his office, if known; otherwise to his residence, if known; and if neither his office nor his residence is known, then by delivering the same to the clerk of the court, or to the justice where there is no clerk, for the attorney;

2. If upon a party, it shall be made in the manner specifically provided in particular cases, or, if no specific provision is made, it may be made by leaving the notice or other paper at his residence, between the hours of eight in the morning and six in the evening, with some person of not less than eighteen years of age; if at the time of attempted service between the said hours no such person can be found

at his residence, the same may be served by mail; and, if his residence is not known, then by delivering the same to the clerk of the court or the justice, if there be no clerk, for such party.

SEC. 179. Section 1015 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907, p. 601

1015. When a plaintiff or a defendant, who has appeared, resides out of the State, and has no attorney in the action or proceeding, the service may be made on the clerk or on the justice where there is no clerk, for him. But in all cases where a party has an attorney in the action or proceeding, the service of papers, when required, must be upon the attorney instead of the party, except service of subpenas, of writs, and other process issued in the suit, and of papers to bring him into contempt If the sole attorney for a party is removed or suspended from practice, then the party has no attorney within the meaning of this section. If his sole attorney has no known office in this State, notices and papers may be served by leaving a copy thereof with the clerk of the court or with the justice where there is no clerk, unless such attorney shall have filed in the cause an address of a place at which notices and papers may be served on him, in which event they may be served at such place. Service where defendant resides out of State.

SEC. 180. Section 1021 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

1021. Except as attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys and counselors at law is left to the agreement, express or implied, of the parties; but parties to actions or proceedings are entitled to costs and disbursements, as hereinafter provided. Attorney's fees

SEC. 181. Section 1023 of the Code of Civil Procedure is hereby renumbered 1022, and is amended to read as follows: C. C. P. 1872

1022. When several actions are brought on one bond, undertaking, promissory note, bill of exchange, or other instrument in writing, or in any other case for the same cause of action, against several parties who might have been joined as defendants in the same action, no costs can be allowed to the plaintiff in more than one of such actions, which may be at his election, if the party proceeded against in the other actions were, at the commencement of the previous action, openly within this State; but the disbursements of the plaintiff must be allowed to him in each action. Costs in actions where defendants could be joined

SEC. 182. Section 1028 of the Code of Civil Procedure is hereby renumbered 1023, and is amended to read as follows: C. C. P. 1872.

1023. The fees of referees are five dollars to each for every day spent in the business of the reference; but the parties may agree, in writing, upon any other rate of compensation, and thereupon such rates shall be allowed. Fees of referees

SEC. 183. Section 1029 of the Code of Civil Procedure is hereby renumbered 1024, and is amended to read as follows: C. C. P. 1872.

Postponement Payment of costs.

1024. When an application is made to a court or referee to postpone a trial, the payment of costs occasioned by the postponement may be imposed, in the discretion of the court or referee, as a condition of granting the same.

C. C. P. 1872.

SEC. 184. Section 1030 of the Code of Civil Procedure is hereby renumbered 1025, and is amended to read as follows:

Effect of tender before action.

1025. When, in an action for the recovery of money only, the defendant alleges in his answer that before the commencement of the action he tendered to the plaintiff the full amount to which he was entitled, and thereupon deposits in court, for plaintiff, the amount so tendered, and the allegation is found to be true, the plaintiff can not recover costs, but must pay costs to the defendant.

C. C. P. 1872.

SEC. 185. Section 1031 of the Code of Civil Procedure is hereby renumbered 1026, and is amended to read as follows:

Costs in actions by or against trusts, etc

1026. In an action prosecuted or defended by an executor, administrator, trustee of an express trust, or a person expressly authorized by statute, costs may be recovered as in an action by and against a person prosecuting or defending in his own right; but such costs must, by the judgment, be made chargeable only upon the estate, fund, or party represented, unless the court directs the same to be paid by the plaintiff or defendant, personally, for mismanagement or bad faith in the action or defense.

C. C. P. 1872.

SEC. 186. Section 1032 of the Code of Civil Procedure is hereby renumbered 1027, and is amended to read as follows:

Costs on appeal

1027. When the decision of a court of inferior jurisdiction in a special proceeding is brought before a court of higher jurisdiction for a review, in any other way than by appeal, the same costs must be allowed as in cases on appeal, and may be collected by execution, or in such manner as the court may direct, according to the nature of the case.

C. C. P. 1872

SEC. 187. Section 1038 of the Code of Civil Procedure is hereby renumbered 1028, and is amended to read as follows:

Costs when State is party

1028. When the State is a party, and costs are awarded against it, they must be paid out of the State treasury.

C. C. P. 1872

SEC. 188. Section 1039 of the Code of Civil Procedure is hereby renumbered 1029, and is amended to read as follows:

Costs when county is party.

1029. When a county is a party and costs are awarded against it, they must be paid out of the county treasury.

Stats. 1903, p. 187.

SEC. 189. Section 1036 of the Code of Civil Procedure is hereby renumbered 1030, and is amended to read as follows:

Plaintiff required to secure costs.

1030. When the plaintiff in an action or special proceeding resides out of the State, or is a foreign corporation, security for the costs and charges, which may be awarded against such plaintiff, may be required by the defendant. When required, all proceedings in the action or special proceeding must be stayed until an undertaking, executed by two or more persons, is filed with the clerk, or with the justice if there be no clerk, to the effect that they will pay such costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the action or special proceeding,

not exceeding the sum of three hundred dollars. A new or an additional undertaking may be ordered by the court, judge or justice, upon proof that the original undertaking is insufficient security, and proceedings in the action or special proceeding stayed until such new or additional undertaking is executed and filed. Any stay of proceedings granted under the provisions of this section shall extend to a period ten days after service upon the defendant of written notice of the filing of the required undertaking.

After the lapse of thirty days from the service of notice that security is required, or of an order for new or additional security, upon proof thereof, and that no undertaking as required has been filed, the court, judge, or justice, may order the action or special proceeding to be dismissed.

New section.

SEC. 190. A new section is hereby added to the Code of Civil Procedure, to be numbered 1031 and to read as follows:

Costs allowed to defendant.

1031. In municipal courts and justices' courts the prevailing party, including a defendant as to whom the action is dismissed, is entitled to his costs and necessary disbursements, including the costs of any proceedings taken by him in aid of an execution upon any judgment rendered therein.

Attorney's fee for plaintiff

In actions for the recovery of wages for labor performed, where the amount of the demand, exclusive of interest, does not exceed three hundred dollars, the court shall add, as part of the costs, in any judgment recovered by the plaintiff, an attorney's fee not exceeding twenty per cent of the amount recovered.

New section.

SEC. 191. A new section is hereby added to the Code of Civil Procedure, to be numbered 1032 and to read as follows:

Costs in superior courts.

1032. In the superior court, except as otherwise expressly provided, costs are allowed of course:

(a) To plaintiff upon a judgment in his favor: In an action for the recovery of real property; in an action to recover the possession of personal property; in an action for the recovery of money or damages; in a special proceeding; in an action which involves the title or possession of real estate or the legality of a tax, impost, assessment, toll, or municipal fine.

Provided, that the plaintiff shall not recover costs when the judgment is one which could have been rendered by a municipal or inferior court within the same county or city and county.

(b) To the defendant upon a judgment in his favor in special proceedings and in the actions mentioned in subdivision (a) of this section, or as to whom the action is dismissed. When there are several defendants in any action mentioned in subdivision (a) of this section, not united in interest, and making separate defenses by separate answers, and plaintiff fails to recover judgment against all, the court must award costs to such of the defendants as have judgment in their favor.

(c) In other actions than those mentioned in this section, costs may be allowed or not, and, if allowed, may be appor-

tioned between the parties, on the same or adverse sides, in the discretion of the court, but no costs can be allowed the plaintiff in the superior court when the judgment is one which could have been rendered by a municipal or inferior court within the county, or city and county, in which the judgment is entered.

Stats 1931, p. 1761.

SEC. 192. Section 1033 of the Code of Civil Procedure is hereby amended to read as follows:

Costs in justices' courts.

1033. 1. In justices' courts the justice must tax and include in the judgment the costs allowed by law to the prevailing party.

2. In superior courts and municipal courts the party in whose favor the judgment is ordered, and who claims his costs, must serve upon the adverse party, and file at any time after the verdict or decision of the court, and not later than five (5) days after the verdict, or, if the action is tried without a jury, not later than five (5) days after notice of the entry of the judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five (5) days after service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge or justice thereof at chambers.

The clerk must include in the judgment entered up by him, any interest on the verdict or decision of the court, from the time it was rendered or made, and the costs, if the same have been taxed or ascertained; and he must, within two days after the same are tried or ascertained, if not included in the judgment, insert the same in a blank left in the judgment for that purpose, and must make a similar insertion of the costs in the copies and, in the superior court, in the docket of the judgment.

Stats. 1919, p 291.

SEC. 193. Section 1034 of the Code of Civil Procedure is hereby amended to read as follows:

Costs on appeal.

1034. The prevailing party on appeal shall be entitled to his costs excepting when judgment is modified or proceedings had pursuant to the provisions of sections 956a, or 988i, of this code, and in that event the matter of costs is within the discretion of the appellate court. The party entitled to costs, or to whom costs are awarded, may recover all amounts actually paid out by him in connection with said appeal, and the preparation of the record for the appeal, including the costs of printing briefs, and the production of additional evidence; provided, however, that no amount shall be allowed as costs of printing briefs in excess of one hundred dollars to any one party. The appellate court may reduce costs in case of the insertion of unnecessary matter in the record.

Whenever costs are awarded to a party by an appellate court, if he claims such costs, he must, within thirty days after the remittitur is filed with the clerk below, serve upon the adverse party and file with such clerk a memorandum of his costs, verified as prescribed by the preceding section. The party dissatisfied with the costs claimed may move to have the same taxed in the same manner and within a like time after service of a copy of the bill of costs, as prescribed by the preceding section. After such costs have been taxed, or the time for taxing the same has expired, execution may issue therefor as upon a judgment.

C. C. P. 1872.

SEC. 194. Section 1051 of the Code of Civil Procedure is hereby amended to read as follows:

When clerk to report testimony

1051. On the trial of an action in a court of record, or other court in which a reporter may be required, if there is no shorthand reporter of the court in attendance, either party may require the clerk to take down the testimony in writing.

C. C. P. 1872.

SEC. 195. Section 1052 of the Code of Civil Procedure is hereby amended to read as follows:

Register of actions

1052. The clerks of the superior and the municipal courts must keep among the records of the court a register of actions. He must enter therein the title of the action, with brief notes under it, from time to time, of all papers filed and proceedings had therein.

Stats. 1933, Ch. 282

SEC. 196. Section 1054 of the Code of Civil Procedure is hereby amended to read as follows:

Extension of time for certain acts

1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justifications of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal and of intention to move for a new trial, the time allowed by this code, unless otherwise expressly provided, may be extended, upon good cause shown, by the judge or justice of the court in which the action is pending, or by the judge or justice who presided at the trial of said action; but such extension shall not exceed thirty days, without the consent of the adverse party; except that when it appears to the judge or justice of any court to whom said application is made, that the attorney of record for the party applying for said extension is a member of the Legislature of this State, and that the Legislature is in session or in recess, it shall be the duty of such judge or justice to extend such time to a date not less than thirty (30) days next following the final adjournment of the Legislature.

In all cases in which the court, judge, or justice is authorized by this section to grant an extension of time, such extension of time shall be granted when all attorneys of record of parties who have appeared in the action agree in writing to such extension of time.

New section

SEC. 197. A new section is hereby added to the Code of Civil Procedure, to be numbered 1054a and to read as follows:

Money in lieu of undertaking.

1054a. In all civil cases, wherein an undertaking is required, the party required to furnish such undertaking may, in lieu thereof, deposit with the clerk of the court, or with the justice where there is no clerk, a sum of money in lawful money of the United States equal to the amount required to be secured by the said undertaking.

Repeals.

SEC. 198. Sections 633, 831, 831a, 831b, 831c, 831d, 831e, 831h, 831i, 831j, 832, 833, 834, 835, 835a, 836, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 857a, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 889, 890, 890a, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 900a, 900b, 901, 901a, 902, 903, 904, 905, 906, 907, 908, 909, 910, 919, 922, 923, 924, 925, 926, 964, 965, 982a, 1022, 1024, 1025, 1026, 1027, 1035 and 1037 of the Code of Civil Procedure, and the heading of Title Xa of Part II, and all the chapter headings in said title, the heading of Title XI of Part II, and all chapter headings in said title, and the heading of Title XII of Part II, of said code, as they existed on January 1, 1933, are hereby repealed.

Chapter headings.

SEC. 199. The headings to the articles and chapters herein shall not be deemed to govern or limit the scope or meaning of the articles or chapters to which they are appended.

Construction.

SEC. 200. All parts and provisions of this act which are the same as parts or provisions contained in the sections, articles or chapters renumbered, amended or repealed shall be considered as continuations of the latter and as having been the law from the time the latter were enacted.

CHAPTER 745.

An act to amend sections 1134, 1135, 1139, 1140, 1144, 1146, 1148, 1149, 1151, 1169, 1211, 1212, 1213, 1214, 1215, 1217, 1218, 1220, 1221 and 1222 of the Code of Civil Procedure, relating to special proceedings.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

C. C. P. 1872.

SECTION 1. Section 1134 of the Code of Civil Procedure is hereby amended to read as follows:

Entry of confession of judgment.

1134. In courts other than justices' courts, the statement must be filed with the clerk of the court in which the judgment is to be entered, who must indorse upon it, and enter a judgment of such court for the amount confessed, with ten dollars costs. The statement and affidavit with the judgment indorsed, thereupon becomes the judgment roll.

C. C. P. 1872.

SEC. 2. Section 1135 of the Code of Civil Procedure is hereby amended to read as follows:

1135. In a justice's court, where the court has authority to enter the judgment, the statement may be filed with the justice, or with the clerk if there be a clerk, who must thereupon enter in the docket a judgment of the court for the amount confessed, with three dollars costs. If a transcript of such judgment be filed with the county clerk, a copy of the statement must be filed with it. Justices' courts

SEC. 3. Section 1139 of the Code of Civil Procedure is hereby amended to read as follows: C C P. 1872.

1139. Judgment must be entered as in other cases, but without costs for any proceeding prior to the trial. The case, the submission, and a copy of the judgment constitute the judgment roll. Judgment on cases submitted

SEC. 4. Section 1140 of the Code of Civil Procedure is hereby amended to read as follows: C. C P 1872.

1140. The judgment may be enforced in the same manner as if it had been rendered in an action in the same court, and is in the same manner subject to appeal. Judgment enforced

SEC. 5. Section 1144 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p. 114.

1144. Such person must cause a notice in writing to be given to the plaintiff, his agent, or attorney, that at a certain time and place he will apply to a judge or justice of the court from which such execution issued, for the purpose of obtaining a discharge from his imprisonment. Notice of motion to discharge

SEC. 6. Section 1146 of the Code of Civil Procedure is hereby amended to read as follows: C C P. 1872.

1146. At the time and place specified in the notice, such person must be taken before such judge or justice, who must examine him under oath concerning his estate and property and effects, and the disposal thereof, and his ability to pay the judgment for which he is committed; and such judge or justice may also hear any other legal and pertinent evidence that may be produced by the debtor or the creditor. Hearing on motion

SEC. 7. Section 1148 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

1148. If, upon the examination, the judge or justice is satisfied that the prisoner is entitled to his discharge, he must administer to him the following oath, to wit: "I, ------, do solemnly swear that I have not any estate, real or personal, to the amount of fifty dollars, except such as is by law exempted from being taken in execution; and that I have not any other estate now conveyed or concealed, or in any way disposed of, with design to secure the same to my use, or to hinder, delay, or defraud my creditors, so help me God." Oath of defendant discharged.

SEC. 8. Section 1149 of the Code of Civil Procedure is hereby amended to read as follows: C C P 1872

1149. After administering the oath, the judge or justice must issue an order that the prisoner be discharged from custody, and the officer, upon the service of such order, must discharge the prisoner forthwith, if he be imprisoned for no other cause. Discharge of prisoner

C C P 1872

SEC. 9. Section 1151 of the Code of Civil Procedure is hereby amended to read as follows:

Effect of discharge

1151. The prisoner, after being so discharged, is forever exempted from arrest or imprisonment for the same debt, unless he be convicted of having wilfully sworn falsely upon his examination before the judge or justice, or in taking the oath before prescribed.

C C P. 1872.

SEC. 10. Section 1169 of the Code of Civil Procedure is hereby amended to read as follows:

Default

1169. If at the time appointed any defendant served with summons does not appear and defend, the clerk, or the justice if there be no clerk, upon application of the plaintiff, must enter the default of such defendant, or defendants, and thereafter the plaintiff may apply to the court for the relief demanded in the complaint, including the costs, against such defendant, or defendants, or against one or more of such defendants.

C. C. P. 1872.

SEC. 11. Section 1211 of the Code of Civil Procedure is hereby amended to read as follows:

Punishment for contempt

1211. When a contempt is committed in the immediate view and presence of the court, or of the judge or justice at chambers, it may be punished summarily; for which an order must be made, reciting the facts as occurring in such immediate view and presence, adjudging that the person proceeded against is thereby guilty of a contempt, and that he be punished as therein prescribed.

When the contempt is not committed in the immediate view and presence of the court, or of the judge or justice at chambers, an affidavit shall be presented to the court, judge, or justice, of the facts constituting the contempt, or a statement of the facts by the referees or arbitrators, or other judicial officers.

C C P. 1872.

SEC. 12. Section 1212 of the Code of Civil Procedure is hereby amended to read as follows:

Arrest of defendant.

1212. When the contempt is not committed in the immediate view and presence of the court, judge, or justice, a warrant of attachment may be issued to bring the person charged to answer, or, without a previous arrest, a warrant of commitment may, upon notice, or upon an order to show cause, be granted; and no warrant of commitment can be issued without such previous attachment to answer, or such notice or order to show cause.

C C. P. 1872.

SEC. 13. Section 1213 of the Code of Civil Procedure is hereby amended to read as follows:

Bail for prisoners.

1213. Whenever a warrant of attachment is issued, pursuant to this title, the court, judge, or justice must direct, by an indorsement on such warrant, that the person charged may be let to bail for his appearance, in an amount to be specified in such indorsement.

C C. P. 1872

SEC. 14. Section 1214 of the Code of Civil Procedure is hereby amended to read as follows:

1214. Upon executing the warrant of attachment, the officer executing the warrant must keep the person in custody, bring him before the court, judge, or justice, and detain him until an order be made in the premises, unless the person arrested entitle himself to be discharged, as provided in the next section. Duty of arresting officer.

SEC. 15. Section 1215 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

1215. When a direction to let the person arrested to bail is contained in the warrant of attachment, or indorsed thereon, he must be discharged from the arrest, upon executing and delivering to the officer, at any time before the return-day of the warrant, a written undertaking, with two sufficient sureties, to the effect that the person arrested will appear on the return of the warrant and abide the order of the court, judge, or justice thereupon; or they will pay as may be directed, the sum specified in the warrant. Discharge on furnishing bail.

SEC. 16. Section 1217 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

1217. When the person arrested has been brought up or appeared, the court, judge or justice must proceed to investigate the charge, and must hear any answer which the person arrested may make to the same, and may examine witnesses for or against him, for which an adjournment may be had from time to time, if necessary. Conduct of trial.

SEC. 17. Section 1218 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872.

1218. Upon the answer and evidence taken, the court, judge or justice must determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five hundred dollars, or he may be imprisoned not exceeding five days, or both; provided, however, that in justices' courts the justice may punish by fine or imprisonment or both, such fine not to exceed, in any case, one hundred dollars, and such imprisonment one day; the conviction, specifying particularly the offense, and the judgment thereon, must be entered in the docket. Penalties

SEC. 18. Section 1220 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872

1220. When the warrant of arrest has been returned served, if the person arrested do not appear on the return-day, the court, judge or justice may issue another warrant of arrest or may order the undertaking to be prosecuted, or both. If the undertaking be prosecuted, the measure of damages in the action is the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct for which the warrant was issued, and the costs of the proceeding. Failure to appear.

SEC. 19. Section 1221 of the Code of Civil Procedure is hereby amended to read as follows: C. C. P. 1872

1221. Whenever, by the provisions of this title, an officer is required to keep a person arrested on a warrant of attachment in custody, and to bring him before a court, judge, or justice, Excuses for not delivering prisoner

the inability, from illness or otherwise, of the person to attend, is a sufficient excuse for not bringing him up; and the officer must not confine a person arrested upon the warrant in a prison, or otherwise restrain him of personal liberty, except so far as may be necessary to secure his personal attendance.

C. C. P. 1872. Orders, etc., conclusive

SEC. 20. Section 1222 of the Code of Civil Procedure is hereby amended to read as follows:

1222. The judgment and orders of the court, judge, or justice, made in cases of contempt, are final and conclusive.

CHAPTER 746.

An act to amend sections 4300a, 4300e, and 4300l of the Political Code, relating to fees.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1923, p. 710. Fees of county clerk

SECTION 1. Section 4300a of the Political Code is hereby amended to read as follows:

4300a. In addition to the charges otherwise provided for by law, the county clerk shall charge and collect the following fees:

For the filing of the first paper in a civil action or in a special proceeding, except a probate proceeding or an adoption proceeding, six dollars; provided, that in every special proceeding in which more than seven applicants or petitioners join, one dollar shall be collected for each additional applicant or petitioner above seven.

For filing the papers transmitted from another court, on the transfer of a civil action or a special proceeding, except a probate proceeding or an adoption proceeding, six dollars.

When the venue in a case in a superior court is changed, for making up and transmission of transcript and papers, one dollar, and a further sum equal to the fee for filing in the court to which the case is transferred. The clerk shall transmit such filing fee, with the papers in the case, to the clerk or justice of the court to which the case is transferred.

For filing the papers transmitted on appeal from a justice's court in a civil action or a special proceeding, six dollars.

On the appearance of any defendant, intervenor or corespondent, whether separately or jointly, except for the purpose of making disclaimer, to be paid upon filing the first paper in the action on his behalf, one dollar.

For filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary or a petition for letters of guardianship, six dollars; for filing a second or any subsequent petition for letters of administration, special letters of administration,

letters testamentary, or letters of guardianship, in the same proceeding, or a petition to contest any will or codicil, three dollars; provided, that when such subsequent petition is filed to amend a previously filed petition, but where the petitioner is the same person named in the original petition, no fee shall be charged; also, provided, that when the public administrator or the secretary of the State Commission in Lunacy, in his official capacity is the petitioner, he shall be required to pay said fee only out of the assets of the estate coming into his possession. Fees of county clerk

For issuing a writ of execution, a writ of restitution, a writ of possession, a writ of prohibition, or any writ for the enforcement of any order or judgment, one dollar.

For issuing an order of sale, one dollar.

For filing any notice of intention to move for a new trial of any civil action or special proceeding, two dollars.

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents.

For preparing a carbon copy of any record, proceeding, or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents.

For certifying to a copy of any paper, record or proceeding on file in his office, fifty cents.

For comparing with the original on file in his office, the copy of any paper, record or proceeding prepared by another and presented for his certificate, two cents per folio.

For certificate required by courts of appeal or Supreme Court on the dismissal of an appeal, one dollar.

For exemplification of record or other paper on file besides the charges allowed for copying or comparing, one dollar.

The foregoing fees shall be in full for all services rendered by the county clerk in any civil action or special proceeding.

No fee shall be charged by the clerk for service rendered in any criminal action or adoption proceeding, nor for any service to the State of California, or any municipality or county in said State, or to the national government, nor for any service relating thereto, except for making or certifying to a copy of a filed paper, record or proceeding, when not otherwise provided by law.

For issuing a marriage license, one-half to be paid to the county recorder, two dollars; provided, that in counties where the salary of the county recorder is the sole compensation allowed by law this fee shall be paid to the county treasurer, who shall credit one-half to the county recorder. Said fee shall be in full for all services of the clerk and recorder in connection with the issuance of a marriage license and the recording of a marriage certificate.

For filing and indexing articles of incorporation, amended articles of incorporation or a certified copy of articles of incorporation, one dollar.

For filing a certificate of increase of the capital stock of a corporation, one dollar.

For filing a certificate of decrease of the capital stock of a corporation, one dollar.

For filing a certificate of increase of the number of directors of a corporation, one dollar.

For filing a certificate of decrease of the number of directors of a corporation, one dollar.

For filing a certificate of notice of removal of the principal place of business of a corporation, one dollar.

For filing a certificate of creation of bonded indebtedness of a corporation, one dollar.

For filing a certificate of increase of bonded indebtedness of a corporation, one dollar.

For filing any charter, by-laws, or any other certificate, etc., of any corporation, granting powers to do business in this State, one dollar.

For filing and indexing a certificate of fictitious name, including affidavit of publication, one dollar.

For filing and indexing an auctioneer's bond, one dollar.

For filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment, one dollar.

For either recording or registering any license or certificate or issuing any certificate, or both, in connection with a license, required by law, for which a charge is not otherwise prescribed, one dollar.

For making a record of a certificate of revivor, one dollar.

For each certificate to the official capacity of any public official, twenty-five cents.

For taking an affidavit, except in criminal cases, or adoption proceedings, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, for each signature, fifty cents.

Stats 1929, p. 156

SEC. 2. Section 4300e of the Political Code is hereby amended to read as follows:

Fees of justice of the peace.

4300e. Justices of the peace, except as otherwise provided by law, shall charge for all services to be performed by them in civil actions the following fees:

For filing the complaint, or other first paper, four dollars, to be paid before complaint is filed, and to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution thereon, and other proceedings supplemental thereto;

For filing the papers transmitted from another court on a transfer of a civil action or proceeding, and all proceedings thereon, four dollars;

For certificate and transmitting transcript and papers on appeal, one dollar;

For copies of papers on docket, per folio, ten cents;

When the venue in a case in the justices' court is changed, for making up and transmission of the transcript and papers, one dollar; and a further sum equal to the fee for filing in the court to which the case is transferred. The justice shall transmit such filing fee, with the papers in the case, to the clerk or justice of the court to which the case is transferred.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents;

For taking depositions, per folio, fifteen cents;

For issuing a commission to take testimony, fifty cents;

For all services connected with the posting of estrays, one dollar;

For issuing a transcript of the docket, one dollar;

For issuing an abstract of judgment, one dollar;

For certifying a copy of any paper, record, or proceeding in his office, twenty-five cents;

For receiving and filing an abstract of judgment rendered by a justice or judge of another court, and for subsequent services based thereon, four dollars;

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in all cases;

For issuing each process, writ, order or paper required by law to be issued not otherwise in this article provided for, twenty-five cents;

For administering an oath or affirmation not otherwise in this article provided for, twenty-five cents;

For each certificate or affidavit not otherwise in this article provided for, twenty-five cents;

For taking and approving a bond or undertaking, including the justification of sureties, fifty cents.

SEC. 3. Section 4300*l* of the Political Code is hereby amended to read as follows: Stats 1931, p 103.

4300*l* The clerk of each municipal court, except as otherwise provided by law, shall charge for all services to be performed, the following fees: Fees for clerk of municipal court

For filing the complaint, or other first paper, four dollars, to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution thereon, and supplementary proceedings thereto.

For filing the first paper (other than demurrer) on behalf of any party (other than plaintiff) one dollar for each such party.

For filing a demurrer, one dollar for each party demurring.

Fees for clerk of municipal court.

For filing the papers transmitted from another court, on the transfer of a civil action or proceeding, and all proceedings thereon, five dollars.

When the venue in a case in a municipal court shall be changed, for making up and transmission of transcript and papers, one dollar, and a further sum equal to the fee for filing in the court to which the case is to be transferred. The clerk shall transmit such filing fee, with the papers in the case, to the clerk or justice of the court to which the case is transferred.

For receiving and filing an abstract of judgment rendered by a justice or judge of another court, and for subsequent services based thereon, five dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For issuing a transcript of the docket, one dollar.

For issuing an abstract of judgment, fifty cents.

For taking an acknowledgment of any instrument, for each signature, fifty cents.

For administering an oath and certifying thereto, fifty cents.

For filing any notice of intention to move for a new trial of any cause, two dollars.

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents.

For preparing a carbon copy of any record, proceeding or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents.

For certifying a copy of any paper, record or proceeding on file in his office, fifty cents.

For comparing with the original on file in his office, the copy of any paper, record or proceeding by another and presented for his certificate, two cents per folio.

No fees shall be charged by the clerk for services rendered in any criminal action except for making or certifying to a copy of any filed paper, record or proceeding when not otherwise specified by law; nor shall any charge be made for any service to the United States of America or any officer thereof acting in his official capacity.

On the commencement in or removal to the municipal court of any municipality, of any civil action or proceeding, the clerk shall collect the sum of one dollar for the law library fund, and shall pay the same to the treasurer of his county, who shall keep the same in the law library fund designated in section 4190 of this code.

Marshals of municipal courts, except as otherwise provided by law, shall charge and collect the fees provided in section 4300b, Political Code, except that for keeping property taken under legal process they shall collect the actual amount charged by any reputable warehouse or storage house for safely keeping and storing such property; but if such property shall be placed in the care of a keeper, the fee for such keeper shall be five dollars per day.

Sections 4292 to 4297, inclusive, and section 4305 of this code shall apply to officers of municipal courts and to the disposition of fees collected by such officers.

Witnesses in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to witnesses in the superior court in the county or city and county in which any such municipal court is situated.

Jurors in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to trial jurors in the superior court in the county or city and county in which any such municipal court is situated.

Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated.

CHAPTER 747.

An act to amend sections 806 and 882 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to city and justice courts.

Stats 1883, p 93, amended

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 806 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1931, p 2519

Sec. 806. A city court is hereby established in such city, to be held by the judge of such city; provided, that the provisions of this section as to the establishment of city courts and judge in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may hereafter be established, and any city court now existing in any such last mentioned city is hereby abolished. Said city court shall have jurisdiction concurrently with the justice's court of actions which might be tried in such justice's court as follows:

City court Fifth class.

(a) All civil actions.

(b) Criminal actions arising within the corporate limits of such city.

Except as in this section otherwise provided, the rules of practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases, and appeals may be taken to the superior court of the county in which said city may be situated, from all judgments of said city court in like manner and with like effect as in cases of appeals from justices' courts.

SEC. 2. Section 882 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1933, Ch 516

Sec. 882. A city court is hereby established in such city, to be held by the city judge of said city. Such city court

City court· Sixth class

shall have jurisdiction, concurrently with the justice's court, of actions which might be tried in such justice's court as follows:

(a) All civil actions.

(b) Criminal actions arising within the corporate limits of such city or town.

Except as in this section otherwise provided, the rules of practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which said city may be situated, from all judgments of said city court, in like manner and with like effect as in cases of appeals from justices' courts.

CHAPTER 748.

Stats. 1913, p. 1327, amended

An act to amend section 10 of an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, and all amendments thereto.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 1543

SECTION 1. Section 10 of said act is amended to read as follows:

Disposition of receipts.

Sec. 10. All moneys received by the State Mining Bureau (or State Division of Mines) or any officer thereof, from sales of publications issued by said bureau, shall be deposited at least once each month in the State treasury to the credit of a

fund which is hereby created and designated "Division of Mines revolving printing fund." Said fund shall be used and is hereby appropriated for the use of said bureau in addition to such other funds as may be from time to time appropriated by the Legislature, for the printing and publishing of reports, bulletins, and maps issued by the said bureau. The State Controller is authorized to require financial reports from the State Mining Bureau or any officer thereof.

CHAPTER 749.

An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for contributions of public funds to assist in such refunding.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Refunding bonds authorized

SECTION 1. The legislative body of any city or county or city and county of this State may, under and subject to the provisions of this act and with the consent of the electors of the district as hereinafter provided, fund or refund the outstanding bonds issued for any special assessment district the bonds of which are payable by assessments levied wholly or partly in accordance with the assessed value of lands. Proceedings under this act may be taken only if the indebtedness is refunded at a discount. The interest rate on the refunding bonds must have one or more interest payments less than the interest rate on the bonds to be refunded. The said legislative body may negotiate with the holders of bonds for such refunding and to aid in such refunding may appropriate moneys from the general fund, or any available fund of the city or county or city and county. Said legislative body may call an election under the provisions of this act and, in the event that the refunding of said indebtedness is authorized by the electors voting at such election, a reassessment shall be levied by said legislative body for the amount stated in the notice of election.

Reassessment for refunding

SEC. 2. Said legislative body shall, by resolution or ordinance, determine the total principal amount for which a reassessment shall be levied in the refunding proceeding and shall determine the term of any refunding bonds to be issued

Interest

to represent any of the assessments included in such reassessment and the rate of interest of such bonds. The rate of interest during the entire term of such bonds need not be the same, but different rates may be stated for one or more interest payments of such bonds If such different rates of interest are proposed, each rate and the time during which such rate shall be paid shall be designated in such resolution or ordinance. Said ordinance or resolution shall also order the submission of the proposition of refunding the said outstanding indebtedness of such district and the levying of a reassessment for such refunding in the total principal amount proposed, to be submitted to the qualified electors of such district at an election to be held for the purpose of voting upon such proposition and shall fix the time of holding said election and provide for notice to be given thereof.

Election Notice.

SEC. 3. Notice of such election shall be given by publication once a day for at least seven (7) days in some newspaper published at least six (6) days a week in such city or county or city and county, or once a week for two (2) weeks in some newspaper published less than six (6) days a week in such city or county or city and county, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six (6) days per week. Such notice of election shall also be posted in three (3) public places within the district at least two (2) weeks prior to the election. The date of first publication and the date of posting must be at least fourteen (14) days prior to the date of holding such election. In cities in which no newspaper is published, posting as herein required shall be sufficient notice of such election. No notice of such election, other than that herein required, need be given. The notice of election shall state the total amount of the outstanding indebtedness to be refunded, and shall state the amount of the principal of bonds included therein, and the amount of interest due and unpaid included therein, the total principal amount of the reassessment proposed to be levied in such refunding proceedings, the term of the bonds to be issued to represent any unpaid reassessments, and the rate or rates of interest to be paid on said bonds. Said notice shall also state the date of such election, the hours between which the polls at such election will be open, the polling place or places within the district at which the election will be held, and the names of the election officers appointed to hold and conduct such election In all particulars not recited in such notice, the election shall be held as provided by law for the holding of elections in the city or county or city and county the legislative body of which ordered the holding of such election. Said notice of election shall also state the proposed amount of the public contribution to be made in refunding the outstanding bonds of such district, if any such contribution be provided. The proposition to be voted upon shall be stated in the notice of election and upon the ballot in substantially the following form:

Proposition to be voted on

Shall the outstanding indebtedness of _____ district of the _____ (city or county) of _____, in amount of _____ dollars ($_____), consisting of $_____ principal and $_____ due and unpaid interest, be refunded by levying a reassessment in the total principal amount of _____ dollars ($_____) therefor, as provided in the Refunding Special Assessment Bond Act of 1933, and by appropriation of $_____ by the _____ (city or county) of _____; refunding bonds will be issued to represent unpaid reassessments, such refunding bonds to bear interest at the rate of _____ per cent per annum?

Said notice shall be signed by the clerk of the legislative body conducting the refunding proceedings. Any qualified elector residing within the district in which the election is to be held may vote at such election. If a majority of the qualified electors voting at such election vote in favor of such proposition, then the legislative body which ordered the holding of such election shall have jurisdiction to proceed to levy a reassessment upon the lands within the district in the total principal amount stated in such proposition and to proceed with such reassessment and refunding as in this act provided. No defect or irregularity in the resolution or ordinance calling the election or in the notice of election or ballot and no failure to publish or post such notice of election as provided in this act shall invalidate the election if reasonable notice has actually been given and if the defect or omission does not actually mislead the voters authorized to vote at such election. In the event that there are no qualified electors in the district, the consent of the owners of a majority in area of the lands in the district, in writing, filed with the legislative body shall authorize such refunding. In the event that refunding is authorized by such filed consent of landowners, no election shall be called or held and the resolution or ordinance of the legislative body provided in section 2 hereof shall recite that in the event such refunding is authorized by the filed consent of the owners of the majority in area of the lands in the district, the legislative body will refund such indebtedness under the provisions of this act. Upon the filing of the written consent of the owners of a majority in area of the lands in the district, said legislative body shall have jurisdiction to proceed with the refunding of such indebtedness under the provisions of this act.

Which legislative body to control.

SEC. 4. The legislative body which shall conduct the refunding and reassessment proceeding shall be the legislative body which ordered the bonds of the particular district which are to be refunded issued; provided, however, that if the district for which the bonds are to be refunded lies entirely within a municipality then the refunding and reassessment proceedings shall be conducted by the legislative body of such municipality, and if the district for which the bonds are to be refunded lies entirely within unincorporated territory of a county the legislative body of such county shall conduct such refunding and reassessment proceedings. It is the intent of

this section that in all cases of incorporation of municipalities or annexation of territory to municipalities or consolidation of municipalities or exclusion of territory from municipalities or the dissolution of municipalities, the authority, powers, duties and obligations which would, under this act, have been vested in or imposed upon the legislative body which conducted the proceedings for the issuance of the bonds to be refunded, shall be and are vested in and shall be exercised by the legislative body which, by reason of such incorporation, annexation, consolidation, exclusion or dissolution, has jurisdiction at the time such refunding is begun over the territory of the assessment district. In any case in which the assessment district lies within two or more municipalities or partly within unincorporated territory of a county and partly within one or more municipalities, the legislative body which conducts the refunding proceedings shall obtain the consent of the legislative body or bodies of the other municipality or municipalities or county in which part of the district lies to the refunding of such bonds under this act. Such consent shall be expressed by resolution, a certified copy of which shall be filed with the legislative body which conducts the refunding proceedings prior to the date upon which the election mentioned in section 3 hereof is held.

"Engineer of work."

SEC. 5. If the refunding proceedings are to be conducted by the legislative body of a city, said legislative body shall direct the city engineer or some other competent person who shall be designated "Engineer of Work," to prepare a diagram of the property included within the district upon which the reassessment shall be levied. If the refunding proceedings are to be conducted by the legislative body of a county, said legislative body shall direct the county surveyor to prepare such diagram. If in the original proceedings for the formation of said district and the issuance of bonds thereof, any lots, pieces or parcels of land therein were excepted from the levy of the special assessment tax to pay the principal and interest of said bonds, said lots, pieces or parcels of land shall be shown upon said diagram but no reassessment shall be levied thereon. Said diagram shall show each lot, piece or parcel of land in said district and the dimensions of each said lot, piece or parcel of land. When said diagram is completed the county surveyor, if the legislative body of the county conducts the refunding proceedings, or the superintendent of streets or engineer of work, if the legislative body of the city conducts the refunding proceedings, shall proceed to make the reassessment as herein provided.

Amount of reassessment

SEC. 6. The total amount for which said reassessment shall be made shall not exceed the total principal amount of such reassessment as stated in the notice calling the election and in the proposition submitted upon the ballot but may be for a smaller amount. Said reassessment shall be made upon all such lots, pieces or parcels of land within the assessment district as are to be assessed under the original proceedings.

to pay the principal and interest of the bonds issued thereunder. The total amount to be reassessed shall be apportioned upon the said lots, pieces and parcels of land in the manner hereinafter set forth, to wit: Mode of assessment.

To the total principal sum of the reassessment as stated in the notice of election shall be added the total sum of all of the amounts paid into the interest and sinking fund of such district upon assessments levied upon any lot, piece, or parcel of land to raise funds to pay the principal and/or interest of the bonds of said district which are to be refunded. The total amount of the two sums shall be apportioned as an assessment upon all such lots, pieces, or parcels of land within the assessment district as are to be assessed under the original proceeding to pay the principal and interest on the bonds issued thereunder. The person making the reassessment shall proceed to estimate upon the lots, pieces or parcels of land within the assessment district and, subject to the reassessment under the terms of this act, the benefits arising from the acquisition or improvement, or acquisition and improvement, for which the bonds to be refunded were issued and to be received by each such lot, piece or parcel of land, and shall thereupon assess upon and against the said lands the total amount of the two sums hereinbefore in this section mentioned and in so doing shall assess the said total amount upon the several lots, pieces or parcels of land in said assessment district subject to said reassessment in the manner following, to wit:

Upon each lot, piece or parcel of land, respectively, in proportion to the estimated benefits received by each such lot, piece or parcel of land from the acquisition or improvement, or the acquisition and improvement, for which the bonds to be refunded were issued.

When said total amount has been assessed upon each of the lots, pieces or parcels of land to be reassessed there shall be deducted from the amount so assessed upon any lot, piece or parcel of land, any sum theretofore paid into the interest and sinking fund of the district upon an assessment levied upon any such lot, piece or parcel of land to pay the principal and interest on bonds of said district. In case any such lot, piece or parcel of land was a portion of a larger parcel of land for which a payment was made the portion of such payment to be deducted from the amount assessed against such smaller lot, piece or parcel of land shall be that proportion of such payment which the amount assessed against said smaller lot, piece or parcel of land bears to the total amount assessed against all of the parcels which comprised the said larger parcel of land. After all of the amounts of assessments paid have been deducted from the amounts assessed to each such lot, piece or parcel of land the amounts remaining assessed against each such lot, piece or parcel of land shall be termed reassessments and shall comprise the total reassessment and shall in total amount be the sum stated in the notice of election, or a smaller sum. Deductions of prior payments

Land subject to assessment.

SEC. 7. The lots, pieces and parcels of land upon which such reassessment shall be levied shall include all parcels of land in the assessment district upon which an assessment would be levied to pay the principal and interest of the bonds issued in the original proceedings, and shall include all public property in such district which may lawfully be assessed under the provisions of the act under which the bonds to be refunded were issued, provided such public property was not omitted from the assessment district or exempted from the assessment if therein.

Form of reassessment.

SEC. 8. Said reassessment need not be in particular form but shall briefly refer to the district for which said reassessment is to be made by its number or other suitable designation and shall contain a brief reference to the original proceedings in which the bonds to be refunded were issued, and shall show the total amount of such reassessment. Such reassessment shall also show the amount of each reassessment against each lot, piece or parcel of land and the description thereof, and shall have attached thereto a map, plat or diagram showing the location of each lot, piece or parcel of land in the district, and each such lot, piece or parcel of land shall be numbered to correspond with the numbers of the reassessments. Said reassessment shall be filed with the clerk of the legislative body which conducts the refunding proceedings.

Hearing Notice.

SEC. 9. When said reassessment has been filed with the clerk, the legislative body shall direct said clerk to give notice of the filing of said reassessment and of the time and place when and where all persons interested in any such reassessment will be heard by said legislative body. Said notice shall be in substantially the following form:

(Fill in blanks)

Form

Notice of hearing on proposed reassessment for refunding of bonds of _____ district of _____ (city or county) of _____.

Notice is hereby given that a reassessment for the refunding of the bonds of the above entitled district has been filed with the clerk of the _____ (name of legislative body) of _____ (city or county) of _____ and may be examined by any person interested. The acquisition or improvement, or acquisition and improvement (use whichever of the foregoing words applies), to pay the costs and expenses of which said bonds were issued, is described in general terms as follows: (Here insert a statement in general terms of the location and extent of the work and improvement or acquisition or both, as stated in the resolution of intention in the original proceedings.)

The district of lands benefited by said acquisition or improvement, or acquisition and improvement (using the appropriate words), is described in general terms as follows: (Here insert a description in general terms of the district as shown upon

the plat or diagram attached to the reassessment, excepting therefrom any lands not to be reassessed.)

Reference is hereby made to the diagram contained in said reassessment for the boundaries and extent of the said assessment district, and said diagram shall govern for all details as to the extent thereof. Said diagram shows each lot, piece or parcel of land reassessed and said reassessment shows the amount proposed to be reassessed upon each lot, piece or parcel of land.

Notice is further given that it is proposed to levy said reassessment for the refunding of the bonds of said district. The total amount of the proposed reassessment is the sum of $_____.

Notice is further given that on the _____ day of _____, 19__ at the hour of _____ o'clock, __m. at the chambers of the _____ (designating legislative body) of the _____ (city or county) in the city of _____ is the time and place the said _____ (designating legislative body) will hold the hearing on said reassessment. Protests or objections to said reassessment or to any proceedings taken in the refunding of said bonds and the levying of a reassessment therefor or to any part of such proceedings or to any specific reassessment upon any ground whatsoever must be filed in writing with the clerk of _____ (designating legislative body) at or before the time of said hearing. Upon the confirmation and recording of said reassessment, the respective amounts reassessed shall be immediately due and payable. The reassessment proceedings are under and serial bonds shall be issued in the manner and form provided in (here set out the title of this act and its date of approval) to represent each reassessment remaining unpaid after the expiration of thirty days from the date of recording said reassessment. Said bonds shall bear interest at the rate (or rates) of _____ per cent from the date of recording of such reassessment and shall be payable in _____ installments extending over a period of _____ years from the second day of January next succeeding the fifteenth day of the next November following their date.

Clerk of the (designate legislative body)

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of (designate name of city or county)

Publication and posting of notices

SEC. 10. If the legislative body of a city is conducting the proceedings for such refunding, said notice shall be published by at least two insertions in a newspaper of general circulation printed and published in such city, and if there is no newspaper of general circulation published in such city, then in a newspaper published in the county in which said city lies. If the legislative body of a county is conducting such proceedings for refunding, said notice shall be published by at least two insertions in a newspaper of general circulation published in

said county. Copies of such notice shall also be posted upon all open streets within the district of lands proposed to be reassessed. Such notices shall be not more than three hundred feet in distance apart and not less than three of such notices shall be posted. The heading upon such posted notices shall be in letters at least one-half inch in height. The posting and publication of such notices must be completed at least fifteen days prior to the date of hearing stated in such notice. The affidavits of publication and posting shall be filed in the office of the clerk of said legislative body.

Protests and objections.

SEC. 11. Protests or objections to the said reassessment or to any of the reassessments upon the respective lots, pieces or parcels of land reassessed or to any action or determination in the making of said reassessment or in the proceedings for said reassessment and refunding, including objections to the amounts of the reassessments, or to the validity or legality of any of the proceedings for said reassessment and refunding must be made in writing and filed with the clerk of said legislative body at or before the time fixed for the hearing on said reassessment. Such protests or objections may be made by any person interested in the reassessment and refunding proceedings. It is the intent of this section that protests or objections upon any ground whatsoever may be made as provided by this section. Such protests or objections need not be in any particular form, but if protest against or objection to the regularity or legality of the proceedings for the reassessment or refunding is made, such protest must clearly set forth the particular alleged irregularities or invalidities. Any objection or protest upon any ground whatsoever not made at the time and in the manner hereinbefore provided shall be deemed to be waived voluntarily by any person who might have made such a protest or objection, and the proceedings for the said reassessment and refunding may not thereafter be attacked upon any ground not stated in an objection or protest so filed, and any landowner or any person otherwise interested in any lands within the said district or in the reassessment and refunding proceedings shall be estopped to attack the said reassessment and refunding proceedings upon any ground not stated in a protest filed by him in accordance with the provisions of this section. At the time fixed for the hearing any person interested may appear and be heard upon any of the matters set forth in his protest or objection. Protests and objections may be taken up in such order as the legislative body deems advisable and any evidence offered thereon by any property owner or person otherwise interested in the proceedings for said reassessment and refunding shall be heard by said legislative body. Said legislative body may also hear any evidence offered in support of the said reassessment and refunding proceedings. The determination of said legislative body upon any of the matters presented in any of said protests or objections and upon all matters involved in said reassessment and refunding proceedings and upon the reassessment shall be final

Hearing.

and conclusive. Said hearing may be adjourned from time to time by an order entered upon the minutes of the legislative body, provided that the hearing must be finally completed within sixty days from the date thereof stated in the published notice of hearing. At the said hearing said legislative body shall have power to revise, correct or modify the said reassessment in such manner as may be just and in accordance with the facts and so that the assessment may be apportioned according to benefits. Said reassessment may be confirmed as filed or as revised, corrected or modified. Confirmation of said reassessment shall be made by resolution of the legislative body entered upon its minutes and such resolution shall declare the findings of said legislative body. If no changes are made in any of the matters contained in said reassessment, it shall be sufficient in said resolution to declare that said reassessment is confirmed, but if any changes are made such changes shall be mentioned in said resolution of confirmation and said resolution shall declare that the said reassessment as revised, corrected or modified by the said changes is confirmed. Said legislative body shall also have power at said hearing to correct any of its previous actions, determinations, resolutions or orders and any of the proceedings for the reassessment and refunding. Any resolution confirming the said reassessment as filed, or as revised, corrected or modified, shall also determine that the reassessment and refunding proceedings have been regularly and legally taken. The findings and determinations of said legislative body upon all matters herein mentioned and upon all matters in connection with said reassessment and refunding proceedings shall be final and conclusive upon all persons and in all actions or proceedings as to all matters expressly found and determined and as to the regularity and sufficiency of the reassessment and refunding proceedings, and said resolution confirming the said reassessment shall be conclusive evidence that said reassessment and all proceedings prior thereto are valid and sufficient. No defect in the form of such reassessment and no omission, failure or neglect of, or action or determination of any officer, body or person in the reassessment and refunding proceedings and no error in the amounts to be reassessed upon any of the lots, pieces or parcels of land shall invalidate the said reassessment or any of the reassessments therein contained, and each of the reassessments in said reassessment shall become a lien upon the property upon which the same is levied, notwithstanding any error, defect or omission therein or in any of the proceedings therefor and notwithstanding that the proceedings for the making of said reassessment are not in full conformity with the requirements of this statute, and any action or determination necessary or convenient in the making of said reassessment or reassessment proceedings not expressly set forth in this statute is hereby authorized and the same when made shall be valid and sufficient.

Reassessment confirmed, modified, etc

Recording of reassessment

SEC. 12. If the refunding proceedings are conducted by the legislative body of a city, said reassessment as confirmed shall be recorded with the superintendent of streets of said city. If the refunding proceedings are conducted by the legislative body of a county, said reassessment as confirmed shall be recorded with the county surveyor of said county. When so recorded, the several amounts reassessed upon the lots, pieces or parcels of land in said reassessment shall be a lien thereon as of the date of such recordation. Such lien shall continue until said reassessment and all interest and penalties thereon are paid or until it is discharged of record. Such lien shall be subordinate to all special assessment liens imposed upon the same property prior to the date of such recordation, but the lien of said reassessment shall be superior to and have priority over all special assessment liens created against the same property subsequent to the date of such recordation.

Lien.

Foreclosure

Any foreclosure of said reassessment lien or sale of property for said lien shall convey the said property to the purchaser free and clear of all encumbrances, except general taxes and special assessment liens imposed upon the same property which are by the terms of this section expressly made superior to said reassessment lien. From and after the date of the said recording of said reassessment all persons shall be deemed to have notice of the contents thereof. The amounts assessed in said reassessment shall be payable to the said superintendent of streets or county surveyor with whom said reassessment is recorded, and said superintendent of streets or county surveyor is authorized to receive the amount due upon any reassessment and give a good and sufficient discharge therefor, provided a bond has not been issued to represent such reassessment.

Notice of recordation.

The officer with whom said reassessment is recorded shall give notice by publication for ten days in a daily newspaper of general circulation printed and published in the county in which the lands reassessed lie or by three successive insertions in a weekly newspaper of general circulation printed in such county that said reassessment has been recorded in his office and that all sums assessed therein became due and payable upon the recordation of said reassessment, stating the date of such recordation and that the payment of the said sums is to be made to him within thirty days after the date of such recordation. Said notice shall also contain a statement that for any reassessment not paid before the expiration of said thirty days, a bond will issue in the manner and form provided in this act and shall state the period over which said bond or bonds shall extend and the rate of interest which shall be payable thereon. Notice shall also be given by mailing a post card to the owner of each lot, piece or parcel of land reassessed according to the name and address appearing on the last equalized assessment roll for county taxes prior thereto or as known to the superintendent or surveyor; provided that a failure of the superintendent or surveyor to give such notice by mailing or of the person addressed to receive the same shall

not affect the validity of the proceedings or the validity of the lien of any reassessment or of any bond issued thereon. Upon payment of any reassessment, the superintendent of streets or the county surveyor with which the said reassessment is recorded shall mark upon the said reassessment note of the said payment and shall cancel the said reassessment, and upon request, said superintendent of streets or county surveyor shall also give a receipt to the person paying the said reassessment. Any reassessment upon public property shall be paid by the officer or board having charge of the disbursement of the funds of the owner of such property, and said reassessment shall be an enforceable obligation against the owner of or the governing body controlling the said property. If for any reason there are no moneys available for the payment of said reassessment, then the board or officer whose duty it is to levy taxes for the said owner of said public property shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to pay said reassessment and the interest thereon from the date the reassessment is recorded at the rate to be stated in the refunding bonds, and when the moneys received from said tax levy are available, said reassessment and such interest thereon shall be paid by the officer or board having charge of the disbursement of the funds of the owner of such land. Any reassessment upon public property not in use in the performance of a public function may be foreclosed in the manner provided in section 27 of the "Improvement Act of 1911" as amended; provided, however, that the notice to be given upon the tax bill need not be given or made and that such action may be brought at any time after thirty days after the recording of such reassessment, and in any such foreclosure action the said reassessment and diagram with proof of nonpayment shall be prima facie evidence of the right of plaintiff to recover in the action. Said action shall be brought in the name of the city or county the legislative body of which levied said reassessment upon the request of any person entitled to any portion of the moneys to be derived from said reassessment. The person requesting that said foreclosure action be brought must advance the plaintiff's costs and expenses thereof and said action may be brought by any competent attorney appointed by the legislative body which levied said reassessment. In any case in which the reassessment is levied by the legislative body of a county, the same shall be foreclosed as hereinbefore provided, except that the various officers designated in said section 27 shall be the corresponding county officers as designated in the County Improvement Act of 1921 as amended. No refunding bond shall issue against public property, and the list of unpaid reassessments to be filed with the treasurer shall not include any unpaid reassessment upon public property.

Payment and cancellation of assessments.

Manner of foreclosure.

SEC. 13. No action, suit or proceeding to set aside, cancel, avoid, annul or correct any reassessment hereunder or to review any of the proceedings, acts or determinations made

Time to commence actions.

in the proceedings for said reassessment and refunding or to question the validity of or enjoin the collection of said reassessment or any reassessment therein or to enjoin the issuance of any bond or bonds to represent the same shall be maintained by any person unless such action or actions shall have been commenced within sixty days after the date of recording of said reassessment, and thereafter all persons shall be barred from any such action, suit or proceeding or any defense of the invalidity of said reassessment or any of the reassessments therein contained or any bonds issued thereon.

In any action, suit, or proceeding brought after said sixty days has expired, to enforce any reassessment or bond issued to represent said reassessment no person may urge, plead or prove the invalidity of any reassessment or bond issued to represent said reassessment and in any action to foreclose a bond issued hereunder, said bond shall be conclusive evidence of the regularity and validity of the reassessment proceedings and reassessment, and the bond.

Unpaid reassessments.

SEC. 14. After the full expiration of thirty days from the date of recording said reassessment, the superintendent of streets, if the reassessment was recorded with him, shall make and certify to the city treasurer a complete list (except for reassessments upon public property) of all reassessments therein unpaid. If the reassessment was recorded with the county surveyor said county surveyor shall make and certify to the county treasurer a complete list (except for reassessment upon public property) of all reassessments therein unpaid. The principal of each of said unpaid reassessments on said list shall thereafter become due and payable to the treasurer with whom said list is filed in equal annual payments on the fifteenth day of each November succeeding the recordation of the reassessment until fully paid. The number of said annual payments shall correspond to the number of serial payments provided to be made on the principal of the bonds issued to represent said unpaid reassessments. The interest on said unpaid reassessments shall be payable on each fifteenth day of May and November succeeding the recordation of such reassessments, the last interest payment coming due forty-five days before the last annual payment of the principal of the bonds issued to represent said unpaid reassessments. Said bonds and the interest thereon shall be paid at the office of the said treasurer, who shall keep a fund designated by the name of said bonds into which he shall place all sums paid him for the principal of said bonds and the interest thereon, together with all penalties thereon, and from which he shall disburse such sums upon the presentation of the interest and principal coupons, and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said treasurer shall keep a register in his office which shall show the series number, date, amount, rate of interest, payee and indorsees of each bond and the number and amount of each coupon of principal or interest paid by him, and shall cancel

Interest.

Disposition of receipts

and file each coupon so paid. An even annual proportion of the principal sum of each bond shall be payable by coupon on the second day of January every year after the fifteenth day of the next November following their date until the whole of said principal is paid.

Payment on bonds refunded.

SEC. 15. All moneys collected on the reassessments, and all refunding bonds shall be paid and delivered to the holders of the original bonds in such amounts and proportions as may be agreed upon between the legislative body and the bondholders or as may be provided by law; provided, however, that prior to said payment and delivery or concurrently therewith, said bondholders must deliver up the unpaid refunded bonds for cancellation, and same shall forthwith be canceled. In the event that all of the outstanding bonds are not exchanged for such refunding bonds, nevertheless if 75 per cent or more of the outstanding bonds are exchanged for refunding bonds, the legislative body shall have authority to issue such refunding bonds under the provisions of this act and to do and perform all acts necessary or convenient for the retirement or payment of the outstanding bonds not surrendered for exchange and cancellation. When the said payments are made and refunding bonds delivered, all unpaid special assessment taxes levied to pay principal and interest of the bonds refunded and all penalties and interest thereon shall be deemed canceled and annulled, and the clerk of the legislative body which conducted such refunding proceeding, shall notify the proper city officials or the proper county officials or both as the case may be that the bonds of said district have been refunded and that said special assessment taxes, penalties and interest are canceled and annulled, and such officials shall thereupon proceed to make the necessary entries, showing the cancellation thereof. In the event that said special assessment taxes, penalties and interest can not be canceled or annulled legally, then such taxes, penalties, and interest shall remain payable as provided by law and when collected, such portions thereof as may be used for the payment of principal and interest of bonds shall be applied to payment of principal and interest the refunding bond issued upon the particular parcel for which such tax, penalty, and interest is paid and shall to that extent diminish the amount of the reassessment upon said parcel.

Notice of payments due.

SEC. 16. The said treasurer shall, at least fifteen days before each respective fifteenth day of May and November until the said reassessments be paid in full, mail, postage, prepaid, to each owner of property described in said reassessment at his last known address as it appears upon the tax rolls of said city or county, as the case may be, a postal card notifying him of the amount due and the date when payment is due from him on said reassessment, and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons; provided that the failure of the said treasurer to mail said cards or the failure of the property owner to

receive the same shall in nowise affect the validity of any penalty or invalidate any act or proceeding. Should any payment of principal of said unpaid assessments or of interest thereon be not paid on the date upon which the coupon or coupons representing it are payable, the said treasurer shall, after the close of business on said due date, add to the amount of principal or interest so delinquent a penalty of five per cent of the total amount of such delinquency, and at the beginning of business on the first day of each succeeding month, until such delinquent payment and all penalties thereon be fully paid, he shall add an additional penalty of one per cent of the amount of such delinquency, and said treasurer shall collect such penalties with and as a part of such delinquent payments

Refunding bonds.

SEC. 17. The treasurer shall, upon the filing of said list of unpaid assessments, make out, sign and issue a separate bond representing upon each lot, piece or parcel of land upon the list the amount of the reassessment against the same as thereon shown. If said lot, piece or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality or upon any map on file in the office of the county recorder of the county in which said municipality is situated, or for which the legislative body conducting the reassessment proceedings is the board of supervisors, then it shall be in said bond a sufficient description of said lot, piece or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Each of said bonds shall bear interest at the rate or rates stated in the notice of election from the date of the recording of the reassessment until the said bond is fully paid, and coupons for the various payments of interest on each of said bonds to the date of the maturity of such bonds shall be attached to each such bond. Said bonds shall be substantially in the following form:

Form.

_____ district No. _____
of the _____ (city or county) of _____
refunding bond.

Series _____.

No. _____ $_____

Under and by virtue of an act of the Legislature of the State of California entitled (here quote title of this act), I, out of the fund for the above designated _____ district No. _____ of the _____ (city or county) of _____ refunding bond, series _____, will pay to _____, or order, the sum of _____ dollars ($_____), with interest at the rate of _____ per cent per annum, all as is hereinafter specified, and at the office of the treasurer of the _____ of _____, State of California.

This bond is issued to represent a reassessment for the refunding of the indebtedness of the _____ district No. _____

of the _____ (city or county) of _____. Said reassessment Form.
is recorded in the office of the _____ (county surveyor or superintendent of streets). Its amount is the amount assessed in said reassessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, but until paid, with accrued interest, is a lien upon the property affected thereby, as the same is described herein and in said recorded reassessment with its diagram, to wit, the lot or parcel of land in said _____ (city or county) of _____, State of California, described as follows:

This bond is payable exclusively from said fund and neither the _____ (city or county) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the fifteenth day of the next November following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year following the fifteenth day of the next November, after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest thereon at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit, on the second days of January and July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semiannual interest.

It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed and this bond is by law made conclusive evidence thereof.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale or foreclosure, upon payment to the _____ (city or county) treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid, together with interest for six months at the rate named in said bond.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law, or the lien of the reassessment foreclosed. In case of such

default, there shall be immediately added to such defaulted amount five per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of one per cent of such defaulted amount. The _____ (city or county) shall be entitled to one-half the penalty first imposed, namely, two and one-half per cent, and the other two and one-half per cent and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

Dated at said _____ (city or county) of _____ _____ this _____ day of _____, in the year one thousand nine hundred and _____.

_____

Treasurer of the _____ (city or county) of _____, State of California.

Principal and interest payments

Said bonds shall be payable to the party to whom they issue, or order. Said bonds shall be dated as of the date of the recording of said reassessment and shall extend over a period not to exceed twenty-eight years from the second day of January next succeeding the fifteenth day of the next November following their date, and an even annual proportion of the principal sum of each bond shall be payable, by coupon, on the second day of January every year after the fifteenth day of the next November following their date, until the whole is paid, and the interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after their date, at the rate or rates stated in the notice of election. Upon any of such bonds dated after the fourteenth day of May of any year and on or before the fourteenth day of the following November, the first interest coupon shall become due and payable on the second day of the next succeeding January, and upon such bonds dated after the fourteenth day of November of any year and on or before the fourteenth day of the following May, the first interest coupon on said bonds shall become due on the second day of the next succeeding July.

The said refunding bonds or any thereof shall be conclusive evidence of the regularity and validity of all of the proceedings for the issuance of such refunding bonds and the levying of the reassessment therefor and of the legality and validity of the lien of said reassessment.

Record of bonds.

SEC. 18. The treasurer shall, in addition to his other duties, keep a record of all bonds issued by him, of all payments on said bonds with the dates thereof, and of all penalties accruing thereon, and he shall report all payments of coupons or penalties upon said bonds with the dates thereof to the superintendent of streets or the county surveyor, as the case may be, who shall forthwith indorse the same upon the margin of the record of the reassessment to the credit of which the same are paid, and until paid the said reassessment with accrued interest

thereon and penalties, if any, shall be and remain a lien upon the property affected thereby and shall have priority and superiority as hereinbefore defined in this act. Whenever payment either upon the principal or of the interest upon any bond issued hereunder has not been made when the same has become due, the holder of the bond may foreclose the said bond as herein provided, or may demand in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in said bonds as hereinafter provided. The owner of or any person interested in any lot, piece or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale or foreclosure, pay off such bond and discharge the land described in the bond from the lien of the reassessment by paying to the said treasurer for the holder of such bond the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at the rate for that period named in the bond, and all penalties accrued and unpaid, together with interest for six months at the rate for the next six months period named in such bond. Upon such payment being made to the treasurer, he shall report the same to the superintendent of streets or the county surveyor, as the case may be, who shall forthwith mark paid on the margin of the record of the reassessment, the reassessment to represent which such bond was issued, and thereupon the lien of said reassessment shall cease and the treasurer shall forthwith notify the holder of the bond and call in the same. Said treasurer shall enter in his record of such bond the amount paid and the date of payment and upon the lien of the reassessment being extinguished, as aforesaid, shall cancel the said bond and file it in his office.

Foreclosure

Payment.

SEC. 19. It shall be the duty of the city treasurer one month prior to the date it is provided by law or by ordinance or charter of the municipality that taxes are due, or, in case taxes are collected by the county for the city, on or before the fourth Monday in September of each year to certify to the city tax collector, or, in case the city taxes are collected by the county, to the county tax collector, a list of the properties within said city upon which any payment either of principal or interest has not been paid when due upon any bond issued by said city treasurer under this act. The tax collector shall cause to be pasted or attached to or stamped or printed upon the tax bill or tax receipt a notice which shall in substance be as follows:

Delinquencies.

Notice of Delinquency.

There is a street improvement bond chargeable against this property, payment upon which is delinquent, which must be paid to the city treasurer without delay to avoid foreclosure.

Form of notice.

In case the county collects city taxes, the notice herein provided to be attached to or pasted to the tax bill or tax receipt shall, if the county tax collector so requires, be prepared by

the city treasurer and shall be forwarded to the county tax collector on or before the dates herein provided for forwarding said list, and the city treasurer shall, if the county tax collector so requires, stamp or attach said notices to the tax bill or receipt. If the refunding bonds are issued by the county treasurer, the county treasurer shall certify the list herein required to the proper tax collector and the notice shall show that payment is to be made to the county treasurer. In case the assessment district is partly within one or more cities and partly within unincorporated territory of the county or partly within two or more cities, the city or the county treasurer, whichever issued the refunding bonds, shall certify such delinquent list to the county tax collector who shall cause the said notice to be given.

Alternative remedy

SEC. 20. In the event of the nonpayment of any installment of the interest or principal and by way of a separate, distinct and cumulative remedy, the holder of any refunding bond upon which any payment either upon the principal or of the interest has become delinquent may, at any time after three months after the date it is provided by law or ordinance or charter of the city, the treasurer of which issued the bond, that taxes are due, or in case the bond was issued by the county treasurer or taxes are collected by the county for the city, at any time after four months next succeeding the fourth Monday of September, following the date of delinquency of principal or interest and prior to the expiration of four years after the due date of the last installment upon any bond or of the last principal coupon attached thereto, file and maintain a suit to foreclose the lien of the bond and recover the amount due thereon; provided, however, that suit may be brought at any time following the expiration of thirty days after the service of personal demand for payment as herein provided upon the owner of the premises. Such demand shall be served in the manner provided by law for the making of personal service of summons; if suit be brought costs for the service thereof shall be allowed in an amount equivalent to the fees prescribed by law for the service of the summons. Said demand shall be in substantially the following form:

Demand for Payment of Street
Improvement Bond.

Form of demand

You are hereby notified that bond No. _____ series No. _____ for an improvement in the _____ (city or county) of _____ is delinquent. Unless the amount of the unpaid principal on said bond together with interest and penalties is paid to the _____ (city or county) treasurer on or before thirty days after the service on you of this demand, the date of such service being this _____ day of _____, 19___, the undersigned will institute suit to foreclose the lien of said bond in the manner prescribed by law.

The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and appropriate allegations be made therein regarding the payments made upon the principal and interest of such bond. If personal demand for payment be made as herein provided the complaint shall so allege. Such suit shall be brought in the superior court within whose jurisdiction the city is by which the said bond has been issued or the superior court of the county, the treasurer of which issued the bond, and in case the owner of the lot, piece or parcel of land covered by said bond can not with due diligence be found, the service of summons in such action may be had in the manner prescribed in the codes and laws of this State. The said bond, together with proof, either orally by the said treasurer of the said city or county or by a certificate signed by him showing the nonpayment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action; provided, that if personal demand for payment be made proof of service of the demand as herein provided shall be required. The court in said suit shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and to cause said premises to be sold as in other cases of the sale of real estate by the process of said court to satisfy and discharge such bond and lien, and the amount of interest and penalties due shall be calculated in the same manner set forth in this act up to the date of the judgment. On appeal, the appellate courts shall have the same power to adjudge and decree a lien and order such premises to be sold as is conferred on the court from which an appeal is taken. The court having jurisdiction of said cause shall also fix and allow a reasonable attorney's fee for the prosecution of said suit.

Court order

Costs.

The plaintiff in the suit may also recover the cost of any abstract or report of search of title procured in good faith, in order to determine ownership, such search to be by a reputable abstractor or title company, and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action.

Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also, when not in conflict herewith, by the codes of this State.

A written notice of the pendency of any action for recovery on a bond shall be filed with the treasurer. After the filing of such notice the treasurer shall not receive any money on account of said bond and he shall have no authority to cancel the entries on said bond in his register or give a discharge of said bond without the written consent of the owner thereof until judgment has been rendered in such action or the same has been dismissed.

Notice of action.

Should suit be brought for recovery on any bond prior to the time provided herein, the plaintiff shall not recover in such suit and the defendant in such suit shall be entitled to

have and recover such attorney fees as the court may deem reasonable, in addition to all taxable costs.

Demand on treasurer to sell.

SEC. 21. Whenever payment either upon the principal, or of the interest, upon any bond issued under this act has not been or shall not be made when the same has become, or shall become due, and the holder of the bond demands in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in said bond as being that upon which the assessment represented by said bond was levied, then said treasurer shall proceed as provided in the next section.

Duty of treasurer.

SEC. 22. The treasurer shall publish by two insertions in a newspaper of general circulation, published in the city in which said bond was issued, or if no newspaper is published in said city, then in some newspaper having general circulation therein, a notice which shall be substantially (filling in all blanks) as indicated following, to wit: In the matter of _____ district No. _____ of the _____ (city or county) of _____.

Form of notice.

Notice of sale of property delinquent for nonpayment of refunding bond No. _____, series No. _____, issued for an _____ (acquisition or improvement or acquisition and improvement). Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the city treasurer of the city of _____ proceed to advertise and sell the lot or parcel of land mentioned in the said bond. Now, therefore, I give notice that I will on the _____ day of _____, 193___, at the hour of _____ o'clock __m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay the full amount of unpaid principal and interest on said bond, together with costs of publication. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, $_____ dollars; due on account of interest, $_____ dollars (here set forth the interest calculated and compounded semiannually up to the day on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid); due on account of penalties, $_____dollars. Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above named will be required, together with the cost of publications made before such payment and the additional interest accruing up to the date of payment.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar for the issuing of certificate of sale. The ------ (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated ------, 19--.

Treasurer of the city of

---.

The day named in the notice shall not be less than fifteen (15) days from the date of the first publication of the notice.

If the bond was issued by the county treasurer of a county, the county treasurer shall publish the aforesaid notice in some newspaper of general circulation published in the county, and wherever the words "city treasurer" or "treasurer of the city" appear in said notice, such words shall be changed to "county treasurer" and "treasurer of the county," and wherever the word "city" appears in such notice, the word "county" shall be substituted therefor.

Affidavit of publication

SEC. 23. An affidavit of the publisher of the newspaper in which the notice was published, or of someone in behalf of said publisher, setting forth a copy of the publication and stating that the publication was made in the said newspaper on specified dates shall be filed with the city treasurer or the county treasurer, as the case may be, and shall be primary evidence of the due publication of the notice.

Sale

SEC. 24. The treasurer shall collect the sum of one dollar as hereinbefore mentioned for the issuance of the certificate of sale, which sum shall belong to, and be subject to the disposition of the city or county, as the case may be; any person interested in the lot or parcel of land described in the notice of sale may at any time prior to the sale, pay the whole amount of principal of said bond remaining unpaid, the interest thereon compounded semiannually up to the date of such payment, at the rate named in said bond upon such amount of said principal remaining unpaid for the whole period for which interest has not been paid, and all penalties which have accrued, together with the cost of the publication of the notice of sale; in such event the payment being made, the bond shall be canceled; but if such payment be not made, the sale shall be made as advertised; the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of said lot or parcel and pay all of the sums specified in the notice of sale given by the treasurer. In the event that through error or otherwise the total amount for which said sale shall

be made is less than that which may be required by the provisions hereof, and the holder of the bond is the purchaser at the sale and elects to accept the certificate of sale hereinafter mentioned, or if he accepts from the treasurer such sum derived from said sale made to some other purchaser, then the fact that the sale may have been made for less than the amounts specified herein shall not affect or invalidate the sale, and such receipt of said certificate or said sum shall be a waiver on the part of the holder of said bond, and the said deficient amount of sale shall be the amount upon which redemption from the sale shall be calculated to all effects the same as if the sale had been made for the full amount authorized hereby.

Records of property.

SEC. 25. The treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description of the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words: "Canceled by sale of the property," giving the date of such sale.

Redemption.

SEC. 26. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the treasurer of the purchase money, including costs herein provided for, inclusive of moneys paid for taxes, street improvement assessments, or other tax or statutory lien or to redeem from sale as hereinafter specified, and the fee of the recorder for recording the certificate of sale, with interest thereon at the rate of one per cent per month from the date of sale; the treasurer shall issue for each sale an original and a duplicate certificate of sale reciting therein the date, number and series of the bond under which the sale was made, describing the land sold, and giving the date of sale, purchaser's name, amount paid, and the number of the certificate. He shall deliver the original certificate to the purchaser and shall record the duplicate in the office of the recorder of the county in which the land sold is situated. At any time after delivery to him by the treasurer of said certificate of purchase the legal holder thereof may pay any general taxes, street improvement assessments, or any other tax or statutory lien upon the property described in said certificate of purchase which may be prior to his or redeem said property from any sale made in collection or enforcement of such general taxes, foreclosing street improvement assessments or other tax or statutory lien and the treasurer, upon production by the holder of said certificate of purchase or the official receipt for the amounts so paid by him shall make an endorsement upon said certificate of purchase showing that said receipts have been so produced stating the nature of the lien paid, and the amount thereof

and he shall make a like entry upon the book as provided in section 25 of this act, and shall collect the amount thereof as a part of the amount represented by said certificate of purchase together with interest thereon at the same rate as provided in the certificate of purchase.

Time for redemption.

SEC. 27. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided; redemption must be made in lawful money of the United States, and when made to the treasurer he must mark the word "Redeemed," the date and by whom redeemed on the margin of the book where the entry of the certificate is made, and credit the amount paid to the purchaser named in the certificate, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of an assignment thereof, if any.

Final deed to property sold.

SEC. 28. If the property is not redeemed within the time allowed by section 27 hereof for its redemption, the treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city or county treasury, as the case may be, for the use of the city or county after payment has been made therefrom for the acknowledgment of said deed; provided, however, that the purchaser of the property, or his assignees, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required,

which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

Effect of deed.

SEC. 29. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for State, county and municipal taxes, and special assessments having priority thereover under the provisions of this act.

Action to test proceedings

SEC. 30. At any time within sixty days after the recording of the reassessment, any person interested in any of the bonds to be refunded or in any of the lands reassessed may bring an action in the superior court of the county the legislative body of which conducted the reassessment proceedings, or the county in which the city the legislative body of which conducted the reassessment proceedings lies, to determine the validity or invalidity of such reassessment. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for four weeks in some newspaper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Said summons shall contain a general description of the boundaries of the district of the lands upon which said reassessment is levied. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such reassessment or uphold the same. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party shall have the right to appeal to the Supreme Court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. The motion for a new trial of any such proceeding must be heard and determined within ten days from the filing of the notice of intention.

The court hearing the said proceeding, in inquiring into the regularity, legality or correctness of such reassessment, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to the proceeding herein provided for. The costs of the legal proceedings pro-

vided for in this section may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. After said reassessment has been recorded, it shall not be contested in any way other than at the time and in the manner specified in this section, and in any such action all findings, conclusions and determinations of the legislative body which conducted the reassessment proceedings shall be conclusive in the absence of actual fraud.

Effect of illegality.

If any reassessment or any refunding bond is held illegal or invalid in any action, suit or proceeding upon any ground which would apply to the entire reassessment or the entire issue of refunding bonds, then the unpaid bonds refunded, remain in full force and effect, and if said unpaid bonds have been canceled or destroyed, the treasurer of the city or county which conducted the invalid refunding or reassessment proceeding shall issue new bonds of the same tenor, force and effect as such canceled or destroyed unpaid bonds, and all of the provisions of the act under which the original bonds were issued (notwithstanding that said act may have been repealed in whole or part subsequent to the issuance of such bonds) relative to the payment of the bonds issued thereunder and the levy, collection and enforcement of taxes or special assessment taxes therefor shall apply to such unpaid bonds and to any bonds issued to replace such unpaid bonds. Until all unpaid bonds which might be refunded hereunder have been fully paid or have been legally refunded, it shall be and remain the duty of the legislative body empowered and directed to levy the special assessment taxes for the payment of such bonds to proceed under the provisions of the act under which said bonds were issued to levy the said special assessment taxes provided in said act in accordance with the provisions of said act.

Reassessment may cover more than one district.

SEC. 31. One reassessment may be levied under the provisions of this act to refund the indebtedness of two or more districts. Such reassessment shall be levied under the foregoing provisions of this act except as in this section modified. Said districts need not be formed under the same act, but if formed under any act under which assessments are levied wholly or partly in accordance with the assessed value of the lands, may refund their indebtedness in one reassessment proceeding hereunder. The total amount of the reassessment shall be fixed by the legislative body and stated in the notice of election. All resolutions, ordinances or notices provided for in this act shall be changed so as to indicate the districts included in the refunding proceedings. The entire area of all of the districts shall constitute one precinct for the purposes of such election and all qualified electors residing in such area shall be entitled to vote at such election. If a majority of the voters voting at such election vote in favor of said reassessment, the legislative body shall be authorized to proceed with said reassessment as in this act provided. The reassessment shall be spread over all lands subject to assess-

ment for the bonds refunded in the area comprising all of the districts. To the total sum of the reassessment shall be added the total sum of all assessments paid into the interest and sinking fund of any of the districts for the payment of principal and/or interest of any bonds of the same issue as the bonds to be refunded. The total amount thus ascertained shall be assessed against all of the lands in the area comprised by the districts in accordance with the benefits derived from the acquisitions or improvements or acquisitions and improvements to pay for which the said bonds to be refunded were issued. From the assessment thus made upon each lot, piece or parcel of land shall be deducted the amounts of such assessments levied upon such lot, piece or parcel of land to pay principal and/or interest of any bonds of the same issue as the bonds refunded as have been paid into the interest and sinking fund of any of said districts. The amounts remaining after such deductions have been made shall be and constitute the reassessments and the total amount of such reassessments shall be the total sum of the reassessment stated in the notice of election, or a smaller sum.

Effect of act.

SEC. 32. This act shall in no wise affect any other act or acts now existing or which may hereafter be passed covering the same subject matter, or apply to any proceedings thereunder, but is intended to and does provide an alternative system for the refunding of bonds, and, when at the discretion of any legislative body proceedings are commenced under this act the provisions of this act only shall apply thereto.

Any city or county, or city and county is authorized to file a petition and take all proceedings required under any bankruptcy law or laws of the United States of America now or hereafter enacted, for any district, the bonds of which are authorized to be refunded under this act.

Constitutionality.

This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional.

CHAPTER 750.

An act to provide for the refunding of the indebtedness represented by bonds of special assessment districts formed under laws of the State of California where the bonds are payable from assessments levied in whole or in part in accordance with the assessed value of the lands in the district, to provide for the issue and sale or exchange of

refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments and reassessments and to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for contributions of public funds to assist in such refunding.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Refunding bonds authorized

SECTION 1. The legislative body of any city or county or city and county of this State may, under and subject to the provisions of this act and with the consent of the electors of the district hereinafter provided, fund or refund the outstanding bonds issued for any special assessment district the bonds of which are payable by assessments levied wholly or partly in accordance with the assessed value of the lands in the district. Proceedings under this act may be taken only if the outstanding indebtedness is refunded at a discount. The interest rate on the refunding bonds may not exceed the interest rate upon the outstanding bonds to be refunded but must have one or more interest payments less than the interest rate on the outstanding bonds to be refunded. Said legislative body may negotiate with the holders of bonds for the refunding thereof and may assist in such refunding by the appropriation for the payment of outstanding bonds or interest thereon of moneys from the general fund or any available fund of the city or county or city and county. Said legislative body may call an election under the provisions of this act and in the event that the refunding of said indebtedness is authorized by the electors voting at such election, may issue refunding bonds as provided in this act.

Ordinance to refund.

SEC. 2. Said legislative body shall, by resolution or ordinance, determine the total principal amount for which refunding bonds shall be issued in the refunding proceeding, and shall determine the term such refunding bonds or any thereof shall run and the rate or rates of interest to be paid thereon. All bonds issued under the provisions of this act shall mature in not more than thirty years from the date of issue thereof. The earliest maturity of the principal of said bonds may be not more than five years from the date of issue thereof. The rate of interest during the entire term of such bonds need not be the same, but different rates may be stated for one or more interest payments of such bonds. If such different rates of interest are proposed, each rate and the time during which such rate shall be paid shall be stated in said resolution or ordinance. Said ordinance or resolution shall also order the submission of the proposition of refunding the outstanding indebtedness of such district to be submitted to the qualified electors of such district at an election to be held for the pur-

pose of voting on such proposition and shall fix the time of holding such election and provide for notice to be given thereof.

Notice of election

SEC. 3. Notice of such election shall be given by publication once a day for at least seven (7) days in some newspaper published at least six (6) days a week in such city or county or city and county or once a week for two (2) weeks in some newspaper published less than six (6) days a week in such city or county or city and county, and one insertion each week for two (2) succeeding weeks shall be sufficient publication in such newspaper published less than six (6) days a week. Such notice of election shall also be posted in three (3) public places within the district at least two (2) weeks prior to the election. The date of such first publication and the date of posting need not be the same but must be at least fourteen (14) days prior to the date of holding such election. In cities in which no newspaper is published, posting as herein required shall be sufficient notice of such election. No notice of such election other than that herein required need be given and the provisions of this act relating to the notice of election are exclusive and controlling. The notice of election shall state the total amount of the outstanding indebtedness to be refunded and shall state the amount of the principal of the bonds included therein and the amount of due and unpaid interest included therein as of the date the election is to be held, the total principal amount of the proposed refunding bonds, the term of such bonds and any thereof and the rate or rates of interest to be paid thereon. Said notice shall also state the date of such election, the hours between which the polls at such election will be open, the polling place or places within the district at which the election will be held and the names of the election officers appointed to hold and conduct such election. Said legislative body may establish one or more precincts for the purposes of such election. In all particulars not recited in such notice, the election shall be held as provided by law for the holding of elections in the city or county or city and county the legislative body of which ordered the holding of such election. Said notice of election shall also state the proposed amount of public contribution to be made in refunding the outstanding bonds of such district, if any such contribution be provided. The proposition to be voted upon shall be stated in the notice of election and upon the ballot in substantially the following form:

Shall the outstanding indebtedness of _____ district of the _____ (city or county) of _____, in amount of _____ dollars ($_____) consisting of $_____ principal and $_____ due and unpaid interest be refunded by the issuance of refunding bonds of such district in the total principal amount of _____ dollars ($_____) and by the appropriation of _____ dollars ($_____) by the _____ (city or county) of _____; such refunding bonds to bear interest at the rate of _____ per cent per annum?

Said notice shall be signed by the clerk of the legislative body conducting the refunding proceedings. Any qualified elector within the district in which the election is to be held may vote at such election. If a majority of qualified electors voting at such election vote in favor of such proposition, then the legislative body which ordered the holding of such election shall have jurisdiction to proceed with such refunding as in this act provided. No defect or irregularity in the resolution or ordinance calling the election or in the notice of election or ballot and no failure to publish or post such notice of election as provided in this act shall invalidate the election if reasonable notice thereof has been given and if the defect or omission does not actually mislead the voters authorized to vote at such election.

Which legislative body to control proceedings

SEC. 4. The legislative body which shall conduct the refunding proceeding shall be the legislative body which ordered the bonds of the particular district which are to be refunded issued; provided, however, that if the district for which the bonds are to be refunded lies entirely within a municipality, then the refunding proceedings shall be conducted by the legislative body of such municipality, and if the district for which the bonds are to be refunded lies entirely within unincorporated territory of a county, the legislative body of such county shall conduct such refunding proceedings. It is the intent of this section that in all cases of incorporation of municipalities or annexation of territory to municipalities or consolidation of municipalities or exclusion of territory from municipalities or the dissolution of municipalities, the authority, powers, duties and obligations which would under this act have been vested in or imposed upon the legislative body which conducted the proceedings for the issuance of bonds to be refunded, shall be and are vested in and shall be exercised by the legislative body which by reason of such incorporation, annexation, consolidation, exclusion or dissolution has jurisdiction at the time such refunding is begun over the territory of the assessment district. In any case in which the assessment district lies within two or more municipalities or partly within unincorporated territory of a county and partly within one or more municipalities, the legislative body which conducts the refunding proceedings shall obtain the consent of the legislative body or bodies of the other municipality or municipalities or county in which part of the district lies to the refunding of such bonds under this act. Such consent shall be expressed by resolution, a certified copy of which shall be filed with the legislative body which conducts the refunding proceedings prior to the date upon which the election mentioned in section 3 hereof is held.

Bonds.

SEC. 5. All bonds issued under this act shall be issued in such denominations as the legislative body of the city or county, as the case may be, may determine, except that no bonds shall be of less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1000),

and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified in the bonds, which interest shall be payable semiannually. Said bonds shall be signed by the executive of the municipality or county, as the case may be, or by such other officer thereof as the legislative body of the city or county, as the case may be, shall by resolution adopted by a vote of two-thirds of all of its members authorize and designate for that purpose, and shall also be signed by the treasurer of the city or county and shall be countersigned by the clerk of the city or county. The coupons of said bonds shall be numbered consecutively and signed by the treasurer. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds, such signatures or countersignatures shall, nevertheless, be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

Coupons

Form. The legislative body shall determine the form of such refunding bonds and shall fix the date of issue thereof. The date of issue of any refunding bond authorized under this act shall be deemed to be the apparent date of the said bond appearing on the face thereof.

Bonds may be exchanged. The legislative body may exchange such refunding bonds or any thereof for the bonds of the district which are to be refunded upon such terms and conditions and at such time or times as it may deem for the public interest. No refunding bonds shall be delivered to the holders of outstanding bonds, except upon the surrender of such outstanding bonds, for cancellation and upon the surrender of any of such outstanding bonds the same shall forthwith be canceled by the treasurer. In the event that all of the outstanding bonds are not exchanged for such refunding bonds, nevertheless if 75 per cent or more of the outstanding bonds are exchanged for refunding bonds, the legislative body shall have authority to issue such refunding bonds under the provisions of this act and to do and perform all acts necessary or convenient for the retirement or payment of the outstanding bonds not surrendered for exchange and cancellation. Any city or county, or city and county, is authorized to file a petition and take all proceedings required under any bankruptcy laws of the United States of America now or hereafter enacted for any district the bonds of which are authorized to be refunded under this act.

Irregularities in proceedings. Notwithstanding that the proceedings for the issuance of said refunding bonds may not be in full conformity with the requirements of this statute, the said refunding bonds, when issued, shall be valid and sufficient and any action or determination necessary or convenient in the proceedings for the issuance of said refunding bonds not expressly set forth in this statute is hereby authorized and the same, when made, shall be valid and sufficient.

SEC. 6. Refunding bonds issued hereunder shall be paid from funds raised by special assessments levied as herein provided. Special assessments to provide funds for the payment of such refunding bonds shall be levied at the same time and in the same manner and by the same persons as special assessments to provide funds to pay the bonds which are refunded would have been levied; and said special assessments shall be levied, collected and enforced in all respects in accordance with the laws (notwithstanding that the said laws may have been repealed in whole or in part) which provided for the special assessments to pay the principal and interest of the bonds which are refunded, except as herein otherwise expressly provided. The annual levy of assessment to pay the refunding bonds shall be sufficient to pay such principal and interest of said bonds as has become payable and for payment of which no special assessment has been levied, and to pay the principal and interest of bonds which will become payable before the proceeds of another tax levy can be made available for the payment of said principal and interest, and, in addition to such amounts for principal and interest, shall include five per cent of such amounts to provide for anticipated delinquencies. Assessment to pay bonds and interest

Any moneys raised by special assessments levied to provide funds for the payment of the bonds refunded may be used to pay principal or interest of such refunding bonds. After the principal and interest of all of said refunding bonds are fully paid, any moneys raised by special assessments levied for the payment of said refunding bonds shall be refunded to the owners of the lands upon which such special assessments were levied in proportion to the amounts of assessments levied upon such lands in the last levy made for the payment of said refunding bonds.

In case of delinquency in the payment of any assessment levied to provide funds to pay any refunding bonds issued hereunder, the lands assessed shall be sold for such assessment in the manner provided by the statute under which the bonds refunded were issued, except that the assessment sale shall be separate from the sale for general taxes, and the right of redemption from said assessment sale shall exist for a period of two years only. At the expiration of two years from the date of sale, whether such sale was made to a bidder at public sale or to the State by operation of law and declaration of the tax collector or in any other manner, the right of redemption shall cease. Delinquency

In the event the law or ordinance providing for the collection of taxes of a county or municipality provides for a sale to the State or to the municipality by operation of law and declaration of the tax collector and thereafter a sale at which public bidding is permitted, the two-year period above mentioned shall cease at the end of two years from the date of sale to the State or municipality by operation of law and declaration of the tax collector.

Foreclosure

As a further, additional and separate remedy which may be exercised at any time after delinquency and prior to the expiration of four years from the due date of the last maturing bond, in the event any assessment or installment thereof upon any parcel of land becomes delinquent, the legislative body of the city or county which issued the refunding bonds shall order said assessment to be foreclosed by suit brought in the superior court of the county in which the land lies. The court shall have the power to adjudge and decree a lien against the lot or parcel of land covered by the assessment for the amount of the judgment and to order said premises to be sold on execution as in other cases of the sale of real estate by the process of said court. Redemption from said sale may be made at any time within two years from the date of sale in the same manner as redemption from any sale of real estate by process of court. The cost shall be fixed and allowed by the court and shall include a reasonable attorney's fee, interest, penalties and other charges provided by law, and, when so fixed and allowed by the court, shall be included in the judgment. The foreclosure suit shall be governed and regulated by the provisions hereof and also, where not in conflict herewith, by the codes of this State. On appeal the Appellate Court shall have the same power to adjudge and decree a lien and order such premises to be sold on execution as is herein provided for the superior court.

Redemption

Complaint

Such foreclosure action shall be brought in the name of the city or county. The complaint may be brief and include substantially only the following allegations with reference to the assessment sought to be collected: That on a date stated the refunding bonds were ordered to be issued; that certain property, describing it, was assessed a stated amount in a certain year for the payment of the principal and interest of said bonds; that on a date stated the installment of assessment due was not paid and has not been paid, and that the city council or board of supervisors, as the case may be, has directed the action to foreclose. A certified copy of the entry in the assessment book showing the property assessed and the amount of the assessment shall be prima facie evidence of the validity of said assessment and of plaintiff's right to recover in the action.

Action to test validity of bonds

SEC. 7. At any time within sixty days after the date of issue of the refunding bonds any person interested in any of the bonds to be refunded, or in any of the lands reassessed, may bring an action in the superior court of the county in which the assessment district lies to determine the validity or invalidity of such refunding bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for four weeks in some newspaper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceeding. Said summons shall

contain a general description of the boundaries of the district for which the refunded bonds are issued. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and bring proper proceedings contesting the validity of such refunding bonds. Such action shall be speedily tried and judgment rendered declaring the bonds so contested either valid or invalid. Either party shall have the right to appeal to the Supreme Court at any time within thirty days after the rendition of such judgment. Such appeal must be heard and determined within three months from the time of taking same. The motion for a new trial of any such proceeding must be heard and determined within ten days from the filing of the notice of intention.

The court hearing the said proceeding in inquiring into the regularity and legality of said refunding bonds must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to the proceeding herein provided. The costs of the legal proceeding provided in this section may be allowed and apportioned between the parties or taxed to the losing parties in the discretion of the court. After said refunding bonds have been ordered issued the validity thereof shall not be contested in any way other than at the time and in the manner specified in this section, and in any such action all findings, conclusions and determinations of the legislative body which directed the issuance of the refunding bonds shall be conclusive in the absence of actual fraud. In case no action is brought hereunder within the sixty-day period, thereafter all persons whatsoever shall be barred in any action, suit or proceeding from pleading, asserting or claiming that the said refunding bonds or any thereof are invalid or that any of the proceedings for the issuance of said bonds are invalid or defective in any respect.

Costs.

Sec. 8. If any refunding bond issued hereunder is held illegal or invalid in any action, suit or proceeding upon any ground which would apply to the entire issue of refunding bonds, then the unpaid bonds refunded remain in full force and effect, and if said unpaid bonds have been canceled or destroyed, the treasurer of the city or county which conducted the invalid refunding or reassessment proceeding shall issue new bonds of the same tenor, force and effect as such canceled or destroyed unpaid bonds. And all of the provisions of the act under which the original bonds were issued (notwithstanding that said act may have been repealed subsequent to the issuance of such bonds) relative to the payment of the bonds issued thereunder and the levy, collection and enforcement of taxes or special assessment taxes therefor shall apply

Effect of illegality

to such unpaid bonds and to any bonds issued to replace such unpaid bonds. Until all unpaid bonds which might be refunded hereunder have been fully paid or have been legally refunded, it shall be and remain the duty of the legislative body empowered and directed to levy the special assessment taxes for the payment of such bonds to proceed under the provisions of the act under which said bonds were issued to levy the said special assessment taxes provided in said act in accordance with the provisions of said act.

Effect of act.

SEC. 9. This act shall in nowise affect any other act or acts now existing or which may hereafter be passed covering the same subject matter, nor apply to any proceedings thereunder, but is intended to and does provide an alternative system for the refunding of bonds, and, when in the discretion of any legislative body proceedings are commenced under this act, the provisions of this act only shall apply thereto. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional.

Constitutionality

CHAPTER 751.

An act to provide for the acquisition and cancellation of bonds heretofore issued under the provisions of that certain act of the Legislature of the State of California designated and known as the "Acquisition and Improvement Act of 1925," whether such bonds were issued under the provisions of said last named act as originally adopted or as same was amended; providing for the issuance and payment of assessment readjustment bonds to represent certain assessments for the cost of acquisition of such issued bonds, including all costs and incidental expenses of proceedings under this act for the issuance of such assessment readjustment bonds; providing a method for the payment of such assessment readjustment bonds; and providing a method for the redemption of lost or otherwise unobtainable bonds of the issue or issues to be acquired and canceled.

Stats. 1925, p. 849.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Cancellation of bonds authorized

SECTION 1. Whenever in the opinion of the legislative body which conducted any proceeding or proceedings under that certain act of the Legislature of the State of California

designated and known as the "Acquisition and Improvement Act of 1925," and pursuant to which proceeding or proceedings any bonds provided for in said act have been issued, the public interest, convenience or necessity require the acquisition and cancellation of any such bonds so issued, such legislative body is hereby authorized and empowered to order, under the provisions of this act, the acquisition and cancellation of any such bonds so issued; provided, however, that no proceeding may be taken under this act unless the total amount of the assessment readjustment bonds to be issued, as provided for in this act is less than the total principal amount of the bonds proposed to be acquired.

Said legislative body may appropriate funds from the general fund, or from any funds available to such legislative body for any or all of the purposes set forth in section 11 of this act.

Resolution of intention

SEC. 2. Before ordering the acquisition and cancellation of any such bonds, as hereinabove contemplated in section 1 of this act, such legislative body shall adopt a resolution declaring the intention of such legislative body so to do, which said resolution of intention shall contain a description of the boundaries of an assessment district to be created hereunder and which is to be assessed to pay the cost of acquisition of such issued bonds including all costs and incidental expenses of the proceedings under this act for the issuance of assessment readjustment bonds as herein contemplated. In the event any such resolution of intention declares or contemplates that the issued bonds of only one acquisition and improvement district are sought to be acquired and canceled hereunder, then the exterior boundaries of such district to be created hereunder shall be coterminous with the exterior boundaries of the assessment district against which such bonds were issued as fixed in the proceedings under said "Acquisition and Improvement Act of 1925" pursuant to which the same were issued. Issued bonds of more than one acquisition and improvement district may be acquired and canceled in a single proceeding under the provisions of this act, provided such acquisition and improvement districts are contiguous to or in any manner overlap each other. In the event any such resolution of intention declares or contemplates that issued bonds of more than one such acquisition and improvement district are sought to be acquired and canceled hereunder, then the exterior boundary line of the district to be created hereunder in such proceeding shall be coterminous with the exterior boundary line of the consolidated or composite district formed by the exterior boundary line of such contiguous districts or, in the case of overlapping districts, by superimposing such respective districts upon the other or others.

Boundaries of district.

Such resolution of intention shall also contain a reference to the proceeding or proceedings under which such bonds were issued with sufficient clarity to identify the same and shall indi-

Original proceeding.

cate for each district the amount of such bonds outstanding against the same upon the date of the adoption of such resolution of intention. Said resolution shall further state that it is proposed to issue bonds of the district to be created hereunder as contemplated in this act and shall specify the amount thereof and the term for which such bonds are to be issued and the rate of interest to be paid thereon which shall not exceed six per cent per annum. Said legislative body may also in said resolution of intention recite, in its discretion, the facts or circumstances upon which such body forms its opinion that the public interest, convenience or necessity require the acquisition and cancellation of such bonds and the creation of the district to be formed under this act for the purposes indicated. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed acquisition and cancellation of such issued bonds or to the creation of such district, or to the issuance of bonds against the same, hereunder, may appear before such legislative body and show cause why said proposed district should not be created, or such assessment readjustment bonds issued for the purpose of the acquisition and cancellation of such existing bonds and the payment of the costs and incidental expenses of the proceedings under such resolution of intention; said time shall be not less than fifteen nor more than sixty days from the date of the adoption of said resolution.

Objections and hearing

Description of district.

SEC. 3. Any assessment district proposed to be created under the provisions of this act may be described in the resolution of intention by stating the exterior boundaries thereof, or by giving a description thereof according to any official or recorded map or maps, or by referring to a plat or map, approved by such legislative body, which shall be on file in the office of the city, county, or city and county, officer whose office has been designated by the legislative body of the city, county, or city and county, conducting the proceedings hereunder, as the office in which same is to be so filed, at the time of passing the resolution of intention, which shall indicate by a boundary line the extent of the territory included in the proposed district, which said plat or map shall govern for all details as to the extent of said assessment district. The said district need not be described in any of the notices or resolutions provided for herein other than the resolution of intention.

Notice, publication, etc.

SEC. 4. Resolutions of intention adopted under the provisions of this act shall be published and notice of the passage and adoption thereof shall be given and posted in the same time, form and manner as is provided in that certain act of the Legislature of the State of California designated and referred to as the "Improvement Act of 1911," as amended, for resolutions of intention adopted under the provisions of said last mentioned act; provided, however, that the notices required to be posted under the provisions of said last mentioned act shall be headed "Notice of proposed acquisition and cancellation of certain outstanding bonds and of the creation of an assessment

district in connection therewith to pay the costs and expenses thereof and of the proceedings incident thereto." Said notices shall, in legible characters, state the fact of the passage of the resolution of intention, its date and briefly the purpose of the proceeding as indicated in such resolution of intention. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed acquisition and cancellation of such issued bonds, or to the creation of such district, or to the issuance of bonds against the same, hereunder, may appear before such legislative body and show cause why said proposed district should not be created, or such assessment readjustment bonds issued for the purpose of acquisition and cancellation of such existing bonds and the payment of the costs and incidental expenses of the proceedings under such resolution of intention.

Protests.

SEC. 5. Written protests against the proposed acquisition and cancellation of such issued bonds, or against the creation of such proposed district, or against the issuance of bonds of such district, hereunder, for the purpose proposed, may be made and filed in the same manner and subject to the same terms and conditions as is provided for in the case of protests under said "Improvement Act of 1911" above referred to; provided, however, that any such protest or protests made by the owners of more than one-half of the area of the property to be assessed for the purposes recited in the resolution of intention, may not be overruled by any action of such legislative body, but such a protest or protests shall operate to bar any further proceedings under the provisions of this act for a period of three months from the date of the decision of such legislative body on said hearing. The legislative body may adjourn such hearings from time to time. If no protests or objections, in writing, have been delivered to the clerk of such legislative body up to the hour set for hearing, provided in section 5 hereof, or when a protest, other than a protest which is a bar hereunder, shall have been heard and denied, immediately thereupon the legislative body shall be deemed to have acquired, subject to the further provisions of this act, jurisdiction to order the issuance of bonds of such district up to the amount specified in the resolution of intention for the purpose of the acquisition and cancellation of such issued bonds and the payment of the costs and expenses incidental to the proceedings hereunder.

Notice to bond holders

SEC. 6. After such legislative body shall have acquired jurisdiction to proceed further under the provisions of this act, as hereinabove provided, said legislative body shall cause a notice to be published in the same newspaper in which the resolution of intention was published, if same still exists, otherwise in such newspaper as such legislative body may designate and which is located in the county, or city and county, in which such legislative body has jurisdiction, which said notice shall be headed (with the blanks appropriately filled in) substantially as follows: "Notice to holders of bonds

of acquisition and improvement district ------ No. ------ ------ and ------ of the ------ (political subdivision) California." Said notice shall briefly set forth the fact of the adoption of the resolution of intention hereunder, its date, and the purpose of the proceeding indicated in such resolution of intention and shall refer to said resolution for further particulars. Said notice shall further briefly state the amount and character of bonds which it is proposed to issue hereunder against the district described in such resolution and the rate of interest to be paid thereon. In said notice, such legislative body shall invite the holders of the issued bonds proposed to be acquired and canceled in such proceeding, to submit to such legislative body, in the event such bondholders desire so to do, a proposal or proposals setting forth the terms and conditions upon which such bondholders will deliver their respective bonds proposed to be acquired and canceled hereunder for cancellation in consideration of the delivery to such bondholders of assessment readjustment bonds to be issued against the district described in said resolution of intention, or in consideration of the payment to such bondholders of a sum or sums, in cash, to be specified in such proposal or proposals, or in consideration of the delivery and payment to such bondholders of any combination of such assessment readjustment bonds and cash as may be stated in such proposal or proposals. If, pursuant to such notice, there shall be filed with such legislative body, in writing, a proposal or proposals which provide for the surrender and cancellation, or redemption as herein provided, of all of the issued bonds referred to in the resolution of intention, such legislative body shall have authority to order such person as said legislative body may designate to make a diagram of the property within said assessment district created hereunder, affected or benefited by the proposed acquisition and cancellation of such issued bonds and to be assessed to pay the cost thereof and the expenses incidental thereto. Such diagram shall show each separate lot, piece or parcel of land, and the dimensions of each such lot, piece or parcel of land, within the limits of such assessment district. Such person, so designated by such legislative body to make such diagram, shall, upon the completion thereof, proceed to estimate upon the lands, lots or portions of lots within said assessment district as shown by said diagram, the benefits arising from the acquisition and cancellation of such issued bonds, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the cost of the acquisition and cancellation of such issued bonds and the costs and expenses incidental to the proceedings hereunder, and in so doing shall assess said total sum upon the several pieces, parcels, lots or portions of lots, and subdivisions of lands in said assessment district, benefited thereby, to wit: upon each, respectively, in proportion to the estimated benefits to be received

Terms and proceedings on cancellation reassessment, etc.

by each of said several lots, portions of lots, or subdivisions of land. The terms, lot, lots, lands, piece or parcel of land, wherever mentioned in this act, shall be deemed to have the same meaning as such terms have assigned in said "Improvement Act of 1911" above referred to. In estimating the benefits to be received by each such lot, portion of such lot, piece or subdivision of land, among other things, there shall be taken into consideration the following: the amount of issued bonds proposed to be acquired and canceled, the number of issues of such bonds if more than one, the amount or amounts which have been paid for any lot, piece or parcel of land upon assessments theretofore levied to pay the principal and interest of such issued bonds, and the delinquency in the payment of any such assessments so levied which may exist against any such lot, piece or subdivision of land. When such diagram and such assessment shall have been made, the same shall then be filed with the clerk of such legislative body. Such clerk shall then give notice of the filing of the same and of a time to be therein fixed by said clerk when all persons interested in the acquisition and cancellation of such issued bonds, or in the diagram or assessment, will be heard by such legislative body. Such notice shall also recite the fact of the filing of such proposal or proposals by such bondholders and shall briefly indicate the terms, conditions and basis thereof and shall refer to such resolution of intention and to such proposal or proposals of such bondholders and to such diagram and assessment so on file for further particulars with reference thereto. Such notice shall be posted for not less than five days on or near the door of the chamber in which such legislative body conducts its regular public meetings and in addition, shall be published twice in the newspaper in which the resolution of intention was published, if same still exists, otherwise in such newspaper as such legislative body may designate and which is located in the territory in which such legislative body has jurisdiction. Such notice shall also be given by mailing a copy of the same at least fifteen days prior to the time fixed for such hearing, to the owner of each lot, parcel or subdivision of land listed according to the name and address appearing on the last equalized assessment roll for city, county, or city and county taxes prior thereto, or as known to such clerk Such notice so to be mailed shall also designate the property within the assessment district belonging to said owner by street number or some other description sufficient to enable the property owner to identify the property and a statement of the amount proposed to be assessed against such property. Such clerk shall upon the completion of such mailing, file with such legislative body an affidavit setting forth the time and manner of the compliance with the above requirement for such mailing. The failure of such clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the legislative body to proceed with the hearing

Stats 1911, p 730

Objection to reassessment

noticed. The owners and all other persons interested in the proposed acquisition and cancellation of such issued bonds, or in the diagram or assessment, feeling aggrieved by any act or determination of the person who prepared such diagram and assessment in relation thereto, or having or making any objection to the correctness of the assessment or diagram, or other act, determination or proceedings of the person who

Appeal and hearing.

prepared the same, shall, prior to the day fixed for the hearing upon such assessment, appeal to such legislative body by briefly stating, in writing the grounds of such appeal. Upon such appeal, such legislative body may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the person who made such diagram and assessment relative to said diagram or assessment; may confirm, amend, alter, modify or correct the assessment or diagram in such manner as to such legislative body shall seem just; and may instruct and direct the person who made such assessment and diagram to correct such assessment or diagram in any particular. All the decisions and determinations of such legislative body, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities which such legislative body might have avoided, or have remedied during the progress of the proceedings or which it can at that time remedy. No assessment or diagram, and no proceedings prior to the assessment, shall be held invalid by any court for any error, informality or other defect in the same, where the resolution of intention of the legislative body adopted thereunder has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the legislative body upon appeal have been complied with, and such legislative body is satisfied with the correctness of the assessment, thereupon such legislative body shall forthwith confirm the proceedings and the assessment and the clerk of such legislative body shall attach thereto a certified copy of the order of such legislative body confirming the same and shall state in such certificate the date upon which such order

Loss of jurisdiction by fifty per cent protests

was so adopted. Provided, however, and notwithstanding anything contained in this act to the contrary, in the event any such appeal is or such appeals are made by the owners of more than one-half of the area of the property to be assessed for the purposes recited in the resolution of intention and such appeal or appeals further contain an express protest against the issuance of such assessment readjustment bonds and the taking of any further proceedings under the resolution of intention in said matter, then, but only in such event, shall such legislative body be deprived of jurisdiction to proceed further hereunder in such proceedings and no new resolution of intention with reference to the same matter, under the provisions of this act, may be adopted by such legislative body for a period of three months from the date of the

determination of such legislative body that such a majority appeal or protest, or appeals or protests have been filed.

Jurisdiction to issue bonds

SEC. 7. In the event no such majority protest or appeal constituting a bar to further proceedings under the provisions of this act has been filed and such legislative body shall have confirmed the assessment as originally filed, or as modified or corrected as herein provided, such legislative body shall be deemed to have acquired jurisdiction to proceed further in such proceedings under the provisions of this act and to issue assessment readjustment bonds in the manner and form hereinafter provided, to represent assessments for the cost of the acquisition and cancellation of such issued bonds and of the costs and expenses incidental to the proceedings. Such assessment readjustment bonds so to be issued, shall be serial bonds; shall be substantially in the form as the street improvement bonds provided for in said "Improvement Act of 1911" hereinabove referred to, with such appropriate changes in the wording of such bonds as may be necessary in order to make the same conform to the provisions and purposes of this act and of the proceedings taken hereunder and shall be payable to the person to whom they issue, or order; shall be for the term and bear interest at the rate specified in the resolution of intention and shall have annual coupons attached thereto payable in annual order on the second day of January of every year after the fifteenth day of the next November following the date of such bonds, until all are paid and each coupon shall be for an even annual proportion of the principal of the bond to which same is attached. They shall also have semi-annual interest coupons thereto attached as contemplated in the case of bonds issued under the provisions of said "Improvement Act of 1911" and payable in the same manner as contemplated in said last mentioned act. Said bonds shall be enforced; paid; may be redeemed or canceled; shall be subject to the same penalties; and shall in all other particulars and respects, so far as possible, be issued and conform to the requirements as is provided in the case of bonds issued under the provisions of said "Improvement Act of 1911," as amended. The determination of said legislative body as to the form and content of said bonds shall be final and conclusive.

Form of bonds

Cancellation or exchange of bonds

SEC. 8. Such legislative body, having acquired jurisdiction as hereinabove set forth, shall thereupon notify the holders of the issued bonds to be acquired and canceled under such proceedings, whose proposal or proposals are on file, of the fact of the final confirmation of such assessment and that such legislative body is prepared to proceed further with the acquisition and cancellation of such issued bonds and with the issuance and exchange or sale, as the case may be, of such assessment readjustment bonds and the payment of any cash consideration or amounts to be paid under the terms, provisions and conditions of such proposal or proposals. Such legislative body shall thereupon proceed to consummate, and

it is hereby empowered and authorized to consummate, the transaction of exchange, payment, or exchange and payment, as the case may be, as contemplated in such proposal or proposals of such bondholders; provided that such legislative body is able to acquire for cancellation, or provide for the full redemption of, according to their terms, all of such issued bonds proposed to be acquired and canceled under the resolution of intention. In the event it is impossible to acquire for cancellation all of such issued bonds, by reason of the loss of any of the same, or for any other reason whatsoever, such legislative body shall, upon receipt of information to that effect, notify the holder or holders of issued bonds whose proposal or proposals were filed, of such fact, whereupon it shall be permissible for such bondholders, at their option, or for any other person or persons desiring so to do, to deposit with such legislative body, cash, lawful money of the United States of America, sufficient in amount to provide for the payment and redemption, in full, of such lost or otherwise unobtainable bonds, both principal and interest, as same mature, according to their respective terms and tenor. In the event such deposit be so made and the transaction of exchange, payment, or exchange and payment be consummated as contemplated in such proceedings, such legislative body shall, and it is hereby authorized and empowered so to do, cause such deposit to be transmitted to and deposited with the treasurer of the political subdivision represented by such legislative body, which said treasurer shall, and he is hereby empowered, authorized and required so to do, make all payments of principal and interest thereafter maturing on any such issued bonds for the payment and redemption of which such deposit was made, such payments to be made as such bonds mature and installments of interest thereon become payable according to the terms and tenor thereof.

Acquired bonds to be canceled

SEC. 9. Such legislative body, upon the acquisition of such issued bonds for cancellation, and receipt of the deposit hereinabove provided for in the case of lost or otherwise unobtainable bonds, shall, and it is hereby authorized and empowered so to do, make an order for the cancellation of, and shall cause to be canceled, all such issued bonds so acquired and at the same time shall make a further order for the cancellation of all unpaid special assessment taxes levied to pay principal and interest of the issued bonds referred to in the resolution of intention and all penalties and interest thereon.

Unpaid assessments, etc., canceled

Upon the making of such order, all such issued bonds, referred to in the resolution of intention, (excepting only such thereof for the payment of which a deposit shall have been made as herein provided) and all unpaid special assessment taxes levied to pay principal and interest on such issued bonds and all penalties and interest thereon shall be deemed to be, and shall be, canceled and annulled and the clerk of such legislative body shall notify the proper officials of the city, or of the county, or of the city and county, or any or all of such proper officials,

as the case may be, that such issued bonds and all unpaid special assessment taxes levied to pay principal and interest of the same and all penalties and interest thereon have been canceled and annulled and such proper officials shall thereupon proceed to make the necessary entries showing the cancellation thereof. Said diagram and assessment shall thereupon be recorded in the office of such official of the political subdivision over which such legislative body has jurisdiction as such legislative body may, by resolution, so designate, which said official so designated shall endorse thereon the date of such recording. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, and such lien shall so continue until it be discharged of record. Such lien shall be subordinate to all special assessment liens previously imposed upon the same property, but it shall have priority over all special assessment liens which may thereafter be created against the said property; and from and after the date of said recording of any assessment and diagram, all persons shall be deemed to have notice of the contents thereof. It shall be the duty of the officer in whose office such assessment and diagram is recorded, to perform the same duties and acts with reference to such assessment and diagram and the respective assessments set forth therein, as are required of the superintendent of streets with reference to assessments and diagrams and the respective assessments set forth therein in similar cases under the provisions of said "Improvement Act of 1911," and the tax collector and the treasurer of the city, county, or city and county, as the case may be, of the political subdivision over which such legislative body has jurisdiction, shall perform respectively the same respective acts and functions with reference to diagrams and assessments made under the provisions of this act and with reference to assessment readjustment bonds issued hereunder as are required of tax collectors and treasurers, respectively, under the provisions of said "Improvement Act of 1911" with reference to assessments and diagrams made and bonds issued under the provisions of said last mentioned act.

Reassessment recorded

Duty of certain officers

Stats 1911, p 730

SEC. 10. The officer in whose office the assessment and diagram hereunder has been recorded, is authorized at any time to receive the amount due upon any assessment recorded in his office and to give a good and sufficient discharge therefor; provided, an assessment readjustment bond has not issued to represent said assessment; and provided further that in order to allow a period within which any such assessment may be paid by any person or persons desiring so to do, no assessment readjustment bond shall be issued until at least thirty days have elapsed after the date upon which the assessment and diagram hereunder was recorded in the office of such officer.

Assessment readjustment bonds

Time for issuance

SEC. 11. At any time prior to the final confirmation of the assessment hereunder by such legislative body, such legislative body may receive and accept from any source whatsoever and

Contributions

from any person or persons, contributions of any sum or sums or amount or amounts of money in cash, to be applied on the total amount of the cost of the acquisition and cancellation of such issued bonds and the costs and expenses incidental to the proceedings hereunder, thereby reducing to that extent the total sum to be assessed upon the several pieces, parcels, lots, or portions of lots and subdivisions of land in the assessment district; provided, however, that in the event, for any reason, assessment readjustment bonds are not thereafter issued under the proceedings in connection with which any such contribution is, or such contributions are, made, such legislative body shall have the right, and it is hereby authorized and empowered, to refund any such contribution or contributions to the person or persons who made the same. Such legislative body shall further have the right, and it is hereby authorized and empowered, to likewise receive contributions of any sum or sums or amount or amounts of money in cash, to be applied on and used and expended in connection with the costs and expenses of any proceedings and of the preparation of any assessment and diagram hereunder. Such last mentioned contributions shall be used for the payment of such costs and expenses exclusively and the balance, if any, of any such contribution or contributions remaining, after the payment of such costs and expenses, may be refunded pro rata by such legislative body to the person or persons who contributed the same. Nothing herein contained, however, shall be construed as preventing such legislative body from paying the costs and expenses of any proceedings hereunder, in whole or in part, from any fund, funds or money over which such legislative body has jurisdiction and control and which are legally applicable to the payment of costs and expenses of proceedings under the General Laws of the State of California.

Publication, generally.

SEC. 12. Whenever, under the provisions of this act, any resolution, notice or other document is required to be published (and no specific designation is made herein to the contrary) same shall be published in a newspaper printed, published and circulated within the boundaries of the assessment district proposed to be created hereunder; provided, however, that if there be no such newspaper, or in the event any newspaper designated herein for the purpose of such publication has suspended publication, then and in any such event, such publication may be made in any newspaper printed, published and circulated within the jurisdiction of such legislative body and which, in the opinion of such legislative body, will best give notice of the contents of such resolution, notice or other document, so to be published.

Definitions

SEC. 13. Whenever the words "Acquisition and Improvement District" are used in this act, the same shall be construed to relate and refer to an assessment district created under the provisions of said above mentioned "Acquisition and Improvement Act of 1925." In the event the legislative body conducting the proceedings under this act is the legislative

Stats 1925, p. 849

body of a city or town, then and in that event the various words, expressions, clauses and phrases defined in said "Improvement Act of 1911," above referred to, shall be construed to have the same meaning wherever the same appear in this act, as is ascribed to, or as is indicated for, the same in said "Improvement Act of 1911" so far as same may be properly applicable; and, in the event the legislative body conducting the proceedings under this act is the legislative body of a county, or city and county, then and in that event the various words, expressions, clauses and phrases defined in that certain act of the Legislature of the State of California designated and referred to as the "County Improvement Act of 1921" shall be construed to have the same meaning wherever the same appear in this act, as is ascribed to, or as is indicated for, the same in said "County Improvement Act of 1921" so far as same may be properly applicable.

Stats 1911, p 730

Stats 1921, p 1658.

SEC. 14. The provisions of that certain act of the Legislature designated and known, and which is cited and referred to as the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931," shall not be applicable to proceedings under this act.

Stats 1931, p 1373, not applicable

SEC. 15. In the event the legislative body conducting the proceedings hereunder was required under the provisions of said "Acquisition and Improvement Act of 1925" to procure the consent of any other legislative body or bodies in order to conduct the proceedings under which such bonds to be acquired and canceled hereunder were issued, then and in that event the consent of such other legislative body or bodies shall be secured to the taking of proceedings hereunder by the legislative body conducting the proceedings under this act. In the event any changes in jurisdiction of any legislative body or bodies over any territory included in any district to be created hereunder has taken place since the issuance of such issued bonds, then any legislative body having jurisdiction over any part of the territory included within the boundaries of any district proposed to be created hereunder shall have jurisdiction, notwithstanding any other provision or provisions of this act to initiate and conduct proceedings under this act upon obtaining the consent of the other legislative body or bodies having jurisdiction over any other portion or portions of such territory, so to do.

Consent of other legislative bodies

SEC. 16. Any legislative body having jurisdiction to conduct a proceeding under this act is authorized to file a petition and take all proceedings required under any bankruptcy law or laws of the United States of America now or hereafter enacted, for a district or districts formed under that certain act of the Legislature of the State of California and known as the "Acquisition and Improvement Act of 1925."

Bankruptcy

SEC. 17. This act shall be liberally construed to the end that its purposes may be effective. No error, irregularity, informality, and no neglect or omission of any officer of a city, county, or city and county, in any procedure taken hereunder,

Effect of act

which does not directly affect the jurisdiction of the legislative body to order the issuance of "assessment readjustment bonds" hereunder, shall void or invalidate such proceeding or any assessment for the cost of acquisition and cancellation of such issued bonds and of the costs and expenses incidental to proceedings under this act. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the legislative body as herein provided.

Constitutionality

SEC. 18. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared to be unconstitutional.

Short title

SEC. 19. This act may be designated and referred to as the "Assessment Readjustment Act of 1933."

CHAPTER 752.

An act to amend section 2145 of the Political Code, relating to State institutions for persons mentally defective.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1927, p 656

SECTION 1. Section 2145 of the Political Code is hereby amended to read as follows:

2145. There are hereby established the following State institutions for persons mentally defective, which are declared to be corporations:

State hospitals

(a) State hospitals:

1. Stockton State Hospital at the city of Stockton, formerly known as the Stockton State Insane Asylum at Stockton;

2. Napa State Hospital near the city of Napa, formerly known as the Napa State Asylum for the Insane at Napa;

3. Agnews State Hospital near the city of San Jose, formerly known as the State Insane Asylum at Agnew;

4. Mendocino State Hospital near the city of Ukiah, formerly known as the Mendocino State Insane Asylum at Ukiah;

5. Patton State Hospital near the city of San Bernardino, formerly known as the Southern California State Hospital;

6. Norwalk State Hospital near the city of Norwalk, Los Angeles County;

7. Camarillo State Hospital near the city of Camarillo, Ventura County.

Said State hospitals shall be for the care and treatment of the insane committed thereto as prescribed by law.

(b) Home for feeble-minded children: Home for feeble-minded children

1. Sonoma State Home at the city of Eldridge, Sonoma County.

The object of said home is such care, training and education of feeble-minded children committed thereto as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the home must furnish them with such agricultural and mechanical education as they may be capable of receiving and all that the facilities offered by the State will allow, including farm work, shops, and the employment of trade teachers.

CHAPTER 753.

An act to amend the act entitled "An act to be known as 'Palo Verde Irrigation District Act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde Irrigation District,' for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation and of the stockholders thereof; the levees, properties and functions of the Palo Verde Joint Levee District of Riverside and Imperial counties, California; the properties and functions of the Palo Verde Drainage District; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable lowlands of Palo Verde Valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado River, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the Stats 1923, p 1067, amended.

construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, as amended, by amending sections numbered 8a, 23, 28n and 28o thereof, and by adding a new section to be numbered 28½h, providing for the use of certain bonds and coupons in payment of district taxes or assessments; and declaring the urgency thereof.

[Approved by the Governor June 5, 1963. In effect immediately.]

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

Stats 1931, p 29

SECTION 1. Section 8a of an act entitled "An act to be known as 'Palo Verde Irrigation District Act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde Irrigation District,' for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde Joint Levee District of Riverside and Imperial counties, California; the properties and functions of the Palo Verde Drainage District; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable low lands of Palo Verde Valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado River, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, as amended, is hereby amended to read as follows:

Sec. 8a. The board of trustees shall elect an assessor and a collector, who shall hold office at the pleasure of the board and receive such compensation as shall be fixed by the board of trustees from time to time. Each of said officers shall qualify by taking and filing with the secretary of said board the oath of office and shall give such bond to said district as shall be required by the board, provided, the bond of said collector shall be in not less than the sum of ten thousand dollars, and shall be executed, at the expense of the district, by a surety company authorized to do business in this State. Each of said officers shall perform such duties as shall be required by this act and such other duties as shall be prescribed by the board of trustees. The county treasurer of the county of Riverside shall act as treasurer of said district, and the actual estimated cost of his services shall be chargeable against and paid by the district; provided that nothing herein shall affect the duty and power of the district tax collector and other district officials under section 29 hereof to deposit, keep and pay out water tolls or charges or to maintain an emergency fund.

Assessor and collector

Treasurer

SEC. 2. Section 23 of said act, as amended, is hereby amended to read as follows:

Stats 1923, p 1067

Sec. 23. Elections on Sale of Bonds for Less Than Par and on Approval of Plan for Payment or Compromise. If the board of trustees of this district deems it desirable that said board shall be authorized to sell said bonds for less than the par value thereof, the board may call a special election to submit to the qualified voters of the district such proposition. Such election shall be held, and notice shall be given in the same manner as is provided herein in the case of special elections to authorize the issuance of bonds; or the board may submit such a proposal to the voters at any special election called for the purpose of authorizing the issuance of bonds, but in such event the notice of election shall specify that such proposal shall be submitted. If, however, the proposal to sell bonds at less than par is submitted at a subsequent or special election, such election shall be held and notice thereof shall be given in the same manner as is provided herein in the case of special elections to authorize the issuance of bonds. In any event the proposal shall be stated in substantially the following form "Shall the board of trustees of the Palo Verde Irrigation District be authorized to sell bonds of the district for less than the par value thereof?," followed by the words "Yes" and "No." If at least a majority of the legal votes cast at such election are for "Yes" then the board of trustees may sell any bonds authorized by said district to be issued, to the highest responsible bidder or bidders, as provided in the foregoing section. If less than a majority of the legal votes cast shall be for "Yes" the result shall be entered of record.

Sale of bonds for less than par

Nothing in the foregoing provision shall prevent the board of trustees exercising the power conferred upon them by this

Exchange of bonds for property

act to exchange any bonds issued in pursuance of this act in the acquisition of the water rights, water system or stock of the Palo Verde Mutual Water Company, or any other properties to be acquired for the irrigation system of the district, but in no case shall any bonds of the district be exchanged on a basis of less than the par value and accrued interest of such bonds, nor for a price in excess of the price fixed by appraisement or determination of the value of such properties by the trustees as hereinbefore provided.

Destruction of unsold bonds

Whenever there remain in the possession of the district any bonds voted to be issued at an election held in said district more than three years prior thereto, which bonds have been executed but not sold and disposed of and the sale and disposal of such bonds shall be deemed by the board of trustees of such district to have become impossible or inexpedient, and that their destruction is desirable, it shall be lawful for said board of trustees to give public notice of its intention publicly to destroy such bonds by a notice published for four successive weeks in a newspaper published in Riverside County, California; and such notice shall specify the time and place of such intended destruction, and the reason alleged therefor, together with a general description of the character and amount of said bonds. It shall be lawful for said board at the time and place, and in accordance with the terms of said notice, publicly to destroy said bonds unless, at least three days prior to said time, written objections to such destruction shall be filed with the clerk of said district, signed by voters of said district representing a majority of the total votes in said district as shown by the last equalized assessment roll. No further or other issue of bonds in place of those thus destroyed shall be made by such district or its board of trustees unless again authorized by an election as provided by law.

Compromise, payment or refunding of bonds

If said irrigation district shall be in default in payment of any money due by reason of its bonds, warrants, or other evidences of indebtedness, and if a plan of compromise payment or satisfaction or funding or refunding any bonds, warrants or other evidences of indebtedness of said district shall have been approved by the board of trustees of said district, the board may call a special election to submit such plan to the qualified voters of the district. Such election shall be held, and notice shall be given in the same manner provided herein in the case of special elections to authorize the issuance of bonds; or the board may submit the plan to the voters at any election held by said district, but in such event the notice of election shall specify that such proposed plan shall be submitted at such election, and state that copies of such plan and of any agreements related thereto are available to voters at the office of the district; and at least four copies of such plan and of any agreements related thereto must be made available to voters of the district at all times during business hours from the time such notice is published until the time of such election. At the election, the proposal

shall be stated in substantially the following form: "Shall the board of trustees of the Palo Verde Irrigation District be authorized to carry into effect that plan heretofore approved by said board for the compromise payment, satisfaction, or funding or refunding of bonds, warrants or other evidences of indebtedness of said district" followed by the words "Yes" or "No." If at least sixty per cent of the legal votes cast at such election are "Yes," then the board of trustees shall be authorized and empowered to carry into effect said plan and to enter into and execute any and all contracts or agreements provided for in such plan so submitted, and shall be authorized and empowered to make and execute any deeds, conveyances, leases, options, mortgages, trust deeds and contracts of sale of any or all property, real, personal or mixed, owned by or thereafter acquired by said district, provided for in such plan so submitted. If less than sixty per cent of the legal votes cast shall be "Yes," the result shall be recorded, and the plan shall not be effective.

New section.

SEC. 3. A new section is hereby added to the Palo Verde Irrigation District Act, as amended, to be numbered 28½h, and to read as follows:

Payment of assessment with bonds and coupons

SEC. 28½h. Notwithstanding any of the other provisions of this act any owner of land within the district who is the holder of any matured bond or interest coupon issued by or assumed or agreed to be paid by the district, which bond or interest coupon remains unpaid by reason of insufficiency of money in the appropriate fund, is authorized to apply the credit represented by such unpaid bond or coupon as a medium of exchange in the payment of assessments levied against the lands of such person in the manner and to the extent hereinafter specified.

Credit memorandum

Upon presentation and surrender to the treasurer of Riverside County of such matured bonds or interest coupons, or both of them, the treasurer shall issue to the holder a memorandum in writing, in duplicate, indicating the amount of credit represented by such bonds or coupons which such holder is entitled to apply on such assessments, and indicating whether said bonds so surrendered were bonds issued by said district, or were issued by the Palo Verde Joint Levee District, or were issued by the Palo Verde Drainage District, or were issued by the Palo Verde Mutual Water Company.

The collector shall accept the credit memorandum in lieu of lawful money for that portion of the total assessment levied on the lands of the holder of such bonds or coupons equivalent to the amount of such assessment as was levied to pay the interest and maturing principal of the bonds of the issues so surrendered, together with penalties, interest and costs in case of delinquency. The balance of the assessment shall be paid in money. The collector shall endorse upon such credit memorandum the amount of credit applied on the assessment and the balance, if any, not so applied, and retain one copy of said memoranda to be used in settling his accounts with the secretary and said treasurer.

The said treasurer shall accept such credit memoranda, to the extent that the same have been applied upon such assessment, as the equivalent of money. Said treasurer shall thereupon cancel the bonds and coupons for which such credit was given if the entire amount of the credit memoranda has been applied to the payment of assessments and in the event that only a portion of the credit has been applied, then said treasurer shall endorse upon the face of such bond or coupon the fact that the same has been paid in part to the extent of the credit so applied and return the bond or coupon so endorsed to the holder. If no part of the credit represented by such memoranda is applied to the payment of assessments, as herein provided, the treasurer shall, upon surrender of the credit memoranda, cancel the same and deliver the bond or coupon to the owner.

Upon the written request of any owner so presenting such written credit memoranda to the collector, the credit represented by said memorandum and to be collected by said collector may be applied to any lands within said district, whether owned by said owner presenting said memorandum or not.

Stats 1931, p. 29

SEC. 4. Section 28n of said act, as amended, is hereby amended to read as follows:

Record of sales

Sec. 28n. The collector, before delivering any certificate, must in a book enter a description of the land sold corresponding with the description in the certificate, the date of the sale, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during business hours, when not in actual use. On filing the certificate with such county recorder, the lien of the taxes vests with the district and is only divested by the payment to it of the aggregate of the taxes, penalties and costs, together with three-quarters of one per cent per month; provided, that partial redemption may be made in the manner specified in sections 28o and 28½o of this act.

Tax lien

Stats 1931, p 29.

SEC. 5. Section 28o of said act, as amended, is hereby amended to read as follows:

Redemption

Sec. 28o. A redemption of the property sold may be made by the owner, or any party in interest, within four years from the date of the sale, or at any time thereafter before a deed has been made and delivered. Redemption must be made in lawful money of the United States; provided, however, that when redemption of such property shall be made more than one year after the sale provided for in section 28*l* of this act, an owner of such land, who is the holder of any bond or accrued interest coupon or warrant or other evidence of indebtedness issued by or assumed or agreed to be paid by said district, is authorized to apply the credit represented by such bond, accrued interest coupon, warrant or other evidence of indebtedness, together with the accrued interest on any such obligations, as a medium of exchange in the redemption of

Payment with bonds and coupons

such property in the manner and to the extent hereinafter specified.

Upon presentation and surrender to the treasurer of Riverside County of any such bond or accrued interest coupon or warrant or other evidence of indebtedness, or any of them, the treasurer shall issue to the holder a memorandum in writing in duplicate indicating the amount of credit represented by such bonds or accrued interest coupons or warrants or other evidences of indebtedness, or any of them, and the accrued interest thereon, which such holder is entitled to apply on such redemption.

"Redemption credit memorandum"

The credit memorandum herein provided for shall be designated "Redemption Credit Memorandum," and each such memorandum shall have printed clearly on the face thereof the words "Redemption Credit Memorandum."

The collector shall accept such redemption credit memorandum in lieu of lawful money for the redemption of such property in the manner and to the extent herein provided; provided, however, that such redemption credit memorandum shall be accepted for redemption as herein provided only for such portion of the amount required to redeem as shall be equal to or represented by the amount of taxes and assessments, together with penalties and interest thereon, levied or assessed at least eighteen months prior to the date of such redemption. Any balance due on such redemption may be paid in whole or in part in lawful money, or by the credit memorandum provided for in section 28½h of this act. The collector shall endorse upon such Redemption Credit Memorandum the amount of credit applied on such redemption and the balance, if any, not so applied, and retain one copy of said memorandum to be used in settling his accounts with the secretary and said treasurer.

The said treasurer shall accept such Redemption Credit Memorandum to the extent that the same has been applied upon such redemption in accordance with the provisions of this section, as the equivalent of money. Said treasurer shall thereupon cancel the bonds and coupons, warrants and other evidences of indebtedness for which such credit was given if the entire amount of the Redemption Credit Memorandum has been applied to such redemption, and in the event that only a portion of the credit has been applied, then said treasurer shall endorse upon the face of such bonds, or coupons or warrants or other evidences of indebtedness, the fact that the same and/or the accrued interest thereon have been paid to the extent of the credit so applied and return the bond, coupon, warrant, or other evidence of indebtedness so endorsed to the holder. If no part of the credit represented by such memorandum is applied to the redemption of property as herein provided, the treasurer shall, upon surrender of such credit memorandum, cancel the same, and deliver the bonds or coupons or warrants or evidences of indebtedness to the owner.

On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that

required of the collector. On presentation of the receipt of the collector of the total amount of the redemption money, the recorder must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor, must make to the district a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The title acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of trustees, or said property may be sold on contract, with deferred payments, similarly executed and acknowledged; provided, that authority so to convey or contract must be conferred by resolution of the board, entered in its minutes, fixing the price and terms at which such sale or contract may be made, and for the purpose of making such sales or contracts the district may employ an agent or agents; and provided, further, that property sold to the district for delinquent taxes may be redeemed as herein provided at any time before the district has disposed of the same.

Deed to district.

Plan for compromise, etc.

When any plan for compromise, payment or satisfaction or funding or refunding of any bonds, warrants or other evidences of indebtedness of said district shall have been approved at an election as provided in section 23 of this act, and such plan shall provide therefor, property deeded to the district for delinquent taxes may be leased for a term not exceeding ten years and the district as a part of such lease, or otherwise, may give options to purchase such property. The rentals under any lease, and the purchase price in any such option agreement or in any contract of sale, may be made payable in bonds and/or coupons of the Palo Verde Drainage District, Palo Verde Irrigation District, Palo Verde Joint Levee District of Riverside and Imperial counties, California, and/or bonds and coupons heretofore issued by Palo Verde Mutual Water Company. If any sentence, clause or phrase of this section is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section.

Constitutionality.

SEC. 4 If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Urgency.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California, and shall take effect immediately.

The facts constituting such urgency are as follows:

The Palo Verde Irrigation District and the farmers living in said Palo Verde Irrigation District are in dire distress

financially. The lands therein have become greatly in arrears in the payment of taxes, and consequently the bonds of the Palo Verde Irrigation District, of the Palo Verde Drainage District, and of the Palo Verde Joint Levee District of Riverside and Imperial counties, California, are and have been delinquent for a considerable period of time. The great bulk of the property within said district is subject to tax liens of various kinds for delinquent taxes and unless extraordinary means are provided for the returning of such lands to the tax rolls, it will be impossible to farm in said district, and the levee, drains and irrigation system can not be kept up or operated, and the great bulk of the property owned by the farmers of said district will be deeded to the district for delinquent assessments and will be lost to the farmers in July of 1933, and danger to life, health and property will shortly exist.

The amendments to said act herein contained are necessary to accomplish the clearing of the titles to said property, to secure the payment of taxes, tolls and charges, to permit the resident farmers to retain possession of their lands and to continue farming and thus prevent the abandonment of the district and the property therein, and to preserve the property of such district and of such farmers and thereby to prevent the destruction of life, health and property.

CHAPTER 754.

An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Legislative declaration

SECTION 1. The unreasonable waste of agricultural wealth occasioned by the harvesting, preparation for market and delivery to market of greater quantities of agricultural commodities than are reasonably necessary to supply the demands of the market is opposed to the public interest and

the difficulty inherent in any attempt by individuals to correlate within a reasonable degree the supply of any agricultural commodity to current consumptive demands is creating chaotic economic conditions in certain agricultural areas of the State of such severity as to imperil the ability of agricultural producers to contribute in appropriate amounts to the support of ordinary governmental and educational functions, thus tending to increase and increasing the tax burdens of other citizens for the same purposes. In the interest of the public welfare and general prosperity of the State, the unnecessary and unreasonable waste of agricultural wealth, hereinafter referred to as "agricultural waste," involved in the harvesting and/or preparation for and delivery to market of agricultural commodities for which there exists only a limited consumer demand should be eliminated while at the same time preserving to all agricultural producers an equality of opportunity in the available markets.

Definitions.

SEC. 2. As used in this act:

(a) The term "person" includes any individual, firm, association, or corporation.

(b) The terms "agricultural waste"—in addition to their ordinary meaning—shall include economic waste, and waste incident to the harvesting and/or preparation for and delivery to market of agricultural commodities in excess of reasonable market demands.

(c) The terms "product" or "commodity" mean any horticultural, viticultural, or vegetable product of the soil, live stock and milk.

(d) The terms "proration zone" or "zone" mean any district or districts in which a program of market proration is proposed to be or has been instituted.

(e) The term "commission" means the agricultural prorate commission unless otherwise indicated by the context.

(f) The term "handler" means any person receiving agricultural commodities from the producer for the purpose of marketing the same.

(g) The phrase "primary channel of trade" shall mean that transaction in which the producer loses physical possession of the commodity.

(h) The term "producing factor" means the unit of production specified in the petition.

(i) The term "owner" means the person entitled to dispose of commodities for marketing purposes.

(j) The term "proration" means the uniform percentage of their total production which all producers may harvest and/or prepare for market.

(k) The singular includes the plural.

Agricultural Prorate Commission.

SEC. 3. The Agricultural Prorate Commission, consisting of nine members is hereby created. The members shall be appointed by the Governor. Four of the members of said commission shall be engaged at the time of their appointment in the production of agricultural commodities, and representation

shall be given to the vegetable, dairying, citrus and deciduous fruit industries. Three of said members shall be neither producers nor handlers of agricultural commodities but shall be appointed, two to represent consumers generally and one to represent consumers of agricultural commodities for processing purposes. One member shall be an experienced commercial handler of agricultural products and one shall be an experienced cooperative marketing handler of agricultural products. Their terms of office shall be four years and they shall hold office until the appointment and qualification of their successors, except that the terms of office of the members first appointed shall expire as follows: Two members, January 1, 1934, two members, January 1, 1935, two members, January 1, 1936, and three members, January 1, 1937. The members at their first meeting shall determine by lot the relative order in which their terms expire. Vacancies shall be filled by appointment for the unexpired term.

Appointment with consent of Senate.

All such appointments shall be by and with the consent of the Senate, but shall be valid to all intents and purposes, subject, however, to the consent of the Senate at its next regular session, and until such time, the persons so appointed shall have as full and ample authority as though confirmed by the Senate. In case the Senate, during its session, fails to act or refuses its consent to any such appointment, the Governor may, after adjournment of the Senate, appoint some other person, which appointment shall be valid to all intents and purposes, subject, however, to the consent of the Senate at its next regular session, and until such time, the person or persons so appointed shall have as full authority and power as though confirmed by the Senate.

Oath of office.

SEC. 4. Within thirty days after notice of his appointment each member shall qualify by taking the oath of office and filing the same with the Secretary of State in accordance with law. Within five days after all of said members shall have qualified, they shall organize and elect a president from among their number. The commission shall appoint a secretary and such other personnel as may be necessary to carry out its duties, and may remove them at its pleasure and may prescribe their duties and compensation. The members of said commission shall receive no compensation but shall be reimbursed for their traveling expenses necessarily incurred in the performance of their duties hereunder.

Secretary.

Office of commission

SEC. 5. The office of the commission shall be in the city of Sacramento and it may meet at such times and in such places as may be expedient and necessary for the proper performance of its duties. The commission shall have a seal, bearing the following inscription "Agricultural Prorate Commission." The seal shall be affixed to all orders of the commission, to authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

Powers and duties of commission

SEC. 6. The said commission shall constitute a body corporate and body politic for the purpose of exercising the powers and performing the acts herein mentioned, and shall have power to sue and be sued. For the purpose of carrying out the provisions of this act, the commission is authorized to adopt such necessary rules and regulations as it may from time to time deem advisable. The conduct of any hearing, inquiry or investigation which the commission has power to undertake or hold may be delegated by the commission to any member thereof or to its secretary and any finding, order or decision made by the commission pursuant to such hearing, inquiry or investigation shall be and be deemed to be the finding, order or decision of the commission. Each member of the commission and the secretary thereof, in the conduct of any such hearing, inquiry or investigation shall have power to administer oaths, and issue subpenas for the attendance of witnesses and the production of papers, books, maps, accounts, documents and testimony in any inquiry, investigation or hearing ordered or undertaken by the commission in any part of the State. The superior court of the county or city and county in which any such inquiry, investigation or hearing may be held shall have power to compel the attendance of witnesses and to require the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and the production of papers, maps, books, accounts, documents and testimony as required by any subpena issued by the commission. All parties disobeying the orders or subpenas issued under the authority of said commission shall be guilty of contempt and shall be certified to any superior court of the State, which court shall punish such contempt.

Hearings

Record of business

SEC. 7. A full and accurate record of business or acts performed or of testimony taken by the commission or any member or members thereof or by its secretary in pursuance of the provisions of this act shall be kept and be placed on file in the office of said commission.

Petition of prorated marketing

SEC. 8. A petition for the institution of a program of prorated marketing with respect to a variety or kind of agricultural commodity may be presented to the commission which shall be signed by not less than fifty producers of said variety or kind of agricultural commodity within the proposed prorating zone; provided, that if it be alleged in said petition that it is signed by two-thirds or more in number of the producers within the proposed zone of the commodity as to which it is proposed to institute a prorating program and by the owners of two-thirds or more in number of the producing factors of said commodity in said proposed zone, the number of signers shall be immaterial.

Contents

The said petition shall, among other things, contain:

1. A legal description of the district or districts comprising the proposed zone, together with a map thereof.

2. A general statement of facts showing the necessity for the institution of a prorating program; and.

3. A request that an election be called in said zone for the purpose of submitting to the qualified producers therein the proposition of instituting a program of proration; provided that, if the petition is signed by the owners of two-thirds or more of the producing factors and two-thirds or more of the producers of the commodity concerned, as hereinbefore specified, it need not contain a request for an election.

There shall also be filed with said petition a good and sufficient undertaking to be approved by the commission, in double the amount of the probable cost of conducting the hearing of the petition by the commission, conditioned that the sureties will pay all such costs in case the petition be denied. Undertaking

The signatures to said petition may be either in person or by duly authorized agent or representative and nothing herein shall be construed to prevent any cooperative or other marketing agency from signing such petition if thereunto properly authorized by producers for whom it purports to sign. Signers

SEC. 9. Upon the presentation of any such petition, the commission shall hold a hearing at some central point located within the district described in said petition and proposed to be established as a proration zone. Notice of such hearing shall be given at least ten (10) days prior thereto by publication in a newspaper of general circulation printed and published in the district affected and by posting in at least three (3) conspicuous places in said district. In case the proposed proration zone includes more than one district the required notice shall be given in each district and the commission shall hold hearings in each of said districts. At said hearings, the commission shall receive and hear the evidence offered by the petitioners in support of the petition and by any interested person in opposition thereto. Said hearings may be adjourned from time to time and from place to place as the circumstances may require. A transcript of the proceedings at all such hearings shall be made by the commission and shall be opened to inspection by any interested party. Hearing on petition

SEC. 10. If upon such hearing it shall be made to appear to the commission: Requirements for granting petition.

(1) That the petition is signed in person or by proxy by the required number of producers and by the owners of the required number of producing factors; and

(2) That the economic stability of the agricultural industry concerned is being or is about to be imperiled by prevailing market conditions; and

(3) That agricultural waste is occurring or is about to occur; and

(4) That the institution of a program of prorated marketing will conserve the agricultural wealth of the State and will prevent threatened economic waste; and

(5) That the institution of a proration program as proposed in the petition will advance the public welfare without injustice to any producer; and

(6) That the proposed program may be instituted and conducted without permitting unreasonable profits to the producers and that the commodity named in the petition can not be marketed at a reasonable profit otherwise than by means of such a program; and

(7) That the proposed zone of proration includes all of the producing territory within this State reasonably necessary to render the proposed program feasible, it shall make written findings to that effect. If in any case of any petition it shall appear to the commission that the inclusion of territory additional to that described in the petition is necessary to the feasibility of the proposed program, it shall postpone further proceedings until notice shall have been given to the producers within such additional territory in the manner provided for in section 8 hereof. Thereafter the commission may complete said hearings and make findings in the manner hereinbefore provided. If the commission shall find against the existence of any of the facts required to be present under this section, it shall deny the petition.

Program declared effective in zone

SEC. 11. If it shall be alleged in said petition that it is signed by two-thirds or more of the producers of the commodity named in the petition within the zone described and by the owners of two-thirds or more of the producing factors in said zone, proof shall be required in support of such allegation and the commission shall make a finding with respect thereto. If it shall find such allegation to be the fact, and shall also find to exist all of the other facts specified in section 10 of this act, the commission shall forthwith make an order declaring the proposed program adopted and specifying the zone in which the program shall be effective.

Election

SEC. 12. If said petition shall have proposed an election in the proposed zone, and the commission shall find to exist all of the facts specified in section 10 hereof, thereupon it shall order an election to be held in the proposed original or modified zone. At any such election, the polling places shall be located in each of the regular county precincts, any part of which are included in proposed zone affected. At least twenty (20) days before any election called the commission shall cause to be posted in three (3) public places in each election precinct notice of the time and place of holding the election and also post in the office of the county clerk of each county in which any part of the proposed zone affected is located a general notice specifying the polling places of each precinct.

Voters

SEC. 13. At such elections only producers of the commodity named in the petition shall be entitled to vote and each producer shall be entitled to one vote for each producing factor which it is determined in the manner hereinafter specified he may be expected to utilize for production purposes in the ensuing season. At the time of posting notices of election, the agricultural commissioners of each county shall be notified thereof and it shall be the duty of such agricultural commissioners to prepare lists of producers entitled to vote in

each precinct in their respective counties which lists shall be filed in the office of the county clerks of their respective counties at least five (5) days prior to the day of the election. Such lists shall also show the producing factors belonging to or controlled by each producer used in the production of the commodity as to which a proration program is proposed. Said agricultural commissioners shall at the same time notify by mail all producers whose names appear on such lists of the number of votes to which they are entitled. No irregularity in the mailing of such notices and no failure on the part of any producer to receive such notice shall affect the validity of the subsequent election.

Establishing right to vote.

SEC. 14. Any producer whose name does not appear on the proper list and any producer claiming to be allotted an erroneous production estimate may make application to the agricultural commissioner to be placed on said list, or to be credited with the proper number of producing factors, as the case may be, and upon substantiating his claim, is entitled to have the error corrected. In the event any such producer shall be dissatisfied with the final action of the agricultural commissioner in that regard, he may appeal to the commission whose finding shall be final Producers may vote production only in the precincts in which it is listed. Corporations and firms shall have their voting rights similarly determined Votes of producers may be cast either in person or by proxy through duly authorized representatives, which shall include marketing agencies.

Conduct of election

SEC. 15. At least five (5) days prior to the day fixed for the election, the board of supervisors of each county in which any part of the district or districts affected is situated shall appoint for each precinct from among those entitled to vote at the election, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of the election, the voters of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The polls shall be kept open for the reception of votes from ten o'clock a.m. until six o'clock p m. when the same must be closed. The election board shall, before the opening of the polls, post in a conspicuous place thereat a list of all persons entitled to vote in said precinct at said election, together with the factors of production of such persons. The ballots used at the election shall be provided by the commission and one of the clerks of election shall deliver one of them to each person qualified to cast a vote, or to his representative by proxy. The election board shall retain and file with returns of the election all proxies presented at said election. At the close of the polls the board of elections shall at once proceed to canvass the votes and declare the result and shall forward its certificates of such result, together with all ballots used and all documents and papers used at

such election, to the clerk of the board of supervisors of the county in which the precinct is located. A copy of said certificate certified by said clerk of the board of supervisors shall be by him forwarded to the commission.

Canvass of votes

SEC. 16. On the second Monday succeeding such election, the commission shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that two-thirds or more of the producing factors in the proposed zone as shown by the lists prepared by the agricultural commissioner, voted in favor of the institution of a proration program, the commission shall declare such a program adopted. In order instituting a proration program, whether on petition or after election, the commission shall define the zone affected, and shall designate it by some title indicative of the commodity concerned.

Review of order

SEC. 17. Any order of the commission instituting a proration program and any other order of the commission substantially affecting the rights of any interested party may be reviewed by any court of competent jurisdiction. Any such action must be commenced within thirty days after the effective date of the order complained of or within thirty days after the injurious effect complained of.

Proration program committee

SEC. 18. In the event of the institution of a proration program in a marketing zone, it shall be the duty of the commission to forthwith select a proration program committee of five producers and two handlers operating within the zone; provided, that any marketing agency controlling more than one-fifth of the production within the zone of the commodity subject to the program shall be entitled to name such proportion of the producer members of said committee as it controls of the production except that no such marketing agency shall be entitled to name more than three of the producer members of said program committee; provided further, that in the case of commodities, the bulk of which is processed before consumption, one of the producer members of said program committee shall be a processor. It shall be the duty of such committee to determine the method, manner and extent of prorating. Such prorating program may be altered or modified from time to time by such committee but the original program and any alteration or modification thereof must be approved by the commission before it shall be made effective. Before approving any program or any alteration or modification thereof, the commission shall hold a hearing in the zone and must find that the same is reasonably calculated to maintain the existence of the facts specified in section 10 hereof. The members of such program committee shall not be entitled to compensation

The program committee shall appoint an agent, approved by the commission, who shall administer the proration program in the zone on behalf of the commission. Such agent shall appoint such deputy agents and other assistants as may be necessary to properly direct the program.

Duty of commission re program

SEC. 19. In the event that a program committee shall fail within a reasonable time to present to the commission a prorating program or shall present a program which is not consistent with the conditions specified in paragraph 10 of this act, the commission shall initiate a proper program or shall modify the program presented, as the case may be, in conformity with the provisions of section 10. If at any time during the operation of any proration program, it shall appear probable to the commission that the program being carried out has ceased to be in conformity with the provisions of section 10, it shall be the duty of the commission, after hearing, to so modify such program as to obtain the conditions required by said section 10.

Proration certificates.

SEC. 20. After any prorating program has been formulated and has been approved by the commission, the agent for the zone shall assume the administration of the program and any subsequent modification thereof and the issuance of proration certificates thereunder. Such certificates shall be divided into primary and secondary certificates. Each producer shall be entitled to one primary certificate which shall indicate the quantities of the commodity as to which the program has been instituted which the producer named in such certificate shall be entitled to harvest or otherwise prepare for market and delivery into the primary channels of trade Said primary certificates shall also indicate from time to time the number of secondary certificates theretofore issued under it. Secondary certificates shall be numbered consecutively and shall be used to control the time and volume of harvesting or other preparation for disposal. Such secondary certificates shall accompany all deliveries of the prorated commodity by producers into a primary trade channel. It shall be unlawful for any commodity to be harvested, prepared for market and/or marketed unless and until there shall have been an appropriate secondary proration certificate issued therefor. It shall be unlawful for any producer to deliver to any dealer and for any dealer or handler in the primary channels of trade to have in his possession, within this State, any commodity produced in an established proration zone upon which a proration program has been instituted without an accompanying certificate issued under the authority of the commission. Such certificates shall be negotiable between producers.

Fees.

SEC. 21. The agent under each zone program shall collect for each certificate issued to the producers, a reasonable and proportional fee to be fixed by the program committee so calculated as to produce the expenses of the administration of the program, the costs of the institution of the program, and a proper proportion of the cost of the maintenance of the commission which shall not be less than ten per cent of the fees collected for certificates, but may be such percentage in excess of ten per cent as may be determined by the program committee. All such fees shall be paid monthly by the commission into the State treasury to the credit of the "Agricultural

Prorate Commission fund" which fund is hereby created. All moneys credited to such funds shall be used only for the purpose of defraying the expenses of the organization and of administering and enforcing the program under which they were collected.

Rules and regulations

SEC. 22. The commission have power to establish such rules and regulations consistent with this act as may be necessary to carry out the purposes thereof, and through its duly authorized representatives and agents shall have access, solely for the purpose of investigating possible violations of any program, to the records of producers, dealers, distributors and handlers of a commodity as to which a proration program has been instituted, and shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportations, or any other facility or place in which any commodity under a proration program is kept, stored, handled or transported. All information obtained by the commission shall be confidential and shall not be disclosed except when required in a judicial proceeding. Any person who violates any provision of this act, or who wilfully renders or furnishes a false or fraudulent report, statement or record is guilty of a misdemeanor and each infraction shall constitute a separate and distinct offense.

Termination of program

SEC. 23. After the institution of any proration program, such program shall continue to remain in effect unless there shall be filed with the commission an application for its termination signed by not less than forty per cent of the producers or of the production of the prorated commodity; provided, that the commission may at any time initiate an investigation on its own motion to determine whether or not the facts specified in section 10 hereof continue to exist. Upon a finding that any one or more of the prerequisite facts no longer exist, the commission shall terminate said program; provided, that programs may be terminated only at the end of marketing seasons.

Violation enjoined

SEC. 24. Any person who shall market any commodity in violation of any provision of an original or modified proration program approved and made effective by the commission may be enjoined by the commission in an action brought in the superior court for the county in which the violation is alleged to be occurring. There may be joined in the same proceeding any number of defendants alleged to be violating the same program, although their properties and interests may be situated in several counties and their actual violations of the program may be separate and distinct. In any action for injunction brought hereunder, the procedure shall be governed by the provisions of Chapter 3, Title VII, Part II of the Code of Civil Procedure of the State of California.

Penalties

SEC. 25. Any person who violates any provision of a proration program approved and made effective by the commission shall be liable civilly in the sum of five hundred dollars for each and every violation to be recovered by the commission

in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State treasury to the credit of "Agricultural Prorate Commission fund."

Appropriation

SEC. 26. There is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of ten thousand dollars to be expended by the commission when, as and if necessary in the performance of the duties herein imposed upon it. Said sum shall constitute a loan to said commission and shall be repaid in ten equal annual installments without interest.

CHAPTER 755.

An act to amend section 4307 of the Political Code, relating to county charges.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1504

SECTION 1. Section 4307 of the Political Code is hereby amended to read as follows:

County charges

4307. The following are county charges:

General

1. Charges incurred against the county by virtue of any of the provisions of this act.

District attorney and sheriff.

2. The traveling and other personal expenses of the district attorney and the sheriff incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by either of them in the detection of crime, and in the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, other than those crimes declared to be misdemeanors by the "California Vehicle Act," approved May 30, 1923, and any act amendatory thereof or supplemental thereto.

County jail

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

Jurors and witnesses

4 The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases where such cases are tried in a superior court, in a municipal court or in a township court; provided, however, anything herein to the contrary notwithstanding, that, in any criminal case in an inferior court in which any fine or forfeiture which would accrue would be payable to the treasurer of the county in which such court is located, then the sums required by law to be paid to the trial jurors, if any, and witnesses in said case, shall be county charges.

Coroner.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

Justices of the peace

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

Dependent poor.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county. The board of supervisors may, in its discretion, authorize the payment of expenses incurred, by county authorities, for temporary, emergency, or extended care or treatment of indigent patients of such county, by local hospitals.

Contingent expenses

8. The contingent expenses necessarily incurred for the use and benefit of the county.

Official bonds.

9. The premiums on official bonds of county officers as required by the provisions of section 4022 of the Political Code.

Constables

10. The fees of constables in criminal cases allowed by law.

Traveling expenses

11. The actual and necessary expenses of county auditors, clerks, registrar of voters, district attorneys, assessors, sheriffs, coroners, recorders, tax collectors, probation officers, surveyors and treasurers, incurred while traveling to and from and while attending the annual convention of their respective associations; provided, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year.

Court actions

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurers in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county.

General

13. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

Persons lost or in danger because of catastrophe

14. The expenses necessarily incurred in searching for and rescuing persons who are lost or in danger of their lives because of storms, floods, fires, accidents or other catastrophes.

CHAPTER 756.

An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such

clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Clinic and dispensaries defined.

SECTION 1. A clinic and dispensary is hereby defined to be a place, establishment or institution maintained, conducted and operated by any person, firm, association or corporation (a) for the purpose of furnishing at such place, establishment or institution either independently or in connection with any other purpose under the name or title of clinic or dispensary or health center or any other words or phrases of like or similar import, without charge or for part pay or full pay, advice, diagnosis, treatment, medicines, drugs, appliances or apparatus to any person or persons not residing or confined in any such place, establishment or institution and afflicted with bodily and/or mental diseases or injuries, or (b) except in the case of governmental health officers or school employees performing the duties, respectively, of their office or employment, for the purpose of advising and informing persons of means and measures to prevent or avoid disease or injury.

Permit required

SEC. 2. It shall be unlawful for any person, firm, association or corporation to maintain, conduct or operate any clinic and dispensary as herein defined within the State of California, whether termed or called a clinic or dispensary or health center or by any other designation of like import, in violation of the provisions of this act, or without first obtaining a permit from the State Board of Public Health as hereinafter provided.

Classes:

SEC. 3. Clinics and dispensaries shall be of five classes as follows: (1) charitable; (2) teaching and research; (3) employer's; (4) private pay; and (5) governmental.

Charitable.

(a) A charitable clinic and dispensary is hereby defined to be a clinic and dispensary supported and maintained in whole or in part by donations, devises, bequests, gifts and charity and wherein advice and treatment concerning bodily and mental diseases and injuries is given without charge therefor. The making and collecting from persons advised and/or treated in a charitable clinic and dispensary of a nominal charge on account of administrative costs if approved by the Director of Public Health shall not affect the status or classification of such a clinic and dispensary as charitable.

Teaching and research

(b) A teaching and research clinic and dispensary is hereby defined to be a clinic and dispensary maintained and operated in connection with and as a part of any institution of learning within this State approved as to the mode of healing taught therein by the board of examiners having jurisdiction thereof, viz.: By the State Board of Medical Examiners, the Board of Dental Examiners of California, the State Board of Osteopathic Examiners, and the State Board of

Chiropractic Examiners respectively, for the teaching of any mode of healing recognized by the laws of the State of California, and/or a clinic and dispensary maintained and operated for the purposes of teaching medicine, surgery, dentistry, osteopathy, chiropractic or drugless healing or research in subjects pertaining thereto or to the public health, and supported in whole or part by any trust donation, bequest or foundation, the purposes of which are approved by the State Board of Public Health.

Employer's.

(c) An employer's clinic and dispensary is hereby defined to be a clinic and dispensary maintained, conducted and operated without profit to the employer, by a person, firm, association or corporation for the prevention and treatment of accidental injuries to and the care of the health of, the employees only of such person, firm, association or corporation.

Private pay.

(d) A private pay clinic and dispensary is hereby defined to be a clinic and dispensary maintained, conducted and operated by any practitioner or practitioners of the healing art licensed to practice under any law of the State of California who use or hold out to the public the designation of clinic, dispensary, health center or any other word or words or phrases of like import, and who charge and collect fees from persons advised or treated by them in such clinics or dispensaries for such advice, diagnosis, treatment or service or for drugs, medicines, appliances or apparatus.

Governmental

(e) A governmental clinic and dispensary is hereby defined to be a clinic and dispensary maintained and operated by the duly constituted authorities of the United States of America, the State of California, or any political subdivision of the State of California or any county or city and county or district thereof or any municipality situate therein.

Who may conduct such type of clinic

SEC. 4. No corporation other than a charitable, benevolent or educational corporation shall conduct, maintain or operate charitable and/or teaching and research clinics and dispensaries and no person or persons or firm or association shall maintain, conduct or operate charitable and/or teaching and research clinics and dispensaries except for benevolent, charitable or educational purposes; no person, firm, or corporation other than an employer shall maintain, conduct and operate an employer's clinic and dispensary and no employer's clinic and dispensary shall be maintained and operated for profit; no private pay clinic or dispensary shall be conducted, maintained or operated by any corporation or by any person or persons other than a person or persons duly licensed under the laws of the State of California to practice medicine or surgery or dentistry or osteopathy or chiropractic or drugless healing.

Application for permit

SEC. 5. All persons, firms, associations or corporations other than the United States of America, or any department, official, or agency thereof, now maintaining, conducting and operating or hereafter desiring to maintain, conduct and operate a clinic and dispensary of any class as herein defined, shall make application in writing to the State Board of Public

Health for a permit therefor. Said application shall contain at least the following: the name or names and the address or addresses of the persons, firms, associations or corporations owning the place, establishment or institution in which the clinic and dispensary is to be or is maintained, conducted and operated; and the name or names and the address or addresses of the persons, firms, associations or corporations maintaining, conducting and operating or to maintain, conduct and operate the same; the class of clinic and dispensary maintained, conducted and operated or proposed to be maintained, conducted or operated; the names and addresses of the professional licentiate or licentiates responsible for the maintenance, conduct and operation of the clinic and dispensary; the kind and nature of the advice and treatment given or to be given therein; a full description of the building or buildings (including the location thereof), facilities, equipment, apparatus and appliances to be furnished or furnished and/or to be used or used in the operation of the clinic and dispensary; the sources of the funds and income for the maintenance, conduct and operation of the clinic and dispensary; the amount of the administrative or other charges, if any, to be made against patients and (except in the case of private pay clinics and dispensaries), the schedule of fees, if any, to be charged patients; and such additional information as the Director of Public Health and State Board of Public Health shall require by any rule or regulation adopted pursuant hereto. Said application shall be verified before an officer of the State of California authorized to administer oaths by the person or a member of the firm or association or an officer of the corporation making the application. All existing clinics and dispensaries as herein defined, other than those maintained, conducted and operated by the United States of America, or any department, official, or agency thereof, or clinics maintained by employers without profit for the sole benefit of their own employees, or research clinics working under nonprofit foundation registered with the United States government for tax exemption shall make written application as herein provided for such permit within ninety days from and after the date when this act goes into effect. Application for permit must be made annually by every such person, firm or corporation maintaining, conducting and operating a clinic and dispensary other than the United States of America or any department, official or agency thereof, or clinics maintained by employers without profit for the sole benefit of their own employees, or research clinics working under nonprofit foundation registered with the United States government for tax exemption.

Duties of Director of Public Health.

SEC. 6. Upon the filing of any such application, it shall be the duty of the Director of Public Health to make or cause to be made diligent inquiry and investigate into the facts set forth in said application and if he shall find that the statements and representations contained in such application are true and that the establishment of the continued maintenance

conduct and operation of such clinic and dispensary is in conformity with the intent and purpose of this act and that there is need for such clinic and dispensary in the community in which it is or is proposed to be maintained, conducted and operated, and that the establishment or the continued maintenance, conduct and operation thereof is for the benefit of the public health, he shall so report to the State Board of Public Health and the board shall issue such permit or cause such permit to be issued. In the event that it shall not within three months after the filing of application therefor, issue or cause to be issued such permit, it shall state the grounds and reasons for such refusal thereof in writing, furnishing a copy thereof to the applicant.

Issuance of permit

The Director of Public Health is hereby authorized and empowered at any time to visit, enter, examine and inspect either personally or through a duly authorized agent the premises occupied, maintained and conducted by any clinic and dispensary, and examine all matters in relation thereto. The State Board of Public Health may designate any city, city and county, or county health officer its agent for the purpose of this section. After due notice to a clinic and dispensary and reasonable opportunity for it to be heard, the State Board of Public Health may, if it shall appear that such clinic or dispensary has violated the provisions of this act, revoke the permit of such clinic and dispensary by written order. Such an order shall state the grounds and reasons for revoking such permit and the time at which such revocation shall take effect and such order shall be subject to review by the superior court in and for the county or city and county in which the clinic and dispensary is situate.

Revocation of permit

Clinics of U. S.

SEC. 7. The Director of Public Health shall annually compile a list of the clinics and dispensaries maintained, conducted and operated by the United States of America, or any department or official or agency thereof within the State of California, and a record showing the address at which each of said clinics and dispensaries is situate, the department or official or agency of the United States maintaining, conducting and operating the clinic, the purpose thereof, and such additional or any other obtainable information in regard thereto as the Director of Public Health or the State Board of Public Health shall require of the other classes of clinics and dispensaries pursuant hereto by any rule or regulation adopted under the provisions hereof.

Rules and regulations

SEC. 8. The State Board of Public Health is hereby authorized and empowered to make from time to time such reasonable rules and regulations for the maintenance, conduct and operation of clinics and dispensaries in order to provide therein adequate facilities, equipment and appliances, the attendance and services of duly qualified licensed practitioners of the healing art, to secure sufficient information showing the necessity, basis and method of appealing to the public for funds for the support thereof, to avoid unnecessary or wasteful duplication

of services, to show the need of the community, or of the persons proposed to be advised or treated for the service rendered or proposed to be rendered, and to regulate the purposes and objects for which said funds are applied and to amend or repeal any thereof.

Permits Contents.

SEC. 9. Said permits shall contain at least the following: the name and address of the clinic and dispensary; the name or names with addresses of the owners of the clinic and dispensary; the name or names and addresses of the persons charged with the management, conduct and operation of the clinic; the class of clinic and dispensary licensed to be operated thereunder; and the year covered by the permit. All permits shall be signed or countersigned by the Director of Public Health. All clinics and dispensaries and the several classes thereof as herein specified other than governmental clinics and dispensaries shall pay prior to the issuance of permit thereto an annual permit fee in the sum of not less than five (5) dollars and not more than twenty-five (25) dollars to the State Board of Public Health.

Disposition of receipts

SEC. 10. Within ten days from the beginning of each month, the Director of Public Health shall report to the Controller the amounts and source of the collections made under the provisions of this act, and at the same time all such moneys shall be paid into the State treasury and shall be placed to the credit of a special fund to be known as the clinic and dispensary fund, which fund is hereby created. All amounts paid into said fund are hereby appropriated to the State Board of Public Health to be expended only for the purpose of meeting the necessary expenses of the State Board of Public Health and the Director of Public Health in the performance by them of the duties imposed by this act. Claims against the fund shall be paid in accordance with the provisions of law. The State Board of Public Health shall employ inspectors, assistants and other persons to aid in carrying out the provisions of this act.

Permits to be displayed

Any person, firm, association or corporation other than the United States of America, or any department, official, or agency thereof, maintaining, conducting or operating a clinic and dispensary as herein defined, shall display in a public place in said clinic and dispensary said permit, issued under the provisions of this act, to conduct, operate and maintain the same.

Reports and records.

SEC. 11. Every clinic and dispensary holding a permit issued hereunder shall on or before the fifteenth day of February of each year file with the State Board of Public Health upon forms to be furnished by the board, a verified report stating (a) the number of patients treated therein during the year preceding the making of the said report, (b) the aggregate amount of administration or other charges or fees collected from said patients, (c) the total amount of money and/or property received by the clinic and dispensary, its owners or managers from all other sources for the support,

maintenance or operation of said clinic and dispensary, and (d) such other information and data as the State Board of Public Health shall require in such forms of report, to enable it to carry out the purposes hereof. The State Board of Public Health shall prepare and file an annual report of the clinics and dispensaries holding permits granted hereunder, which report shall include all clinics and dispensaries maintained and operated by the United States of America or any department or office or agency thereof, setting forth the names, address and class of each clinic and dispensary, and containing such other information and data as the State Board of Public Health shall deem to be in the furtherance of the public health. The said annual report shall contain the list of clinics and dispensaries provided for in section 7 hereof and the rules and regulations provided for in section 8 hereof and then in force, and said report shall be printed and published at least once a year and distributed at the cost of printing thereof by the State Board of Public Health.

Penalties

SEC. 12. Any person, firm, association or corporation who maintains or conducts or operates or assists in maintaining or conducting or operating any clinic and dispensary as herein defined without first having obtained a permit therefor as provided herein and any person, firm, association or corporation who maintains, conducts or operates a clinic and dispensary as herein defined without having complied with the provisions of this act, or any rule or regulation herein provided for, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than six months or by a fine not to exceed $500 or by both such fine and imprisonment.

Construction of act

SEC. 13. Whenever this act or any part or section thereof is interpreted by a court it shall be liberally construed by such court with the purpose of protecting the public health.

Constitutionality.

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

Effect of act.

SEC. 14. Nothing in this act contained shall, or shall be deemed or considered to, authorize or empower directly or indirectly any person other than a licensed practitioner of a healing art or any corporation, except as herein expressly provided, to furnish to any person medical or surgical advice, services or treatment or to authorize or empower any person other than such a licentiate of a healing art to engage directly or indirectly in the practice of medicine or surgery or dentistry or osteopathy or chiropractic or drugless or other healing or to regulate, govern or affect in any manner the practice of

medicine, surgery, dentistry, osteopathy, chiropractic or drugless healing by any person duly licensed to engage in such practice, or to repeal, alter, modify or otherwise affect the Medical Practice Act or Dental Practice Act or any existing act defining or governing or regulating the practice of medicine, surgery, dentistry, osteopathy, chiropractic or drugless healing. The provisions of this act shall not apply to hospitals or hospital departments wholly or partly maintained by an employer for the purpose of furnishing his or its employees with medical or surgical examination or treatment or to any nonprofit foundation incorporated under the laws of California the majority of the directors of which are qualified under the laws of California to furnish through newspapers, magazines, pamphlets, the radio or otherwise information and advice relating to individual, community and public health subjects.

SEC. 15. All acts and parts of acts in conflict with this act are hereby repealed. Repeal.

CHAPTER 757.

An act to amend an act of the Legislature of the State of California entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding," approved June 8, 1931, by amending sections 2, 3, 4, 6, 8, 9, 10, 11, 12 and 14 thereof and relating to procedure, notice, assessment limitations, incidental expenses of proceedings and payment of portions of the cost from public funds. Stats. 1931, p. 1372, amended

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2 of the act mentioned in the title hereof is hereby amended to read as follows: Stats. 1931, p. 1372

Sec. 2. Such legislative body shall by resolution or ordinance determine in general the nature, location and extent of such proposed improvement and/or acquisition. Reference may be made to one or more plans, specifications or plats for Resolution re costs, boundaries, etc

such descriptions and for all particulars relative thereto, which plans, specifications or plats shall be on file with the clerk of said legislative body and open to inspection. Said legislative body shall also generally define the boundaries or extent of the district or lands to be specially assessed to pay the cost thereof or any part of such cost. Such district may be described by stating the exterior boundaries thereof, or by giving a description thereof according to any official or recorded map or maps, or by referring to a plat or map which shall be on file in the office of the clerk of said legislative body, which map or plat so filed with said clerk shall indicate by a boundary line the extent of the territory proposed to be included in the assessment district, which said plat or map shall govern for all details as to the extent of said district. Said legislative body shall also determine the amount, part, portion or percentage, if any, proposed to be paid toward the cost of such improvement and/or acquisition from any source other than special assessments upon benefited property, and shall determine the statute under which it is proposed to conduct the proposed proceedings.

Stats. 1931, p. 1372.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Report Contents

SEC. 3. Such legislative body shall cause to be prepared for it, a written report upon the proposed improvement and/or acquisition and such report shall contain the following information:

(a) A map, plat or diagram showing the general nature, location and extent of the proposed improvement and/or acquisition and the lands to be assessed to pay any part of the cost thereof;

(b) The total estimated cost of the proposed improvement (inclusive of incidental expenses of the proceedings, the total amount of which shall also be separately stated), stating separately the estimated cost of each class of construction proposed (such as grading, paving, curb, etc.);

(c) The total estimated cost (inclusive of incidental expenses of the proceeding, the total amount of which shall also be separately stated) of the proposed acquisition, and if more than one purpose for the acquisition of property be involved, and any such purpose will require the acquisition of property or rights in property for which compensation must be made, which property or rights would not be required if such purpose were omitted, the estimated cost of the property or rights required for such purpose shall be separately stated;

(d) The assessed value of each parcel of land to be specially assessed as shown on the last equalized assessment roll, as hereinafter provided, and the total assessed value of said lands. If the assessed value of any such parcel of land is not separately shown upon said assessment roll, an estimated assessed value of such parcel shall be made by the county or city assessor, as the case may be, and such estimate shall for the

purposes of this act be considered the assessed value of such parcel; Report: Contents.

(e) The total assessed value of the improvements on all parcels, but not upon each parcel, of the lands to be assessed, as shown by said assessment roll;

(f) The total true value of said lands calculated as hereinafter provided;

(g) The true value of each parcel of said lands calculated as hereinafter provided;

(h) The amount, as near as may be determined, of the total principal sum of all special assessments levied or required or proposed to be levied under any completed or pending assessment proceedings (other than that contemplated in the instant proceedings), whether direct or ad valorem, upon each parcel of the lands proposed to be assessed, which, if the proceedings therefor were begun after this act became effective, would require an investigation and report under this act;

(i) The estimated amount of the assessment for the proposed acquisition and/or improvement to be levied upon each parcel of land to be assessed. If the assessment is to be made in proportion to the assessed value of lands for the purpose of general taxation, then the total estimated cost of the acquisition and/or improvement less the amount, if any, proposed to be paid toward the cost of such improvement and/or acquisition from any source other than special assessment upon benefited property and the assessed value of the lands to be assessed as shown on said last equalized assessment roll shall be the basis for the computation of the assessment of each parcel. If the district is to be divided into zones, such proposed zones and the percentage therefor shall be shown on the district map and such estimated assessment shall also be proportioned, as nearly as may be, according to such zones and percentages. The estimated amounts of assessments for the proposed acquisition and/or improvement required to be set forth as provided in this subdivision shall not be deemed to be the actual amounts which will be assessed but are estimates only and the final assessments levied under any street improvement act may differ therefrom in amount. The said final assessments shall be subject to the limitations on the amounts thereof imposed by this act, and shall be levied in accordance with the provisions of the street improvement act designated and shall be subject to objection thereto only in the manner provided in said street improvement act;

(j) The number of years within which the bonds, if any, to be issued shall mature, and the number of installments of the principal of such bonds, and the interest rate or maximum interest rate at which such bonds shall be issued if no definite interest rate is to be fixed until such bonds are sold;

(k) To said report shall be attached a copy of the resolution or ordinance adopted pursuant to section 2 hereof. It shall be the duty of the person preparing said report to appear at

said hearing and give all necessary information concerning said report to all interested property owners and to the legislative body.

Stats 1931, p. 1372.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Abandonment of project

Sec. 4. The legislative body may by order or resolution abandon the proposed project during the course of the preparation of such report or at any time thereafter until, but not after, the award of contract for the project.

Stats. 1931, p 1372

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Notice of hearing

Sec. 6. Notice of such hearing shall be given by notice mailed, postage prepaid, by the clerk of the legislative body to each person to whom land in the proposed assessment district is assessed on the last equalized assessment roll (city or county, as the case may be) at his address as shown upon such roll and to each person, whether owner in fee or having a lien upon or legal or equitable interest in any land within said proposed district, whose name and address and a designation of the lands in which he is interested is on file in the office of said clerk or to each owner of land within the assessment district at his address as shown on said last equalized assessment roll or on file in the office of said clerk. Said notice shall be substantially in the following form: (filling blanks)

Form

Notice is hereby given that land owned by you or in which you are interested is proposed to be assessed for the proposed (here briefly state in general terms what is proposed to be done, such as paving of X street between A street and B street). The estimated cost of the _____ (acquisition and/or improvement) above-mentioned is $_____; the assessed value of the lands within the district is $_____; the estimated true value of lands within the district is $_____; the estimated total amount of assessments upon lands to be assessed for acquisitions and/or improvements done or heretofore ordered is $_____; the estimated amount of the proposed assessment upon your lands for the proposed _____ (improvement and/or acquisition) mentioned above is $_____. The estimated amount of the proposed assessment is approximate only, is based upon the estimated cost above stated, and is not to be deemed the actual amount which will be assessed. The amount of money to be contributed towards the project by the (city or county of _____) is the sum of $_____.

A hearing will be held in the (place of hearing) by (designation of body or officer) on the _____ day of _____, 19___, at the hour of _____ o'clock ___ m. at which time and place all protests and objections will be heard. The proceeding for said acquisition and/or improvement is proposed to be conducted under the (here by short title or otherwise designate act under which project will be undertaken).

A report on the proposed project is on file in the office of the clerk of the ------ (designate the legislative body) and is open to public inspection.

Clerk of (name of legislative body)

Said notice must be mailed at least 30 days prior to the date of said hearing. If any parcel of land is assessed as owner unknown on the said assessment roll, no notice need be sent for such parcel unless the name and address of a person claiming an interest in such property has been filed with said clerk, in which case notice shall be mailed to such person and address. In the absence of fraud no error or mistake in the sending of said notices, or any of them, and no failure on the part of any property owners to receive same shall in any way affect the validity of the proceedings, but the clerk must file his affidavit of mailing such notice, and such affidavit shall be conclusive evidence that said notices have been mailed as required by this act.

SEC. 5. Section 8 of said act is hereby amended to read as follows: Stats 1931, p 1372

Sec. 8. If the hearing provided for in section 5 hereof is not held before the legislative body, then within ten days after the conclusion of said hearing, the person or persons conducting said hearing shall file a report on said hearing with said legislative body, which report shall include a statement of the time and place of the hearing held, the approximate number of persons in attendance, the number and nature of protests made, and the recommendation of the person or persons holding said hearing. Said report shall be filed with the clerk of said legislative body. Unless the project is abandoned, said reports shall be kept on file, open to public inspection, and any resolution of intention or ordinance of intention adopted in the proceeding under the improvement act shall state that such reports are on file with said clerk and that same may be examined at his office. Report on hearing

SEC. 6. Section 9 of said act is hereby amended to read as follows: Stats 1931, p 1372

Sec. 9. If the hearing provided for in section 5 hereof is not held before the legislative body, then within thirty days after said report on the hearing has been filed, the two reports (under sections 3 and 8 hereof) shall be considered and (except as to the map, plat or diagram and the assessed valuations and true valuations of and assessments and estimated assessments upon individual parcels of land) shall be read to said legislative body. If said legislative body determines that the public interest, convenience and necessity require the acquisition and/or improvement substantially as set forth in the report provided for in section 3 hereof, and that the said project is feasible, it may proceed in accordance with the statute stated in the report as the statute under which the acquisition and/or improvement shall be made or done, except Action by legislative body.

as hereinafter provided. The acquisition and/or improvement shall be deemed substantially the same as set forth in said report under section 3 hereof if the things proposed to be done in said report are not changed or modified by additions thereto or omissions therefrom amounting in cost (as shown by the filed estimate hereinafter required) to more than one-tenth of the total estimated cost as stated in said report and no changes exceeding said one-tenth shall be made. Said legislative body may in its discretion, and without further notice or hearing, make such alterations or changes as will not exceed in amount the said one-tenth of the total estimated cost. The person who prepares the plans and specifications shall estimate separately the cost of each addition to or omission from the things proposed to be done as said things are set forth in said report, and file such estimate with the clerk of the legislative body. Such filed estimate shall be conclusive evidence of the cost of such changes. At the hearing on the ordinance or resolution of intention, said reports (except as to the map, plat or diagram and the assessed valuations and true valuations of and the assessments and estimated assessments upon individual parcels of land) shall be read to said legislative body prior to the consideration of protests and objections, if any. If the hearing provided for in section 5 hereof is held before the legislative body, then said legislative body shall have power to determine the matters set forth in this section immediately upon the conclusion of the said hearing provided for in said section 5 or at such later time not exceeding thirty days to which consideration thereof may be adjourned, and all of the provisions of this section shall apply to such hearing and determination except the provisions for additional reading and consideration of reports.

Stats. 1931, p 1372.

SEC. 7. Section 10 of said act is hereby amended to read as follows:

Limitation upon cost.

Sec. 10. If the report herein required to be prepared under section 3 hereof shall show that the estimated amount proposed to be assessed upon any lot or parcel of land for the proposed acquisition and/or improvement will exceed one-half of the true value of such lot or parcel as set forth in said report, or shall show that the total estimated cost of any proposed improvement and/or acquisition, less any amount to be paid towards such cost from any source other than special assessment upon the lands benefited by said acquisition and/or improvement, when added to the aggregate totals of all assessments and estimated assessments required to be stated in the report by paragraph (h) of section 3 of this act, as such totals are stated in such report, will exceed in total amount one-half of the total true value of all the lands proposed to be assessed, said proposed proceeding shall be abandoned or so modified that the amount to be specially assessed for the cost thereof will be less than the limits hereby established, unless the excess of said cost and indebtedness over one-half of said true value shall be paid from some source other than by special

assessment on said lands, or unless the limitation herein provided shall be overruled as hereinafter provided. If the actual cost including incidental expenses of any improvement shall exceed the total estimated cost including incidental expenses thereof, as fixed by the total estimated cost stated in the report required under section 3 hereof and the separate estimate for changes (if any) in the things to be done as filed with the clerk by more than one-tenth of such estimated cost, no part of the excess over said one-tenth shall be assessed upon the lands to be assessed in the proceeding; but such excess may be paid from other funds as hereinafter provided; and provided, also, that the limitation next herein mentioned shall not be exceeded except as herein provided. The word "improvement" in the last preceding sentence shall not be construed so as to include or relate to any acquisition of property for public use.

Payment from other funds

If the actual cost including incidental expenses of any acquisition and/or improvement, less any amount to be paid toward such cost from any source other than special assessment upon the lands benefited thereby, when added to the aggregate totals of all assessments and estimated assessments required to be stated in the report under paragraph (h) of section 3 of this act, as stated in such report, exceeds in total amount one-half of the total true value stated in the report of all the lands to be assessed to pay any part of the cost of such acquisition and/or improvement, no part of such excess shall be assessed upon such lands.

Limitation upon assessments

In the case where the estimated or actual cost including incidental expenses of any acquisition and/or improvement exceeds the amounts that may be specially assessed upon benefited property, the legislative body having jurisdiction over the proceeding may in its discretion provide for the payment of such excess cost from any proper fund under its control and the balance shall then be specially assessed in accordance with the statute under which such proceeding is conducted; provided, however, that whenever an improvement contract has been awarded, the county or municipal corporation, the legislative body of which is conducting the proceeding, must, if the actual cost of the improvement, including incidental expenses, exceeds the amount that may be specially assessed upon benefited property, pay such excess cost from the general fund or from any other fund available for that purpose and the balance shall be specially assessed in accordance with the statute under which such proceeding is conducted. In case the property to be assessed is within the jurisdiction of more than one legislative body and consents to such proceeding have been given by all the legislative bodies within whose jurisdiction any portion of the land to be specially assessed is situated, any such legislative body whose consent has been given may appropriate all or any part of such excess cost from any proper fund under its control and may cause the amount so appropriated to be paid into the treasury of the county, city and county, or city whose legislative body has jurisdiction

Payment of excess cost.

over the proceeding to be applied in payment of such excess cost.

Avoidance of limitation

Notwithstanding anything in this act contained, if the legislative body conducting the proceedings, after the report or reports provided for herein have been filed and considered and prior to the adoption of the ordinance or resolution of intention in the proceeding, shall find by a four-fifths vote of all members thereof entered upon its minutes that the proposed project is feasible and that the lands to be assessed will be able to carry the burden of such proposed assessment, the limitations on the amounts of assessments herein provided may be exceeded and dispensed with both with respect to the limitation named with reference to the district as a whole and as to the limitation respecting individual specific assessments. In the event of such finding by said legislative body as in this paragraph provided none of the limitations upon the amounts of assessments in this act provided shall thereafter apply to any assessment or assessment proceedings thereafter had or taken; provided, however, that if at the hearing to be held under the provisions of sections 5 and 7 of this act, protests in writing are filed as provided in section 7 of this act by the owners (as defined in the act under which the acquisition and/or improvement proceedings are to be taken) of a majority in area of the lands to be assessed, such limitations can not be exceeded. A finding and determination by such legislative body that the limitations on assessments herein provided may be exceeded or dispensed with shall when made be final and conclusive upon all persons in the absence of actual fraud.

Stats 1931, p. 1372

SEC. 8. Section 11 of said act is hereby amended to read as follows:

Ratio of assessed value to true value

Sec. 11. The true value of lands as said words are used in this act shall be determined as prescribed in this section. The State Board of Equalization shall biennially determine the average assessed value of property as assessed for taxation for general county purposes in each county and city and county in the State for each one hundred dollars of true value of such property as determined by said Board of Equalization in accordance with a uniform basis or standard. The determination of said Board of Equalization as to the ratio of assessed value to true value hereunder shall be final and conclusive. On or before the first Monday in December of each even numbered year, beginning with the year 1932, said Board of Equalization shall notify the county clerk of each county in the State and the city clerk of each incorporated municipality by mail of the ratio of assessed value to true value in such county or in the county in which such municipality is situated, as the case may be, and such ratio shall be used for the purposes of this act for the two years beginning on the first day of January following such notification.

Failure of said Board of Equalization to mail such notice or of any such clerk to receive such notice shall not affect the

validity of any proceeding, but the proper ratio as herein prescribed shall be ascertained from said Board of Equalization by the legislative body conducting any such proceeding and used therein.

True value

To determine the true value of property for the purpose of this act, the assessed value of such property as shown on the last equalized assessment roll of the county or city and county in which such property is situated shall be divided by the amount of assessed value for each one hundred dollars of true value in said county or city and county as fixed or hereafter determined by said Board of Equalization, and the quotient so obtained carried to two decimal places, shall be multiplied by one hundred, and the result expressed in dollars shall be the true value of such property for the purposes hereof, except as hereinafter provided.

True value in municipalities

If the legislative body of any municipality desires to use the taxation assessment rolls of such municipality as a basis for computing the true value of lands as herein defined, said legislative body shall establish a correction factor for such use in the manner following, to wit: Said legislative body shall determine the total assessed valuation for municipal purposes of all taxable lands in the municipality as the same is shown upon the last equalized taxation assessment roll of said municipality, and the corresponding total assessed valuation of said lands in said municipality for county purposes as the same is shown upon the last equalized taxation assessment roll of the county in which said municipality is situated. The total amount of said valuation for municipal purposes shall be divided by the total amount of said valuation for county purposes and the quotient, expressed in decimals to two places, shall represent said correction factor. The determination of said correction factor by the legislative body shall be final and conclusive upon all persons, except in the case of actual fraud.

If a correction factor is established as herein provided, the standard or ratio of true value as established by the said Board of Equalization for each hundred dollars of assessed value in the county within which the municipality is situated shall be multiplied by said correction factor and the product of such multiplication shall be used in calculating true values as herein provided, in lieu of the said standard or ratio established by the State Board of Equalization.

"Assessment roll" etc., defined

Wherever the term "assessment roll" or "taxation assessment roll" are used in this act, they shall be deemed to mean the taxation assessment roll of the county or city and county whose legislative body is conducting the proceedings hereunder or in the case of municipal proceedings said terms shall be deemed to mean the assessment roll of the county in which the municipality is located unless a correction factor is established as herein provided in which event said terms shall refer to the taxation assessment rolls of the municipality whose legislative body is conducting proceedings hereunder.

Stats 1931, p. 1372.

SEC. 9. Section 12 of said act is hereby amended to read as follows:

Preparation of report.

Sec. 12. The legislative body of a county may require the county surveyor to procure and prepare the required information and report, and the legislative body of a city may require the city engineer or the superintendent of streets to procure and prepare the required information and report. In lieu of such county surveyor, city engineer or superintendent of streets, the legislative body of the city or county may employ any competent person to procure and prepare such information and report. If the improvement and/or acquisition is made, all or any part of the cost of the proceedings taken under this act may be included in the incidental expenses of such acquisition and/or improvement as a part of the amount for which special assessments may be levied or bonds payable by special assessments issued under the special statute under which the acquisition and/or improvement is made.

Stats 1931, p. 1372.

SEC. 10. Section 14 of said act is hereby amended to as follows:

Filing of protests.

Sec. 14. All objections to the form, contents, validity or sufficiency of the report filed under section 5 hereof and all objections to the form, contents, validity or sufficiency of the notice of hearing given under section 6 hereof must be made in writing filed with the clerk of the legislative body at or before the time fixed for the hearing on the report provided for herein, and if not so made at such time shall be waived and no objection thereto may be made thereafter except in case of actual fraud. Any such objections shall be heard and considered and at such hearing such report may be amended in accordance with the facts, and the hearing had upon such report as so amended.

Hearing.

All objections or protests of every kind and nature relating to the validity of the proceedings had under this act, and not otherwise provided for herein, must be made in writing and filed in the manner and not later than the time at which protests or objections may be filed for the hearing designated in the resolution or ordinance of intention, and any protest or objection relating to the validity of the proceedings had under this act not made at such time and in such manner shall be waived and may not thereafter be urged, pleaded or raised in any action or proceeding, and the adoption of a resolution or ordinance finally ordering the acquisition or improvement shall be conclusive evidence that the proceedings prior thereto under this act are valid and sufficient.

Time for suit, etc.

Any action, suit or proceeding of any kind or nature in which the validity of any of the proceedings taken under the provisions of this act is questioned or attacked must be commenced within sixty days after the date of the adoption of the resolution or ordinance finally ordering the acquisition and/or improvement, and in case such action is not brought within said sixty days, then thereafter all persons whatsoever shall be barred in any action, suit or proceeding from plead-

ing, asserting or claiming that any of the proceedings under this act were defective, faulty or invalid in any respect.

CHAPTER 758.

An act to amend sections 3, 6, 9, 10, 13, 14, 15, 16, 20, 21, 22 and 25 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State Laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended 1909, 1911, 1915, 1917, 1919, 1927 and 1929.

Stats. 1907, p. 208, amended

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 6 of the above entitled act is hereby amended to read as follows:

Stats. 1909, p. 51.

Sec. 6. Food and liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases:

Goods mislabeled or misbranded.

First. If it be an imitation of or offered for sale under the distinctive name of another article of food.

Second. If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser; or if it be falsely labeled in any respect, or if it purport to be a foreign product tending to mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular.

Fifth. When any package bears the name of the manufacturers, jobbers or sellers, or the grade or the class of the product, it must bear the name of the real manufacturers, jobbers or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type; provided, that an article of food shall not be deemed misbranded, if it be a well-known food product of a nature, quality and appearance, and so exposed to public inspection as not to deceive or mislead nor tend to deceive or mislead a purchaser,

and not misbranded and not of the character included within the definitions one to four of this section.

Sixth. If, having no label, it is an imitation or adulteration, or is sold or offered for sale under a name, designation, description or representation which is false or misleading in any particular whatever; and in case of poultry: if they have been kept or packed in cold storage, or otherwise preserved, they must be so indicated by written or printed label or placard plainly designating such fact when offered or exposed for sale.

Seventh. If it be canned food and falls below the standard of quality, condition and/or fill of container, promulgated or to be promulgated by the Secretary of the United States Department of Agriculture for such canned foods, and its package or label does not bear a plain and conspicuous statement prescribed by the Secretary of the United States Department of Agriculture indicating that such canned food falls below such standard.

Eighth. If it be canned tomatoes and be labeled "solid pack," and the tomatoes are not select tomatoes; or are neither whole nor in fairly large pieces; or are not of uniformly good red color; or are not practically free from pieces of skin, cores, blemishes and other defects; or do not possess the typical flavor of naturally ripened tomatoes; or score less than a total of 85 points for all factors, or less than 18 points for color, or if more than two of the other factors be within the range of 15 to 17 points, or if any factor fall below 15 points, when scored according to the scoring system defined by the United States standards for grades for canned tomatoes, effective January 16, 1933, as issued by the United States Department of Agriculture, Bureau of Agricultural Economics on January 16, 1933, and as prescribed and promulgated by the Secretary of the United States Department of Agriculture, January 16, 1933.

Stats 1917, p. 1641.

SEC. 2. Section 9 of the above entitled act is hereby amended to read as follows:

State laboratory

Sec. 9. For the purpose of this act there is hereby established a State Laboratory for the analysis and examination of foods and drugs, which shall be under the supervision of the State Board of Public Health, which laboratory shall be located at such place as the State Board of Public Health may select. The State Board of Public Health shall appoint a Chief of the Bureau of Food and Drug Inspections who shall have such qualifications as shall be required by said board and who shall perform all duties which shall be required by the State Board of Public Health.

The State Board of Public Health, out of the appropriation hereinafter provided, may employ and fix the compensation of other and additional clerical and professional assistants.

Stats 1917, p 1641

SEC. 3. Section 10 of the above entitled act is hereby amended to read as follows:

Sec. 10. The State Board of Public Health or its secretary, shall cause to be made by the Chief of/at the State Laboratory,

or under his supervision, examinations and analyses of foods and liquors on sale in California, suspected of being adulterated, mislabeled or misbranded at such times and places and to such extent as said board or its secretary may determine, and may appoint such agent or agents, as it may deem necessary, and the sheriffs of the respective counties of the State are hereby appointed and constituted agents for the enforcement of this act, and any agent or sheriff shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled or misbranded foods exist, and such agent or sheriff upon tendering the market price of said articles, if a sale be refused, may take, from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the State Laboratory for examination and analysis. The Chief of the Bureau of Food and Drug Inspections, the agents and inspectors of the State Board of Public Health shall have the same powers as are possessed by peace officers in this State.

Examination and analysis of food, etc.

SEC. 4. Section 13 of the above entitled act is hereby amended to read as follows:

Stats 1907, p. 208.

Sec. 13. Whenever it shall be found at the State Laboratory after examination and analysis that adulterated, mislabeled or misbranded food has been on sale in this State, the Chief of the Laboratory of the State Board of Public Health shall forthwith report to the secretary of the State Board of Public Health.

Report of findings

SEC. 5. Section 14 of the above entitled act is hereby amended to read as follows:

Stats 1907, p 208

Sec. 14. Every certificate certified to by the Chief, Bureau of Laboratories, shall be prima facie evidence of the facts therein stated.

Certificate.

SEC. 6. Section 15 of the above entitled act is hereby amended to read as follows:

Stats 1907, p. 208

Sec. 15. The Chief of the Laboratory of the State Board of Public Health shall make an annual report to the State Board of Public Health, on or before August 1 of each year, upon adulterated or misbranded foods and liquors, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found, mislabeled or misbranded, and the names of the manufacturers, producers, jobbers and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau. Said reports, or any parts thereof, may, in the discretion of the State Board of Public Health, be included in the report which the State Board of Public Health makes to the Governor. The State Board of Public Health may, in its discretion, publish any part of said report.

Annual reports

SEC. 7. Section 16 of the above entitled act is hereby amended to read as follows:

Stats. 1929, p. 364.

Notice of violation

Sec. 16. When an examination or analysis certified to by the Chief of the Bureau of Laboratories shows that any provisions of this act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guarantee, as provided in this act, and a day shall be fixed by the secretary of the State Board of Public Health, at which time said parties may be heard before the State Board of Public Health, a member thereof, or its secretary. The hearings shall be held at such place as the State Board of Public Health or the person, or persons, conducting the same may designate. These hearings shall be private and confined to the consideration of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State Laboratory. If the examination or analysis be found correct, or if the party, or parties, fails to appear at such hearing, after notice duly given as provided herein, the secretary of the State Board of Public Health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

Hearing

Stats 1917, p 1641

SEC. 8. Section 20 of the above entitled act is hereby amended to read as follows:

Penalties

Sec. 20. Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Whenever the findings of the State Laboratory shall show after investigation and examination that any article of food found in the possession of any person, firm, company or corporation is adulterated, misbranded or mislabeled within the meaning of this act, the same may be seized and such article of food quarantined, and said article of food shall not thereafter be sold, offered for sale, removed or otherwise disposed of pending hearing and final disposition as in this act provided.

Quarantine

Whenever the Chief of the Bureau of Food and Drug Inspections, or any agent or inspector of the State Department of Public Health shall find any article of food adulterated within the meaning of the sixth subdivision of section 4 of this act, he may seize such article of food and tag the same "quarantined" and said article of food shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the State Board of Public Health, its secretary, or the Chief of the Bureau of Food and Drug Inspections, who shall report immediately to the secretary of the State Board of Public Health all actions relating

to the seizure of such articles of food and their release. Food found to be adulterated, mislabeled or misbranded within the meaning of this act may, by order of any court or judge, be seized or destroyed.

SEC. 9. Section 22 of the above entitled act is hereby amended to read as follows: Stats. 1915, p. 170

Sec. 22. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article, to the effect that the same is not adulterated, mislabeled or misbranded within the meaning of this act, and can also establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not aware of that fact; such guaranty may be either general or special. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated within the meaning of this act. A special guaranty shall guarantee in the same manner the particular articles listed in an invoice of the same, and shall be attached to or shall fully identify such invoice. Both said guarantees to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer. If the guaranty be to the effect that such article is not adulterated, mislabeled or misbranded within the meaning of the National Pure Food and Drugs Act, approved June 30, 1906, it shall be sufficient for the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said National Pure Food and Drugs Act alone shall not be sufficient for the purposes of this act in any case where at any time the standard for the article concerned under this act is higher than the standard for a like article under said National Pure Food and Drugs Act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this State and it appears from the certificate of the Chief of the State Laboratory that such article or articles were adulterated, mislabeled or misbranded, within the meaning of this act or the National Pure Food and Drugs Act, approved June 30, 1906, the district attorney must forthwith notify the Attorney General of the United States of such violation. May avoid prosecution by guaranty from wholesaler, etc.

SEC. 10. Section 3 of the above entitled act is hereby amended to read as follows: Stats 1927, p. 572.

Sec. 3. The standard of purity of food and liquor shall be not less than that proclaimed by the Secretary of the United States Department of Agriculture, the food inspection decisions, and the service and regulatory announcements of the Bureau of Chemistry, United States Department of Agriculture or such other bureau, department, division or administration of said United States Department of Agriculture as may from time to time hereafter have and exercise the powers, Standards.

functions and duties heretofore and now vested in and exercised by said Bureau of Chemistry, United States Department of Agriculture and/or by the State Board of Public Health. Nothing in this section contained shall authorize or permit any adulteration of any food or liquor because the standard of purity of such food or liquor has not been proclaimed by the Secretary of Agriculture, United States Department of Agriculture or by the State Board of Public Health.

Stats 1907, p 208.

SEC. 11. Section 25 of the above entitled act is hereby amended to read as follows:

Constitutionality.

Sec. 25. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 759.

An act to validate the organization and bonds of municipal improvement districts formed under the Municipal Improvement District Act of 1927 and providing for the levy of a tax to pay the same.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Districts formed under Stats 1927, p. 1351, validated

SECTION 1. Whenever the legislative body of any municipality has heretofore declared any portion of such municipality to be a municipal improvement district under the provisions of the Municipal Improvement District Act of 1927, approved May 24, 1927, or under the provisions of such act as amended, all acts and proceedings of such municipality and all acts and proceedings of all public officers leading up to and including the formation of such district are hereby legalized, ratified and confirmed and declared valid for all intents and purposes and any such district is hereby declared to be a legal municipal improvement district.

Bonds validated

SEC. 2. Whenever the legislative body of any municipality has heretofore called an election under the provisions of the Municipal Improvement District Act of 1927 for the purpose of submitting to the qualified electors of any municipal improvement district formed in such municipality, the question of whether an indebtedness shall be incurred by such municipal improvement district for the acquisition or construction of any public improvement, work or public utility, and where at such election not less than two-thirds of all the voters voting thereat voted in favor of incurring such

indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of bonds of such municipal improvement district, the power to issue such bonds and all the acts and proceedings of such municipality and of the officers thereof leading up to and including the issuance and sale of such bonds, if such bonds have heretofore been issued and sold, and all acts and proceedings heretofore taken by the municipality or any officials thereof, if such bonds have not been issued and sold, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes and bonds heretofore issued and sold are declared to be and shall be in the actual form in which such bonds have been issued the legal and binding obligations of and against such district, and the bonds heretofore authorized to be issued which may hereafter be issued and sold are declared to be and shall be the legal and binding obligations of and against such district; and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of all of said bonds.

Tax for bond payments

SEC. 3. The legislative body of such municipality shall at the time of fixing the general tax levy and in the manner for such general tax levy provide, levy and collect annually each year until said bonds are paid a tax upon the taxable land in such district sufficient to pay the interest on such bonds for that year and such portion of the principal thereof as is to become due before the time for making the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected at the time and in the manner aforesaid each year sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the same time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

Bonds not validated

SEC. 4. This act shall not operate to legalize any bonds which have been sold for less than par nor to legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such municipal improvement district voting at an election held for the purpose of determining whether such indebtedness should be incurred nor to legalize any bonds which mature at a date more than forty years from the time of their issuance

CHAPTER 760.

An act to provide for the satisfaction of taxes and assessments, and tax and assessment liens against land and improvements in any public body organized under any law or ordinance by surrendering bonds, coupons, warrants, checks, or other evidences of indebtedness of the public body, defining "public bodies" as used herein and declaring the intent of the Legislature with respect hereto.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Taxes and assessments payable with bonds, etc

SECTION 1. Any tax or assessment heretofore or hereafter levied by any public body heretofore or hereafter formed under any law of the State of California, or any ordinance or order of any subdivision thereof or of any municipality therein to pay for the acquisition of any property in connection with, or for the opening, widening, construction and improvement, or any of them, of any public street or highway, or to pay the interest, principal or sinking fund of any bonds issued to pay therefor which is due and payable, together with any penalty or interest thereon then due thereon, may be paid and shall be extinguished, together with any lien lawfully created as security for the payment thereof, to the extent of the face value of any valid and outstanding and unpaid bond, coupon, check, warrant, or other written evidence of indebtedness, if then due or to become due within sixty days thereafter, of such public body, presented in payment therefor. If the tax or assessment sought to be extinguished is in excess of the face value of the bond, coupon, warrant, check or other evidence of indebtedness of such public body presented, the indebtedness shall be satisfied to the extent of the instrument presented, satisfaction to be applied in the following order: first to penalty, then to interest or coupons due, and then on account of principal. If the face value of the bond, coupon or warrant presented is in excess of the total indebtedness, then credit may be given without interest thereon for any such excess on account of any subsequent but then undue liability of the tax or assessment payer presenting the same; no money or other consideration except such credit shall be given for any such excess, and any such excess which is over and above the total present and future liability of the tax or assessment payer shall be canceled.

Valid, outstanding and unpaid bonds, coupons, checks, warrants and other written evidences of indebtedness not yet due may also be used in payment of any tax or assessment of the kind herein specified, provided that the public body to which such payment is made shall not accept nor be required to accept any such bonds if the acceptance thereof shall effect any impairment of the rights or obligations of the public

body issuing any such bond, coupon, check, warrant or other written evidence of indebtedness or of any holder thereof or of any person, firm or corporation owning any property subject to the lien, if any, of such bond, coupon, warrant, check or other evidence of indebtedness.

Bonds surrendered to be canceled.

SEC. 2. All bonds, coupons, warrants, checks and other evidences of indebtedness surrendered or paid in as herein provided for shall be canceled, and the treasurer or person exercising the duties of treasurer of the public body shall make the appropriate entries upon the books of the district.

"Public body" defined

SEC. 3. The term "public body" whenever used in this act shall be deemed to mean the State of California, any county, city and county, city, or any subdivision of the State or of a county or a city, any body politic and any public district of any kind organized under any law of this State or lawful ordinance of any county, city or subdivision of the State, or any of them.

Construction of act

SEC. 4. If all or any portion of this act shall be finally determined by any court having jurisdiction so to do to be inapplicable under any of the terms of any assessment or improvement district act or other law, this shall not affect its applicability or validity as to any other act or bonds, coupons, warrants, checks or other written evidences of indebtedness issued thereunder.

Constitutionality.

SEC. 5. If any article, section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each article, section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the articles, sections, subsections, sentences, clauses or phrases be declared unconstitutional

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CHAPTER 761.

An act to provide for the aid and relief of indigents.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Care of indigents a county charge.

SECTION 1. Every county and every city and county shall aid and relieve all able-bodied indigent persons and those indigents incapacitated by age, disease or accident, when such indigent persons are residents of the county, and are not supported and relieved by their relatives or friends or by public or private institutions. Work may be required of an able-bodied indigent as a condition of relief. Such work shall be created for the purpose of keeping the indigent from idleness and assisting in his rehabilitation and the preservation of his self-respect.

Kindred must support indigents.

SEC. 2. If any indigent has living within this State a spouse, parent or adult child, and such kindred or any of them, or any group of them have sufficient financial ability to support said indigent, such indigent shall not be eligible for aid under this act, except such emergency aid as may be extended hereunder pending a determination of responsibility for his support. Upon failure of such kindred to support the indigent, the county may extend aid and such kindred in the order above named and to the extent of such ability shall reimburse the county or city and county for support of such indigent by paying to such county or city and county the sums per month or per day fixed by the board of supervisors for such aid. In any case where such kindred are unable to pay the entire charge for such support, they shall reimburse the county to such an extent as may be determined under the provisions of this section.

The board of supervisors shall, in the case of aid granted by institutional care, fix a reasonable charge therefor, which shall be the measure of reimbursement to the county, and the existence of the order fixing the charge shall constitute prima facie evidence of its reasonableness.

Action against kindred

SEC. 3. Upon failure on the part of the kindred, referred to in section 2 hereof, to perform their duty to support the indigent, the board of supervisors shall request the district attorney of the county to proceed against such kindred in the order of their responsibility for support. Upon such request the district attorney shall promptly commence and prosecute proceedings for the ascertainment and enforcement of the liability and responsibility of the kindred.

Court proceedings

SEC. 4. Such proceedings shall be begun by filing in the name of the county a petition verified in the manner of a complaint praying that the responsibility and liability of the named kindred be ascertained, and that an order be made accordingly. The provisions of Titles I to IX, inclusive, of Part II of the Code of Civil Procedure shall apply to the proceedings in such action and the court shall therein determine the liability, if any, of each of the kindred for such support. The court shall, in such action, ascertain the financial ability of the defendants and each of them, and unless it finds that a defendant is unable to pay any sum for support, either because of lack of sufficient funds or because such payment would result in the probability of said defendant becoming at some future time a public charge, the court shall order each defendant to pay to the county or city and county a proper proportion, if any, of his liability for the support of the indigent. In no case where any one or more of the kindred has or have sufficient financial ability to support the indigent shall a relative beyond him or them in the order named in section 2 be ordered to pay any portion of the support. The order of the court shall specify that a given sum shall be payable monthly in advance to the board of supervisors or its designated social agency for the entire or partial maintenance of the defendant's

Court order.

indigent relative in accordance with the defendant's financial ability.

Enforcement of order

SEC. 5. In any case where a person so ordered to make such payments fails so to do, the court may by order require him to show cause for such failure and may otherwise enforce its order to make such payments by such order or orders as in its discretion it from time to time deems necessary, and such order or orders may be modified, altered or revoked at the discretion of the court.

Rules for granting support

SEC. 6. The board of supervisors of any county or city and county may establish its own policies with reference to the amount of property, if any, a person shall be permitted to have while receiving public assistance, to the end that in so far as it is possible an applicant for public relief shall be required to apply his own property to his support.

County has claim against property of indigent.

SEC. 7. In any case where a person for the support of whom public moneys have been expended acquires property, the county shall have a claim against such person to the amount of a reasonable charge for moneys so expended and such claim shall be enforced by action against such person by the district attorney of the county on request of the board of supervisors. In a proper case therefor the district attorney shall apply to the proper court for the appointment of a guardian of the person or estate, or both, of the indigent. The support out of public funds of such indigent shall be deemed a ground for sale or encumbering of his property under the provisions of section 1530 of the Probate Code.

Appointment of guardian

No fee shall be charged by any public officer for the filing of any such petition or for any official act done or necessary in the course thereof, except that a county employee acting as such a guardian shall be entitled to such costs therefor as will reimburse him in full for moneys advanced by him in such guardianship.

Where a county officer or employee is appointed and acts as such a guardian, the board of supervisors may by resolution order that expenses necessary in the conduct of the guardianship and any necessary premiums on the bond of the guardian shall be advanced by the county or city and county to such guardian, and such expenses shall be a charge against the county or city and county, but the county or city and county shall be reimbursed out of any funds or property of the estate of the ward.

Payment of support.

SEC. 8. From the proceeds of a sale or encumbrance of the property of such ward, or from such funds as may be collected from the property of the ward, there shall be paid to the county or city and county the expense of the support of the ward prior to collection, together with the subsequent expense of such support.

Security for payment of support.

SEC. 9. As a condition to the grant or continuation of aid to an indigent the board of supervisors may require as security for the moneys so expended that the applicant trans-

fer or grant to it such property or interest in property as the applicant may have, or such portion thereof or estate therein or lien thereon as the board may specify. Such property shall be managed by the board of supervisors and the net income thereof shall be applied to the reimbursement of the county for the aid granted and any surplus in excess of such reimbursement shall be paid to the indigent. In the case of any estate, interest, or lien in such property held by the board, or any right of management transferred thereto, the board shall have all the powers of an attorney in fact for the indigent as to such estate, interest, or lien and may sell, lease or transfer the same, defend and prosecute all suits concerning it, pay all just claims against it and be reimbursed out of the proceeds, and do all things necessary for the protection, preservation and management thereof. Any such estate, interest or lien shall be held by the board subject to the claim of the county for reimbursement for aid granted to the applicant or for moneys expended in its management, preservation or protection, and such reimbursement shall constitute a preferred claim against such estate, interest or lien.

Requirements for aid.

SEC. 10. (a) Subject to the provisions of this chapter, a person, in order to be entitled to aid, must be a resident of the State of California and of the county wherein application is made. In determining the place of residence for purposes of relief the following rules are to be observed:

Residence.

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

2. The residence of the father, while he has legal custody of the minor, or in case he has not such legal custody, the residence of the mother while she remains unmarried and has the legal custody of the minor, is the residence of the unmarried minor child, and the residence of an orphan is that of the last deceased person who had his legal custody. The residence of a dependent child who has been declared free from the custody and control of his parent or parents, by order of the juvenile court, is not changed by change of the residence of the parent or parents.

3. The residence of the husband is the residence of the wife.

4. A person shall be deemed a resident of the State of California within the meaning of this act:

A. Who shall have lived continuously in the State for a period of three years with the intent to make it his home.

B. Who during the three-year period aforementioned shall not have received any public or private relief or support from friends, charitable organizations or relatives other than from legally responsible relatives; but the time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another State.

C. Who has not lost his residence by remaining away from this State for an uninterrupted period of one year, except in

the case of one called elsewhere for labor or other special or temporary purpose.

(b) A person who is a resident of California within the meaning of this act shall be deemed a lawful resident of the county wherein he applies for aid if he has resided therein continuously for one year immediately preceding his application for assistance. In case the applicant has no such residence, the county wherein he last resided continuously for one year immediately preceding his application shall be responsible for his support. In case the applicant has no such year's residence within three years preceding application, that county shall be responsible for his support wherein he was present for the longest time during the said three-year period. But the time spent in a public institution or on parole therefrom or in a private charitable institution shall not in any case be counted in determining the matter of county residence.

(c) Every county or city and county may give such emergency relief to dependent nonresidents as the respective boards of supervisors may deem necessary.

(d) A county may incur all necessary expenses in transporting a nonresident indigent to another State or county when information at hand reasonably tends to show that such person has a legal residence in such State or county, unless other funds are available for such purpose.

(e) Whenever the respective boards of supervisors deem it best for the welfare of a family or in the public interest that an indigent remain in a county not responsible for his support, the county responsible for the support of the indigent may agree to support such indigent in the county not so responsible; provided, however, that no such indigent may in this manner be deemed to have acquired a residence in said nonresponsible county. Such agreement shall be made by the responsible county with the nonresponsible county, and a record or copy thereof shall be sent to and filed in the office of the State Department of Social Welfare.

(f) In case of a dispute between counties as to the responsibility for an indigent, either county may submit the dispute to the State Department of Social Welfare. The decision of the department thereon shall be final.

Investigation of application.

SEC. 11. It shall be the duty of the board of supervisors of every county and every city and county as a whole, or by committee or by such person or society as it may authorize, to investigate every application for relief from the funds of such county or city and county, to supervise by periodic visitation every person receiving such relief, to devise ways and means for bringing persons unable to maintain themselves to self-support and to keep full and complete records of such investigation, supervision, relief and rehabilitation as shall be prescribed by the State Department of Social Welfare. Such records shall be confidential and shall not be open to examination or inspection except by a board or an officer of the State or the county charged with the supervision or direction

Records confidential

of such relief or with the control or expenditure of funds applicable to such relief or by the grand jury of such county; provided, however, that any citizen shall be entitled to demand and receive from the board, officer, committee, person or society having custody of such records a statement of the amount, character and value of the relief received by any person.

Penalty

SEC. 12. Every person, firm or corporation, or officers or agents thereof, bringing into or assisting in bringing into the State of California any indigent person as described in this act, who is not a resident of the State of California, knowing him to be an indigent person, shall be guilty of a misdemeanor.

Stats 1901, p. 636, repealed.

SEC. 13. An act entitled "An act to provide for the maintenance and support, in certain cases of indigent, incompetent and incapacitated persons (other than persons adjudged insane and confined within State hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, is hereby repealed.

CHAPTER 762.

An act authorizing the State Director of Finance, with the consent of the Board of Control, to grant, convey, and sell by deed, or any other proper legal conveyance, all the right, title and interest of the State of California, in and to the abandoned channel of Petaluma Creek or River in the city of Petaluma, county of Sonoma, State of California, lying north of Washington Street in said city, to property owners whose lands abut thereon, or to persons occupying said land.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Sale of State land authorized.

SECTION 1 The Director of Finance with the consent of the Board of Control is hereby authorized and empowered to sell and dispose of, upon such conditions as to price and terms of sale as the Director of Finance may deem to be most advantageous to the State, all the lands under and of the abandoned channel of Petaluma Creek in the city of Petaluma, county of Sonoma, State of California, lying north of Washington Street in said city, and more particularly described as follows:

Description

Commencing at the northeast corner of Main and Washington Street in the city of Petaluma, being the southwest corner of Lot 371, according to the Stratton survey of the city of Petaluma, as said lot and streets are shown upon the official map thereof on file in the office of the county recorder of Sonoma County, California; thence N. 67° 40′ E. 168.0 feet; thence N 15° 50′ W. 102.7 feet; thence N. 8° 35′ E.

89.9 feet; thence N. 85° 00′ E. 74.15 feet to the point of beginning of the tract of land to be herein described; thence N. 85° 00′ E. 196.85 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet to the common easterly corner of lots numbered 381 and 382 of the Stratton survey hereinabove referred to; thence N. 84° 05′ W. 393.3 feet; thence N. 22° 00′ W. 327.6 feet; thence N. 43° 15′ E. 111.0 feet; thence S. 76° 30′ E. 300.0 feet; thence N. 76° 45′ E. 250.0 feet; thence N. 0° 52′ E. 55.74 feet; thence N. 55° 00′ W. 100.0 feet; thence N. 85° 00′ W. 300 0 feet; thence N. 23° 00′ W. 90.0 feet; thence N. 26° 15′ E. 323.0 feet; thence N. 13° 02′ E. 133.84 feet; thence N. 10° 00′ W. 79.5 feet to a point on the south line of Bridge Street at the northeast corner of Lot 515 of said Stratton survey; thence N. 89° 49′ E. 50.0 feet to a point on the westerly line of Block 28, as the same is delineated and so designated upon that certain map entitled "Map of East Petaluma", etc., filed October 20, 1857, in the office of the county recorder of Sonoma County, California, in Liber 3 of Maps, page 28; thence S. 3° 38′ E. 164.0 feet; thence S. 27° 35′ W. 339.0 feet; thence S. 11° 00′ E. 58.0 feet; thence S. 89° 40′ E. 203.3 feet; thence S. 73° 45′ E. 113.0 feet; thence S. 45° 10′ E. 142 0 feet; thence S. 4° 15′ W. 76.3 feet; thence S. 67° 15′ W. 168.0 feet; thence S. 81° 30′ W. 167.8 feet; thence N. 76° 45′ W. 257.0 feet; thence S. 38° 45′ W 54.5 feet; thence S. 15° 35′ E. 206.0 feet; thence S. 42° 30′ E. 90.0 feet; thence N. 86° 00′ E. 231.3 feet; thence S. 79° 13′ E. 173.3 feet; thence S. 57° 45′ E. 329.4 feet; thence S. 44° 25′ E. 179.0 feet; thence S. 18° 40′ W. 108.3 feet; thence S. 63° 15′ W. 77.2 feet; thence S. 84° 00′ W. 113.7 feet; thence N. 81° 25′ W. 121.5 feet; thence S. 33° 11′ W. 17.17 feet; thence N. 22° 20′ W. 17.3 feet; thence N. 5° 02′ E. 37.35 feet, more or less to the point of beginning.

Saving and excepting therefrom that portion now in use as a channel or canal and particularly described as follows: Commencing at a point on the north line of Lot 375 according to the Stratton survey of the city of Petaluma, and distant thereon N. 71° 17′ E. 273.0 feet from the northwest corner thereof; thence N. 5° 02′ E. 273.6 feet to the point of beginning of the tract of land to be herein described; being a point on the easterly line of Lot 380 per the Stratton survey and distant thereon S. 58° E. 111.24 feet from the common easterly corner of Lots 381 and 382 per said Stratton survey; thence N. 28° 32′ W. 130 97 feet; thence S. 79° 13′ E. 43.69 feet; thence S. 57° 45′ E. 93.65 feet; thence S. 1° 31′ E. 92.63 feet; thence N. 58° 00′ W. 67.32 feet to the point of beginning.

Owners of abutting land have priority

SEC. 2. The owners of land abutting upon said lands of, and under said abandoned channel of Petaluma Creek, shall be preferred purchasers for a period of six (6) months following the date upon which the Director of Finance shall give notice by publication in one or more newspapers of general circulation published in said county that he has determined the price and conditions of sale of said parcels of land, such

publication to be made for not less than five consecutive days. In the event said parcels of land shall remain unsold at the end of said six (6) months period, the Director of Finance shall thereupon proceed to offer the same for sale, and to sell the same, after giving notice of such sale, at public auction, to the highest bidder for cash, in the manner prescribed by section 1274 of the Code of Civil Procedure; provided that no bid which is less than the sum determined by the Director of Finance to be the value of the parcels for which it is offered shall be accepted. The Director of Finance is hereby authorized to execute on behalf of the State such deed or other conveyance as may be necessary to pass title to the purchaser or purchasers of such parcels, reserving to the State of California one-sixteenth of all coal, oil, gas and other mineral deposits contained in said lands, as provided by an act of the Legislature approved May 25, 1931, Chapter 303, Statutes of California 1931.

Owners of abutting land

SEC. 3. The names of the said owners of land so abutting upon and/or occupying said abandoned channel of Petaluma Creek or River, and the description of the respective lands or land of said abandoned channel so abutting upon and adjoining his, her, their, or its respective lands, are hereinafter set out and described as follows, viz:

(a) Description No. 1.
to

Meyer Lerer.

Owner: M. Lerer, also known as Meyer Lerer.

Description: Located in the City of Petaluma, County of Sonoma, State of California and described as follows:

Commencing at the point of intersection of the easterly line of Main Street and the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the Official Map of the City of Petaluma, as made by Jas. T. Stratton, and on file in the Office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111.64 feet; thence N. 22° 20′ W. 131.55 feet to the point of beginning of the tract of land to be herein described; thence N. 5° 02′ E. 37.35 feet; thence N. 85° 00′ E. 196.85 feet; thence N. 74° 30′ E. 45.20 feet; thence S. 22° 20′ E. 69.47 feet; thence S. 63° 15′ W. 22.58 feet; thence S. 84° 00′ W. 80.75 feet; thence N. 22° 20′ W. 47.10 feet; thence S. 86° 46′ W. 52.91 feet; thence S. 22° 20′ E. 44.14 feet; thence N. 81° 25′ W. 58.28 feet; thence N. 22° 20′ W. 21.94 feet; thence S. 75° 46′ W. 50.50 feet to the point of beginning. Containing 12,593 square feet.

(b) Description No. 2.
to

J M Gutermute

Owner: J. M. Gutermute.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street and the northerly line of Washington Street, being the most southerly corner of Lot 371, as shown and designated upon the Official Map of the City of Petaluma, as made by Jas. T. Stratton and on file in the Office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111.64 feet; thence N. 22° 20′ W. 131.55 feet to the point of beginning of the tract of land to be herein described; thence N. 75° 46′ E. 50.50 feet; thence S. 22° 20′ E. 21.94 feet; thence N. 81° 25′ W. 41.79 feet; thence S. 33° 11′ W. 17.17 feet; thence N. 22° 20′ W. 17.30 feet to the point of beginning. Containing 651 square feet.

(c) Description No. 3.
to

Geo M Baker.

Owner: Geo. M. Baker, also written George M. Baker.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma as made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111.64 feet; thence N. 67° 40′ E. 100.0 feet; thence N. 22° 20′ W. 72.56 feet to the point of beginning of the tract of land to be herein described; thence N. 22° 20′ W. 44.14 feet; thence N. 86° 46′ E. 52.91 feet; thence S. 22° 20′ E. 47.10 feet; thence S. 84° 00′ W. 32 95 feet; thence N. 81° 25′ W. 21.43 feet to the point of beginning. Containing 2370 square feet.

(d) Description No. 4.
to

A. Baum and A. Moncharch

Owner: A. Baum and A. Moncharch, also known as Abraham Moncharsh, P. R. Moncharsh and Anna Moncharsh.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111 64 feet; thence N. 67° 40′ E. 250.0 feet; thence N. 22° 20′ W. 31.32 feet to the point of beginning of the tract of land to be herein described; thence N. 22° 20′ W. 69.47 feet; thence N. 74° 30′ E. 46.33 feet; thence S. 22° 20′ E. 60 41 feet; thence S. 63° 15′ W. 1.00 feet; thence N. 22° 20′ W. 25.21 feet; thence S. 67° 40′ W. 20.0 feet; thence S. 22° 20′ E. 26.75 feet; thence S. 63° 15′ W. 25.07 feet to the point of beginning. Containing 2468 square feet.

(e) Description No. 5.
to
Foung Yet How

Owner: Foung Yet How.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma as made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111.64 feet; thence N. 67° 40′ E. 275.0 feet; thence N. 22° 20′ W. 33.25 feet to the point of beginning of the tract of land to be herein described; thence N. 22° 20′ W. 26.75 feet; thence N. 67° 40′ E. 20.0 feet; thence S. 22° 20′ E. 25.21 feet; thence S. 63° 15′ W. 20.06 feet to the point of beginning. Containing 519 square feet.

(f) Description No. 6.
to
A Baum and S Moncharsh.

Owner: A. Baum and S. Moncharsh.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma as made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E 111.64 feet; thence N. 67° 40′ E. 296.0 feet; thence N. 22° 20′ W. 34.87 feet to the point of beginning of the tract of land to be herein described; thence N. 22° 20′ W. 60.41 feet; thence N. 74° 30′ E. 8.47 feet; thence N. 28° 45′ W. 20.87 feet; thence N. 67° 40′ E. 56.98 feet; thence S. 22° 20′ E. 16.69 feet; thence S. 18° 40′ W. 83.33 feet; thence S. 63° 15′ W. 8.49 feet to the point of beginning. Containing 3156 square feet.

(g) Description No. 6A.
to
The city of Petaluma.

Owner: The City of Petaluma.

Description: Located in the City of Petaluma, County of Sonoma, State of California, being a portion of Grey Street, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma as made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111.64 feet; thence N. 67° 40′ E. 359.0 feet; thence N. 22° 20′ W. 98.31 feet to the point of begin-

ning of the tract of land to be herein described; thence N 22° 20′ W. 59.21 feet; thence S. 44° 25′ E. 43.57 feet; thence S. 18° 40′ W. 24.97 feet to the point of beginning. Containing 669 square feet.

(h) Description No. 7.
to

Owner: M. Lerer, also known as Meyer Lerer. Meyer Lerer.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111.64 feet; thence N. 67° 40′ E. 359.0 feet; thence N. 22° 20′ W. 115.00 feet to the point of beginning of the tract of land to be herein described; thence S. 67° 40′ W. 56.98 feet; thence N. 28° 45′ W. 49.13 feet; thence N. 58° 00′ W. 203.53 feet; thence N. 67° 40′ E. 49 93 feet; thence S. 72° 03′ E. 122.08 feet; thence S. 44° 25′ E. 99.79 feet; thence S. 22° 20′ E. 42.52 feet to the point of beginning. Containing 14,588 square feet.

(i) Description No. 8.
to

Owner: Camm & Hedges Co , a corporation. Camm & Hedges Co

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 71° 38′ E. 111 64 feet; thence N. 67° 40′ E. 359 0 feet; thence N. 22° 20′ W. 157.52 feet; thence N. 44° 25′ W. 99.79 feet to the point of beginning of the tract of land to be herein described; thence N. 72° 03′ W. 122.08 feet; thence S. 67° 40′ W. 49.93 feet; thence N. 58° 00′ W. 75.31 feet; thence N. 1° 31′ E. 92 63 feet; thence S. 57° 45′ E. 235.75 feet; thence S. 44° 25′ E. 35.64 feet to the point of beginning. Containing 12,208 square feet.

(j) Description No. 9.
to

Owner: Coulson Poultry and Stock Food Company, a corporation. Coulson Poultry and Stock Food Company

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma as made by Jas. T. Stratter and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet to the point of beginning of the tract of land to be herein described; thence N. 84° 05′ W. 70.67 feet; thence N. 65° 50′ E. 113.32 feet; thence S. 28° 32′ E. 128.11 feet; thence N. 58° 00′ W. 111.24 feet to the point of beginning. Containing 5519 square feet.

(k) Description No. 10.
to

Geo P. McNear

Owner: Geo. P. McNear.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street; being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 70.67 feet to the point of beginning of the tract of land to be herein described; thence N. 84° 05′ W. 322.63 feet; thence N. 22° 00′ W. 305.36 feet; thence N. 67° 56′ E. 25.51 feet; thence N. 43° 15′ E. 65.20 feet; thence S. 80° 02′ E. 300.00 feet; thence N. 79° 47′ E. 192.70 feet; thence S. 3° 00′ W. 8.95 feet; thence S. 67° 15′ W. 42.90 feet; thence S. 81° 30′ W. 167.80 feet; thence N. 75° 45′ W. 257.0 feet; thence S. 38° 45′ W. 54.50 feet; thence S. 15° 35′ E. 206.0 feet; thence S. 42° 30′ E. 90.00 feet; thence N. 86° 00′ E. 231.3 feet; thence S. 79° 13′ E. 129.61 feet; thence S. 28° 32′ E. 2.86 feet; thence S. 65° 50′ W. 113.32 feet to the point of beginning. Containing 41,250 square feet.

(l) Description No. 11.
to

Joseph F. Jones.

Owner: J. F. Jones, also known as Joseph F. Jones.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street; being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma, made by Jas. T. Stratton and on file in the office of the County

Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 393.3 feet; thence N. 22° 00′ W. 327.6 feet to the point of beginning of the tract of land to be herein described; thence N. 43° 15′ E. 96.66 feet; thence S. 17° 01′ E. 35.49 feet; thence S. 43° 15′ W. 65.20 feet; thence S. 67° 56′ W. 25.51 feet; thence N. 22° 00′ W. 22.24 feet to the point of beginning. Containing 2779 square feet.

(m) Description No. 12.
to

Owner: M. H. Gordon, also known as M. H. Gordan, James F. Parker and Lillie M. Parker. M H Gordan, James F Parker and Lillie M Parker.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma, made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 393.3 feet; thence N. 22° 00′ W. 327.6 feet; thence N. 43° 15′ E. 96.66 feet to the point of beginning of the tract of land to be herein described; thence N. 43° 15′ E. 14.34 feet; thence S. 76° 30′ E. 300.0 feet; thence N. 76° 45′ E. 201.3 feet; thence S. 3° 00′ W. 37.83 feet; thence S. 79° 47′ W. 192.70 feet; thence N. 80° 02′ W. 300.0 feet; thence N. 17° 01′ W. 35.49 feet to the point of beginning. Containing 16,486 square feet.

(n) Description No. 13.
to

Owner: M. H. Gordon, also known as M. H. Gordan, James F. Parker and Lillie M. Parker. M H Gordan, James F Parker and Lillie M. Parker

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma, made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70 0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 393.3 feet; thence N. 22°

00′ W. 327.6 feet; thence N. 43° 15′ E. 111.0 feet; thence S. 76° 30′ E. 300.0 feet; thence N. 76° 45′ E. 250.0 feet; thence N. 0° 52′ E. 55.74 feet to the point of beginning of the tract of land to be herein described; thence N. 55° 00′ W. 100.0 feet; thence N. 85° 00′ W. 300.0 feet; thence N. 23° 00′ W. 90.0 feet; thence N. 26° 15′ E. 70.5 feet; thence N. 76° 07′ E. 27.26 feet; thence S. 26° 53′ W. 58.77 feet; thence S. 18° 18′ E. 73.61 feet; thence S. 86° 53′ E. 251.46 feet; thence S. 73° 45′ E. 56.49 feet; thence S. 51° 47′ E. 74.04 feet; thence S. 3° 00′ W. 38.46 feet to the point of beginning. Containing 17,823 square feet.

(o) Description No. 14.
to

Christian H. Beck

Owner: Christian H. Beck, sometimes known as and called Christian Hansen Beck, sometimes known as and called C. H. Beck.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma, made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 393.3 feet; thence N. 22° 00′ W. 327.6 feet; thence N. 43° 15′ E. 111.0 feet; thence S. 76° 30′ E. 300.0 feet; thence N. 76° 45′ E. 250.0 feet; thence N. 0° 52′ E. 55.74 feet; thence N. 3° 00′ E. 38.46 feet to the point of beginning of the tract of land to be herein described; thence N. 51° 47′ W. 74.04 feet; thence N. 73° 45′ W. 56.49 feet; thence N. 86° 53′ W. 251.46 feet; thence N. 18° 18′ W. 73.61 feet; thence N. 26° 53′ E. 174.48 feet; thence S. 48° 41′ E. 22.60 feet; thence S. 27° 35′ W. 139.36 feet; thence S. 11° 00′ E. 58.0 feet; thence S. 89° 40′ E. 203.3 feet; thence S. 73° 45′ E. 113.0 feet; thence S. 45° 10′ E. 48.57 feet; thence S. 3° 00′ W. 38.46 feet to the point of beginning. Containing 18,107 square feet

(p) Description No. 15.
to

John T. Merritt et al

Owners: John T. Merritt, an undivided one-third interest; Ida J. Benson, an undivided one-third interest; Jessie Spencer, an undivided one-sixth interest; and Bert Merritt, an undivided one-sixth interest.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street,

being the most southerly corner of Lot 371, as shown and designated upon the official map of the City of Petaluma made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 393.3 feet; thence N. 22° 00′ W. 327.6 feet; thence N. 43° 15′ E. 111.0 feet; thence S. 76° 30′ E. 300 0 feet; thence N. 76° 45′ E. 250.0 feet; thence N. 0° 52′ E. 55.74 feet; thence N. 55° 00′ W. 100 0 feet; thence N. 85° 00′ W. 300.0 feet; thence N. 23° 00′ W. 90.0 feet; thence N. 26° 15′ E. 70.5 feet to the point of beginning of the tract of land to be herein described; thence N. 26° 15′ E. 138.5 feet; thence N. 75° 30′ E. 0 93 feet; thence S. 48° 41′ E. 22.49 feet; thence S. 26° 53′ W. 115.71 feet; thence S. 76° 07′ W. 27.26 feet to the point of beginning. Containing 2729 square feet.

(q) Description No. 16.
to

Owner: Petaluma and Santa Rosa Railroad Company, a corporation. Petaluma and Santa Rosa Railroad Company.

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma, made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168 0 feet; thence N. 15° 50′ W. 102 7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 393.3 feet; thence N. 22° 00′ W. 327.6 feet; thence N. 43° 15′ E. 111.0 feet; thence S. 76° 30′ E. 300.0 feet; thence N. 76° 45′ E. 250.0 feet; thence N. 0° 52′ E. 55.74 feet; thence N. 55° 00′ W. 100.0 feet; thence N. 85° 00′ W. 300 0 feet; thence N. 23° 00′ W. 90.0 feet; thence N. 26° 15′ E. 209.0 feet to the point of beginning of the tract of land to be herein described; thence N. 26° 15′ E. 52.58 feet; thence S. 61° 20′ E. 45.72 feet; thence S. 27° 35′ W. 61.77 feet; thence N. 48° 41′ W. 45.09 feet; thence S. 75° 30′ W. 0.93 feet to the point of beginning. Containing 2565 square feet.

(r) Description No. 17.
to

Owner: Christian H. Beck, sometimes known as and called Christian Hansen Beck, sometimes known as and called C. H. Beck. Christian H Beck

Description: Located in the City of Petaluma, County of Sonoma, State of California, and described as follows:

Commencing at the point of intersection of the easterly line of Main Street with the northerly line of Washington Street, being the most southerly corner of Lot 371 as shown and designated upon the official map of the City of Petaluma, made by Jas. T. Stratton and on file in the office of the County Recorder of Sonoma County; thence N. 67° 40′ E. 168.0 feet; thence N. 15° 50′ W. 102.7 feet; thence N. 8° 35′ E. 89.9 feet; thence N. 85° 00′ E. 271.0 feet; thence N. 74° 30′ E. 100.0 feet; thence N. 28° 45′ W. 70.0 feet; thence N. 58° 00′ W. 457.4 feet; thence N. 84° 05′ W. 393.3 feet; thence N. 22° 00′ W. 327.6 feet; thence N. 43° 15′ E. 111.0 feet; thence S. 76° 30′ E. 300.0 feet; thence N. 76° 45′ E. 250.0 feet; thence N. 0° 52′ E. 55.74 feet; thence N. 55° 00′ W. 100.0 feet; thence N. 85° 00′ W. 300.0 feet; thence N. 23° 00′ W. 90.0 feet; thence N. 26° 15′ E. 261.58 feet to the point of beginning of the tract of land to be herein described; thence N. 26° 15′ E. 61.42 feet; thence N. 13° 02′ E. 133.84 feet; thence N. 10° 00′ W. 79.5 feet; thence N. 89° 49′ E. 50.0 feet; thence S. 3° 38′ E. 164.0 feet; thence S. 27° 35′ W. 137.87 feet; thence N. 61° 20′ W. 45.72 feet to the point of beginning. Containing 14,301 square feet

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CHAPTER 763.

An act to amend sections 869, 925, and 1017 of the Penal Code, relating to the duties of official reporters.

[Approved by the Governor June 5, 1933 In effect August 21, 1933]

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

Stats 1927, p. 1150

SECTION 1. Section 869 of the Penal Code is hereby amended to read as follows:

Testimony to be reported

869. The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the prosecuting attorney, or the defendant or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

Transcript authenticated

First—It must state the name of the witness, his place of residence, and his business or profession.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

Fifth—The reporter shall, within ten days after the close of such examination, if the defendant be held to answer the charge, transcribe his said shorthand notes, making an original and as many copies thereof as there are defendants (other than fictitious defendants), regardless of the number of charges or fictitious defendants included in the same examination and certify and file both said original and copy with the county clerk of the county, or city and county, in which the defendant was examined. The reporter shall, before receiving any compensation as such reporter, file with the auditor of the county his affidavit setting forth that said transcriptions have been filed with said county clerk within the time herein provided for. The compensation of the reporter for any services rendered by him as such reporter in any court of this State shall be reduced one-half if the provisions of this section as to the time of filing said transcript have not been complied with by him.

Sixth—In every case in which a transcript is filed as provided in this section, the county clerk shall deliver the original of said transcript so filed with him to the district attorney immediately upon his receipt thereof and shall deliver a copy of said transcript to each defendant (other than a fictitious defendant) at least five days before trial or upon earlier demand by him without cost to him; provided, however, that if any defendant be held to answer to two or more charges upon the same examination and thereafter the district attorney shall file separate informations upon said several charges, the delivery to each such defendant of one copy of the transcript of said examination shall be a compliance with this section as to all of said informations.

Seventh—If said transcript is filed within the time hereinbefore provided for, the reporter shall be entitled to receive the compensation fixed and allowed by law to reporters in the superior courts of this State.

SEC. 2. Section 925 of the Penal Code is hereby amended to read as follows: Stats. 1929, p. 652.

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may Grand jury. Who may be present

interrogate witnesses before them whenever he thinks it necessary; except that when a charge against or involving the district attorney, or assistant district attorney, or deputy district attorney, or any one employed by or connected with the office of the district attorney is being investigated by the grand jury, such district attorney, or assistant district attorney, or deputy district attorney, or either or any of them, shall not be allowed to be present before such grand jury when such charge is being investigated, in an official capacity but only as a witness, and he shall only be present while a witness and after his appearance as such witness must leave the place where the said grand jury is holding its session. The attorney general is empowered when requested so to do by the grand jury of any county or city and county, to employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to the said grand jury of such county or city and county.

The services of such special counsel and special investigators shall be a county charge of such county or city and county.

Reporter

The grand jury, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such cases in short hand, and to transcribe the same in all cases where an indictment is returned. If an indictment has been found against a defendant, the said reporter shall, within ten days thereafter, unless the court for good cause shall make an order extending the time, which time shall not be extended more than twenty days, certify and file with the county clerk an original transcription of his shorthand notes and as many copies as there are defendants (other than fictitious defendants), regardless of the number of charges or fictitious defendants included in the same investigation. The county clerk shall deliver the original of said transcript so filed with him to the district attorney immediately upon his receipt thereof and shall deliver a copy of said transcript upon each such defendant or his attorney, provided, that if the copy of the testimony shall not be served as herein provided the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony ten days before such trial. The county clerk shall not exhibit said transcript to any person other than the district attorney nor divulge any of the contents thereof until after the defendant is in custody. If several criminal charges be investigated against a defendant on one investigation and thereafter separate indictments are returned upon said several charges, the delivery to said defendant or his attorney of one copy of the transcript of said investigation shall be a compliance with this section as to all of said indictments.

Compensation of reporter

The reporter shall draw no salary or fees from the county for preparing said transcript in any case until all such tran-

scripts of testimony in said case so taken by him are written up and delivered. Before making the order for payment to the reporter as hereinafter set forth, the judge of the superior court shall require the reporter to show by affidavit or otherwise that he has written up and delivered all testimony taken by him, in accordance with this section. The services of such stenographic reporter shall constitute a charge against the county, and such stenographic reporter shall be compensated for reporting and transcribing at the same rates as prescribed in section 274, Code of Civil Procedure, to be paid out of the county treasury on a warrant of the county auditor when ordered by the judge of the superior court. No person other than those specified in this and the succeeding section is permitted to be present during the session of the grand jury except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinions, or giving their votes upon any matter before them. The grand jury or district attorney may require by subpena the attendance of any person before the grand jury as interpreter, and such interpreter may, while his services are necessary, be present at the examination of witnesses before the grand jury. The compensation for services of such interpreter constitutes a charge against the county, and shall be fixed by the grand jury, in an amount not to exceed ten dollars a day and paid out of the county treasury on a warrant of the county auditor upon an order of the judge of the superior court.

SEC. 3. Section 1017 of the Penal Code is hereby amended to read as follows: Stats 1927, p 1148

1017. Every plea must be oral, and entered upon the minutes of the court in substantially the following form, but shall not be taken down in shorthand by the official reporter unless so ordered by the court: Pleas

1. If the defendant plead guilty: "The defendant pleads that he is guilty of the offense charged"

2. If he plead not guilty: "The defendant pleads that he is not guilty of the offense charged."

3. If he plead a former conviction or acquittal: "The defendant pleads that he has already been convicted (or acquitted) of the offense charged, by the judgment of the court of ------ (naming it), rendered at ------ (naming the place), on the ------ day of ------."

4. If he plead once in jeopardy: "The defendant pleads that he has been once in jeopardy for the offense charged (specifying the time, place, and court)."

5. If he plead not guilty by reason of insanity: "The defendant pleads that he is not guilty of the offense charged because he was insane at the time that he is alleged to have committed the unlawful act."

CHAPTER 764.

Stats. 1895, p 115, amended

An act to amend section 1 of an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, as amended, relating to the procedure necessary for such disincorporation.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats. 1899, p 13.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Disincorporation Procedure.

Section 1. A municipal corporation of the sixth class may disincorporate after proceedings had as required in this section.

The council, board of trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than twenty per cent of the qualified electors thereof, as of the date of the last general State election, submit to the electors of such corporation the question whether such municipal corporation shall disincorporate.

Election.

Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed or published in such corporation, or if there is no newspaper published in said corporation, then in some newspaper published in the county in which said corporation is situated, for a period of thirty days prior to such election. Said notice shall state that the question of disincorporating said corporation will be submitted to the legal voters of the same at the time appointed for such election, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the cross, as specified by law, after the words "For disincorporation," or "Against disincorporation." Such legislative body shall also designate in said notice the place or places at which the polls will be open in said municipal corporation; and shall also appoint and designate in such notice the names of the officers of election. The vote at said election shall be taken, canvassed, and returned in the same manner as in other municipal elections. Such legislative body shall meet on the Monday next succeeding the day of such election and proceed to canvass the votes cast thereat. If it is found by the canvass of said votes that less than a majority of the votes cast were in favor of disincorporation, such legislative body shall declare the petition for disincorporation denied, in which case no new election shall be held on the question of disincorporating the corporation involved in said petition and vote until after the expiration of two years from date of the election so held. In case it shall appear from said canvass that a majority of all the votes cast were in favor

of disincorporation, said legislative body shall, under their hands, make and file in their office, and cause to be entered upon their record of proceedings, an order that the petition for such disincorporation be granted, and declaring that such corporation be disincorporated; said order to take effect at the time hereinafter provided.

Duty of legislative body.

Said legislative body shall, in case said corporation is so disincorporated, forthwith cause their clerk, or other officer performing the duties of clerk, by an order entered in their minutes, to make and transmit to the Secretary of State and board of supervisors of the county in which said corporation is situated, a certified copy and abstract of the notice of election hereinbefore provided for, the whole number of electors voting for said disincorporation, and the number of electors voting against said disincorporation.

Thirty days from and after the holding of the election, in case a majority of the said votes were cast in favor of said disincorporation, said municipal corporation shall be thereafter disincorporated.

Indebtedness.

Said legislative body shall forthwith, after ascertaining by said canvass that said disincorporation has been carried, determine the amount of the indebtedness of said municipal corporation, the amount of money in the treasury thereof, and the amount of any tax levy made by said corporation unpaid or not due, and all other indebtedness due or coming due to said corporation, and within thirty days from the date of said election shall transmit a certified statement of said amount to the board of supervisors of the county in which said municipal corporation is situated; and the treasurer of said corporation shall, before the expiration of said thirty days, turn over to the treasurer of said county all moneys of said municipal corporation in his possession, and said county treasurer shall place said moneys in a special fund, to be drawn upon as hereinafter provided for. Upon the disincorporation of said municipal corporation, every public officer of said corporation shall immediately turn over to the board of supervisors of the county in which said corporation is situated all public property of every nature and description in their possession; provided, however, that all court records of the city court of the said municipal corporation shall be retained by the justice of the peace of the township, who shall have authority to execute and complete all unfinished business standing on the same.

Officers to turn over property

Payment of all indebtedness

Nothing contained in this act shall be held to relieve said municipal corporation, or the territory included within it, from any liability for any debt contracted by such municipal corporation prior to its disincorporation. All warrants for said indebtedness shall be drawn by the board of supervisors of the county in which said municipal corporation is situated, on the fund hereinabove provided for in the county treasury. If, at the time of said disincorporation, a tax shall have been levied by said municipal corporation, and remains uncollected,

it shall be the duty of the tax collector of the county in which said municipal corporation was situated to collect said tax when due, and pay the same into the county treasury. All property upon which any municipal tax has been levied and the same has become delinquent, either before or after the date of such disincorporation, and all property sold for any tax levied by said municipal corporation, may be redeemed by any party interested, by the payment to the county treasurer, upon the estimates of the auditor, of the money that would have been necessary to redeem such property, had said city not disincorporated. All moneys paid into the county treasury under the provisions of this act shall be placed to the credit of the special fund hereinbefore provided for.

Tax levy if not sufficient money

If, at any time after the disincorporation of such municipal corporation, it should be found that there is not sufficient money in the treasury to the credit of the fund hereinabove provided for, with which to pay any indebtedness of said municipal corporation, the board of supervisors of said county shall have the power, and it shall be their duty to levy, and there shall be collected from the territory formerly included within said municipal corporation, a tax or taxes sufficient in amount to pay the said indebtedness of said municipal corporation, as the same shall become due; such tax or taxes, assessments, and collections, shall be made in the same manner and at the same time that other taxes of said county are levied and collected, and shall be an additional tax upon the property included within said territory for the payment of said debts. If, after payment of the debts of said municipal corporation, there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the money so remaining shall be transferred to the school fund of the districts or district covered by said municipal corporation.

CHAPTER 765.

Stats 1927, p 1325, amended

An act to amend section 6 of the "Orange County Flood Control Act," relating to bond elections.

[Approved by the Governor June 5, 1933 In effect August 21, 1933.]

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

Stats 1927, p 1325

SECTION 1. Section 6 of the "Orange County Flood Control Act" is hereby amended to read as follows:

Bond election

Sec. 6. After the adoption of the report by said board of supervisors as above provided, said board shall without delay call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed six per cent per annum. Bond election.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and two clerks for each of such precincts.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published ten times in one or more daily or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election two-thirds of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

CHAPTER 766.

Stats 1915, p. 1, amended

An act to amend the title of, and to add new sections to be numbered 4a and 4b to, an act entitled "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to elections and to qualification of electors.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1915, p. 1

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

Title

An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts.

New section.

SEC. 2. A new section is hereby added to said act to be numbered 4a and to read as follows:

Who may vote.

Sec. 4a. In such districts, no person shall be entitled to vote at any election unless such person possesses all of the qualifications required of electors within the county election precincts in such districts under the general election laws of the State, and shall have appeared on the last preceding equalized assessment roll of the district as the holder of title or evidence of title to real property situate within the district in which the election is being held. Any holder of land under a possessory right acquired by entry or purchase from the United States or the State of California, or by a contract of purchase shall be deemed to be a holder of evidence of title to said land within the meaning of this act.

New section

SEC. 3. A new section is hereby added to said act to be numbered 4b and to read as follows:

Roster of voters.

Sec. 4b. Prior to any election in any such district, the secretary of the district shall prepare a roster of all persons possessing the qualifications prescribed in the preceding section for each precinct or consolidated precinct within such district by reference to the last preceding equalized assessment roll of the district and the registers of voters in the county or counties in which such district may be situate, and prior to the election he shall certify to each of the election boards in the district the roster of persons qualified to vote in their

respective precincts or consolidated precincts. Only persons whose names appear on such rosters shall be entitled to vote at the election for which such rosters were prepared.

CHAPTER 767.

An act to amend sections 2, 3 and 5 and to add two sections to be numbered 6 and 7 to an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, said amendments and new sections relating to the allocation and expenditure of State highway funds, the construction, improvement and maintenance of State highways and the addition of certain highways to the State system.

Stats. 1927, p. 1562, amended.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1927, p. 1562.

SEC. 2. (a) All money now or hereafter available under any law of this State for the acquisition of rights of way for, or the construction, maintenance, repair, widening, resurfacing, reconstruction or improvement of State highways or for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in State parks, other than money authorized by law to be deposited in the State highway general fund, shall be deposited in a "State highway fund," which fund is hereby created, and the moneys in said fund shall be allocated and expended as provided in this act. Said State highway fund is the successor to the State highway maintenance fund and the State highway construction fund, and all moneys in said funds shall, on the effective date of this act, be transferred to said State highway fund.

"State Highway fund."

(b) The Department of Public Works is hereby authorized and directed to expend of all said money available each year in the State highway fund such proportion thereof as the California Highway Commission determines is necessary for:

Use of money.

(1) General administration purposes;

(2) For maintenance of all State highways, including all traversable highways on authorized State highway routes; and

(3) For the maintenance of highways in State parks.

(c) A traversable State highway shall be construed to mean any existing travelable road or highway between the termini of and approximately on the route of any authorized State highway.

(d) The term "maintenance" shall include the preservation and keeping of rights of way and each type of roadway, structure and facility in the safe and usable condition to which it has been improved or constructed but shall not include reconstruction or other improvement. Maintenance shall also include necessary provision for special safety conveniences and devices; general utility services such as roadside planting, also special or emergency maintenance or repair necessitated by accidents or by storms or other weather conditions, slides, settlements or other unusual or unexpected damage to a roadway, structure or facility. The Department of Public Works and the California Highway Commission shall be limited in expenditures for general administration and maintenance to an amount not exceeding the net revenue derived from one cent per gallon tax on motor vehicle fuel.

(e) All money in the State highway fund not expended for general administration purposes or for maintenance shall be expended for the purposes and in the manner hereinafter specified.

Stats 1927, p 1562

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Allocation of money

Sec. 3. All money in the State highway fund, except such portions thereof as are expended for general administration purposes and for maintenance of State highways, including traversable State highways and highways in State parks, shall be allocated and expended as follows:

(a) One-half thereof shall be allocated to and expended upon primary State highways, and the annual expenditures thereof shall be made within each group of counties enumerated in section 4 of this act in amounts which shall bear the same proportion to the total amount so available during the current year as the number of miles of primary State highways within each group bears to the total number of miles of primary State highways; the remaining one-half of said amount so available shall be expended upon the secondary State highways in the State highway system, and the total annual expenditures thereof shall be made one-half thereof in each of the groups of counties enumerated in section 4 of this act; provided, that not to exceed four per cent of the money hereby allocated to the secondary highways in a particular group may be used and expended as State aid to joint highway districts within such group in accordance with the laws pertaining to the financing of highways within joint highway districts.

(b) In the event the California Highway Commission shall determine at any time that the money hereby allocated to the primary highways in either group of counties designated in this act is larger than necessary for the purpose of adequately meeting traffic requirements, then on the authorization of said commission, the Department of Public Works may expend not more than fifty per cent of the money so

allocated to the primary highways in such group of counties upon the secondary highways in such group of counties. Allocation of money

Provided further, that in the event the California Highway Commission shall determine at any time that the cost of constructing, reconstructing, widening or improving the primary highways in either group of counties designated in this act is greater than can be met by the money hereby allocated to such primary highways, then on the authorization of said commission, the Department of Public Works may expend not more than fifty per cent of the money hereby allocated to the secondary highways in such group of counties upon the primary highways in such group of counties.

(c) As a further flexible provision with respect to the expenditure of primary and secondary money it is further provided that the Department of Public Works in constructing, reconstructing, widening, improving or maintaining routes within municipalities, as hereinafter provided, within a particular group of counties designated in this act, may on the authorization of the California Highway Commission expend for said purposes money allocated to either the primary or secondary highways in such group of counties.

(d) Except as otherwise permitted hereunder, any annual or biennial balances remaining unexpended to the credit of any group of counties shall remain credited to the particular group of counties to which it is allocated as above set forth.

(e) In apportioning the expenditures of money as required by this act, there shall be excluded from the computations of moneys expended any sums contributed by any city, city and county, county, or from any other source, to pay a portion of the cost of constructing, reconstructing, widening or improving any State road or highway.

(f) The money hereinabove allocated to primary and secondary State highways, respectively, and the amounts available therefor each year shall be expended by the Department of Public Works in acquiring the necessary rights of way for and in constructing, reconstructing, widening or improving to standards justified by traffic requirements, and on the most direct and practicable routes as determined by the California Highway Commission, the primary and secondary State highways, respectively, in the State highway system and for the construction, maintenance and improvement of highways in State parks subject to the approval of the official or officials charged by law with the management and control of such parks.

(g) All the money hereby allocated to and available for expenditure upon primary State highways in county group No. 1 shall be subject to the appropriation made by Chapter 5, Statutes of 1933, and all the money hereby allocated to and available for expenditure upon either primary or secondary State highways in county group No. 1 shall be subject to the appropriation made by Chapter 9, Statutes of 1933.

Accounts

(h) The Department of Public Works shall set up and keep such accounts as may be necessary to show all expenditures from the State highway fund for the several purposes authorized and required by this act, and shall make and keep on file in the office of the Director of Public Works an annual statement showing all such expenditures from said fund.

(i) All money withdrawn from said "State highway fund" shall be upon warrants drawn by the State Controller upon demands made by the Department of Public Works, and audited as provided by law; provided, however, that the Department of Public Works may, without at the time furnishing vouchers and itemized statements, withdraw from the State highway fund a sum not to exceed five hundred thousand dollars. The sum or sums so withdrawn may be used as a revolving fund where cash advances are necessary.

Revolving fund.

Expenditures within cities.

(j) The Department of Public Works shall annually expend from the State highway fund an amount equal to one-quarter of one cent per gallon tax on motor vehicle fuel, after the proportionate payments therefrom into the "Fuel tax enforcement fund" and after the proportionate refunds shall have been made, within the incorporated cities and cities organized under freeholder charters, and any city and county in this State, for the purposes specified in this section and in section 5 of this act, and such expenditures shall be made within each such city or city and county within the State in the proportion that the total population in each city or city and county bears to the total population in all such cities in this State. For the purpose of this section the population in each city or city and county is declared to be that determined by the last preceding Federal census.

The expenditure of the money hereby allocated to each incorporated and charter city or city and county shall, in the discretion of the Department of Public Works, be made first for the acquisition of rights of way for, or the construction or maintenance or improvement of State highways or portions thereof within such city.

In the event that the amount of money allocated to any one incorporated or charter city or city and county is greater than is necessary to adequately maintain and improve to adequate standard all State highways within such city, then any surplus amount accruing to such city shall be expended for the acquisition of rights of way, or the construction, or maintenance or improvement of other streets of major importance within such city as may be agreed upon by the Department of Public Works and the legislative body of such city.

With respect to any expenditure within an incorporated or charter city or city and county herein authorized, the Department of Public Works may delegate any such expenditure to the legislative body of such city when and if said department is satisfied that such city is equipped to conduct such acquisition or construction or maintenance or improvement work in an efficient and economic manner.

The legislative body of any incorporated or charter city or city and county may authorize the accumulation of funds accruing to it over a period of years, or authorize the advancement of moneys to accrue to such city over a period of years to permit the accomplishment of a major project in its entirety. No such accumulation or advancement of funds shall be made without the approval of the Department of Public Works.

The legislative body of any incorporated or charter city or city and county may authorize the allocation and expenditure by the Department of Public Works of any money accruing to such city hereunder upon any State or other major street or highway outside the limits of such city. The provisions of this section shall be construed as a guaranty for the expenditure of not less than the amounts herein provided within each city or city and county, but shall not be deemed to prevent the expenditure of any larger amount by the Department of Public Works upon any State highways or portions thereof lying within an incorporated city or city organized under freeholder charters, or city and county in this State, as provided in section 5 of this act.

SEC. 3. Section 5 of said act is hereby amended to read as follows: Stats 1927, p 1562

Sec. 5. The California Highway Commission shall have jurisdiction and authority as provided in this section with respect to any State highway lying within any municipality as specifically described by law, also with respect to a State highway, the natural course of which runs or passes into or through any municipality or contiguous municipalities. Unless any such route or routes within a municipality is specifically described by law it shall be the duty of the highway commission to designate and to determine the location of connecting portions either through or around the municipality as the commission may determine will be of the greatest benefit to through traffic and the said commission shall determine such connecting portions with respect to all State highways, the natural course of which runs or passes into or through any municipality. Jurisdiction of Highway Commission

The Department of Public Works is hereby authorized to acquire the necessary land or rights of way by purchase, condemnation or donation for any said highway or the legislative body of the municipality may acquire the necessary land or rights of way by purchase, condemnation or donation and title to any said land or right of way may be taken in the name of the State or in the name of the municipality. Acquisition and construction.

The Department of Public Works is hereby authorized to construct, reconstruct, widen, otherwise improve or maintain any such highway within a municipality or upon the allocation of any funds by the California Highway Commission for any said purpose the director of the Department of Public Works may as he shall deem expedient enter into a cooperative agreement with such municipality for the performance of any such work by the State or by such municipality or for the division

of the cost thereof as between the State and such municipality. All work performed under the provisions of this section shall be approved by the Director of Public Works.

The Director of Public Works may delegate to any such municipality all or any part of the powers and jurisdiction vested by law in him or in the Department of Public Works over and in respect to all or any section of any such State highway within such municipality.

New section

SEC. 4. Said act is hereby amended by adding thereto a new section to be numbered 6, to read as follows:

Width of highways

Sec. 6. The minimum permissible width of right of way for all State highways shall be eighty feet, except as otherwise provided in section 2320 of the Political Code; and provided, further, that the Department of Public Works may maintain any traversable State highway having a lesser width of right of way but shall not expend any money thereon for construction, reconstruction or other major improvement, except for bridges or approaches thereto, until the width of right of way is at least eighty feet; and provided further, that the provisions of section 2620 of the Political Code in respect to State highways shall not apply to such highways within municipalities.

Stats 1933, Ch 8

New section

SEC. 5. Said act is hereby amended by adding thereto a new section to be numbered 7, to read as follows:

Secondary highways

Sec. 7. The following named and described highways or routes are hereby declared to be and are hereby classified as secondary State highways and the Department of Public Works is hereby authorized and directed to lay out and construct said highways by the most direct and practicable routes, as determined by the California Highway Commission, between the termini stated herein, and to improve and maintain the same subject to the provisions of this act as applicable:

State Highway Route 71 to State Highway Route 1 north of Smith River.

Etna Mills to Montague.

State Highway Route 28 at Alturas to State Highway Route 29.

State Highway Route 3 near Mt. Shasta to Lassen National Park.

State Highway Route 20 near Willow Creek to State Highway Route 46 near Weitchpec.

State Highway Route 1 to State Highway Route 20 north of Mad River.

Ferndale to State Highway Route 1 near Fernbridge.

State Highway Route 1 near Alton to State Highway Route 35 near Kuntz

State Highway Route 35 near Peanut to State Highway Route 20 near Douglas City.

State Highway Route 35 to State Highway Route 3 near Red Bluff.

State Highway Route 28 near Redding to Lassen National Park.

Lassen National Park to State Highway Route 29 at Mineral and Lassen National Park-Mineral Road to State Highway Route 29 near Morgan. Secondary highways

State Highway Route 29 near Deer Creek Pass to State Highway Route 21 near Indian Falls.

State Highway Route 3 near Chico to State Highway Route 29 near Deer Creek Meadows.

State Highway Route 21 near Blairsden to State Highway Route 38 near Truckee.

State Highway Route 25 at Downieville to Blairsden-Truckee Road near Sattley.

State Highway Route 37 near Colfax to State Highway Route 17 near Grass Valley.

State Highway Route 3 near Chico to State Highway Route 21 near Oroville.

State Highway Route 15 near Marysville to State Highway Route 21 near Oroville.

State Highway Route 45 near Glenn to State Highway Route 47 near Hamilton City.

State Highway Route 15 near Sycamore to Woodland-Yuba City Road near Knights Landing.

Russian River near Jenner to Westport.

State Highway Route 49 near Middletown to State Highway Route 15 near Upper Lake via Lakeport.

State Highway Route 50 near Rumsey to State Highway Route 7 near Woodland.

State Highway Route 7 near Vacaville to State Highway Route 7 near Dunnigan.

State Highway Route 7 near Woodland to State Highway near Yuba City.

Woodland to Sacramento.

State Highway Route 3 near Lincoln to State Highway Route 17 near Newcastle.

State Highway Route 65 near Coloma to Marshall's Monument.

State Highway Route 65 near Cool via Georgetown to State Highway Route 65 near Placerville.

State Highway Route 11 near El Dorado to State Highway Route 11 near Placerville via Diamond Springs.

State Highway Route 38 near Camp Richardson to south end Fallen Leaf Lake.

State Highway Route 23 near Woodfords to the California-Nevada State line.

State Highway Route 23 near Coleville to the California-Nevada State line.

State Highway Route 23 near Bridgeport to the California-Nevada State line via Walker River.

State Highway Route 11 near Perkins to State Highway Route 54 near Michigan Bar.

State Highway Route 4 near Stockton to State Highway Route 54 near Waite's Station.

Secondary highways.

State Highway Route 4 near Stockton to State Highway Route 65 near Mokelumne Hill.

State Highway Route 4 south of Sacramento to State Highway Route 3 near Ben Ali.

Walnut Creek-Stockton Road near Antioch to Sacramento.

State Highway Route 53 at Rio Vista via Ryer Island to State Highway Route 6 near Broderick and Rio Vista-Broderick Road on Ryer Island to Sacramento-Antioch Road.

State Highway Route 53 to State Highway Route 7 near Dixon.

State Highway Route 8 near Napa to Winters via Wooden Valley and Berryessa Valley.

Napa-Calistoga road near Rutherford to Napa-Winters road via Sage Canyon.

State Highway Route 8 near Napa to State Highway Route 49 near Calistoga.

Calistoga to State Highway Route 1 near Geyserville.

State Highway Route 8 to State Highway Route 7 through American Canyon.

State Highway Route 1 near Petaluma to State Highway Route 8 near Shellville.

Sebastopol to State Highway Route 1 near Santa Rosa.

Coast road near Jenner to State Highway Route 1 near Cotati.

State Highway near southerly end of Marin Peninsula to the Marin-Sonoma County line via the Coast Route.

San Jose to Richmond (East Shore Highway).

Hayward, via Fourteenth Street in San Leandro to Seventh and Cypress Streets in Oakland.

San Jose-Richmond East Shore Highway near Mt. Eden to State Highway Route 5 near Hayward.

State Highway Route 75 near Walnut Creek to State Highway Route 5 near Stockton via Antioch.

State Highway Route 14 near Hercules to the Walnut Creek-Antioch Road.

State Highway Route 75 near Walnut Creek to Livermore-San Jose Mission Road near Scotts Corners.

San Jose-Richmond East Shore Highway near Newark to Walnut Creek-Scotts Corners Road near Sunol.

State Highway Route 5 near Mission San Jose to State Highway Route 5 near Livermore.

State Highway Route 4 near Fresno to State Highway Route 5 near Tracy.

State Highway Route 4 near Stockton via Copperopolis to State Highway Route 65 near Altaville.

State Highway Route 4 at Modesto northerly to State Highway Route 13 between Salida and Riverbank.

State Highway Route 4 near Manteca to State Highway Route 13 near Oakdale.

State Highway Route 40 near Moccasin Creek to State Highway Route 18 near Mariposa.

Fresno-Tracy West Side Highway to the Sonora-Mariposa Road via Modesto. Secondary highways.

State Highway Route 23 near Mono Lake to State Highway Route 76 near Benton Station.

State Highway Route 23 near Rush Creek via June Lake to State Highway Route 23.

State Highway Route 23 to Mammoth Lakes.

State Highway Route 23 to Camp Sebrina.

Santa Cruz to San Francisco via Coast.

Coast Road near Half Moon Bay to State Highway Route 2 near San Mateo.

State Highway Route 55 to State Highway Route 2 near Menlo Park.

State Highway Route 2 near Mountain View to State Highway Route 5 near Milpitas.

State Highway Route 55 near Saratoga Gap to State Highway Route 5 near Los Gatos.

State Highway Route 68 near Sunnyvale to Los Gatos-Saratoga Gap Road.

State Highway Route 5 near San Jose to Mount Hamilton.

Santa Cruz to State Highway Route 42 near Waterman Gap.

State Highway Route 56 near Carmel to Santa Cruz.

Coast Road near Watsonville to State Highway Route 2 in Santa Clara Valley via Hecker Pass.

State Highway Route 67 near Chittenden to the Coast Road near Watsonville.

Coast Road near Castroville to State Highway Route 2 near Prunedale.

State Highway Route 22 near San Juan Bautista to State Highway Route 2 near The Rocks.

Monterey to State Highway Route 2 near Salinas.

State Highway Route 2 near Salinas to Coast Road near Castroville.

State Highway near Gilroy to State Highway Route 10 in Priest Valley.

State Highway Route 2 near Soledad to Pinnacles National Monument and Pinnacles National Monument to Hollister-Priest Valley Road in Bear Valley.

State Highway Route 32 west of Los Banos to Fresno-Tracy West Side Highway near Centinella.

Fresno Tracy West Side Highway near Newman to State Highway Route 4 near Livingston.

State Highway Route 4 near Merced to Snelling.

State Highway Route 4 near Merced southerly to State Highway Route 32.

State Highway Route 4 at Chowchilla, via Robertson Boulevard to State Highway Route 32.

State Highway Route 4 near Fresno to Yosemite National Park.

State Highway Route 4 near Madera to Fresno-Yosemite Road.

Secondary Highways

Fresno-Tracy West Side Highway near Kerman to State Highway Route 4 near Madera.

Fresno-Yosemite Road at Shaw Avenue to Huntington Lake.

State Highway Route 4 near Fresno to General Grant National Park.

State Highway Route 31 to Death Valley and connection to California-Nevada State line.

State Highway Route 23 near Lone Pine to Death Valley.

State Highway Route 4 near Tipton, via Porterville and Camp Nelson to State Highway Route 23 near Lone Pine.

State Highway Route 4 near Bakersfield to Fresno-General Grant National Park Road.

Orosi to Bakersfield-General Grant Park Road.

State Highway Route 4 near Kingsburg to State Highway Route 10 near Lemoncove.

Tulare-Lindsay Road near Tulare to Orange Cove.

Visalia to Woodlake.

Corcoran to Lindsay via Tulare.

Hanford via Corcoran and Earlimart to Bakersfield-General Grant Park Road near Ducor.

State Highway Route 4 near Delano to Bakersfield-General Grant Park Road.

State Highway Route 56 near Moro to State Highway Route 4 near Fresno via Stratford.

State Highway Route 2 near Santa Margarita to Moro-Fresno Road near Creston.

State Highway Route 56 near Cambria to State Highway Route 2 near Paso Robles.

State Highway Route 2 near Santa Margarita to State Highway Route 4 near Bakersfield.

State Highway Route 57 near Maricopa to State Highway Route 10 near Coalinga.

Taft-Greenfield Road to State Highway Route 33 near Wasco.

Taft to State Highway Route 4 near Greenfield.

State Highway Route 4, via Brundage Lane and Oak Street to State Highway Route 4 near Beardsley School.

State Highway Route 4 near Bakersfield to State Highway Route 57 near Isabella via Glennville.

Arvin Road near Weed Patch to State Highway Route 57 near Loma Park.

State Highway Route 4 south of Bakersfeld to State Highway Route 58 via Arvin.

Cummings Valley State Institution to State Highway Route 58 near Old Town.

State Highway Route 31 near Cajon Pass to State Highway Route 23 near Little Lake.

State Highway Route 58 west of Needles northerly to the California-Nevada State line.

State Highway Route 64 near Blythe to State Highway Route 58 near Needles.

Secondary highways

County line near Palo Verde to State Highway Route 64 near Blythe.

State Highway Route 2 near Arroyo Grande to State Highway Route 2 near San Luis Obispo.

State Highway Route 2 near Las Cruces via Lompoc and Guadalupe to State Highway Route 2 near Pismo.

Guadalupe to Sisquoc via Santa Maria.

Orcutt to State Highway Route 2 south of Santa Maria.

Harris to State Highway Route 2 near Los Alamos.

Surf to State Highway Route 80 near Santa Ynez.

State Highway Route 80 to State Highway Route 2 via Foothill Road.

State Highway Route 2 near Montecito to State Highway Route 2 west of Santa Barbara via the Coast.

Santa Barbara to Rincon-Santa Paula Road near Ventura-Santa Barbara County line.

State Highway Route 2 near Rincon to State Highway Route 79 near Santa Paula.

State Highway Route 2 near Ventura to State Highway Route 57 in Cuyama Valley.

State Highway Route 2 near Carpinteria to the Carpinteria Beach State Park.

State Highway Route 2 near Montalvo to State Highway Route 4 near San Fernando.

The Montalvo-San Fernando Road near Saticoy to State Highway Route 79.

State Highway Route 2 near El Rio to Montalvo-San Fernando Road near Saticoy.

Hueneme to Montalvo-San Fernando Road near Somis via Oxnard and Camarillo.

State Highway Route 2 near Newbury Park to State Highway Route 79 near Fillmore.

State Highway Route 60 near Aliso Canyon to State Highway Route 2 near Triunfo.

State Highway Route 60 near Topanga Beach to Montalvo-San Fernando Road near Chatsworth.

State Highway Route 4 near Tunnel Station to State Highway Route 9 near San Fernando.

State Highway Route 4 near San Fernando to State Highway Route 60 near Mines Field.

Lankershim Boulevard from State Highway Route 2 near Universal City to State Highway Route 4.

Highland Avenue, Los Angeles, from Cahuenga Boulevard to Santa Monica Boulevard.

San Fernando Road to State Highway Route 9 via Verdugo Road.

State Highway Route 2 near Cahuenga Park to State Highway Route 4 near Burbank.

State Highway Route 4 near Glendale to State Highway Route 9 near Monrovia.

State Highway Route 60 at Santa Monica to Colorado Boulevard near Eagle Rock.

Secondary highways.

State Highway Route 60 at Torrance via Hawthorne Avenue to Mines Field-San Fernando Road.

San Pedro to State Highway Route 9 near La Canada via Figueroa Street.

Los Angeles (Aliso Street) to State Highway Route 26 near Monterey Park via Ramona Boulevard.

Long Beach via Atlantic Boulevard to State Highway Route 26 near Monterey Park.

State Highway Route 60 near Long Beach to State Highway Route 9 near Lamanda Park.

Spring Street to Firestone Boulevard via Somerset Avenue.

Long Beach-Santa Ana Road near Seal Beach via Santa Fe Springs to State Highway Route 26 near West Covina.

State Highway Route 60 near Huntington Beach to Whittier.

Huntington Beach-Whittier Road near Buena Park to State Highway Route 9 near Azusa.

Los Angeles, Boyle Avenue and 4th Street, to State Highway Route 19 near Walnut Station.

Los Angeles, Indiana and 3rd Streets, to the Huntington Beach-Whittier Road near Santa Fe Springs.

State Highway Route 60 via Manchester Avenue to State Highway Route 2 near Miraflores

State Highway Route 60 in Santa Monica to the intersection of Ninth and Indiana Street in Los Angeles via Tenth Street.

State Highway Route 60 near Hermosa Beach to State Highway Route 43 in Santa Ana Canyon via Artesia Avenue.

Buena Park-Azusa Road near La Habra to State Highway Route 43 in Santa Ana Canyon via Brea.

Brea to State Highway Route 77 near Chino.

Cerritos Avenue to State Highway Route 43 near Olive via Anaheim.

State Highway Route 60 near Long Beach to Santa Ana.

State Highway Route 2 near Orange County Hospital northerly to Hermosa Beach-Santa Ana Canyon Road.

State Highway Route 2 near Orange County Hospital to Main Street, Santa Ana, via Santa Ana Boulevard.

State Highway Route 43 to La Habra-Santa Ana Canyon Road near Yorba Linda via Grand Avenue and Glassell Avenue.

State Highway Route 2 near Orange to Orange County Park.

State Highway Route 60 near Seal Beach to State Highway Route 2 near Santa Ana.

State Highway Route 60 near Corona del Mar to Santa Ana via Main Street.

State Highway Route 60 near Laguna Beach to State Highway Route 2 near Irvine.

State Highway Route 2 near San Juan Capistrano to State Highway Route 77 near Lake Elsinore.

State Highway Route 23 near Palmdale to Swartout Valley.

State Highway Route 61 to State Highway Route 59 via Los Angeles County Park.

Secondary highways.

State Highway Route 31 from Victorville to State Highway Route 43 near Big Bear Lake via Baldwin Lake.

State Highway Route 26 near Whitewater to Morongo Valley.

State Highway Route 31 near Cajon Pass to State Highway Route 43 via Lake Arrowhead.

State Highway Route 43 near Mt. Anderson to the Cajon Pass-Lake Arrowhead Road.

State Highway Route 43 near Strawberry Peak via Strawberry Flat to the Cajon Pass-Lake Arrowhead road near Lake Arrowhead.

State Highway Route 9 near San Dimas to State Highway Route 26 near Redlands via Highland Avenue.

State Highway Route 31 near Verdemont to Highland Avenue, San Bernardino, via Little Mountain.

State Highway Route 26 near Redlands to State Highway Route 43 near Big Bear Lake via Barton Flats

A highway around Big Bear Lake connecting State Highway Route 43.

State Highway Route 77 via Euclid Avenue to Highland Avenue in Upland.

State Highway Route 77 near Prado to State Highway Route 9 near San Bernardino.

State Highway Route 26 near Colton to State Highway Route 9 near San Bernardino via Mt. Vernon Avenue.

State Highway Route 78 near Perris to State Highway Route 26 near Indio.

Hemet to State Highway Route 19 near Moreno.

State Highway Route 26 near Whitewater to Perris-Indio Road near Indian Wells.

State Highway Route 12 near Descanso to State Highway Route 77 near Temecula.

The Descanso-Temecula Road near Aguanga to Hemet.

State Highway Route 2 near Oceanside to Descanso-Temecula Road near Lake Henshaw.

State Highway Route 2 near Oceanside to State Highway Route 77 near Vista.

State Highway Route 77 near Escondido to El Cajon-Santa Ysabel Road near Ramona.

State Highway Route 12 near El Cajon to the Descanso-Temecula Road near Santa Ysabel.

Julian to State Highway Route 26 near Kane Springs.

State Highway Route 2, Atlantic Street, San Diego, to Old Spanish Lighthouse, Point Loma.

San Diego-Coronado Ferry in Coronado to State Highway Route 2 via Silver Strand.

State Highway Route 2 near San Diego to State Highway Route 12 west of Jacumba via Campo.

San Diego-Campo Road near Spring Valley to State Highway Route 12 near La Mesa.

State Highway Route 26 near Indio via Mecca to State Highway Route 26 near Brawley via north shore of Salton Sea.

Secondary highways

Calipatria to Brawley-Holtville Road.

State Highway Route 26 near Brawley to State Highway Route 27 near Holtville.

State Highway Route 26 east of Heber to Brawley-Holtville Road near Brawley.

State Highway Route 27 near Holtville to Calexico-Midway Wells Road near Bonds Corners

State Highway Route 26 near Calexico to State Highway Route 27 near Midway Wells.

State Highway Route 12 near Seeley to State Highway Route 26 near Calexico.

From a point on State Highway Route 26 approximately two miles west of Brawley to a point on said Route 26 approximately two and one-half miles southwest of Brawley.

Continue Roosevelt Highway from the point where it intersects with Santa Monica Canyon Road at and in Santa Monica, to a point where, if so continued, said Roosevelt Highway would reach a point where it would intersect with Windward Avenue in Venice, Los Angeles, California. Said road is now commonly known and designated as Ocean Front and parallels the Pacific Ocean at a short distance therefrom.

CHAPTER 768.

An act to amend section 360c of the Political Code, relating to the California Highway Patrol.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1040

SECTION 1. Section 360c of the Political Code is hereby amended to read as follows:

California Highway Patrol

360c. (a) The Division of Enforcement, to be known as the California Highway Patrol, shall be conducted under the control of a chief of said division to be known as the Chief of the California Highway Patrol. The Chief of the California Highway Patrol shall be appointed by and hold office at the pleasure of the director, subject to the approval of the Governor, and shall receive an annual salary of seven thousand two hundred dollars. Before entering upon the duties of his office, the Chief of the California Highway Patrol shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars.

Chief

Appointments

(b) The Chief of the California Highway Patrol with the approval of the director may appoint one assistant chief and such deputy chiefs of the California Highway Patrol, as may be necessary. The assistant chief shall serve at the pleasure of the Chief of the California Highway Patrol and his salary and the salaries of the deputy chiefs shall be fixed by the director, with the approval of the Department of Finance.

The Chief of the California Highway Patrol may appoint a secretary and a stenographer whose salaries shall be fixed by the director, with the approval of the Department of Finance. The positions of assistant chief and secretary and such investigators as may be necessary are hereby declared to be exempt from the provisions of the Civil Service Law. The Chief and Assistant Chief of the California Highway Patrol shall succeed to and be vested with all the duties, responsibilities, powers and jurisdiction and shall exercise all powers and jurisdiction of the Superintendent and Assistant Superintendent of the California Highway Patrol.

(c) The Chief of the California Highway Patrol, with the approval of the director, shall appoint, in accordance with the provisions of the Civil Service Act, all necessary inspectors, deputy chiefs, captains, traffic officers, traffic clerks, and other employees, for the purpose of enforcing the provisions of the California Vehicle Act, with such salaries as may be fixed by the director, with the approval of the Department of Finance.

All members and employees of the patrol holding their positions under civil service rating on the day this act takes effect shall retain their civil service status. Such specialized positions as shall be designated by the Chief of the California Highway Patrol with the approval of the director and the Civil Service Commission, shall be filled from open competitive examinations held pursuant to the civil service laws.

Personnel

(d) The Director of the Department of Motor Vehicles, the chief, assistant chief and deputy chiefs of the California Highway Patrol, and the inspectors, captains and traffic officers as provided herein shall constitute the California Highway Patrol and are hereby vested with the authority of peace officers for the purpose of enforcing the provisions of the California Vehicle Act in any part of the State, and shall also have the power of serving warrants relating to the enforcement of the provisions of the California Vehicle Act, issued by any court of this State in any portion thereof.

County headquarters

(e) The division shall in counties having charters, other than counties of the first and second class, and may from time to time, in such localities of the State, as it shall deem most suitable, establish headquarters or substations for the efficient performance of the duties of the California Highway Patrol and for that purpose may lease or purchase lands and buildings.

Powers of division.

(f) The division is hereby authorized to:

(1) Establish a school for the training and education of the members of the California Highway Patrol in traffic regulation, their duties and the proper enforcement of the California Vehicle Act.

(2) Create districts within the State in the organization of the California Highway Patrol.

(3) Adopt rules covering the policy, procedure, regulation and administration of all activities of the California Highway Patrol.

Badges.

(g) The division shall issue to each member of the California Highway Patrol a badge of authority with the words "California Highway Patrol" encircling the same, the seal of the State of California in the center thereof, and below the designation of the office held by each member thereof.

No badge shall be issued by the Director of the Department of Motor Vehicles, chief of the patrol or any other person to any person who is not a duly authorized employee and acting member of the California Highway Patrol.

(h) Any person who without authority wears the badge of a member of the California Highway Patrol or a badge of similar design which would tend to deceive anyone shall be guilty of a misdemeanor.

Impersonating patrolman.

(i) Any person who impersonates a member of the California Highway Patrol with the intention to deceive anyone shall be guilty of a misdemeanor.

Applicants for examinations

(j) Applicants for examination for captains, traffic officers, and traffic clerks, shall be limited to citizens of the United States who shall have for at least one year immediately preceding the date of any such examination maintained a bona fide residence within one of the counties in which the Highway Patrol is established.

When appointments are to be made of inspectors, captains, traffic officers and clerks, to serve in any county of the State, the board of supervisors of such county shall be notified by the division of such contemplated appointments and thereupon the said board of supervisors shall submit to the division a list of names of proposed captains, traffic officers, and clerks. No person shall be eligible for any such appointment unless he shall have been a resident of the county in which he is to serve at least six months prior to the date of his appointment.

Civil Service

Such persons shall be required to take an examination in accordance with the Civil Service Act and appointments shall be made from the eligible list resulting from said examination. If any board of supervisors should fail or refuse to submit a list of names for such appointments and examinations, the division shall submit a list of names to the Civil Service Commission for examination; and appointments by the Chief of the California Highway Patrol, subject to the approval of the Director of Motor Vehicles shall be made from the eligible lists, resulting from said examination. Every supervising inspector assistant supervising inspector, district inspector, inspector, captain, sergeant, traffic officer and traffic clerk duly appointed hereunder, must serve a probationary period of one year, and if, upon the expiration thereof, he retains his position, he shall acquire permanent civil service status. All such officers shall be rated as to efficiency by the Chief of the California Highway Patrol in accordance with the civil service laws. All appointments to the grades of supervising inspector assistant supervising inspector, district inspector, inspector, captain and sergeant shall be made from eligible lists resulting from promotional examinations; pro-

Promotions

vided, however, that promotion shall be made from the next lower grade. No officer shall be a candidate for promotional examination until he has served the probationary period of one year in the next lower grade; provided that any officer holding a position under temporary authorization on January 1, 1933, who has had permanent civil service status in any lower grade or any officer who now holds and for more than one year prior to the effective date of this enactment has continuously held a position under temporary authorization, although having no civil service status may be a candidate for promotional examination for his present position. For the purposes of recruiting, the grade of assistant supervising inspector shall be considered on a par with that of district inspector, the grade of inspector shall be considered on a par with that of captain, and the grade of sergeant shall be considered on a par with that of traffic officer. Whenever any civil service position of promotional grade is abolished, eliminated, or made unnecessary, the member of the California Highway Patrol holding such position shall, upon the termination of such position, be assigned to a position in the next lower grade with the civil service standing, rank, and salary of such lower grade. The specific position to which such officer shall be assigned in the next lower grade shall be that occupied by the officer in said lower grade having the lowest efficiency rating. Any officer so assigned to a position in a lower grade shall, without further examination, be given preference for a position of the same or equal grade to the one he formerly held, should the abolished position or position of equal grade be reestablished or established.

Demotions.

The chief of the division whenever in his opinion an emergency in the enforcement of this act exists, is hereby authorized to assign the members of the "California Highway Patrol" for service in any portion of the State; provided, however, that no member of the "California Highway Patrol" appointed to serve in any county shall be assigned for service outside said county for a longer period than one week, without the consent of the board of supervisors of that county.

Service outside county of appointment.

(k) In appointing prior to December 31, 1933, members of the California Highway Patrol to serve in any county in which is maintained a traffic patrol at the time this amendment takes effect, the Chief of the California Highway Patrol, subject to the approval of the Director of Motor Vehicles, upon requisition of the board of supervisors of that county may appoint the traffic officers of such county who have held their positions as such, for one year previous to the date of such appointment. Members so appointed under this subdivision holding their positions after the expiration of a probationary period of one year shall automatically acquire permanent civil service status without examination and shall be rated as to efficiency by the Chief of the California Highway Patrol in accordance with the terms of this act.

Appointments prior to December 31, 1933

Day and night patrol

(l) The chief of the division shall make adequate provision for the patrol of the highways both day and night.

Violation of Civil Service Act

(m) Members of the California Highway Patrol guilty of any of the offenses or violations set forth in section 14 of the Civil Service Act or the rules and regulations of the Division of Enforcement, shall be subject to the penalties set forth in said section 14 of the Civil Service Act, after trial and hearing by a trial board of three officers of equal or superior rank, who shall be designated as such by the Chief of the Division of Enforcement.

Trial

(n) Members of the California Highway Patrol shall not be subject to the penalties set forth in section 14 of the Civil Service Act until after a fair and impartial trial before the trial board upon a verified complaint filed with such board setting forth specifically the acts complained of, and after such reasonable notice to them as to the time and place of hearing as such board may, by rule, prescribe. The hearing shall be held at a place to be designated by the chief of the division within the county in which the offense charged is alleged to have been committed. The accused shall be entitled, upon hearing, to appear personally or with counsel and to have a public trial.

Decision by Chief

(o) The findings of the trial board shall be submitted to the Chief of the Division of Enforcement for his decision, and such decision, when approved by the Civil Service Commission, shall be final.

CHAPTER 769.

An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

See also Stats. 1933, Ch. 436

[Approved by the Governor June 5, 1933. In effect June 27, 1933.]

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

Horse racing to be licensed

SECTION 1. No person, association or corporation shall hold or conduct or assist, aid or abet in holding or conducting, any meeting within the State of California, whereat horse racing with wagering on the results thereof shall be permitted, except and unless such persons, association or corporation shall comply with the provisions of this act and be licensed to conduct a horse race meeting, as provided in this act.

Horse racing board

SEC. 2. There is hereby created and established the California Horse Racing Board, hereinafter called the board which shall be vested with the powers and charged with the

duties in this act specified, and also with the powers necessary and proper to enable it to carry out fully and effectually the purpose of this act The jurisdiction and supervision of said board shall extend to any and every person or persons, association or corporation that shall hereafter hold or conduct any meeting within the State of California whereat horse races shall be held or conducted upon the results of which there shall be wagering and to every such race and every such race meeting and each and every thing having to do with the operation thereof; and this board shall not have jurisdiction, supervision or control over any contests of speed and endurance of man or beast except horse races upon the results of which there shall be wagering.

Powers and duties

SEC 3. Said racing board shall have full power to prescribe rules, regulations and conditions under which all horse races, upon the results of which there shall be wagering, shall be conducted within the State of California. Said board shall make rules governing, permitting and regulating mutual wagering on horse races under the system known as pari mutuel method of wagering, which shall be conducted only by such licensee and only within the enclosure and only on the dates for which such horse racing has been licensed by the board. All other forms of wagering or betting on the result of a horse race shall be and remain illegal and any and all wagering or betting on horse races outside the enclosure where such horse races shall have been licensed by the board shall be and remain illegal.

Wagering

Owners, riders, etc., to be licensed

All horse owners, riders, agents, trainers, stewards, starters, timers, judges and others acting as officials at any such racing meeting shall be licensed by the board, pursuant to such rules and regulations as the board may adopt, and by the payment of a license fee as fixed and determined by said board. All licenses shall be granted for a period of one year and shall be valid at all race meetings in said State during said period. Said licenses shall be subject to revocation and no person shall be eligible to, or permitted to participate in such racing unless so licensed, and only during the time such license remains unrevoked. No qualified person shall be refused such license, nor shall such license be revoked without just cause.

Powers of board

Said board shall have power to compel the production of any and all books, memorandum or documents showing the receipts and disbursements of any person, corporation or association licensed under the provisions of this act to conduct race meetings. The board may at any time require the removal of any employee or official employed by any licensee hereunder in any case where it shall have reason to believe that such employee or official has been guilty of any dishonest practice in connection with horse racing and has failed to comply with any condition of such licensee's license, or has violated any law or any rule or regulation of said board The board shall also have the power to require that the books and financial or other statements of any person, corporation or

association licensed under the provisions of this act shall be kept in any manner which to the board may seem best, and the board shall also be authorized to visit, investigate, and place expert accountants and such other persons as it may deem necessary in the offices, tracks or places of business of any such person, corporation or association, for the purpose of satisfying itself that the board's rules and regulations are strictly complied with. The said board shall have power to summon witnesses before it and to administer oaths or affirmations to such witnesses whenever, in the judgment of the board, it may be necessary for the effectual discharge of its duties; and any person failing to appear before said board at the time and place specified in answer to said summons or refusing to testify, shall be deemed guilty of a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

Portion of purse paid to breeder

SEC. 4. It is hereby declared that since the purpose of this act is the encouragement of agriculture and the breeding of horses in the State of California, that three per cent of the first money of every purse won by an animal bred in the State of California shall be paid to the breeder of such animal. Every licensee shall run at least one race each racing day which shall be limited to horses foaled in California. If sufficient competition can not be had among such class of horses, said race may be eliminated for said day and a substitute race provided instead.

Appointment and organization of board

SEC. 5. Said board shall consist of three members, each of whom shall be an actual and bona fide resident of the State of California and must have been such resident for two years next preceding his appointment as a member of said board, all of whom shall be appointed by the Governor after this act shall have been in force and effect fifteen days.

The Governor, at the time of making the appointment of said three members, shall designate one of said three members to serve for the term of two years, one to serve for the term of three years, and one to serve for the term of four years. Before entering upon the discharge of the duties of his office, each member of the board shall take oath of office as provided by law.

The term of office of each member thereafter appointed shall be four years from the expiration of the preceding term. Vacancies in said board shall be filled by the Governor for the unexpired term. Each member of said board shall be eligible for reappointment in the discretion of the Governor.

The Governor may remove any board member for cause, giving him a copy of the charges against him and an opportunity to be heard. No person shall be eligible for appointment or shall hold the office of board member or be appointed by the board or hold any office or position under the board,

who holds any financial interest in a race track or in the operation thereof within the State of California or in the operation of licensed wagering on the results of races, or who accepts any pecuniary reward from any race track in this State or from its operation or from the operation of licensed wagering on the result of races; provided that any such board member shall not be disqualified and is hereby expressly permitted to receive, if otherwise qualified to receive, such share of any purse awarded him as the result of any race or as a breeder of California bred horses, as provided in section 4 herein.

Secretary. SEC. 6. The board shall appoint a secretary who shall be placed under bond, the cost of said bond to be charged as a part of the necessary expenses of said board, and whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers, as may be required of him by the board, and to perform such other duties as the board may prescribe; and who may, under the direction of the board, issue subpenas for the attendance of witnesses before the board with the same effect as if they were issued in an action in the superior court, and may, under direction of the board, administer oaths, in all matters pertaining to the duties of his office or connected with the administration of the affairs of the board. Disobedience of such subpena and false swearing before such secretary shall be attended by the same consequence and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the superior court.

The members of the board shall serve without compensation other than their necessary traveling expenses.

The secretary of said board shall receive a salary to be fixed by the commission but not to exceed the sum of four thousand dollars ($4,000) per year; out of the fund aforesaid.

The salary of the secretary and the necessary traveling expenses and other expenses of the secretary and members of the board shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certification of the chairman of the board out of the money appropriated to be used therefor.

Employees. The board shall appoint such employees as may be necessary to carry out the provisions of this act and may with the approval of the Department of Finance fix their salaries which shall be paid out of any funds appropriated for the support of the board. All employees of the board shall be exempt from the State Civil Service Act.

Office of board. SEC. 7. The board shall maintain a general office for the transaction of its business in the city of Sacramento The board may hold meetings at any place, other than the place in which the general office is located, when the convenience of the members of the board so requires.

A majority of the board shall constitute a quorum for the transaction of any business or for the exercise of any power of the board.

Report

Said board shall biennially make a full report to the Legislature of its proceedings for the two years ending with the first day of December, preceding the meeting of the Legislature, and shall embody therein such recommendations as it shall deem desirable.

Wagering licensed

SEC. 8 There shall be no wagering on the results of any such horse race or horse races except under the pari mutuel or mutual method of wagering, as hereinafter provided for, and then only by the installation and use of the totalisator or such mechanical equipment as may be adopted by the board; but such board shall not require any particular make of mechanical equipment; and no such horse races shall be held except during daylight hours.

Licenses issued

SEC. 9. Upon the award to any applicant and upon payment of the license fees as hereinafter prescribed, the board shall issue a license which shall permit the licensee, during the dates awarded to such applicant and for which license fees shall have been paid, to conduct at its track a race meeting, or meetings, and wagering on the results thereof, as herein provided.

All licenses provided to be granted under the provisions of this act, including those granted pursuant to the provisions of section 3 hereof, shall be subject to all rules, regulations and conditions from time to time prescribed by the board and shall contain such conditions as shall be deemed by said board necessary or desirable for the purposes of this act. Such license shall be subject to suspension or revocation by the board in any case where the board shall have reason to believe that any condition of its license has not been complied with or any law or any rule or regulation of such board shall have been broken or violated. If any license is suspended or revoked, said board shall state publicly its reason for so doing and cause an entry of such reasons to be made on the minute book of the board, and the action shall be final; provided however, that the propriety of such action shall be subject to review, upon questions of law only, by the superior court of the county or city and county within which such license was to be exercised, the action of the board to stand unless and until reversed by the court.

Counties classified

SEC 10. For the purpose of this act there shall be three classes of counties in the State of California, as follows:

1. Counties of the first class shall be those having a population of one million or over;

2. Counties of the second class shall be those having a population of six hundred thousand or over and less than a million;

3 Counties of the third class shall be all those counties under six hundred thousand population.

In counties of the first class there may be allowed by said board not to exceed one hundred (100) racing days per year;

In the area embraced within counties of the second class and such territory as may lie within twenty miles from the exterior boundaries thereof, there may be allowed, in the discretion of said board, not to exceed one hundred (100) racing days per year for said entire area and county;

Racing days allowed

In counties of the third class, but outside the area specified in the next preceding paragraph hereof, there may be allowed by said board not to exceed fourteen (14) racing days per year, and in addition in counties of the third class having a population of over two hundred thousand, but outside of the area specified in the next preceding paragraph hereof, there may be allowed by said board not to exceed twenty-five (25) racing days additional per year.

In counties of either or any of said classes there may be allowed by said board not to exceed fourteen (14) racing days per year to county fairs and to rodeos having horse races on tracks less than a mile in circumference or length. That said fourteen days, when and if allowed by the board in any county or area of the first or second class, shall not diminish the one hundred (100) days racing per year permitted to be allowed to tracks of a mile or more in circumference or length as set out in the preceding two paragraphs of this section.

The board may apportion racing days, not to exceed the maximum number of racing days permitted in the respective counties and/or areas above-mentioned, to one or more licensees as it in its judgment shall appear to be for the best interests of legitimate racing and of the public.

Other conditions of license.

SEC 11. Upon the filing of an application, in writing, for a license, as herein provided, if the same should be in accordance with this act, and upon the payment of the license fee hereinafter provided for, it shall be within the power of the board to issue a license to the applicant to conduct a horse race meeting in accordance with the provisions of the act at the place, enclosure or track specified in the application; and in counties of the first and second classes, as hereinabove defined, no license shall be granted to conduct a horse race meeting upon a track less than one mile in circumference and/or length, except that the board may in its discretion grant licenses to county fairs and to rodeos to conduct horse race meetings upon tracks less than one mile in circumference and/or length, in counties of the third class licenses may be granted in the discretion of the board to conduct race meetings on tracks of less than a mile in circumference and/or length.

Every license issued pursuant to this act shall specify the person, association or corporation to whom the same is issued, the place, enclosure or track where such race meeting is to be held or conducted, and the days and hours of the day upon which the same will be permitted, and shall recite the payment to and receipt by the board of the license fee herein provided for.

No such license shall be transferable nor shall it apply to any place, track or enclosure except the one specified in the license.

Fees

SEC. 12. The license fee to be paid by licensees shall be four per cent of all money handled in the pari mutuel pools; payment of same shall be made by said licensee, daily, during each racing meeting; each application for a license to conduct such racing meeting shall be accompanied by a certified check payable to the Treasurer of the State of California, as ex officio treasurer of the racing board in either of the following sums, dependent upon the classification of the county where the said meeting is to be held.

Counties of the first class.....$10,000.
Counties of the second class..... 10,000.
Counties of the third class, at the rate of fifty dollars ($50) per day for such race meeting.

When the meeting for which said license is granted has terminated, and the licensee has fully paid said four per cent of said money handled in said pools, the said sum so deposited with such application for a license shall be returned to said licensee; in the event said licensee fails, refuses or neglects to pay said four per cent of said money handled in said pools, the amount thereof shall be deducted from said sum so deposited with such application for a license and the balance if any shall be returned to said licensee.

If by reason of any cause beyond control, and through no fault or neglect of any licensee, and when such licensee is not in default, it should become impossible for such licensee to hold or conduct racing upon any date or dates licensed by the board, the board in its discretion and at the request of such licensee shall have power to return the fees paid by such licensee for racing upon the days upon which it is impossible for such licensee to hold or conduct racing or to specify any other day or days which may replace the days omitted and to take their place.

Disposition of moneys.

SEC. 13. All fees, commissions and other moneys received by the board shall be paid into the State treasury immediately upon receipt of the same and credited to a special fund hereby created to be known as the "Fair and Exposition fund." All such moneys, to the amount of twenty thousand dollars ($20,000) annually, are hereby appropriated to be used to defray the expenses of the board and to pay the salaries and expenses of the officers and employees provided for herein. The balance of all moneys in said fund are hereby annually appropriated as follows: one hundred thousand dollars thereof for the support of the California State Fair; five per cent of the balance thereof for payment to and use of those certain citrus fruit fairs and expositions described and defined in section 94 of the Agricultural Code, said five per cent to be apportioned between such citrus fruit fairs and expositions upon the basis of the population of the several counties in

Stats. 1933, Ch. 25.

which such fairs and expositions, respectively, are held, and if only one such fair and exposition is held, then it shall receive all of said five per cent; forty per cent of such balance after the deductions for the support of the board and the support of the California State Fair, for the encouragement of county, district or combined county and district agricultural fairs (exclusive of such citrus fruit fairs and expositions), to be apportioned by and expended under the supervision of the State Department of Finance in the manner and for the purpose prescribed by section 92 of the Agricultural Code and other applicable provisions of law. The balance of said moneys after all of the above deductions have been made shall be appropriated for the benefit of State institutions of learning, providing vocational training in agriculture, animal husbandry and kindred subjects, or for the relief of unemployment within the State of California, and the Legislature shall biennially allocate and apportion such balance to the institutions or organizations aforesaid as, in its judgment, may be proper.

Wagering regulated.

SEC. 14. Any licensee conducting a horse race meeting shall provide a place or places in the race meeting grounds or enclosure at which such licensee may conduct, operate and supervise the pari mutuel or mutual method of wagering upon the results of said races so conducted and within its enclosure; and said system of wagering shall be operated only by the installation and use of the totalisator or such mechanical equipment as may be approved by the board, but such board shall not require any particular make of mechanical equipment; provided, that such wagering shall not be held or construed to be unlawful, any other statute of the State of California to the contrary notwithstanding. No other method of betting, pool making or wagering shall be permitted or used by such licensee, and said mutual method of wagering shall be carried on and conducted in the manner aforesaid and not outside of the track or enclosure of a licensee.

Commissions.

The commission deducted by any licensee from pari mutuel pools shall not exceed eight per cent of the gross amount of money handled, and the odd cents of all redistributions to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten. The said amount so deducted shall be in addition to the license fee of four per cent of the gross amount of said money handled, as provided in section 12 herein.

Penalties.

SEC. 15. Any corporation, organization, association or person who directly or indirectly holds any horse race meeting with mutual pools on the results thereof, without having first procured a license as hereinbefore prescribed, shall be guilty of a misdemeanor; and any corporation, organization, association or person who violates any of the provisions of this act, for which a penalty is not herein expressly provided, shall be guilty of a misdemeanor.

Any person wagering upon the results of a horse race, except in the pari mutuel or mutual method of wagering, when the same is conducted by a licensee and upon the grounds or enclosure of said licensee, shall be punishable as provided in the Penal Code.

Other licenses, etc., limited

SEC. 16. No license or excise tax or fee in excess of one hundred dollars ($100) for each racing day, except as provided in this act, shall be assessed or collected from any licensee by the State or by any town, district, city, township, village or any other body having the power to assess or collect a tax, license or fee.

Repeal.

SEC. 17. All acts or parts of acts in conflict herewith are hereby repealed.

Constitutionality

SEC. 18. If any section or subsection of this act, or any part thereof, is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of such act. It is hereby declared that this act and each section, subsection, sentence, clause and phrase thereof would have been enacted irrespective of the fact that any one or more of the sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Duty of Attorney General and District Attorney.

It shall be the duty of the Attorney General of this State and of the district attorneys of the respective counties thereof to enforce the provisions of this act.

Time act takes effect

SEC. 19. This act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

CHAPTER 770.

An act to add a new section to the Agricultural Code, to be numbered 23½.5, relating to bovine tuberculosis.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 771.

An act to amend sections 737mm and 737hh of the Political Code, relating to the compensation of the judges of the superior court in and for the county of San Joaquin and the county of Sacramento.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this sixth day of June, A.D. 1933. FRANK C. JORDAN, Secretary of State]

[In effect August 21, 1933.]

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

Stats. 1931, p 1417.

SECTION 1. Section 737mm of the Political Code is hereby amended to read as follows:

737mm. The county of San Joaquin shall pay, in addition to such sum as is provided by statute to be paid by the State of California toward the annual salary of superior judges, an amount sufficient to make such annual salary of each of the superior judges of said county of San Joaquin the sum of six thousand dollars ($6,000). Superior judges San Joaquin County.

SEC. 2. Section 737hh of the Political Code is hereby amended to read as follows: Stats 1931, p 1404

737hh. The annual salary of each of the judges of the superior court in and for the county of Sacramento is six thousand seven hundred fifty dollars. Superior judges Sacramento County.

CHAPTER 772.

An act to amend sections 737o and 737bbb of the Political Code, relating to salaries of judges of the superior court in and for the counties of Kern and Tulare.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this sixth day of June, A.D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

SECTION 1. Section 737bbb of the Political Code is hereby amended to read as follows: Stats 1927, p 558.

737bbb. The annual salary of each of the judges of the superior court in and for the county of Tulare is five thousand five hundred dollars. Superior judges Tulare County.

SEC. 2. Section 737o of the Political Code is hereby amended to read as follows: Stats 1927, p 558

737o. The annual salary of each of the judges of the superior court in and for the county of Kern is six thousand dollars. Superior judges Kern County

CHAPTER 773.

An act to amend sections 4255 and 4255a of the Political Code, relating to the salaries and fees of county officers in counties of the twenty-sixth class.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this sixth day of June, A.D. 1933 FRANK C. JORDAN, Secretary of State]

[In effect August 21, 1933]

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

SECTION 1. Section 4255 of the Political Code is hereby amended to read as follows: Stats 1931, p 1021

Merced County, salaries.

4255. In counties of the twenty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, two thousand four hundred dollars per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of five cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of one thousand six hundred eighty dollars per annum, and two deputies at a salary of one thousand two hundred seventy-five dollars per annum each.

The county clerk shall also be allowed one copyist at a salary of one thousand eighty dollars per annum, and one copyist during each even numbered year at a salary of ninety dollars per month, said deputies and copyists to be appointed by the county clerk; provided, that in counties of this class there shall be and is hereby allowed to the county clerk such additional assistance and copyists as the clerk may require, and whose compensation in the aggregate shall not exceed four hundred dollars in any one year.

The county clerk shall appoint all necessary deputies for the registration of voters, said deputies to be paid by the county clerk.

Sheriff

2. The sheriff, four thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any other necessary and proper business. The sheriff shall be allowed one deputy, to be known as undersheriff at a salary of one thousand nine hundred twenty dollars per annum; one deputy at a salary of one thousand nine hundred twenty dollars per annum; one deputy at a salary of one thousand six hundred eighty dollars per annum; one deputy at a salary of one thousand five hundred thirty dollars per annum; and one deputy at a salary of one thousand eighty dollars per annum; one jailer at a salary of one thousand two hundred seventy-five dollars per annum; said deputies to be appointed by the sheriff.

Recorder

3. The recorder, two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county and shall be paid salaries and compensation as follows:

One chief deputy who shall receive a salary of one thousand five hundred thirty dollars per annum, and two additional deputies for indexing and comparing, each of whom shall receive a salary of one thousand two hundred seventy-five dollars per annum.

Said recorder may also appoint such copyists, not to exceed three as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of four cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of any records or papers.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; provided, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid in to the county treasurer.

Auditor. 4. The auditor, two thousand four hundred dollars per annum. The auditor shall be allowed two deputies, at a salary of one thousand five hundred thirty dollars each per annum; said deputies to be appointed by the auditor; provided, that in counties of this class there shall be and is hereby allowed to the county auditor such additional clerks and assistants as the county auditor may require at a salary of not to exceed four dollars per day each, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year.

The compensation for keeping records of orphan and half-orphan aid shall be discontinued.

When required by the board of supervisors to compile an annual statistical report, the auditor shall receive one hundred fifty dollars from the general fund of the county as compensation for compiling such report.

Treasurer. 5. The treasurer, two thousand four hundred dollars per annum. The treasurer shall be allowed one deputy at a salary of one thousand two hundred seventy-five dollars per annum; said deputy to be appointed by the treasurer.

Tax collector. 6. The tax collector, two thousand four hundred dollars per annum. The tax collector shall be allowed one deputy at a salary of one thousand five hundred thirty dollars per annum; said deputy to be appointed by the tax collector; and provided, further, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of one hundred dollars per month; said deputy to be appointed by the tax collector; provided, further, that in counties of this class there shall be and is hereby allowed to the tax collector such additional clerks and assistants as the tax collector may require, and whose compensation shall in the aggregate not exceed four hundred dollars in any one year.

The above provisions in subdivisions 5 and 6 hereof shall be in effect only until the term of the present incumbents shall expire.

In the event that the offices of treasurer and tax collector are hereafter combined, the salary of the treasurer-tax collector shall be three thousand dollars per annum, one deputy at a salary of one thousand nine hundred and twenty dollars per annum; one deputy at a salary of one thousand two hundred and seventy-five dollars per annum; and provided further, that the said treasurer-tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of one hundred dollars per month; said deputies to be appointed by the treasurer-tax collector; provided further, that in counties of this class there shall be and is hereby allowed to the treasurer-tax collector such additional clerks and assistants as the treasurer-tax collector may require, and whose compensation shall in the aggregate not exceed four hundred dollars in any one year.

Assessor.

7. The assessor, two thousand eight hundred eighty dollars per annum and necessary traveling expenses in the performance of the duties of his office; provided, that in counties of this class there shall be, and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and who shall be paid salaries as follows: One assistant assessor who shall receive a salary of one thousand nine hundred twenty dollars per annum; one deputy assessor who shall receive a salary of one thousand five hundred thirty dollars per annum; one deputy who shall receive a salary of one thousand three hundred seventy-seven dollars per annum; one copyist for a period not to exceed eight months in any one year at a salary of one hundred dollars per month; such additional deputies as may be necessary to carry on the work of his office for a length of time not to exceed three months for each deputy and the aggregate compensation to be paid all of such deputies shall not exceed the sum of six thousand three hundred thirty-three dollars in any fiscal year. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the salary of the county assessor is paid; provided, the assessor shall be allowed a draftsman who shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed six hundred dollars in any one year. All fees and commissions received by the assessor, shall be paid by him monthly into the county treasury, except that the assessor shall be allowed a three per cent fee on all unsecured personal property taxes collected. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply to the present incumbents.

District attorney.

8. The district attorney, two thousand eight hundred eighty dollars per annum. The district attorney shall be allowed one deputy at a salary of one thousand eight hundred dollars per

annum; also a stenographer at a salary of one thousand three hundred seventy-seven dollars per annum; said deputy and stenographer to be appointed by the district attorney. The district attorney, from and after the first Monday following January 1, 1935, shall receive a salary of four thousand dollars per annum; provided further that after said date neither the district attorney or his deputy shall engage in private practice and that they shall devote all their time and attention during business hours to the duties of their office

Coroner

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public Administrator

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools

11. The superintendent of schools, two thousand four hundred dollars per annum; and shall also be allowed the compensation allowed by law for services on the board of education and actual traveling expenses when visiting in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand five hundred thirty dollars per annum; and one deputy at a salary of one thousand two hundred seventy-five dollars per annum; said deputies to be appointed by superintendent of schools.

Surveyor

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Township classification

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of the twenty-sixth class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section 4055 of the Political Code. Townships having a population of six thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than six thousand five hundred and more than five thousand shall belong to and be known as townships of the second class. Townships having a population of less than five thousand and more than one thousand six hundred shall belong to and be known as townships of the third class. Townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class Justices of the peace shall receive the following salaries for all services rendered by them: In townships of the first class, one thousand six hundred eighty dollars per annum; in townships of the second class, one thousand two hundred seventy-five dollars per annum; in townships of the third class, nine hundred seventy-two dollars per annum; in townships of the fourth class, five hundred forty dollars per annum

Justices of the peace.

Constables

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases: In townships of the first class, one thousand five hundred thirty dollars per annum; in townships of the second class, one thousand one hundred twenty-two dollars per

annum; in townships of the third class, nine hundred seventy-two dollars per annum; in townships of the fourth class, five hundred forty dollars per annum; constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases They shall also be allowed their actual expenses in conveying prisoners from place of their arrest to court, and, in case of conviction, from the court to the county jail.

Supervisors. 15. Supervisors, each shall receive the sum of two thousand one hundred dollars per annum for all services performed by them as supervisors, as members of the board of equalization and as road commissioners. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors and road commissioners.

Librarian 15a. There is created for counties of the twenty-sixth class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand dollars per annum; to be paid at the time and in the manner as other county officers.

Reporter. 16. The official report of the superior court, such fees as are now or may hereafter be allowed by law.

Jurors 17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, twelve cents per mile in going only.

Salary payments. 18. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

Stats. 1931, p 1021. SEC. 2. Section 4255a of the Political Code is hereby amended to read as follows:

Surveyor. 4255a. In counties of the twenty-sixth class the surveyor shall receive a salary of ten dollars per diem, not to exceed the sum of two thousand four hundred dollars per annum; and shall be allowed one deputy at a salary of eight dollars per diem, not to exceed the sum of one thousand two hundred dollars per annum; and a clerk at a salary of one thousand five hundred thirty dollars per annum; said deputy and clerk to be appointed by the surveyor and hold office at his pleasure The surveyor shall also be paid the actual and necessary expenses of transportation of himself his deputy and surveying crews, and subsistence of himself and deputy, all while in the field.

The county shall also provide for the use of the surveyor, a suitable office, office furniture, field and office equipment, lights and care of said office, office and record books, and other necessary materials for the performance of his duties

In addition the surveyor shall be allowed from time to time to employ such engineers, inspectors and draftsmen at a wage not to exceed six dollars and seventy-five cents per diem, and such rodmen and chainmen at a wage not to exceed three dollars and fifty cents per diem to help in the duties

of his office; provided, however, that the total compensation for said engineers and employees (not including compensation for surveyor, deputy surveyor and clerk) shall not exceed the sum of four thousand dollars for any one year.

The salaries and expenses of surveyor, deputy surveyor, clerk and the salaries and expenses of field or office help shall be paid out of the county general fund, upon proper claims presented therefor to the board of supervisors.

CHAPTER 774.

An act to amend section 737m of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Imperial.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this sixth day of June, A.D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

SECTION 1. Section 737m of the Political Code is hereby amended to read as follows: Stats. 1927, p. 558.

737m. The annual salary of each of the judges of the superior court in and for the county of Imperial is four thousand eight hundred dollars. Superior judges· Imperial County.

CHAPTER 775.

An act to amend section 2322x18 of the Political Code, relating to the office of agricultural commissioner in counties of the eighteenth class.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this sixth day of June, A.D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

SECTION 1. Section 2322x18 of the Political Code is hereby amended to read as follows: Stats 1931, p 902

2322x18. In counties of the eighteenth class the agricultural commissioner shall receive, and his salary is hereby fixed at two thousand eight hundred eighty dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the agricultural commissioner the following deputy inspectors and clerks to be appointed by said Agricultural commissioner Imperial County.

agricultural commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One deputy agricultural commissioner who shall receive and whose salary is hereby fixed at one thousand nine hundred twenty dollars per annum;

(b) The agricultural commissioner is also authorized and empowered to appoint not to exceed six annual inspectors, three of whom shall be known as "senior inspectors" and three of whom shall be known as "junior inspectors," said senior inspectors shall be paid a salary at the rate of one hundred forty dollars each per month, during the time actually employed, and said junior inspectors shall each be paid a salary at the rate of one hundred twenty-seven dollars and fifty cents per month during the time actually employed;

(c) The agricultural commissioner is also authorized and empowered to appoint one clerk who shall receive and whose monthly salary is hereby fixed at the sum of one hundred twelve dollars and fifty cents per month;

(d) The agricultural commissioner is also authorized and empowered to appoint not to exceed twenty-four additional inspectors who shall be paid a compensation of six dollars per diem during the time actually employed for the inspection of cantaloupes and watermelons; and five dollars per diem during the time actually employed for the inspection of lettuce; provided, further, that the total aggregate amount which may be expended for salaries in any one year for all of such said additional inspectors shall not exceed the sum of eleven thousand five hundred dollars.

CHAPTER 776.

An act to amend section 4247 of the Political Code, relating to the compensation of county and township officers in counties of the eighteenth class.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this sixth day of June, A.D 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

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

Stats 1931, p. 1105.

SECTION 1. Section 4247 of the Political Code is hereby amended to read as follows:

Imperial County, salaries

4247. In counties of the eighteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk

1. County Clerk. The county clerk shall receive and his salary is hereby fixed at two thousand four hundred dollars per annum which salary shall be in full compensation for all

services rendered as county clerk, provided, that in counties of this class, there shall be and hereby is allowed to the county clerk one chief deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum, three deputies who shall each receive a salary of one thousand five hundred thirty dollars per annum, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed five hundred dollars for any one year; provided, further, that there shall be and hereby is allowed to the county clerk such extra deputies, assistants and clerks as he may appoint to properly perform the duties of said office; provided, further, that the total compensation of such additional deputies, assistants and clerks shall not exceed in the aggregate the sum of one thousand three hundred fifty dollars in any one year. It is hereby made the duty of the county clerk to collect all fees and compensations allowed and authorized by the laws of the United States to said county clerk and pertaining to naturalization of citizens and to the public lands and shall account for and turn over all of such fees and compensation to the county treasurer at the time and in the manner required by law; provided, however, that if and when subdivision twenty hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision one, shall cease to be in force and operation.

Sheriff.

2. Sheriff. The sheriff shall receive and his salary is hereby fixed at the sum of two thousand eight hundred eighty dollars per annum which shall be in full compensation for all services performed by him as sheriff; provided, that in counties of this class there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum, and one chief deputy whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum. It is further provided that in counties of this class there shall be and hereby are allowed to the sheriff such additional deputies, assistants, clerks, matrons and stenographers as the sheriff may deem necessary and required to properly and efficiently perform and administer the duties of the office; the compensation of all such additional deputies, assistants, clerks, matrons and stenographers shall not exceed in the aggregate, the total sum of twenty-one thousand seven hundred ten dollars in any one year; all of the foregoing additional deputies, assistants, clerks, matrons and stenographers shall be appointed by the sheriff, and their salaries shall be paid monthly at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; provided, further, that in counties of this class, the sheriff shall and he is hereby required to appoint and keep on duty at the county jail, a female deputy during the day, who shall be known and designated as day matron, who shall also be a stenographer, and a female deputy during the night who shall be known and designated as night matron, both of said matrons to be included in

and a part of the aforesaid additional deputies and whose salaries are included in and provided for in said total aggregate sum of twenty-one thousand seven hundred ten dollars above set forth; and, provided, further, that in counties of this class, the sheriff shall and he is hereby required to collect from the State of California all fees, mileage, compensation and per diems provided for by law for the transportation of adult prisoners, juvenile delinquents and insane persons committed by proper judicial authority of said county to the various State institutions of the State of California, and all fees, mileages, compensations and per diems provided for by sections 4175 and 4176 of the Political Code of the State of California, and all fees and mileage collected by the sheriff for the service of all papers and processes in both civil and criminal matters issued by and out of any court of the State of California, all of which said fees, mileages, compensations and per diems shall be collected by the said sheriff for the use and benefit of said county, and shall be by him accounted for and paid into the county treasury at such times and in such manner as required by law; provided, however, that if and when subdivision twenty-three hereof shall become effective as therein provided, that then and in that case this subdivision, to wit, subdivision two, shall cease to be in force and operation.

Recorder.

3. Recorder. The county recorder shall receive and his salary is hereby fixed at two thousand one hundred sixty dollars per annum, which salary shall be in full compensation for all services rendered by said county recorder; provided, however, that in counties of this class there shall be and is hereby allowed the recorder one chief deputy at a salary of one thousand five hundred thirty dollars per annum, and one deputy who shall receive a salary of one thousand two hundred dollars per annum; provided, further, that there shall be and hereby is allowed to the county recorder such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; provided, however, that the total compensation of such extra deputy or deputies shall not exceed the sum of one thousand two hundred dollars in any one year; and as many copyists as may be required who shall receive as compensation, the sum of five cents per folio for recording, copying and comparing any instrument or notes exhibits, maps or plats and for copies of any record or papers five cents per folio; provided that on instruments that are partly typewritten and partly printed, for the recording of which the county has furnished the county recorder, necessary books containing printed forms corresponding to such instruments, the compensation shall be two and one-half cents per folio for the entire number of folios of written and printed matter in said instrument, the salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund that the salary of the county

recorder is paid; provided, further, that any fees or compensations which may be collected and received for the use and benefit of said county and shall be turned over and accounted for by said county recorder to the county treasurer of said county at the times and in the manner required by law; provided, however, that if and when subdivision twenty hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision three, shall cease to be in force and operation.

Auditor. 4. Auditor. The county auditor of the county of Imperial shall receive and his salary is hereby fixed at two thousand four hundred dollars per annum; provided, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of one thousand six hundred eighty dollars per annum; two deputies who shall each receive a salary of one thousand five hundred thirty dollars per annum; one deputy who shall receive a salary of one thousand three hundred fifty dollars per annum; provided, however, that the auditor is hereby allowed five additional deputies who shall be designated as clerks who shall receive a salary of one hundred dollars each per month; provided, further, that the total aggregate compensation of all such additional deputies herein designated clerks, shall not exceed the sum of five hundred dollars in any one year.

Treasurer. 5. Treasurer. The county treasurer shall receive and his salary is hereby fixed at two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the treasurer the sum of not exceeding one thousand five hundred thirty dollars per annum to be expended for the salary of a deputy; provided, however, that if and when subdivision twenty-one hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision five, shall cease to be in force and operation.

Tax collector. 6. Tax Collector. The tax collector shall receive and his salary is hereby fixed at two thousand four hundred dollars per annum; one chief deputy who shall receive a salary of one thousand five hundred thirty dollars per annum; twelve deputies to be known and designated as clerks who shall each receive the sum of four dollars per day for each day actually employed, the total amount thus expended for said deputies, to be known and designated as clerks, not to exceed in any one year the sum of two thousand six hundred forty dollars; provided, however, that if and when subdivision twenty-two hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision six, shall cease to be in force and operation.

Assessor. 7. Assessor. The assessor shall receive and his salary is hereby fixed at two thousand four hundred dollars per annum; provided, however, that in counties of this class there shall be and hereby is allowed to the county assessor one chief deputy who shall receive and his salary is hereby fixed at one thousand five hundred thirty dollars per annum It is further

provided that in counties of this class there shall be and there hereby are allowed to the assessor such additional deputies, assistants, clerks and stenographers as the said assessor may deem necessary and required to properly and efficiently perform and administer the duties of the office, the compensation of all such additional deputies, assistants, clerks and stenographers shall not exceed in the aggregate, the total sum of thirteen thousand dollars in any one year; provided, however, that all of the foregoing additional deputies, assistants, clerks and stenographers shall be appointed by the assessor; provided, further, that the salaries of all such additional deputies, assistants, clerks and stenographers shall be paid monthly at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; and, provided, further, that all field deputies employed by the assessor hereunder shall furnish and provide at their own cost their own transportation; provided, however, that if and when subdivision 22 hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision seven, shall cease to be in force and operation.

District attorney

8. District Attorney. The district attorney shall receive and his salary is hereby fixed at the sum of three thousand two hundred dollars per annum; one deputy who shall receive a salary of two thousand four hundred dollars per annum. It is further provided that in counties of this class there shall be and there are hereby allowed to the district attorney such additional deputies, assistants, clerks and stenographers as the district attorney may deem necessary to properly and efficiently perform and administer the duties of his office; provided, however, that the total aggregate compensation of such additional deputies, assistants, clerks and stenographers, shall not exceed in any one year the total sum of nine thousand dollars; and, provided, further, that all of the foregoing additional deputies, assistants, clerks and stenographers, shall be appointed by the said district attorney, and their salaries shall be paid monthly and at the same time and in the same manner and out of the same fund as the salary of the said district attorney is paid, and the same fund out of which all the salaries of all other county officers are paid. If and when the office of the consolidated treasurer and public administrator shall have been established and become operative as provided in subdivision twenty-one hereof, then the district attorney shall act as attorney for the public administrator, and shall collect for and on behalf of the county all fees allowed by law to the attorney for the public administrator and turn over the same to the county treasurer of the county at the times and in the manner provided by law

Coroner

9. Coroner. Such fees as are now or may hereafter be allowed by law; provided, however, that if and when subdivision twenty-three hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision nine, shall cease to be in force and operation.

10. Public Administrator. The public administrator shall be and he is hereby allowed such fees as are now and may hereafter be allowed by law; provided, however, that if and when subdivision twenty-one hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision ten, shall cease to be in force and operation. Public administrator.

11. Superintendent of Schools. The superintendent of schools shall receive, and he is hereby allowed the salary of two thousand four hundred dollars per annum; two deputies who shall each receive a salary of one thousand six hundred dollars per annum, said salaries to include traveling expenses in connection with the visitations of schools; two additional deputies who shall receive a salary of one hundred dollars each per month; provided, however, that the total compensation of such additional deputies shall not exceed the sum of one thousand one hundred dollars in any one year; the county superintendent of schools shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors and to be paid out of the county general fund; provided, that this amount shall not exceed the sum of ten dollars per district per annum; provided, that in counties of this class, the superintendent of schools shall receive no compensation for his services as a member of the county board of education or as ex officio secretary thereof. Superintendent of schools.

12. Surveyor. The surveyor shall receive, and his salary is hereby fixed at two thousand four hundred dollars per annum, which shall be in full for all services required of him by the superior court or board of supervisors or assessor and it shall be his duty, on the demand of the assessor, to prepare any and all maps, plats or block books for the use of the county assessor. Surveyor.

13. Justices of the Peace. The justices of the peace shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as the salaries of all county officers are paid. Justices of the peace in townships having a population of more than five thousand shall receive and their salary is hereby fixed at one hundred dollars per month; provided, that if the county seat shall be situated in a township of this class, the said justice of the peace shall receive and his salary is hereby fixed at one hundred twenty-seven and 50/100 dollars per month; in townships having a population of less than five thousand and more than two thousand, the justice of the peace shall receive and his salary is hereby fixed at seventy-five dollars per month; in townships having a population of less than two thousand, the justice of the peace shall receive and his salary is hereby fixed at twenty dollars per month; provided, further, that all of said justices of the peace shall be allowed their necessary incidental expenses in such reasonable sums as may be fixed by the board of supervisors, according to the needs of the business of the justice courts in each township; provided, further, that in townships where the county seat is Justices of the peace.

situated, such incidental expenses shall include clerical help not to exceed the sum of one hundred dollars per month and in other townships having a population of more than five thousand, such incidental expenses shall include clerical help not to exceed the sum of seventy-five dollars per month and in townships having a population of more than two thousand and less than five thousand, such incidental expenses shall include clerical help not to exceed twenty-five dollars per month. The board of supervisors in counties of this class shall furnish and supply to the justices of the peace of the various townships in said county the codes of this State and amendments thereto and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business; provided, further, that in counties of this class, it shall be the duty of the board of supervisors of said county to provide, furnish and equip a suitable office and court room in the county courthouse for the holding of the justice court and for the use of the justice of the peace of the township in which the county seat is located; provided, however, that if and when subdivision twenty-four hereof shall become effective as therein provided that then and in that case this subdivision, to wit, subdivision thirteen, shall cease to be in force and operation.

Constables.

14. Constables. The constables of counties of this class shall receive the following monthly salary to be paid in monthly installments in the same manner and out of the same fund as county officers are paid which shall be in full for all services rendered by them.

In townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month; provided that in counties of this class, all constables shall, in addition to the salaries herein provided, receive the fees provided in section 4300d of the Political Code of the State of California. Any constable who shall fail, neglect or refuse to file or return any paper received by him for serving within thirty days from the time he received said papers, shall be guilty of a misdemeanor, and upon conviction thereof, shall be removed from office; provided, however, that if and when subdivision twenty-five hereof shall become effective as therein provided, that then and in that case this subdivision, to wit, subdivision fourteen shall cease to be in force and operation.

Townships classified.

15. Population of Townships. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting of the month of December following the election of the justices of the peace and constables of said county by multiplying by three and one-half the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such election; provided, however, that from and after twelve o'clock meridian of the first Monday in January of the year

1935, this subdivision of section 4247 of the Political Code of the State of California shall cease to be operative or of any further force or effect; provided further however, that if and when subdivisions twenty-four and twenty-five shall become effective as provided in said sections, that then and in that case, this subdivision, to wit, subdivision fifteen, shall cease to be in force and operation.

Supervisors

16. Supervisors. Each supervisor shall receive and his salary is hereby fixed at the sum of one thousand two hundred dollars per annum, which shall be in full for all services as supervisors and road commissioner for each year; provided, however, that each supervisor shall be allowed his necessary traveling expenses at the rate of seven cents per mile for each mile traveled in the county in attending to matters for the board and in performing his duties as road commissioner.

Live stock inspector

17. Live Stock Inspector. The live stock inspector shall receive and his salary is hereby fixed at one thousand five hundred thirty dollars per annum; provided, that in counties of this class, said live stock inspector shall be and he is hereby allowed his actual mileage, at the rate of six cents per mile, for the use of his private car, or in lieu thereof, the board of supervisors may provide said live stock inspector with necessary transportation to enable him to properly perform the duties of his office; and provided, further, that the live stock inspector in counties of this class shall be ex officio county veterinarian.

Librarian.

18. Librarian. The county librarian shall receive, and his or her salary is hereby fixed at one thousand five hundred thirty dollars per annum.

Jurors.

19. Jurors. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury and the superior court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, one way only, the sum of fifteen cents per mile; such mileage to be allowed but once during each meeting day, said jurors are required to attend.

Consolidated office of county clerk and county recorder

20. Consolidated Office of County Clerk and County Recorder. In counties of this class, the officer holding the office of consolidated county clerk and county recorder shall receive and his salary is hereby fixed at the sum of two thousand four hundred dollars per annum which shall be in full compensation for all services performed by said consolidated county clerk and county recorder; and, provided, further, that there shall be and there is hereby allowed to the consolidated office of county clerk and county recorder one chief deputy county clerk who shall receive and whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; and, provided, further, that there shall be and there is hereby allowed to the consolidated office of county clerk and county recorder, one chief deputy county recorder who shall receive and whose salary

Clerk-recorder

is hereby fixed at the sum of one thousand five hundred thirty dollars per annum. It is further provided that in counties of this class and within the consolidated office of county clerk and county recorder, there shall be and hereby are allowed to the office of the consolidated county clerk and county recorder, such additional deputies, assistants, clerks, copyists and stenographers in the said office of consolidated clerk and county recorder to perform the duties of the said office of the county clerk, and the said office of county recorder as the said consolidated county clerk and county recorder may deem necessary and required to properly and efficiently perform and administer the duties of said offices; provided, further, however, that the total aggregate compensation of all such additional deputies, assistants, clerks, copyists and stenographers appointed to perform the duties of and to conduct the office of county clerk and the office of county recorder shall not exceed eight thousand one hundred dollars in any one year; and provided, further, that all of the foregoing deputies, assistants, clerks, copyists and stenographers in the said office of the county clerk and the said office of the county recorder shall be appointed by the consolidated county clerk and county recorder, and their salaries shall be paid monthly at the same time and in the same manner and out of the same fund as the salary of the said consolidated county clerk and county recorder is paid; provided, further, that the compensation of all copyists which may be appointed by the consolidated county clerk and county recorder for the purpose of copying records, papers and documents, in the recorder's office, shall be the sum of five cents per folio for recording, copying and comparing any instruments or notes, exhibits, maps or plats and for copying of any records or papers, five cents per folio; provided that all instruments that are partly typewritten and partly printed for the recording of which the county has furnished the consolidated county clerk and county recorder the necessary books containing printed forms corresponding to such instruments the compensation shall be two and a half cents per folio, for the entire number of folios of written and printed matter in said instrument; provided, further, that the compensation of all said copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund that the salary of the consolidated county clerk and county recorder is paid; and, provided, further, that any fees, moneys or compensations which are allowed to the county clerk for the naturalization of aliens or in matters relative to the public lands which are allowed to the county clerk by the United States Government shall be collected by the consolidated county clerk and county recorder for the use and benefit of said county and shall be turned over and accounted for by said consolidated county clerk and county recorder to the county treasurer at the time and in the manner required by law, and all other fees of whatsoever kind or nature which

are allowed by law to the county clerk or the county recorder, shall be collected by the consolidated county clerk and county recorder and shall be turned over to and accounted for to the county treasurer as required by law; provided, further, that this subdivision shall not become effective and the same shall not be in full force and effect until twelve o'clock meridian on the first Monday after the first day of January next succeeding the election of said consolidated county clerk and county recorder, as set forth and provided in section 4021 and section 4017 of the Political Code of the State of California; and, provided, further, that this subdivision shall not become effective until the board of supervisors shall have created the consolidated office of the county clerk and the county recorder as provided in section 4017 of the Political Code of the State of California.

Consolidated office of treasurer and public administrator.

21. Consolidated Office of Treasurer and Public Administrator. In counties of this class the officer holding the office of consolidated county treasurer and public administrator shall receive and his salary is hereby fixed at the sum of two thousand four hundred dollars per annum; which shall be in full for all services performed by said consolidated treasurer and public administrator; and, provided, further, that in counties of this class there shall be and there is hereby allowed to the consolidated office of county treasurer and public administrator one chief deputy county treasurer who shall receive and whose salary is hereby fixed at the sum of one thousand five hundred thirty dollars per annum; provided, further, that it shall be the duty of the consolidated treasurer and public administrator to collect for the use and benefit of the said county, all fees, commissions, costs and charges which are provided for and allowed by law to the public administrator and shall account for and turn over the same to the county treasurer at the times, in the manner and form required and prescribed by law; and, provided, further, that this subdivision shall not become effective and the same shall not be in full force and effect until twelve o'clock meridian on the first Monday after the first day of January next succeeding the election of said consolidated county treasurer and public administrator, as provided in section 4021 and section 4017 of the Political Code of the State of California; and, provided, further, that this subdivision shall not become effective until the board of supervisors shall have created the consolidated office of the county treasurer and public administrator as provided in section 4017 of the Political Code of the State of California.

Consolidated office of county assessor and county tax collector.

22. Consolidated Office of County Assessor and County Tax Collector. In counties of this class the officer holding the office of consolidated county assessor and county tax collector shall receive, and his salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; and, provided, further, that in counties of this class there shall be and there is hereby allowed to the said consolidated county assessor and county tax collector, one chief deputy county assessor who shall receive

and whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; and, provided, further, that in counties of this class there shall be and there is hereby allowed to the consolidated county assessor and county tax collector, one chief deputy tax collector who shall receive and whose salary is hereby fixed at the sum of one thousand five hundred thirty dollars per annum. It is further provided that in counties of this class and within the consolidated office of county assessor and tax collector, there shall be and hereby is allowed to the office of the consolidated county assessor and tax collector such additional deputies, assistants, clerks and stenographers in the said offices of county assessor and county tax collector as he may deem necessary and required to perform and administer the duties of said office of county assessor and said office of county tax collector; provided, further, however, that the compensation of all such additional deputies, clerks, assistants and stenographers appointed to perform the duties and to conduct the office of the county assessor and the office of the county tax collector, shall not exceed in the aggregate, the total sum of thirteen thousand dollars in any one year; provided, further, that all of the foregoing deputies, assistants, clerks and stenographers in the said office of the county assessor and tax collector shall be appointed by the consolidated assessor and tax collector and their salaries shall be paid monthly at the same time and in the same manner and out of the same fund as the salary of the said consolidated county assessor and county tax collector is paid; provided, further, that this subdivision shall not become effective and the same shall not be in full force and effect until twelve o'clock meridian on the first Monday after the first day of January, next succeeding the election of said consolidated county assessor and county tax collector, as provided in section 4021 and section 4017 of the Political Code of the State of California; and, provided, further, that this subdivision shall not become effective until the board of supervisors shall have created the consolidated office of the county assessor and county tax collector, as provided in section 4017 of the Political Code of the State of California.

Consolidated office of sheriff and coroner

23. Consolidated Office of Sheriff and Coroner. In counties of this class, the officer holding the office of consolidated sheriff and coroner shall receive and his salary is hereby fixed at the sum of two thousand eight hundred eighty dollars per annum, which shall be in full for all services rendered by him as consolidated sheriff and coroner; and provided further that there shall be and there is hereby allowed to the consolidated sheriff and coroner, one undersheriff who shall receive and whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum; and one chief deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum; and provided further, that there shall be and there is hereby allowed to the consolidated sheriff and coroner, one deputy coroner who may be a deputy sheriff and who shall

receive no compensation as deputy coroner. It is further provided that in counties of this class and within the consolidated office of the sheriff and coroner, there shall be and there are hereby allowed to the office of consolidated sheriff and coroner, such additional deputies, assistants, clerks, matrons and stenographers in the said office of the sheriff, as the said consolidated sheriff and coroner may deem necessary and required to properly and efficiently perform and administer the duties of said office of sheriff; provided, further, however, that the compensation of all such additional deputies, assistants, clerks, matrons and stenographers appointed to perform the duties of and to conduct the office of the said sheriff, shall not exceed in the aggregate the total sum of twenty-one thousand seven hundred ten dollars in any one year; and provided, further that all of the foregoing deputies, assistants, clerks, matrons and stenographers in the office of the sheriff shall be appointed by the consolidated sheriff and coroner and their salaries shall be paid monthly at the same time and in the same manner and out of the same fund as the salary of the said consolidated sheriff and coroner is paid; provided, further, that in counties of this class the consolidated sheriff and coroner shall and he is hereby required to appoint and keep on duty at the county jail of said county a female deputy sheriff during the day who shall be known and designated as day matron who shall also be a stenographer, and a female deputy sheriff during the night who shall be known and designated as night matron, both of said matrons to be included in and a part of aforesaid additional deputies within the sheriff's office, and whose salaries are included in and provided for in said total aggregate sum of twenty-one thousand seven hundred ten dollars above set forth; provided, further, that in counties of this class, the consolidated sheriff and coroner shall be and he is hereby required to collect from the State of California, all fees, mileages, compensations and per diems provided for by law for the transportation of prisoners, juvenile delinquents and insane persons committed by proper judicial authority of said county to the various State institutions of the State of California, and all fees, mileages, compensations and per diems provided for by sections 4175 and 4176 of the Political Code of the State of California, and all fees and mileage collected by the consolidated sheriff and coroner for the service of all papers and processes in both civil and criminal matters issued by and out of any court of the State of California, all of which said fees, mileages, compensations and per diems shall be collected by the consolidated sheriff and coroner for the use and benefit of the county and shall be by him accounted for and paid into the county treasury at such times and in such manner as required by law; and provided, further that all fees, mileages and per diems which may be allowed by law to the coroner shall be collected by the said consolidated sheriff and coroner for the use and benefit of said county and the said consolidated sheriff and coroner shall account for and pay over all

Sheriff-coroner.

such fees, mileages and per diems to the county treasurer at the times and in the manner required by law; provided, further, that this subdivision shall not become effective and the same shall not be in full force and effect until twelve o'clock meridian on the first Monday after the first day of January next succeeding the election of said consolidated sheriff and coroner, as provided in section 4021 and section 4017 of the Political Code of the State of California; and, provided, further, that this subdivision shall not become effective until the board of supervisors shall have created the consolidated office of the sheriff and coroner as provided in section 4017 of the Political Code of the State of California.

Justices of the peace Township number one.

24. Justices of the Peace. Provided that in counties of this class, the justice of the peace of judicial township number one shall receive and his salary is hereby fixed at the sum of one thousand two hundred dollars per annum, which said salary shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number one such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number one the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court.

Township number two.

Provided that in counties of this class, the justice of the peace of judicial township number two shall receive and his salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, which said salary shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number two such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number two the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court

Township number three.

Provided that in counties of this class, the justice of the peace of judicial township number three shall receive and his salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and

out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number three such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number three the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court.

Township number four

Provided that in counties of this class, the justice of the peace of judicial township number four shall receive and his salary is hereby fixed at the sum of one thousand two hundred dollars per annum, which said salary shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number four such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number four the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court.

Township number five.

Provided that in counties of this class, the justice of the peace of judicial township number five shall receive and his salary is hereby fixed at the sum of one thousand two hundred dollars per annum, which said salary shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number five such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number five the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court.

Township number six.

Provided that in counties of this class, the justice of the peace of judicial township number six shall receive and his

salary is hereby fixed at the sum of six hundred dollars per annum, which said salary shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number six such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number six the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court.

Township number seven

Provided that in counties of this class, the justice of the peace of judicial township number seven shall receive and his salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number seven such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number seven the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court.

Township number eight

Provided that in counties of this class, the justice of the peace of judicial township number eight shall receive and his salary is hereby fixed at the sum of six hundred dollars per annum, which said salary shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall allow to the said justice court of judicial township number eight such incidental and necessary expenses including clerical help, mileage and rent as may be required and necessary to enable the said justice court to properly perform and administer the duties of said justice court within said township; and, provided, further, that the board of supervisors shall provide and furnish to the justice of the peace of said judicial township number eight the statutes and codes of the State of California and all amendments thereto and all necessary stationery, legal blanks and forms necessary and required for the proper conduct of the business of the said justice court.

Provided that the justice of the peace of each of said townships is hereby empowered and authorized to conduct and hold court at as many different places within the township as the convenience of the people and the business of the court may justify and require; provided, further, that this subdivision of said section 4247 of the Political Code of the State of California shall not become effective until twelve o'clock meridian on the first Monday after the first day in January next succeeding the election of said justices of the peace in each of said judicial townships numbers one, two, three, four, five, six, seven and eight; and provided, further, that this subdivision of said section 4247 of the Political Code of the State of California, shall not take effect and become operative until the board of supervisors shall have created, established and set forth judicial townships numbers one, two, three, four, five, six, seven and eight of said county, and defined and delineated the exterior boundaries thereof in the manner set forth in section 4015 of the Political Code of the State of California. Places of holding court.

25. Constables. Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number one who shall receive, and whose salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judicial township number one shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California, and shall retain said fees as his own; and, provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number one within thirty days from the time he received such paper, he shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office. Constables. Township number one

Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number two who shall receive, and whose salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judicial township number two shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California and shall retain said fees as his own; and, provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number two within thirty days from the time he received such paper, he shall be guilty of a misde- Township number two

meanor and upon conviction thereof shall be removed from office.

Township number three.

Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number three who shall receive, and whose salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judicial township number three shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California, and shall retain said fees as his own; and, provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number three within thirty days from the time he received such paper, he shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

Township number four.

Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number four who shall receive, and whose salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judicial township number four shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California, and shall retain said fees as his own; and, provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number four within thirty days from the time he received such paper, he shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

Township number five.

Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number five who shall receive, and whose salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judicial township number five shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California and shall retain said fees as his own; and, provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number five within thirty days from the time he received such paper, he shall be guilty of a mis-

demeanor and upon conviction thereof shall be removed from office.

Township number six

Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number six who shall receive, and whose salary is hereby fixed at the sum of six hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judicial township number six shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California, and shall retain said fees as his own; and, provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number six within thirty days from the time he received such paper, he shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

Township number seven.

Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number seven who shall receive, and whose salary is hereby fixed at the sum of nine hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judical township number seven shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California and shall retain said fees as his own; and provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number seven within thirty days from the time he received such paper, he shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

Township number eight.

Provided, that in counties of this class there shall be and there hereby is allowed one constable in judicial township number eight who shall receive, and whose salary is hereby fixed at the sum of six hundred dollars per annum, which said salary shall be paid at the same time and in the same manner and out of the same fund as the salaries of all the county officers are paid; and, provided, further, that the constable in said judicial township number eight shall, in addition to the salary herein provided, receive all the fees provided for in section 4300d of the Political Code of the State of California and shall retain said fees as his own; and, provided, further, that in case said constable shall fail, neglect or refuse to file or return any paper received by him for serving within said judicial township number eight within thirty days from the time he received such paper, he shall be guilty of a misdemeanor and upon conviction thereof shall be removed from office.

To cooperate with sheriff.

Provided further that all of said constables in each of said judicial townships shall cooperate to the fullest extent with the sheriff's office to the end that law and order shall be maintained throughout all said judicial townships in said county; and, provided, further, that in cases of emergencies, the board of supervisors may in their discretion, allow to all the constables of said judicial townships such sum of money as they may deem necessary and proper for mileage in apprehending criminals, investigating crime and procuring evidence for the prosecution of criminal cases in all of such justice courts, and in the superior court of the county; provided, further, that this subdivision of said section 4247 of the Political Code of the State of California shall not take effect and shall not become operative until twelve o'clock meridian on the first Monday after the first day of January next succeeding the election of said constables of said judicial townships numbers one, two, three, four, five, six, seven and eight; provided, further, that this subdivision of said section 4247 shall not take effect and become operative until the board of supervisors shall create, establish and set forth judicial townships numbers one, two, three, four, five, six, seven and eight of said county and define the exterior boundaries thereof in the manner set forth in section 4015 of the Political Code of the State of California.

Effect of act.

26. Effect. The subdivisions of this act so far as they are substantially the same as existing statutes governing counties of this class must be construed as subdivisions thereof and not as new enactments and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. It is hereby found as a fact that the changes provided for in this act do not work an increase in the compensation of any county officer provided for herein.

Constitutionality.

27. Constitutionality. If any paragraph, subdivision, subsection, sentence, clause, phrase or part of this act, or section of the Political Code of the State of California, for any reason is held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this section or act. The Legislature hereby declares that it would have passed each section and each paragraph, subdivision, subsection, sentence, clause, phrase, or part thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses, phrases, subsections or parts may hereafter be declared unconstitutional.

CHAPTER 777.

An act to amend sections 657 and 666 of the Fish and Game Code, and to add thereto a new section to be numbered 666.5, relating to salmon.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 778.

An act to amend the Agricultural Code, by amending sections 1261, 1263, 1264, 1265, 1267, 1268, 1269, 1270, 1271, 1272 and 1273, and repealing section 1266 thereof, and adding a new section thereto to be numbered 1272.5, all relating to dealers in farm products.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 779.

An act to amend section 312 of the Agricultural Code, relating to meat inspection.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 780.

An act to add sections 1156, 1157 and 1158 to the Fish and Game Code, relating to the closing of areas to hunting.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 781.

An act to amend sections 1250, 1252, 1293 and 1310 of the Fish and Game Code, relating to mammals.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 782.

An act to amend sections 65, 612 and 1272 of the Fish and Game Code and to add thereto sections 66.5 and 1271.5, relating to fish and game.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 783.

An act to amend section 4283 of the Political Code, relating to compensation of county officers in counties of the fifty-fourth class.

[Approved by the Governor June 5, 1933. In effect August 21, 1933.]

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

Stats 1931, p. 1153.

SECTION 1. Section 4283 of the Political Code is hereby amended to read as follows:

Mariposa County. Salaries.

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk, one thousand six hundred twenty dollars per annum; and provided, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters. Each of said deputies to receive the sum of fifteen cents per name for each elector registered by him.

Sheriff.

2. The sheriff, three thousand four hundred twenty dollars per annum.

Recorder.

3. The recorder, one thousand three hundred fifty dollars per annum; provided, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees so collected shall exceed one hundred dollars in any one month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars in any month, so collected; and provided, that the recorder may retain for his own use all fees collected for filing and recording proofs of labor and notices of location of mining claims.

Auditor.

4. The auditor, five hundred seventy dollars per annum. He may also appoint a deputy auditor, which office of deputy auditor is hereby created whose salary shall be one thousand

one hundred forty dollars per annum payable as the salaries of all other county officers are paid.

5. The treasurer, one thousand three hundred fifty dollars per annum. Treasurer.

6. The tax collector, one thousand one hundred forty dollars per annum, and ten per cent of all licenses collected by him. Tax collector

7. The assessor, one thousand seven hundred ten dollars per annum. In counties of this class the assessor shall be allowed to retain the fees provided by law for the collection of personal property taxes. Assessor

8. The district attorney, one thousand four hundred forty dollars per annum. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner

10. Public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. Superintendent of schools, one thousand six hundred twenty dollars per annum, and actual traveling expenses of visiting schools of the county, not to exceed ten dollars per school district. Superintendent of schools

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.

13. Justices of the peace, one hundred fifty dollars per annum. Justices of the peace.

14. Constables, ten dollars per month in addition to such fees as are now or may be hereafter allowed by law. Constable

15. Supervisors, each the sum of eight hundred fifty-five dollars per annum, for all services performed by them, as supervisors and members of the board of equalization. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner three dollars per day for each day's service as such road commissioner. Such compensation as road commissioner shall not exceed three hundred dollars per annum. Supervisors

16. Grand jurors, shall be paid four dollars per day and jurors of the superior court in civil and criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, thirty cents per mile, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same. Grand jurors

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CHAPTER 784.

An act to amend sections 2 and 50 of the Public Utilities Act, and to add two new sections thereto, to be numbered 34a and 57½, relating to the regulation of freight forwarders; the regulation of the transportation of persons Stats 1915, p. 115, amended.

or property for compensation between points in this State and for the issuance of certificates of public convenience and necessity therefor.

[Approved by the Governor June 9 1933. In effect August 21, 1933.]

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

Stats 1927, p. 244.

SECTION 1. Section 2 of the Public Utilities Act is hereby amended to read as follows:

Definitions

"Commission."

Sec. 2. (a) The term "commission," when used in this act, means the Railroad Commission of the State of California.

"Commissioner."

(b) The term "commissioner," when used in this act, means one of the members of the commission.

"Corporation."

(c) The term "corporation," when used in this act, includes a corporation, a company, an association and a joint stock association.

"Person"

(d) The term "person," when used in this act, includes an individual, a firm and a copartnership.

"Transportation of persons"

(e) The term "transportation of persons," when used in this act, includes every service in connection with or incidental to the safety, comfort or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage.

"Transportation of property"

(f) The term "transportation of property," when used in this act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling and the transmission of credit by express corporations.

"Street railroad"

(g) The term "street railroad," when used in this act, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city and county, or city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "street railroad," when used in this act, shall not include a railway constituting or used as a part of a commercial or interurban railway.

"Street railroad corporation"

(h) The term "street railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this State, or owning, controlling, operating or managing as a part of or in conjunction with such street railroad any automobile, jitney bus, stage or auto stage used in the business of transportation of persons or property for compensation over any public highway in this State between fixed termini or over a regular route.

(i) The term "railroad," when used in this act, includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsover power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property. "Railroad."

(j) The term "railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this State. "Railroad corporation"

(k) The term "express corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this State. "Express corporation"

(ka) Any person, firm or corporation who for compensation undertakes the collection and shipment of property of others, and as consignor or otherwise ships or arranges to ship the same via the line of any common carrier at the tariff rates of such carrier and/or acting as consignee of same receives such property, is a "freight forwarder" within the meaning of this act and a common carrier as herein defined. "Freight forwarder"

This paragraph shall not apply to any agricultural or horticultural cooperative organization operating under and by virtue of the laws of the State of California or of any other State or the District of Columbia or under Federal statute in the performance of its duties for its members, or the agents, individual or corporate, of such organization in the performance of their duties as such agents.

(l) The term "common carrier," when used in this act, includes every railroad corporation; street railroad corporation; express corporation; freight forwarder; dispatch, sleeping car, dining car, drawing-room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this State; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel, as hereinafter defined, engaged in the transportation of persons or property for compensation between points upon the inland waters of this State, or engaged in the transportation of persons or property for compensation upon the high seas between points within this "Common carrier"

State. The term "inland waters" as used in this subsection includes all navigable waters within the State of California other than the high seas.

The provisions hereof shall not include any corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel, as hereinafter defined, by reason of the furnishing of water transportation service between points upon the inland waters of this State or upon the high seas between points within this State for affiliated or parent or subsidiary companies or for the products of other corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in the same industry, if and so long as such water transportation service is furnished in tank vessels or barges specially constructed to hold liquids or fluids in bulk and provided that such service is not furnished to others not engaged in the same industry.

"Pipe line."

(m) The term "pipe line," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.

"Pipe line corporation"

(n) The term "pipe line corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe line for compensation within this State.

"Gas plant."

(o) The term "gas plant," when used in this act, includes all real estate, fixtures, and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas, natural or manufactured, for light, heat or power.

"Gas corporation."

(p) The term "gas corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation within this State, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

"Electric plant"

(q) The term "electric plant," when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

"Electrical corporation"

(r) The term "electrical corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court what-

soever, owning, controlling, operating or managing any electric plant for compensation within this State, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

"Telephone line."

(s) The term "telephone line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.

"Telephone corporation."

(t) The term "telephone corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, operating or managing any telephone line for compensation within this State.

"Telegraph line."

(u) The term "telegraph line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

"Telegraph corporation."

(v) The term "telegraph corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this State.

"Water system."

(w) The term "water system," when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures, and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment, or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use.

"Water corporation."

(x) The term "water corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this State.

"Vessel."

(y) The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property, except rowboats, sailing boats and barges under twenty tons dead weight carrying capacity, and vessels propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register.

"Wharfinger." (z) The term "wharfinger," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this State.

"Warehouseman." (aa) The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this State, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

"Heating plant." (bb) The term "heating plant," when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of heat for domestic, business, industrial or public use.

"Heat corporation." (cc) The term "heat corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any heating plant for compensation within this State, except where heat is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others

"Public utility." (dd) The term "public utility," when used in this act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman, and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof. The term "public or any portion thereof" as herein used means the public generally, or any limited portion of the public including a person, private corporation, municipality or other political subdivision of the State, for which the service is performed or to which the commodity is delivered, and whenever any common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman or heat corporation performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman or heat corporation, is hereby declared to be a public utility subject to the jurisdic-

tion, control and regulation of the commission and the provisions of this act. Furthermore, when any person or corporation performs any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivision of the State, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and the provisions of this act.

SEC. 1½. A new section is hereby added to the Public Utilities Act to be numbered section 34a and to read as follows: New section.

Sec. 34a. It is hereby declared to be the policy of the State of California that the use of all waterways, ports, and harbors of this State shall be encouraged, and to that end the commission is directed in the establishment of rates for water carriers applying to business moving between points within this State to fix said rates at such a differential under the rates of competing land carriers that said water carriers shall be able fairly to compete for said business, and in the fixing of said rates there shall be taken into consideration quality and regularity of service and class and speed of vessels. Rates of water carriers.

SEC. 2. Section 50 of the Public Utilities Act is hereby amended to read as follows: Stats. 1927, p. 240.

Sec. 50. (a) No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation or water corporation shall henceforth begin the construction of a street railroad, or of a line, plant, or system, or of any extension of such street railroad or line, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; provided, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city and county, or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a city and county, or city or town, contiguous to its street railroad, or line, plant, or system, and not therefore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; and provided, further, that if any public utility, in constructing or extending its line, plant, or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility, already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and condi- New construction.

tions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

Completion of construction previously authorized

(b) No public utility of a class specified in subsection (a) hereof shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege; provided, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; and provided further, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State.

Articles, etc., to be filed.

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise or permit of the proper county, city and county, municipal or other public authority.

Complaint of violation.

When a complaint has been filed with the commission alleging that a public utility of the class specified in subsection (a) of this section is engaged or is about to engage in construction work without having secured from the commission a certificate of public convenience and necessity as required by the provisions of this section, the commission shall have power, with or without notice, to make its order requiring the public utility complained of to cease and desist from such construction until the commission makes and files its decision on said complaint or until the further order of the commission.

Hearing and order

The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same or to issue it for the construction of a portion only of the contemplated street railroad line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions, including provisions for the acquisition by the public of such franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity may require. If a public utility desires to exercise a right or privilege under a franchise or permit which

it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after the public utility has obtained the contemplated franchise or permit. Upon the presentation to the commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the commission shall thereupon issue such certificate.

Order preliminary to certificate

(d) No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall hereafter begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points in this State, without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required as to termini between which any such corporation or person is lawfully operating vessels in good faith under this act as it existed prior to this amendment, under tariffs and schedules of such corporations or persons, lawfully on file with the Railroad Commission. Every applicant for such a certificate shall file in the office of the commission application and evidence in such form as shall be required by the commission, and the commission shall have power, after hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, or to issue it for operation between certain points only, and may attach to the exercise of the rights granted by such certificate such terms and conditions as, in its judgment, the public convenience and necessity require.

Vessels navigating inland waters.

Any municipal corporation or port district operating or maintaining a port may make application to the commission for the issuance of a certificate of convenience and necessity to require any person or corporation operating vessels between points in this State, to serve the port so operated by said municipal corporation or port district, and the commission shall have power after hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise of the rights granted by any such certificate, upon such terms and conditions as in its judgment the public convenience and necessity require, and upon making said order the person or corporation to which said certificate shall be issued, shall be compelled to perform said service.

Ports, port districts, etc

Any right, privilege, franchise or permit held, owned or obtained by any such person or corporation for the operation of vessels between points in this State may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the Railroad Commission, and the commission may at any time for a good cause suspend, and upon

notice to the grantee of any certificate or operative right and opportunity to be heard revoke, alter or amend any certificate or operative right issued or existing under the provisions of this subsection.

Purpose and effect of section.

(e) The Legislature hereby declares that the provisions of this section are being enacted under the State's reserved power over public utilities or corporations, or both, as the case may be, for the purpose of acting on the right of the grantee of a public utility franchise granted by a county, city and county or incorporated city or town, to exercise rights thereunder, and not for the purpose of acting on the right of any city and county or incorporated city or town to grant any such franchise. The Legislature hereby declares that the provisions of this section shall be and remain in full force and effect concurrently with the right of any city and county or incorporated city or town to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law

Express corporations and freight forwarders.

(f) No express corporation or freight forwarder shall after August 1, 1933, commence operating between points in this State or extend its operations to or from any point or points in this State not theretofore served by it, unless and until it shall first secure from the Railroad Commission, upon formal application therefor, a certificate that public convenience and necessity require such operation. Any express corporation or freight forwarder having between May 1, 1933, and the effective date of this act, commenced operations or extended its service as aforesaid, shall have ninety (90) days after the effective date of this act to file with the Railroad Commission a formal application for a certificate of public convenience and necessity for such service. The Railroad Commission shall have power, with or without hearing, to issue such certificate, or to refuse to issue the same, or to issue it for the partial exercise only of the privilege sought, and may attach to its order granting such certificate such terms and conditions as, in its judgment, the public convenience and necessity require. The Railroad Commission may at any time, for good cause shown and upon notice to the holder of any such certificate, revoke, alter, or amend any such certificate.

New section

SEC. 3. A new section is hereby added to the Public Utilities Act, to be numbered 57½, and to read as follows:

Fees.

Sec. 57½. In addition to the fees specified in section 57 of this act, the commission shall charge and collect the following fees:

For filing each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer or assignment thereof, $50.00;

All fees charged and collected under this section shall be paid at least once each month into the State treasury to the credit of the general fund.

Constitutionality.

SEC. 4. If any section, subsection, sentence, proviso, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remain-

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

CHAPTER 785.

An act to repeal "An act relating to stills and other devices for the manufacture or production of intoxicating liquor for beverage purposes, providing a penalty for the violation thereof, and repealing all inconsistent acts," approved April 29, 1927.

Stats 1927, p 497, repealed.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby repealed.

Repeal

SEC. 2. It is hereby declared to be the intention of the Legislature that within the meaning of section 329 of the Political Code the repeal of the act cited in the title hereof shall constitute a bar to the indictment or information and punishment of any criminal offense heretofore committed in violation of this act hereby repealed.

Bar to indictment or punishment

CHAPTER 786.

An act to amend sections 3, 4, 5a and 15, and to repeal section 17 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, Statutes of 1911, page 1192, as amended.

Stats 1911, p 1192, amended

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements and providing for the effect and enforcement of such bonds," approved April 27, 1911, Statutes of 1911, page 1192, as amended, is hereby amended to read as follows:

Stats 1931, p. 1620.

Sec. 3. When said city council shall determine that serial bonds shall be issued to represent assessments it shall so declare in a resolution which may be adopted at the time of

Resolution for issuance of bonds.

the confirmation of the assessment roll in any proceedings had or taken under any act to which the provisions of this act are made applicable, provided the notice prescribed to be given for the hearing on the confirmation of such assessment roll shall contain a statement that the question of the issuance of bonds under the provisions of this act will be determined at said hearing; said resolution shall also contain a notice that a bond will issue to represent the unpaid balance on each assessment when said amount is twenty-five dollars or over remaining unpaid thirty days after the date of the recordation of the assessment. Said resolution shall recite the term of said bonds and also the rate of interest said bonds shall bear not to exceed seven per cent per annum. Said city council may in its discretion recite in such resolution a maximum rate of interest, not to exceed seven per cent per annum, to be paid on such indebtedness, which rate when so recited shall not be exceeded in the issuance of such bonds.

Terms of bonds

Said serial bonds shall extend over a period not to exceed nineteen years from the second day of July next succeeding the next April fifteenth following the date of said bonds, and an even annual proportion of the principal sum thereof shall be payable by coupon on the second day of July of every year after the date of said bonds until the whole is paid; provided, however, that the first payment shall become due on the second day of July next succeeding the April fifteenth following the date of said bonds. The resolution determining that serial bonds shall be issued may provide that the first payment of principal shall become due in not to exceed three years from the second day of July next following the date of said bonds in which event an even annual proportion of the principal sum thereof shall be payable on the date so provided and on the second day of July each year thereafter until the whole is paid. The interest on said bonds shall be payable semi-annually by coupon on the second days of January and July, respectively, of each year after their date, at a rate of not to exceed seven per cent per annum on all sums unpaid until the whole of said principal and interest is paid; provided, however, that the first interest coupon on said bonds shall become due and payable on the second day of January next succeeding the October fifteenth or the second day of July next succeeding the April fifteenth, as the case may be, following the date of such bonds.

Stats 1931, p 1620

SEC. 2. Section 4 of said act is hereby amended to read as follows:

List of unpaid assessments

Sec. 4. After the full expiration of thirty days from the date of the recordation of the assessment, the superintendent of streets shall make and certify to the city treasurer a complete list of all assessments when the amount remaining unpaid is twenty-five dollars ($25) or more.

Payments due

The principal of said unpaid assessments shall thereafter become due and payable to said treasurer in equal annual payments on the fifteenth day of each May succeeding the

April fifteenth following the date of the bonds issued to represent such unpaid assessments; the number of said annual payments shall correspond to the number of serial payments provided to be made on the principal of said bonds; the interest on said unpaid assessments shall become due and payable on the fifteenth day of each May and November succeeding the filing of such list of unpaid assessments; provided that the first payment of interest shall become due and payable on the fifteenth day of May next succeeding the April fifteenth or the fifteenth day of November next succeeding the October fifteenth, as the case may be, following the date of said bonds. Should any payment of principal on said unpaid assessments or of interest thereon be not paid on the date on which the coupon or coupons representing it are payable as hereinafter provided the city treasurer shall after the close of business on said due date add to the amount of principal or interest so delinquent a penalty of five per cent (5%) of the total amount of such delinquency and at the beginning of business on the first day of each succeeding month until such delinquent payment and all penalties thereon be fully paid, he shall add an additional penalty of one per cent (1%) of the amount of such delinquency and said treasurer shall collect such penalties with and as a part of such delinquent payments.

Delinquency penalty.

The city treasurer shall, at least fifteen (15) days before each respective fifteenth day of May and November, until said assessment be paid in full, mail, postage prepaid, to each owner of property described in said assessment, at his last known address, as appears upon the tax rolls of said city, a notice notifying him of the amount due and the date when payment is due from him on said assessment and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons. Provided that the failure of the city treasurer to mail said notice or the failure of the property owner to receive the same shall in nowise affect the validity of any penalty or invalidate any act or proceeding.

Notice.

The city treasurer, upon the filing of said list, shall prepare a separate bond representing the total of the unpaid amount of such assessment as shown thereon where the unpaid assessment or the unpaid remainder thereof amounts to twenty-five dollars ($25) or over. Said bond shall be substantially in the following form:

Form of bond.

Improvement bond.

Series_____

$_____ No _____

Under and by virtue of and pursuant to the provisions of _____ (title of this act), I, out of the fund for the above designated improvement bonds, series _____, will pay to bearer the sum of _____ dollars ($_____) with interest at the rate of _____ per cent per annum as hereinafter speci-

Form of bond

fied, at the office of the city treasurer, of the city of _____, State of California. This bond is issued to represent an assessment for _____ in the city of _____, as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered _____ thereon and in the diagram attached thereto, and which now remains unpaid; but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: The lot or parcel of land in the city of _____, county of _____, State of California, described as follows: _____

This bond is payable exclusively from said fund, and neither the city of _____ nor any officer thereof, is to be holden otherwise for its principal or interest. The term of this bond is _____ years from July 2, 19__, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of July of each year, after the May fifteenth succeeding the April fifteenth following the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest at the rate of _____ per cent per annum.

The interest is payable semiannually on the second day of January and July of each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the second day of _____, 19__, and thereafter the interest coupons are for the semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity and before commencement of proceedings for sale, upon payment to the city treasurer, for the holder of this bond of the amount then unpaid on the principal sum thereof, together with the amount of interest as shown on the two interest coupons maturing first after the date of such payment and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith in the manner provided by law. In case of such default, there shall be immediately added to such defaulted amount, five per cent (5%) of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of one per cent to such defaulted amount. The city shall be entitled to one-half of the penalty first imposed, namely, two and one-half per cent and the other two and one-half per cent and all subsequent penalties shall be paid to the holder of the bond along with and as part of such defaulted payment.

At said city of ------ this ------ day of ------ in the year 19--.

City treasurer of the city of ----------

Said bonds shall be payable to the bearer and no mistake or error in the description in the bond of the lot assessed shall affect the validity or lien of the bond, unless the mistake or error is such that the lot can not be identified, and in such event the holder of such bond may have the same corrected upon application to the city treasurer and the officers or board who or which made the assessment to represent which such bond is issued. Said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings leading up thereto under said improvement act, and under this act, and of the validity of said bonds. Validity of bonds.

SEC. 3. Section 5a of said act is hereby amended to read as follows: Stats. 1931, p 1620.

Sec. 5a. In the event of the division of any lot or parcel of land for which a bond has been issued pursuant to section 4 hereof into two or more separate lots or parcels of land, such bond may be surrendered and new bonds issued to the holder of the original bond in the manner hereinafter prescribed. When it is desired that such new bonds shall be issued, an application in writing signed by the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided shall be filed with the street superintendent. Such application shall indicate how the original lot or parcel has been divided, and request the street superintendent to apportion the amount remaining unpaid on said assessment in accordance with such division, and be accompanied by a fee of five dollars ($5) for each separate part or parcel of said original lot or parcel, which sum shall be deposited by said street superintendent in the city treasury. The street superintendent thereupon shall apportion to each separate part of said original lot or parcel of land the proportionate part of the amount remaining unpaid on said assessment that would have been levied had such lot or parcel of land been so divided at the time the original assessment was made. When such determination has been made, an application signed by all persons owning an interest in the original lot or parcel of land and the holder of the original bond on such lot or parcel of land, shall be filed with the city treasurer requesting that new bonds be issued for the amounts shown by the apportioned assessment in accordance with this section. Such application shall be accompanied by evidence satisfactory to said city treasurer that it is signed by every person owning any interest in said original lot or parcel of land. When the city treasurer shall have ascertained that the application is signed by all of the necessary persons, he shall so advise the street superintendent who shall thereupon amend the recorded diagram and assess- Division of lots and parcels: New bonds.

ment to conform to such division and apportionment and assign new assessment numbers to each separate part of the original lot or parcel of land. The city treasurer shall add to each such apportioned amount a sum equal to five per cent thereof but in no event more than the sum of ten dollars ($10), and shall make and sign a new bond of the same form as the original bond, to represent each such apportioned amount. The amount of such bond shall be equal to the sum of such apportioned amount and the amount added thereto by the city treasurer as herein prescribed, and payable in installments at the respective dates of the payment of principal and interest of the original bond, the number of such installments to be equal to the number of unpaid installments on the original bond. Provided, however, that no new bond shall be issued when such apportioned amount shall be less than twenty-five dollars ($25), in which event said amount shall be paid to the city treasurer in cash for the benefit of the holder of the original bond. Upon the surrender of the original bond the city treasurer shall deliver to such bondholder or his agent or assigns the bonds issued for such apportioned assessments together with all payments of cash which may have been made pursuant hereto.

Stats 1911, p 1192

SEC. 4. Section 15 of said act is hereby amended to read as follows:

Sale and redemption

Sec. 15. Immediately on the sale, the purchaser shall become vested with a lien on the property so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale. The city treasurer shall issue for each sale an original and a duplicate of certificate of sale reciting therein the date, number and series of the bond under which the sale was made, describing the land sold and giving the date of sale, purchaser's name, amount paid, and the number of the certificate. He shall deliver the original certificate to the purchaser and shall record the duplicate in the office of the recorder of the county in which the land sold is situated.

Repeal

SEC. 5. Section 17 of said act is hereby repealed.

CHAPTER 787.

Stats. 1919, p. 731, amended

An act to amend the title, sections 12, 16, 23, 23a and to repeal sections 12a, 12b and 12c, and to add section 16a to an act entitled "An act to promote the drainage of wet, swamp, and overflowed lands or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to

pay the costs and expenses thereof," approved May 18, 1919, Statutes 1919, page 731, as amended, with the provision that the repeal of sections 12a, 12b and 12c shall not affect existing proceedings or to existing bonds or assessments issued or levied under said act, and to provide for the advancing of maturity of bonds issued under said act.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. The title to an act entitled "An act to promote the drainage of wet, swamp, and overflowed lands or lands otherwise needing surface or underground drainage or protection, from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," is hereby amended to read as follows: "An act to promote the drainage of wet, swamp, and overflowed lands or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance and maturing of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof."

Stats. 1927, p 220

Title.

SEC. 2. Section 12 of said act is hereby amended to read as follows:

Stats 1921, p 894.

Sec. 12. Immediately after executing a contract for the construction of the improvement, the board of supervisors shall direct the engineer of construction to estimate the total cost of making the proposed improvements and performing such proposed work (which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out said work and improvements), and to assess the same in proportion to the benefits thereof to the lands in said district, and to do all things proper and necessary to carry out the provisions of this act.

Estimate of cost and assessment of benefits

Said engineer of construction shall proceed to view the lands within the said district and may examine witness under oath. He shall proceed to assess against the land within said district the estimated amounts of the cost of the proposed work or improvement and the expenses incident thereto, in proportion to the benefits to be derived from said work or improvements so far as he reasonably can estimate the same, including in such estimate of benefits the land whether operating property or not or of any public utility within said district, if such there be. He shall state the amounts to be assessed on each parcel of land separately, and shall divide the total assessment on each parcel of land into yearly installments of amounts clearly sufficient to retire the bonds and to pay the interest thereon for each year that said assessment shall continue.

In estimating the total cost and expenses of doing said work, the engineer of construction shall be governed by the amount he deems necessary to pay the principal and interest on bonds to be issued therefor as herein set forth and all incidental expenses to be incurred as herein authorized. Such estimates shall be based upon the contract price for doing the work as set forth in the plans and specifications together with an estimate of the incidental expenses to be incurred.

Report. The engineer of construction, having made his assessment of the benefits, shall with diligence, and before the board of supervisors declares the work to have been completed, make a written report thereof to, and file the same with, said board, and shall accompany said report with a plat of the district showing the relative location of each block, lot or portion of lot, or other piece of land and its dimensions, so far as he can reasonably ascertain the same. Each block and lot, or portion of lot, or other parcel or parcels of land affected or assessed shall be designated and described in said plat by an appropriate number and a reference to it by such descriptive number shall be sufficient description of it in all respects.

Notice of hearing. The report of such engineer of construction and the affidavit accompanying it shall be filed with the clerk of the board of supervisors, and said board shall thereupon fix a time for the hearing thereon, and thereupon the clerk of said board shall give notice of said hearing by publication once each week for at least three weeks prior to the time fixed for said hearing in the newspaper or newspapers designated in the resolution of intention. Such notice shall be substantially in the following form:

Form. Notice of the filing of the report of the engineer of construction of drainage improvement district No. ____ (the number being that of the district) of the county of _____.

Notice is hereby given that the engineer of construction of drainage improvement district No. ____ (the number being that of the district), did on the ____ day of _____, 19__, file his report of the assessment of benefits in said district with the clerk of the board of supervisors of said county, which said report is now on file in the office of the said board of supervisors in the city of _____, of said county, and that said report will be heard by said board at its chamber on the _____ day of _____, 19__, at the hour of __M. Said report and the map, plans and specifications of the improvements mentioned therein are hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, at the time and place fixed for said hearing, why said report should not be adopted and confirmed by said board, and why the several parcels of land referred to in said report should not be assessed for said improvement as therein set forth. All objections shall be in writing, signed by the person objecting, and filed with the

clerk of said board at least one day prior to the time fixed for the hearing of said report.

(Signed) _____,

Clerk of the board of supervisors, _____ county.

Objections to report.

Any person interested may file with the clerk of said board at least one day before the time fixed for the hearing, a written objection to said report, or to any part thereof, to the assessment as a whole or to the assessments on the several parcels of land, as set forth in said report. At the time fixed for such hearing or at any time to which the hearing may be adjourned, the board of supervisors shall hear and pass upon all objections so filed, and shall proceed to pass upon said report and the assessments therein contained, and may confirm, correct or modify the same, or may direct the engineer of construction to make a new assessment, report and plat which shall be filed, heard and acted upon in the same manner, and on like notice as an original report. The action of the board upon the report and objections thereto shall be final and conclusive as to all matters therein, and no assessment shall be set aside except upon such hearing for any error, defect, or informality therein, or in the proceedings prior thereto, where notice of the hearing of the report has been given as herein prescribed. The board of supervisors shall, upon the adoption of said report, by order entered upon its minutes, levy against and upon all lands within said drainage improvement district No. _____ (being the district as established and bounded in the order for the work to be done), a special assessment upon the lands found to be benefited by such improvement in the amount set forth in the said report of the engineer of construction as adopted by the board of supervisors, and which said amount shall be available for the payment of said bonds and the interest thereon. Said assessment shall be payable as herein provided at the times and in the amounts indicated in said report of said engineer of construction. When said board has levied the special assessment as hereinabove set forth, the clerk of said board shall cause to be filed with the recorder, and with the tax collector of the county or counties in which the district is situated, certified copies of the plat and report as adopted and confirmed by said board, together with certified copies of the order of said board levying said special assessment, and also give to the county auditor notice of the total amount of the installments for each year. If the district lies within more than one county as provided in section 2, said certified copies shall be filed with the recorder and tax collector of each county affected. Upon the filing of such certified copies the charges assessed upon each piece of land for the first year shall immediately become due and payable, and shall constitute a lien thereon; thereafter the installments for the succeeding year shall become due and payable on the third Monday of October of each year, and shall thereupon constitute a lien upon the land against which it is assessed.

Adoption of report

Recording of report.

Disposal of moneys.

All moneys paid upon such assessment, either by property owners or by the county or municipality affected, shall be placed in the county treasury of the county in which such district was organized in a special fund to be known as drainage district improvement No. ------, interest and sinking fund (the number being that of the district), and shall be used only to retire the bonds issued to pay the cost of constructing the improvement and the incidental expenses thereof, and to pay the interest on said bonds. Any surplus remaining after the bonds are retired, shall be paid into the maintenance fund of said district. Upon the filing of the certified copy of the report, assessment plat, and order with the tax collector of the county or counties as above provided, the tax collector shall give notice by ten days' publication in the newspaper designated in the resolution of intention, that the assessment list of drainage improvement district No. ------ has been filed in his office, with the date of such filing; that the first installments entered thereon are due and payable, and that if not paid on or before the last Monday of April next ensuing the same will become delinquent and will be collected as are delinquent taxes. He shall note on said assessment list all assessments paid, and give receipts as upon the payment of taxes, and shall pay all money collected into the county treasury at the same time and in the same manner as money collected for taxes.

Subsequent collections of installments shall be made in the manner above set forth, and the tax collector shall annually publish a like notice, and the same proceedings shall be had as upon the collection of the first installment.

Delinquency

When said installments have become delinquent the tax collector of the county shall proceed to collect the same together with an additional ten per cent added thereto, and pay the same over to the county treasurer as State and county taxes are collected and paid over; for the purpose of collecting such assessments and delinquent installments and penalties, all of the provisions of chapter seven, title nine, part three of the Political Code not in conflict with any of the provisions of this act are hereby made applicable.

The entire assessment against a parcel of land within the district, subsequent installments of principal as well as the installment for the current year, may at any time be paid in full with interest thereon to the date of payment together with a premium of three per centum of the principal then unpaid, to the tax collector who shall issue receipts for said payments as in this section provided.

Repeal Saving clause.

SEC. 3. Section 12a of said act is hereby repealed; provided, however, that said repeal shall not operate to divest, limit or prevent the board of supervisors authorized to conduct a proceeding under the provisions of this act, or any amendment thereof, from exercising all authority, power and jurisdiction and performing any or all of the functions, acts or duties imposed, prescribed or authorized by said section in any pro-

ceeding wherein the the resolution of intention was adopted before January 1, 1933, nor shall said repeal be applicable or affect in any way any bonds heretofore issued or authorized to be issued under said act or any assessment levied or required to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are retained in full force and effect until all bonds issued under said act shall be fully paid and discharged.

Repeal: Saving clause.

SEC. 4. Section 12b of said act is hereby repealed; provided, however, that said repeal shall not operate to divest, limit or prevent the board of supervisors authorized to conduct a proceeding under the provisions of this act, or any amendment thereof, from exercising all authority, power and jurisdiction and performing any or all of the functions, acts or duties imposed, prescribed or authorized by said section in any proceeding wherein the resolution of intention was adopted before January 1, 1933, nor shall said repeal be applicable or affect in any way any bonds heretofore issued or authorized to be issued under said act or any assessment levied or required to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are retained in full force and effect until all bonds issued under said act shall be fully paid and discharged.

Repeal· Saving clause.

SEC. 5. Section 12c of said act is hereby repealed; provided, however, that said repeal shall not operate to divest, limit or prevent the board of supervisors authorized to conduct a proceeding under the provisions of this act, or any amendment thereof, from exercising all authority, power and jurisdiction and performing any or all of the functions, acts or duties imposed, prescribed or authorized by said section in any proceeding wherein the resolution of intention was adopted before January 1, 1933, nor shall said repeal be applicable or affect in any way any bonds heretofore issued or authorized to be issued under said act or any assessment levied or required to be levied under said act; and for all purposes (except that no new proceeding can be begun thereunder after January 1, 1933) all of the authority, power and jurisdiction now conferred by said act and all of the provisions of said act are retained in full force and effect until all bonds issued under said act shall be fully paid and discharged.

Stats. 1929, p 1320.

SEC. 6. Section 16 of said act is hereby amended to read as follows:

Issuance of bonds.

Sec. 16. Upon the expiration of twenty days after the making of the final order provided in section 15 of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same, the treasurer shall proceed to issue bonds bearing the date of said final order, amounting in the

aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order.

Such bonds shall be numbered consecutively beginning with the (or one of the) first to mature and ending with the (or one of the) last to mature.

A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issued as specified in said final order, and that the interest thereon shall be payable as hereinafter provided. The said bonds may in form, and shall in substance, be as follows:

Drainage District Improvement Bond.

County of _____, State of California,

Drainage Improvement District No. _____.

$_____ Bond No._____

Under and by virtue of an act of the Legislature of the State of California, known as the "Drainage District Improvement Act of 1919," (here may be inserted a further designation of the act if desired), the county of _____, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of the said county on the _____ day of _____, 19__, the sum of _____ dollars in gold coin of the United States of America, with interest thereon in like gold coin at the rate of _____ per cent per annum, payable semi-annually on the _____ day of _____, and the _____ day of _____ each year from the date hereof (the last installment thereof shall be payable at maturity of this bond) upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity with the provisions of said drainage district improvement act of 1919, and the amendments thereof, and is one of a series of bonds of like date and effect numbered from one to _____ consecutively, amounting in the aggregate to _____ dollars, issued in behalf of drainage improvement district No. _____ of said county. This bond may be recalled in advance of maturity, on the date annual or semiannual interest is due, by giving the notice provided in said act and by paying the principal and accrued interest together with a premium equal to three per cent of the principal.

It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and the bond is by law made conclusive evidence thereof.

This bond is payable out of drainage district improvement No. _____ interest and sinking fund exclusively, as the same

appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise.

In witness whereof, said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed and said interest coupons to be signed by said treasurer this _____ day of _____, 19__.

_____
Chairman of the board of supervisors
of the county of _____,
California.
Countersigned

_____
Treasurer of the county of _____,
California.

(Seal of board of supervisors)

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in said form. The interest coupons attached to the said bonds shall be in such form as said treasurer may determine, subject to the provisions of this act and the approval of the board of supervisors. Said coupon need be signed only by the treasurer, either in writing or by lithographed or printed facsimile. Said bonds shall be delivered by said treasurer to said contractor or to his order, assignee, or lawful representative.

Registration of bonds.

Before releasing said bonds, said treasurer shall make in a registration book, and thereafter maintain the following record of each bond:

(a) The district number; (b) the serial number; (c) the principal; (d) the rate of interest; (e) the date issued; (f) the date of maturity; (g) the owner and his address; and, (h) the date retired.

Upon satisfactory evidence of transfer of any bond acknowledged by a former owner before a notary public or other public officer empowered to administer oaths, said treasurer shall change the registered ownership thereof to that of the new owner.

Payments of principal and interest.

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest to be paid thereon, not to exceed seven per cent per annum and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the prin-

cipal to be paid each year. It may be provided in the said resolution that the first payment of principal shall become due either two, three, four or five years after the date of said bonds. The number of installments of payment of principal shall be named in the resolution of intention. The amount of the principal due in each annual payment need not be exactly the same, but with respect to each installment excepting the last may be made to differ not more than one thousand dollars from the amount obtained by dividing the total bond issue by the number of installments. Each installment excepting the last shall be an even multiple of one hundred dollars. The last installment shall be for the balance of the total issue not provided to be paid in the previous installments.

The interest payment on said bonds shall become due and payable semiannually on such dates as will cause the final installment thereof to become due and payable on the date of maturity of the bond in the manner indicated in the said form of bond. Interest and principal shall be payable at the office of the county treasurer in gold coin of the United States of America; but it shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section especially in the aforesaid particulars.

New section

SEC. 7. A new section to be known as section 16a and to read as follows is hereby added to said act:

Maturity of bonds may be advanced.

Sec. 16a. The treasurer of the county in which the district is organized shall advance the maturity of any bond to the first date upon which interest thereon becomes due, and pay and cancel the same whenever there shall be sufficient surplus moneys in the interest and sinking fund of said district in excess of the amount necessary to pay the semiannual interest (if due prior to the date of the annual payment of principal and interest) and the annual principal and interest next due, by giving notice as herein provided. Such notice may be given in writing to the owner thereof as appears on the registration book in the office of the treasurer by registered mail, at least thirty days before the date fixed for advanced maturity. In the event of such notice being given, the maturity of such bond shall be advanced and said bond shall be deemed to mature on the date fixed for the advanced maturity thereof, at which time the same shall be paid; provided, however, that the owner of such bond may, prior thereto, surrender same and receive the principal thereof together with interest thereon to date of surrender and together with a premium thereon equal to three per centum of the principal. On said date fixed for advanced maturity, if said bond has not been sooner surrendered, the treasurer shall set aside to the credit of the owner of said bond the amount of principal and accrued interest then due on said bond together with such premium of three

Notice

per centum of the principal, and said bond shall then be deemed to have matured and interest thereon shall thereafter cease to accrue on said bond. The amount so set aside shall on demand be paid to the owner of said bond, as shown on the registration book in the treasurer's office, on surrender and cancellation of the same. The costs of such mailing, or other service, shall be paid from the interest and sinking fund of said district. Bonds to be retired in advance of their maturity shall be retired in the reverse order of their consecutive numbers. More than one bond may be included in the notice herein provided and be retired at one time.

SEC. 8. Section 23 of said act is hereby amended to read as follows: Stats 1919, p. 731.

Sec. 23. In all cases, when, after the bonds have been issued, it is found that the contractor has failed, through error or oversight, to pay any item of incidental expenses, the county shall pay the same and reimburse itself from the interest and sinking fund. Likewise, when the contractor has paid to the county an amount more than sufficient to cover the incidental expenses, for which the bonds have been issued, the county shall pay such surplus to said interest and sinking fund. Payments of contractor.

If, for any reason whatsoever, there be insufficient money in the interest and sinking fund to pay the interest or retire said bonds when such interest or bonds become due and payable, the county shall advance the balance necessary to pay such interest or retire such bonds becoming due at that time, and shall reimburse itself from moneys paid into said interest and sinking fund, or from the maintenance fund of said district if there be no moneys in the interest and sinking fund of said district. Money advanced by county.

SEC. 9. Section 23a of said act is hereby amended to read as follows: Stats. 1927, p 230.

Sec. 23a. The board of supervisors shall each year, at the time of making the levy of taxes for county purposes, levy an ad valorem tax upon the taxable property in each drainage improvement district in its county organized under this act in an amount sufficient to raise the revenue which will be needed for the current year for maintaining and repairing, making changes in, additions to or extensions of the works and improvements of said district, and the repayment to the county of any moneys advanced by said county under the provisions of this act. Said tax, when levied, shall be entered upon the assessment roll and collected in the same manner as State and county taxes. When collected it shall be placed in the treasury of the county in a fund to be designated "drainage district improvement No. _____ maintenance fund" (the number being that of the district), and shall be used only for the purpose for which it was raised. If said district includes land within more than one county as above provided in section 2, the ad valorem tax herein provided to be levied shall, by each of said counties be collected from that Tax levy

portion of the district lying within its boundaries; and said counties shall pay said tax so collected over to the county having jurisdiction of said district.

CHAPTER 788.

Stats 1909, p. 656, revised.

An act to revise an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,'" approved March 22, 1909.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. The act cited in the title hereof is hereby revised to read as follows:

Short title

Section 1. This act shall be known and may be cited as The State Contract Act.

State construction under Department of Public Works.

Sec. 2. Whenever provision is made by law for the erection, construction, alteration, repair or improvement of any State structure, building, road, or other State improvement of any kind other than work done directly by any public utility company pursuant to order of the Railroad Commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, and excepting improvements on the property of the State on the water front of the City and County of San Francisco under the jurisdiction of the Board of State Harbor Commissioners, the total cost of which will exceed the sum of one thousand dollars, the same shall be under the sole charge and direct control of the Department of Public Works. Said department, before entering into any contract for the erection, construction, alteration, repair or improvement of any State structure, building, road or other State improvement of any kind, shall prepare full, complete and accurate plans and specifications and estimates of cost, giving such directions for the same as will enable any competent mechanic or other builder to carry them out. The plans, specifications and estimates of cost must be approved by the Director of Public Works and the original draft or a certified copy thereof filed permanently in the office of the Department of Public Works before further action is taken.

Plans and specifications

Letting of contract

Sec. 3. Said Department of Public Works shall after the approval and filing of plans, specifications and estimates of cost, as in this act required, let such work by contract to the lowest responsible bidder or bidders upon public notice which

shall be given as follows, except as otherwise provided in section 4 hereof. Notice of such work must be published once a week for at least two consecutive weeks, or once a week for more than two consecutive weeks if such longer period of advertising is deemed necessary by the Department of Public Works, next preceding the day set for the receiving of bids in two trade papers of general circulation, one published in Los Angeles and one in San Francisco, devoted primarily to the dissemination of contract and building news among contracting and building material supply firms. In each case such notice must state the time and place for the receiving and opening of sealed bids and must also state that the bids will be required for the entire work and also, when advisable, for the performance of segregate parts of the entire work, such segregation to be determined by the Department of Public Works and designated in such notice. Notice.

Sec. 4. When it appears from the plans, specifications and estimates of cost, that the cost and expense of doing any construction, reconstruction, alteration, maintenance, repair or other work authorized to be done by or under the direction of the Division of Highways of the Department of Public Works, or any flood control work to be done by or under the Division of Water Resources of the Department of Public Works, will not exceed fifteen thousand dollars, the Director of Public Works may direct that said work be done under contract awarded to the lowest responsible bidder or bidders upon public notice, which shall be given as follows: Work under $15,000

Notice of such work must be published for two consecutive insertions in a weekly trades paper of general circulation, published either in Los Angeles or San Francisco, devoted primarily to the dissemination of contract news among contracting firms. Notice must also be published for eight days in a daily newspaper or for two consecutive insertions in a weekly newspaper located in the county in which said work is located. Such notice must state the time and place for the receiving and opening of sealed bids and must also describe in general terms the work to be done; and no other notice calling for said bids need be given. In the case of work done by or under the Division of Highways, said director may designate that such bids shall be delivered to and opened by the district engineer of said Division of Highways in whose district said work is to be done, and said notice shall designate when and by whom said bids shall be opened. At the time specified in said notice said district engineer shall proceed to publicly open said sealed bids, and shall report the contents thereof to said director. In all other respects any such contract shall be awarded as other contracts. Notice. Opening of bids

Sec. 5. On the day named in said public notice the Department of Public Works shall proceed to publicly open said sealed bids, and shall award such contract or contracts to the lowest responsible bidder or bidders. All bids shall be presented under sealed cover and shall be accompanied by cash, Award of contract to lowest bidder

cashier's check or a certified check made payable to the Director of Public Works, for an amount equal to at least ten per cent of the amount of said bid and no bid shall be considered unless such cash, cashier's check or certified check is inclosed therewith. A bidder's bond executed as surety by some corporation authorized to issue surety bonds in the State of California may be furnished in lieu of cash, cashier's check or certified check with the bids on any contract when so specified by the Department of Public Works; provided, however, that all bidders shall be given reasonable notice of the fact that such bidder's bonds will be accepted with bids on such contract. Should the successful bidder to whom the contract is awarded fail to execute the same, such cash, cashier's check, certified check or bidder's bond shall be forfeited to the State of California and the same shall be the property of the State, and shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of cost, and publication of notice are paid. All other cash, cashier's checks and certified checks shall within ten days after the date of the award of said contract, be returned to the unsuccessful bidders who submitted the same; provided, however, that cash, cashier's check or certified check of the second and third lowest responsible bidders may be withheld until the contract has been finally executed. If, in the opinion of the Director of Public Works, it is for the best interests of the State, on the refusal or failure of the successful bidder to execute the contract, said director may, in his discretion, award the same to the second lowest responsible bidder. If the second lowest responsible bidder fails or refuses to execute such contract, the said director may likewise award the same to the third lowest responsible bidder. On the failure or refusal of the second or third lowest bidder, to whom any such contract is so awarded, to execute the same, such bidders' cash, certified check or cashier's check shall be likewise forfeited to the State.

Bond or deposit.

Award to other bidders

Withdrawal of bids

Sec. 6. Any bid may be withdrawn at any time prior to the hour fixed in said public notice for the opening of bids as follows, and not otherwise: A request in writing for the withdrawal of such bid must be filed with the Director of Public Works or the chief of the division under which the said work is to be performed. Such request must be executed by the bidder or his duly authorized representative. The withdrawal of a bid shall not prejudice the right of the bidder to file a new bid.

Nothing in this section contained shall authorize the withdrawal of any bid after the hour fixed in said public notice for the opening of such bids, and no bid shall be received after such hour, regardless of whether or not such bids are opened exactly at the hour set or thereafter.

Director may reject bids.

Sec. 7. If in the opinion of the Director of Public Works the acceptance of the lowest responsible bid or bids shall not be for the best interests of the State, it may be lawful for

him to reject all bids and advertise for others in the manner aforesaid. But at any time after the approval of the plans, specifications and estimates of costs by the Director of Public Works if, in the opinion of said Director of Public Works the advertising or award of a contract under the provisions of this act, or the acceptance of any bid or bids shall not be for the best interests of the State, or if in the opinion of said director the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the State, he may direct that the said work shall be done by day's labor, under the direction and control of the Department of Public Works. Upon the approval of the Director of Public Works, the duly authorized officer or officers of the Department of Public Works may, when proceeding upon the basis of day's labor, let any subdivision or unit of said work by contract upon informal bids.

Day labor work.

Sec. 8. Any contract awarded hereunder shall not be binding on the State until it has been submitted to the Attorney General, or the attorney appointed according to law and authorized to represent the division of the Department of Public Works under which said work is to be performed, and by him found to be in accordance with the provisions of this act, and his certificate thereon to that effect made.

Contract to be approved by Attorney General.

A certified copy of each such contract shall be filed with the State Controller and the Director of Finance, but the failure so to file shall not in any manner invalidate any such contract.

Sec 9. Except in unit basis contracts in State road or highway work, including the construction of bridges, no contract or contracts shall be made exceeding in amount the estimates of costs approved by the Director of Public Works and no plans and specifications and estimates of cost including expense of advertising and inspection, shall be approved by said director requiring a greater expenditure of money than is appropriated for the specific purpose in the act authorizing the same.

Cost not to exceed estimates.

Sec. 10. Each such contract shall provide that the Department of Public Works may, as hereinafter provided, and on the conditions stated, make any change in the plans and specifications. After the contract or contracts are let no change shall be made to increase or diminish the cost of any contract in excess of five hundred dollars, except upon the approval of the Director of Public Works, and then only upon additional plans and specifications and estimates of cost being filed and approved, and amended contracts entered into and filed with the original contract.

Alteration of contracts.

This section shall not be construed, in State road or highway work, including the construction of bridges, to prevent the receipt of bids or the making of a contract upon a unit basis, that is, the bids compared upon the basis of the estimates of quantities of the work to be done, nor the increase or decrease of such quantities during the progress of the work

Unit basis contracts.

by the Department of Public Works as may be deemed expedient by such department, nor the insertion of provisions in the contract for the performance of such extra work and the furnishing of such materials therefor by the contractor as may be required by such department for the proper completion or construction of the whole work contemplated; provided, that the bidders shall have had equal opportunity of knowing what the terms proposed by the Department of Public Works for the performance of such extra work shall be.

Questionnaire.

Sec. 11. The Department of Public Works shall, before furnishing any person proposing to bid on duly advertised public work with plans and specifications for the proposed public work, require from any such person answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the person's financial ability and experience in performing public works, which questionnaire and financial statement when completed must be verified under oath by the bidder in the manner in which pleadings in civil actions are verified.

Whenever the Department of Public Works is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement it may refuse to furnish such person with plans and specifications on any such duly advertised public work, and the bid of any person to whom plans and specifications have not been issued must be disregarded.

The foregoing provisions of this section shall not apply to contracts awarded under section 4 of this act.

Proposal form

The said Department of Public Works shall furnish to each bidder a standard proposal form, which, when filled out and executed may be submitted as his bid. Bids not presented on such forms so furnished must be disregarded. Said department shall not furnish such proposal forms to any person who has not been prequalified in the manner provided in the first two paragraphs of this section at least five days prior to the date fixed for publicly opening sealed bids.

The word "person" as used in this section includes a natural person, a corporation, any combination of natural persons recognized by law, or any combination of any thereof.

Time for completion

Sec. 12. In all contracts made under the provisions of this act, there shall be a provision in regard to the time when the whole, or any specified portion, of the work contemplated in said contract shall be completed, and also providing that for each and every day the same shall be delayed beyond such time or times so named, the said contractor or contractors shall forfeit and pay to the State a sum of money, to be fixed and determined in said contract, to be deducted from any payment or payments due, or to become due, to said contractor or contractors; provided, however, that the Director of Public Works may, in his discretion, grant such extensions of time as he may deem expedient and for the best interests of the State. Any such contract shall provide for the filing of a

good and sufficient bond by the contractor executed as surety by a corporation or corporations authorized to issue surety bonds in the State of California, which bond shall be approved by the properly authorized officer of the Department of Public Works. The said bond shall be executed in a sum equal to at least one-half of the contract price, except as otherwise provided in the California Toll Bridge Authority Act or any other statute of the State of California, and shall secure the payment of the claims of laborers, mechanics or materialmen employed on the work under said contract and shall contain all such other provisions as are now or may hereafter be required by law. Bond for payment of labor, materials, etc.

Sec. 13. All contracts made under the provisions of this act shall provide for the filing of a good and sufficient bond by the contractor, executed as surety by a corporation or corporations authorized to issue surety bonds in the State of California, which bond shall be approved by the properly authorized officer of the Department of Public Works. The said bond shall be executed in a sum equal to at least one-half of the contract price, except as otherwise provided in the California Toll Bridge Authority Act, and shall guarantee the faithful performance of the said contract by the contractor. The failure of the successful bidder to furnish said bond, or any other bond required of him by law, within the time fixed for his execution of the contract, shall constitute a failure to execute the contract, within the meaning of section 5 hereof. Bond for faithful performance.

Whenever any surety or sureties on any such bond, or on any bond required by law for the protection of the claims of laborers and materialmen, becomes insufficient, or the Director of Public Works has cause to believe that such surety or sureties has become insufficient, he may demand in writing of the contractor such further bond or bonds or additional surety, not exceeding that originally required, as in his opinion is necessary, considering the extent of the work remaining to be done. Thereafter no payment shall be made upon such contract to the contractor or any assignee of the contractor until such further bond or bonds or additional surety has been furnished. Additional bonds

Sec. 14. If at any time in the opinion of the Director of Public Works the contractor has failed to supply an adequate working force, or material of proper quality, or has failed in any other respect to prosecute the work with the diligence and force specified in and by the terms of the contract, said director may, after written notice of at least five days to the contractor, specifying the defaults to be remedied, provide any such labor or materials and deduct the cost thereof from any moneys due or thereafter to become due to the contractor under the contract. Default of contractor.

If the said director shall consider that such failure is sufficient ground for such action, he may give written notice to the contractor and the contractor's surety or sureties, of at least five days, that if such default or defaults be not rem- Notice to contractor and sureties

edied the contractor's control over the said work will be terminated, and in case such default is not so remedied within the time specified in said notice, the contractor's control shall terminate as of said time, and thereupon the said director, or his duly authorized representatives, may take possession of all or any part of the contractor's materials, tools, equipment, and appliances upon the premises and use the same for the purpose of completing said contract, and may complete said work, doing all or any part thereof by day's labor or by employing another contractor or contractors on informal contracts, or both. Such informal contracts shall only be awarded after a proposal form has been prepared, a copy thereof served upon the said contractor, and three days allowed thereafter so that said contractor may have opportunity to cause others to bid. Any person may bid on such informal contracts who is prequalified therefor as provided in section 11 hereof. None of the provisions of this act, except as to prequalification, shall apply to the award of such informal contracts.

Removal of contractor.

Completion of work

In case the control of the contractor over such contract is terminated, or in case the contractor abandons the work, he shall not be entitled to receive any further balance of the amount to be paid under the contract until the same shall be fully completed, at which time, if the unpaid balance shall exceed the amount expended by the State in finishing the work, together with all damages sustained or to be sustained by the State, the excess not otherwise required by law to be retained shall be paid to the contractor, but if such expense and damages exceed the unpaid balance, the contractor and his surety shall be liable to the State therefor.

On the completion of the contract, the original contractor shall be entitled to the return of all his unused materials, and his equipment, tools, and appliances, except that he shall have no claim on account of usual and ordinary depreciation, loss, and wear and tear.

Service of notice.

Any notice provided for in this section may be served on the contractor personally, or on his agent having charge of the work, or by registered mail addressed to such contractor or agent, or if such contractor or agent can not be located or their addresses are unknown, then by posting such notice in a conspicuous place upon the premises of the work.

Payments withheld.

Sec. 15. Payments upon contract shall be made as the Department of Public Works may prescribe upon estimates made and approved by the said department, but no payment shall be made in excess of ninety per cent of the percentage of actual work completed, to which has been added one-half of the value of material delivered on the ground and unused. The Department of Public Works shall withhold not less than ten per cent of the contract price until final completion and acceptance of the work. The Controller shall draw his warrants upon estimates so made and approved by the Department of Public Works and the State Treasurer shall pay the same.

Penalties

Sec. 16. Any officer or employee of the Department of Public Works who shall corruptly perform any official act to the injury of the State, or any contractor or his agent or employee who shall corruptly permit the violation of any contract awarded under this act to the injury of the State, or any subcontractor, or any agent, or employee of any contractor, or of any subcontractor, who shall have knowledge of any work being done in violation of any contract awarded under this act and does not immediately notify the Department of Public Works or the inspector or resident engineer upon said work in regard to the same is guilty of a felony and, upon conviction thereof, shall be confined in the State Prison for not less than one year nor more than five years, and be liable to the State for double the amount the State may have lost, or be liable to lose by reason thereof.

CHAPTER 789.

An act to add section 3410 to the Political Code, relating to exchange of private lands in national forests for lands of the United States located outside national forests.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 3410, and to read as follows:

Exchange of school lands in national forest.

3410. Any person now owning any piece or parcel of land situated within the sixteenth and thirty-sixth sections granted to the State for the use of the public schools and which is also located within a national forest, by application to the Chief of the Division of State Lands, may have said lands exchanged by the Chief of the Division of State Lands for public lands of the United States situated outside the boundaries of a national forest, as hereinafter provided. Said application to the Chief of the Division of State Lands shall be accompanied by a guarantee of title or policy of title insurance issued by a reputable title company doing business in this State, and shall also be accompanied by an amount of money sufficient to pay all fees and charges in connection therewith as set forth in section 3406 of this code. The Chief of the Division of State Lands, upon receipt of said application, if he is satisfied that the applicant has good and sufficient title to the lands to be exchanged, may accept, on the part of the State of California, title to the said lands and shall thereupon proceed to exchange said lands in the name of the State of California for lands located outside of the national forest as provided in this article. When the Chief of the Division of State Lands has accomplished the exchange of property as

herein provided, a patent for the new lands thus acquired shall be issued to the applicant as provided in sections 3519 to 3523, inclusive, of this code. The applicant shall pay therefor a sum equal to the difference between the original purchase price of the school lands which have been exchanged and the then current price of State indemnity certificates or scrip in addition to any sums required to be paid as fees or costs in connection with such exchange and the fees provided by law for filing applications and the issuance of patents.

CHAPTER 790.

An act to amend section 337 of the Code of Civil Procedure, relating to the time within which actions upon any contract, obligation or liability founded upon an instrument in writing may be commenced.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Stats 1917, p. 299.

SECTION 1. Section 337 of the Code of Civil Procedure is hereby amended to read as follows:

Actions which must be commenced in four years.

337. Within four years. 1. An action upon any contract, obligation or liability founded upon an instrument in writing; provided that the time within which any action for a money judgment for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, may be brought shall not extend beyond three months after the time of sale under such deed of trust or mortgage.

2. An action to recover (1) upon a book account whether consisting of one or more entries; (2) upon an account stated; (3) a balance due upon a mutual, open and current account; provided, however, that where an account stated is based upon an account of one item, the time shall begin to run from the date of said item, and where an account stated is based upon an account of more than one item, the time shall begin to run from the date of the last item.

CHAPTER 791.

An act to amend section 5.402 of the School Code, relating to school employees.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Sch. Code 1929, p. 237.

SECTION 1. Section 5.402 of the School Code is hereby amended to read as follows:

5.402. Any person who shall fail to signify his acceptance within fifteen days after notice of his election or employment shall have been given him by the clerk or secretary of the governing board of the school district, or shall have been mailed by registered mail by the clerk or secretary of the governing board by depositing such notice in the United States post office, with postage thereon prepaid, addressed to such person at his last known place of address, shall be deemed to have declined the same. Failure to accept employment, etc

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CHAPTER 792.

An act to amend sections 2 and 16 of an act entitled "An act to provide for the recall of elective officers of incorporated cities and towns, and to repeal chapter 32, Statutes of 1911, extra session, entitled 'An act to provide for the recall of elective officers of incorporated cities and towns,' approved January 2, 1912," approved May 8, 1931. Stats 1931, p. 563, amended.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p 563.

Sec. 2. The procedure to effect such recall shall be as follows: Procedure for recall

A petition demanding the recall of the officer sought to be recalled shall be filed with the clerk of the legislative body of such city or town, which petition shall be signed by qualified electors, equal in number to at least twenty-five per cent of the entire number of votes cast for all candidates for the office held by the incumbent, at the last preceding regular municipal election at which such office was filled by election (or a like percentage of such votes within those precincts embraced within the ward or subdivision of the city or town within which candidates for the said office were to be voted for, in the case of an official not elected by the city or town at large). For the purposes hereof, each seat on the legislative body shall be deemed a separate office, and where two or more such seats are filled at one and the same election by those candidates for the legislative body who receive the highest number of votes cast thereat, then and in that case, the entire number of votes cast for all candidates for such office shall be ascertained and determined by dividing the total vote cast at said election by the number of candidates elected thereat to the legislative body. One petition and one election shall be sufficient for the recall of one or more officials. In case a clerk is the officer sought to be recalled, he shall immediately notify the legislative body, and the duties herein provided to be performed by him shall be performed by Petition.

some other person designated by said legislative body for that purpose, but the time for the performance of such duties shall not begin to run until after such designation.

Stats 1931, p 563

SEC. 2. Section 13 of said act is hereby amended to read as follows:

Special election

Sec. 13. In the event of a majority of the city council being recalled at one and the same election, said members shall retain their offices until their successors are elected and qualified. Immediately after the canvass of votes, the city clerk shall call a special election to fill the vacancies arising as a result of the recall election, which special election shall be held within thirty days after the canvass of votes of the election at which they were recalled. The vote of such special election shall be canvassed by the city clerk, who shall declare the result; provided, that if the city clerk has also been recalled, then the board of supervisors shall perform that function.

CHAPTER 793.

An act to amend section 726 of the Code of Civil Procedure relating to foreclosure of mortgages.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Stats 1901, p 48

SECTION 1. Section 726 of the Code of Civil Procedure is hereby amended to read as follows:

Foreclosure of mortgage, etc

726. There can be but one form of action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real or personal property, which action must be in accordance with the provisions of this chapter. In such action the court may, by its judgment, direct the sale of the encumbered property (or so much thereof as may be necessary), and the application of the proceeds of the sale to the payment of the costs of court, and the expenses of the sale, and the amount due plaintiff, including, where the mortgage provides for the payment of attorney's fees, such sum for such fees as the court shall find reasonable, not exceeding the amount named in the mortgage.

Commissioner to sell property

The court may, by its judgment, or at any time after judgment, appoint a commissioner to sell the encumbered property. It must require of him an undertaking in an amount fixed by the court, with sufficient sureties, to be approved by the judge, to the effect that the commissioner will faithfully perform the duties of his office according to law. Before entering upon the discharge of his duties he must file such undertaking, so approved, together with his oath that he will faithfully perform the duties of his office.

Appraiser.

Upon the application of either party made at least ten days before the time of trial the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax appraisers provided for by law to appraise the property or the interest therein sold as of the time of sale. Such appraiser shall file his appraisal with the clerk and the same shall be admissible in evidence. Such appraiser shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any appraiser so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation of such appraiser, not to exceed five dollars per day, and expenses for the time actually engaged in such appraisal, which may be taxed and allowed in like manner as other costs.

Deficiency judgment.

Thereupon the court may render a money judgment against the defendant or defendants personally liable for the debt for not more than the amount by which the entire amount of the indebtedness due at the time of sale exceeded the fair market value of the real property or interest therein sold at the time of sale with interest thereon from the date of the sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest after the date of sale, exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said mortgage.

Unrecorded claim.

No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action.

Sale by commissioner.

If the court appoint a commissioner for the sale of the property, he must sell it in the manner provided by law for the sale of like property by the sheriff upon execution; and the provisions of chapter one, title nine, part two, of this code are hereby made applicable to sale made by such commissioner, and the powers therein given and the duties therein imposed on sheriffs are extended to such commissioner.

Sale after death, etc. of commissioner.

In all cases heretofore, now or hereafter pending in the courts of this State, in the event of the death, absence from the State, other disability or disqualification of the commissioner appointed to sell encumbered property under the foregoing provisions of this section, the court may, upon the happening of either the death, absence from the State, other disability or disqualification of the commissioner, appoint an elisor to perform the duties of such commissioner which are then to be performed in such action. The elisor so appointed shall give the undertaking, and take the oath hereinbefore

provided to be given and taken by a commissioner, before entering upon the discharge of his duties, and shall thereafter perform all duties left unperformed by the commissioner whom he is appointed to succeed, with like effect as if such duties had been performed by the commissioner.

Property in two or more counties

If the land mortgaged consists of a single parcel, or two or more contiguous parcels, situated in two or more counties, the court may, in its judgment, direct the whole thereof to be sold in one of such counties by the sheriff, commissioner or elisor, as the case may be, and upon such proceedings, and with like effect, as if the whole of the property were situated in that county.

CHAPTER 794.

An act to add a new section to the Political Code, to be numbered 737, relating to salaries of judges.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 737, and to read as follows:

Payment of judges' salaries

737. The provisions of this chapter prescribing salaries do not effect an appropriation of money and shall not be construed as making an appropriation or appropriations therefor. Such salaries shall be payable only from such funds as may be made available therefor under other provisions of law.

CHAPTER 795.

Stats. 1883, p. 93, amended

An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 187.

SECTION 1. Section 862 of the act cited in the title hereof is hereby amended to read as follows:

Powers of council Ordinances

Sec. 862. The council of said city or town shall have power:

1. To pass ordinances not in conflict with the Constitution and laws of this State or of the United States.

Acquire property.

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the

city or town; provided, they shall not have power to sell or convey any portion of any water front.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein. Water supply.

4. To establish, build, and repair bridges; to acquire by purchase or otherwise lands for squares, parks, playgrounds and places within the city or town, and to improve, equip and maintain the same; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, tunnels, and other public highways, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways, tunnels, and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payments of the costs and expenses of the whole or any part of such work or improvement. Streets, parks, bridges, etc.

4a To acquire property required for the opening and laying out of any street, alley, lane or tunnel from the point where the continuity of such street, alley, lane or tunnel ceases, to the point where such street, alley, lane or tunnel again commences; to lay out and improve said street, alley, lane or tunnel; and to pay the cost and expense incurred in the acquisition of the required property out of the general fund of the city or town. Streets.

5. To construct, establish, and maintain drains and sewers. Sewers

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires Fire protection

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city. Poll tax

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city. Dog tax.

9. To levy and collect annually a property tax, which shall not, without the assent of two-thirds of the qualified electors of such city or town voting at an election to be held for that purpose exceed one dollar on each one hundred dollars; provided, however, that in cities or towns which have constructed or may hereafter construct embankments, sea walls, or other works to protect such cities from overflow, said council may levy and collect annually a property tax which shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the con- Property tax

struction and maintenance of embankments, sea walls, or other works to protect such city from overflow and for no other purpose.

License. 10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Rivers and harbors. 11. To improve the rivers and streams flowing through such city or town or adjoining the same: to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to acquire and improve public mooring places for water craft; to improve the water front of the city or town; including the ocean front thereof, and to build and construct breakwaters, jetties and sea wall; to construct and maintain embankments and other works, to protect such city or town from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or town or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses and life-saving stations.

Public buildings. 12. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated outside or inside of said city.

Public utilities. 13. To acquire, own, construct, maintain and operate bus lines, street railways, steam railway spur tracks, telephone and telegraph lines, gas and other works for light, power and heat; public libraries, museums, gymnasiums, parks, and baths, and to grant franchises for the construction of public utilities as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

Fines. 14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

Prisoners. 15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city or town.

Fire limits. 16. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality.

Building regulation. 16a. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to regulate the erection, construction, reconstruction, conversion, repair or alteration of any building or buildings, as provided in section 84 of the State Housing Act; to prevent the erection and maintenance of insecure or unsafe building walls,

chimneys, stacks, or other structures, and to provide for their summary abatement, destruction or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Signs, advertising, etc

16b. To regulate the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures; or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to prohibit and prevent encroachments upon or obstruction in or to any sidewalks, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

Weeds and other debris.

16c. To compel the owner, lessee, or occupant of buildings, grounds, or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the buildings or grounds, and on his default, after such notice as the council may prescribe, to authorize the removal or destruction thereof by some officer of the city or town at the expense of such owner, lessee or occupant, and by such procedure as the council may prescribe, to make such expense a lien upon such buildings or grounds.

Witnesses

17. To issue subpenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the council, which subpenas must be signed by the mayor, and attested by the city or town clerk and may be served in the same manner as subpenas are served in civil actions. Whenever any person duly subpenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpena, or shall refuse to testify before such council, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the mayor to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify.

commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpenaed to appear and give evidence on the trial of a civil cause before a superior court.

Music

18. To expend such sum as the council shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

Cemeteries.

19. To accept such contributions of money, each contribution to be at least fifty dollars ($50), as may be tendered them, to be held in trust, the income from which to be used for the perpetual care and upkeep of a designated plot or plots in the local city and/or community cemetery; said contribution to be placed in the city or town treasury in a fund designated as "the cemetery fund." The council shall appoint the city or town clerk or any competent resident of the city to administer said fund, the person so appointed to execute an official bond in the amount of a sum prescribed by said council, and to receive annually one dollar for each plot cared for, said expenditure to be made only from the income of said fund. Any moneys remaining in said fund after the expenditures for care and upkeep of the designated plot or plots and the payment to the person administering said fund shall be used in the care and upkeep of the roads, walks or other portions of the cemetery.

If the city or town should at any time disincorporate, the trust fund shall be turned over to the board of supervisors of the county within which the cemetery is located, in which event said board of supervisors shall act as trustees until such time as they may appoint some suitable organization to take charge of the fund.

Aid of destitute.

20. To apply any available funds to provide employment for the destitute or needy unemployed residents of the city.

Other acts.

21. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

CHAPTER 796.

An act to add a new section to the School Code to be numbered 6.544, relating to school district library funds.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the School Code to be numbered 6.544, and to read as follows:

6.544. All sums apportioned to a school district under the provisions of this article shall be deducted from the amount which would otherwise be apportioned to the district from the county elementary school fund. Appropriation to school district

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CHAPTER 797.

An act to amend section 4.131 of the School Code, relating to the migratory school revolving fund.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 4.131 of the School Code is hereby amended to read as follows: Sch Code 1929, p. 157.

4.131. The Superintendent of Public Instruction shall annually apportion from the State school fund to the migratory school revolving fund an amount equal to the sums apportioned from the migratory school revolving fund during the next preceding school year. Any money in the migratory school revolving fund in excess of ten thousand dollars shall be transferred by the State Treasurer to the State school fund. Migratory school revolving fund.

CHAPTER 798.

An act to repeal sections numbered 1.60 to 1.66, both numbers inclusive, of the School Code, and chapter 267 of the Statutes of 1919 entitled "An act to provide for the registration of minors," all relating to the registration of minors. Stats. 1919, p. 437.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Sections 1.60 to 1.66, both numbers inclusive, of the School Code, are hereby repealed. Repeal.

SEC. 2. Chapter 267 of the Statutes of 1919 entitled "An act to provide for the registration of minors," is hereby repealed. Repeal

CHAPTER 799.

An act to amend section 4.380 of the School Code, relating to school district fund statements.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Stats 1931, p 2070.

SECTION 1. Section 4.380 of the School Code is hereby amended to read as follows:

Statements of school districts.

4.380. On or before the first day of August of each year the governing board of each school district of every kind or class must prepare and keep on file for public inspection a statement of all receipts and expenditures of the district for the preceding fiscal year and a statement of the estimated total expenses for the district for the current fiscal year.

CHAPTER 800.

An act to repeal sections 3.321, 3.322, 3.323, 3.324, 3.339 and 4.223 of the School Code, to add thereto new sections to be numbered 4.891-1 and 4.891-2 and to amend sections 4.896 and 4.898 thereof, all relating to county high school funds.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. Sections 3.321, 3.322, 3.323, 3.324, 3.339 and 4.223 of the School Code are hereby repealed.

New section.

SEC. 2. A new section is hereby added to the School Code to be numbered 4.891-1, and to read as follows:

Support for schools in other county.

4.891-1. Before apportioning any of the county high school fund to the high school districts situated wholly or partially within his county, the county superintendent of schools shall draw an order on the county auditor against such fund in favor of any high school district in any other county in which pupils from his county are attending high schools for an amount estimated by allowing, on account of each unit of average daily attendance of such pupils, the average amount raised in his county on account of each unit of average daily attendance in high schools.

The superintendent of schools of such other county shall file with the county superintendent of schools on or before the twentieth day of July a report showing the names of pupils residing in the county and attending high school in such other county, and the total units of average daily attendance of all such pupils during the preceding school year.

The county auditor of the county paying the tuition shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same.

The superintendent of schools in whose favor such order is drawn shall pay the amount of the money into the county treasury to the credit of the high school or schools educating the children of the county paying the money.

New section

SEC. 3. A new section is hereby added to the School Code to be numbered 4.891-2, and to read as follows:

Transportation expense of school district.

4.891-2. The superintendent of schools shall apportion from the unapportioned county high school fund to each high school district within his county an amount sufficient to reimburse the high school district for money actually expended for transportation of pupils residing in territory in the county not included in any high school district, and attending such high school district during the preceding school year. The amount so apportioned shall not exceed five dollars per month for each pupil so attending.

Stats 1931, p 2495.

SEC. 4. Section 4.896 of the School Code is hereby amended to read as follows:

Apportionments to high school districts.

4.896. After making all other apportionments required from the county high school fund, he shall apportion the balance of the fund to the high school districts situated wholly or partly within the county pro rata on the total average daily attendance of pupils residing within the county and attending high school in such districts during the preceding school year.

Sch Code 1929, p 196.

SEC. 5. Section 4.898 of the School Code is hereby amended to read as follows:

District lying in two counties.

4.898. Whenever a high school district lies partly in one county and partly in another, the county superintendent must apportion to such district from the county high school fund of his county, such proportion of the school money to which such district is entitled under the provisions of this Code, as the total number of pupils in average daily attendance, residing in that portion of the district situated in his county and attending high school in such high school district, bears to the total number of pupils in average daily attendance in the entire district, as shown by the principal's annual report for the preceding school year.

CHAPTER 801.

An act regulating the hours of labor of the operators of certain motor vehicles.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Restrictions on driving hours of certain motor vehicle operators

SECTION 1. (a) No person shall drive upon any highway any motor vehicle transporting persons for hire, compensation or profit for more than ten consecutive hours nor for more than ten hours spread over a total of fifteen consecutive hours Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

(b) No person shall drive upon any highway any motor vehicle transporting merchandise, freight, materials or other property for more than twelve consecutive hours nor for more than twelve hours spread over a total of fifteen consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Common carriers exempted

(c) The provisions of this section shall have no application to any person driving any motor vehicle used in the transportation of persons or property as a common carrier for compensation.

Computation of hours.

(d) In computing the number of hours hereunder, any time spent by a person in driving such a vehicle outside this State shall, upon such vehicle entering this State be included.

Exceptions

The provisions of this act shall not apply in any case of casualty or unavoidable accident or an act of God.

Penalties.

SEC. 2. Any person, firm, corporation or receiver who violates any of the provisions of this act is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the State of California in any court having jurisdiction of the amount of the penalty in any county into or through which any motor vehicle owned or operated by such person, firm, corporation or receiver may pass. Such suit or suits may be brought either by the Attorney General of the State, or under his direction by the district attorney of any county, or city and county, in the State of California wherein the suit is to be brought.

CHAPTER 802.

An act for the regulation of auto camps and to provide penalties for the violation thereof.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

"Auto camp" defined

SECTION 1. For the purpose of this act an "auto camp" is defined to be any place where buildings or tents are erected or maintained for hire and use or designed for use by automobile transients, or where space is rented or held out for rent to automobile transients, or free camp is permitted to automobile transients for the purpose of securing their trade.

Auto camp register

SEC. 2. Every person holding or controlling any auto camp in this State must provide and keep a register in which shall be entered (a) the name and address of each guest owning an automobile, (b) the make and type of automobile, and (c) the license number of every automobile of a guest or guests of the auto camp.

SEC. 3. Any person violating the provisions of this act is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment. Penalty

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CHAPTER 803.

An act authorizing the Director of Finance to provide for the sale of certain lands situated in Sacramento County.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. The Director of Finance is hereby authorized to sell the following described property for the best interests of the State: Authority to sell certain lands

Those certain premises situate, lying and being on Sherman Island, in the county of Sacramento, State of California, bounded and described as follows, to wit:

Parcel No. 1.

All that portion of that tract of land situated on Sherman Island, being adjacent to that tract of land known as Baker's Point, and lying on the south side of the Sacramento River, being described more in detail as follows: Description Parcel No 1

Beginning at a point designated as point "Q" which point is on the southerly boundary line and also south 55° 07′ 30″ west 730 6 feet from the southeast corner of the first tract of land to which fee simple title was conveyed by Mrs. Laura E. Wood to the city of Sacramento on June 17, 1912, which was subsequently conveyed to the United States Government by the city of Sacramento on October 31, 1912; which point is also south 16° 11′ 15″ east 3861 feet from an established point, being United States Geological Survey Pier No. 4; thence from point of beginning south 56° 44′ 45″ west 690.3 feet along the southerly boundary line of the first tract of land to which fee simple title was conveyed by Mrs. Laura E. Wood to the city of Sacramento on June 17, 1912, and which was subsequently conveyed to the United States Government by the city of Sacramento on October 31, 1912, to southwest corner of said tract; thence south 56° 44′ 45″ west 297 1 feet along the southerly boundary line of the tract of land to which fee simple title was conveyed by James Madison, et ux., to the city of Sacramento on June 26, 1912, and which was subsequently conveyed by the city of Sacramento to the United States Government on October 31, 1912, to the southwest corner of said tract; thence along the southerly boundary line of the second tract of land to which fee simple title was con-

veyed by Mrs. Laura E. Wood to the city of Sacramento on June 17, 1912, and which was subsequently conveyed to the United States Government by the city of Sacramento on October 31, 1912, as follows: south 56° 44′ 45″ west 2058.6 feet; thence south 60° 32′ 45″ west 1689.0 feet to the southwest corner of said tract; thence following the center line of a small drainage ditch as follows: south 0° 18′ east 741.1 feet; thence north 86° 05′ east 922.3 feet; thence south 0° 18′ west 391.0 feet; thence north 89° 08′ east 396.7 feet; thence south 37° 13′ east 198.4 feet to a point on the northerly bank of the main drainage canal, thence along the northerly bank of the main drainage canal as follows: north 43° 27′ east 4431.3 feet; thence north 63° 33′ east 141.77 feet to the line between the property now or formerly owned by M. J. Fontana and that now or formerly owned by N. C. Anderson; thence along said property line north 0° 17′ east 859.51 feet to the southeast corner of the tract of land to which fee simple title was conveyed by Mrs. Laura E. Wood to the city of Sacramento on June 17, 1912; thence south 55° 07′ 30″ west 730.6 feet along the southerly boundary line of the first tract of land to which fee simple title was conveyed by Mrs. Laura E. Wood to the city of Sacramento on June 17, 1912, and which was subsequently conveyed to the United States Government by the city of Sacramento on October 31, 1912, to the point and place of beginning, and containing one hundred forty-three and twenty-nine hundredths (143.29) acres more or less, and being in sections 27 and 28, township 3 north, range 2 east, Mount Diablo Base and Meridian.

Exception.

Saving and excepting therefrom a tract of land 300 feet in width starting at the west line of the above described tract and running adjacent to and parallel to the property line of the United States Government across Baker's Point to the east line of the property formerly owned by James Madison and described as follows:

Beginning at the most northwesterly corner of the tract of land hereinabove described and running thence south 0° 18′ east 343.52 feet; thence north 60° 32¾′ east 1866.3 feet; thence north 56° 44¾′ east 2166.68 feet; thence north 0° 18′ east 359.99 feet; thence south 56° 44¾′ west 2355.7 feet; thence south 60° 32¾′ west 1689.0 feet to the point of beginning and containing 27.82 acres more or less;

And further saving and excepting a tract of land 50 feet in width lying 25 feet on each side of a line beginning at a point on the southerly line of the above described exception and north 60° 32¾′ east 1685.64 feet from the most southwesterly corner thereof and running thence south 1665.0 feet more or less to the southerly line of the tract of land hereinabove described; this exception containing 1.91 acres more or less.

Parcel No. 2.

Beginning at a stake set on the division line common to the lands formerly owned by Sarah M. Church and J. B. Richardson and adjacent to the south or left bank of the Sacramento River and running thence along the division line common to the said lands south 55.075 chains to an iron pipe; thence west 12.773 chains to an iron pipe set for the division corner common to the lands of Niels C. Anderson and M. J. Fontana; thence along the division line common to the said last named land north 62.991 chains to a stake set adjacent to the left or southerly bank of the Sacramento River; thence up stream south 81° 24′ east 1.411 chains; south 55° 53′ east 13.735 chains to the place of beginning; together with the strip of land lying between the meander line as hereinabove just described and the bank of the Sacramento River, and containing an aggregate area of 77 acres, and being a fractional part of Swamp Land Survey 522, Sacramento County Surveys, and being the same land that is shown and delineated on that certain map prepared by J. C. Boyd, county surveyor, in December 1906, and entitled "Map of Reclamation District 341 Sherman Island," etc., filed in the office of the county recorder of Sacramento County, California, on the 26th day of April, 1907, and being particularly designed thereon as J. B. Richardson 77 acres; Parcel No. 2.

Saving and excepting from the above described tract of land a certain tract of land conveyed by Neils C. Anderson and Annie C. Anderson, his wife, to city of Sacramento, a municipal corporation, by a certain deed dated June 25th, 1912, and recorded July 20th, 1912, in Book "358" of Deeds, at Page 428, and again recorded on December 24th, 1912, in Book "367" of Deeds, at Page 440, which said tract of land thus conveyed is particularly described in said deed as follows, to wit: Exception.

Commencing at a point herein designated as point "Q" which said point is distant 3861 feet south 16° 11¼′ east from a certain concrete monument known as United States Geological Survey Pier No. 4 which is located on the main land opposite Baker's Point on a high hill about 500 feet northeasterly from the Machine Shop at Toland's Landing and about 450 feet northwesterly from the northerly bank of the Sacramento River. (This concrete monument is, in shape, a truncated pyramid about one foot square at the top, in which is set a lettered metal tablet. Two sides of the monument bear the inscription "U.S.G.S. No 4" and "Cal.1906" respectively.) From the said point designated as point "Q" run north 55° 07½′ east 730 6 feet to the point of commencement of the boundary line of the tract of land hereby conveyed. Thence from said point of commencement of the boundary line of the tract of land hereby conveyed, run, for said boundary line north 55° 07½′ east 1032.9 feet; thence north 0° 17½′ east 912 feet, more or less to low water mark line

on the left bank of the Sacramento River; thence down stream along low water line on the left bank of the Sacramento River to a point which is north 0° 17′ east and 2087.5 feet more or less, distant from said point of commencement of the boundary line of the land hereby conveyed, and thence south 0° 17′ west 2087.5 feet, more or less to the said point of commencement of the boundary line of the land hereby conveyed. The said tract of land hereby conveyed contains 27.952 acres inside the levee and 1.77 acres outside the levee, total 29.72 acres.

2nd. All that certain tract, piece or parcel of land, situate, lying and being on Sherman Island in the county of Sacramento, State of California, and known, designated and described as follows, to wit:

The easterly fifty acres of that certain tract of land which is bounded as follows: Beginning at a point on the south bank of the Sacramento River where it is intersected by the west line of section 22, township 3 north, range 2 east, M. D. B. and M., at which point was standing, on the second day of May, 1868, a stake marked "Robert E. Beasley and Phillip Beasley," and running thence south along said section line and its prolongation as the western boundary of said section 27 of said township to its intersection with the north fork of Mayberry Slough; thence north 31½° east 5.90 chains to a point on said north fork of Mayberry Slough at the south end of the levee between Swamp Land Districts 50 and 54 as the same were established, known and designated on the tenth day of July, 1868, thence north 45° east 15 chains; thence east 26.31 chains to the half section line running north and south through said sections 22 and 27; thence north along said half section line to the Sacramento River; thence meandering down said river to the place of beginning. Said last described tract of land being a part of Swamp Land Survey No. 522 and containing 254 acres, more or less, the specific portion of said tract of land herein described being bounded on the north, east and south by the corresponding boundaries of the larger tract above described, and on the west by a line drawn parallel with said eastern boundary, and at such distance westerly therefrom as to contain fifty acres of land;

Exception

Saving and excepting from said fifty acre tract above described that certain piece or parcel thereof conveyed by Emery E. Church, Mark I. Church, Louis H. Church, Smith C. Church and Harriet M. Emigh to city of Sacramento, a municipal corporation, by that certain deed dated August 27th, 1912, recorded September 17th, 1912, in book 332 of Deeds, at page 261, Sacramento County records, which said part of said land so conveyed to the said city of Sacramento is bounded and described, in said deed, as follows, to wit:

Commencing at a point herein designated as point "Q" which said point is distant 3861 feet south 16° 11¼′ east from a certain concrete monument known as United States Geological Survey Pier No. 4 which is located on the mainland opposite Baker's Point on a high hill about 500 feet north-

easterly from the machine shop at Toland's Landing and about 450 feet northwesterly from the northerly bank of the Sacramento River, (this concrete monument is, in shape, a truncated pyramid about one foot square at the top, in which is set a lettered metal table. Two sides of the monument bear the inscription "U.S.G.S. No. 4" and "Cal. 1906," respectively) from the said point designated as point "Q" run north 55° 07½′ east 1763.5 feet to the point of commencement of the boundary line of the land described. Thence from said point of commencement north 55° 07½′ east 762.1 feet; thence north 0° 17½′ east 75 feet more or less, to low water line on the left bank of the Sacramento River; thence down stream along low water line on the left bank of the Sacramento River to a point which is north 0° 17½′ east and 912 feet, more or less, distant from said point of commencement; thence south 0° 17½′ west 912 feet, more or less, to the said point of commencement, containing 5.943 acres inside the levee and 1.31 acres outside the levee;

Parcel No. 3.

All of that certain tract, piece or parcel of land situate, lying and being in the county of Sacramento, State of California, being a portion of Swamp Land Survey No. 532, and being particularly bounded and described as follows, to wit: Parcel No. 3.

Beginning at the northwest corner of said Swamp Land Survey No. 532, thence south 29.198 chains, to a small slough, thence down said slough, north 77° east 2.48 chains, north 71¼° east 2.80 chains, north 28½° east 2.41 chains; north 9¼° east 3.14 chains; north 20¾° east 3.88 chains, north 36¼° east 3.05 chains, north 32½° east 4 46 chains, north 30½° east 2.17 chains to the Sacramento River, thence meandering down stream north 54½° west 3.52 chains, north 48° west 5.70 chains, north 50° west 5.01 chains, north 54° 26′ west 2.993 chains to the place of beginning, being a fractional portion of the southeast one-quarter (¼) of section 22 and a fraction in the northeast one-quarter (¼) of section 27, T. 3 N., R. 2 E., M. D. B. and M., and containing 22.34 acres of land;

Saving and excepting therefrom the following tracts of land: Exceptions.

1. A tract of land conveyed by Mary Larsen and Peter Larsen, her son, to John Melchior and Caroline Melchior, his wife, which said deed is dated October 27th, 1911, and is recorded in book "324" of deeds, at page 272, which said tract of land is particularly described as follows: Commencing at a point at low water mark on the left or southerly bank of the Sacramento River and common to the lands of John Larsen and C. E. Upham, this point being the most easterly corner of said land of John Larsen, running thence along said bank with its meanderings down stream north 43° 44′ west 1.093 chains, north 51° 41′ west 4.151 chains, thence south 9.775 chains to the division line common to the aforesaid lands of Upham and Larsen, thence along said division line north 32° 30′ east, 4.163 chains, north 31° 20′ east 3.395 chains to the beginning

containing two acres and constituting the east two acres of land deeded to John Larsen by George Richmond by deed dated September 24th, 1872, and recorded in book 69 of deeds, at page 21, Sacramento County Records.

2. So much of the Larsen land as is contained in the tract of land conveyed by Peter Larsen, an unmarried man, to the City of Sacramento, a municipal corporation, by that certain deed dated October 7th, 1912, recorded October 10th, 1912, in book "362" of deeds, at page 372, the tract of land being thereby conveyed being particularly described therein as follows: Commencing at a point designated as point "Q" which said point is distant 3.861 feet south 16° 11¼′ east from a certain concrete monument known as U. S. G. S. Pier No. 4 which is located on the mainland opposite Baker's Point on a high hill about 500 feet northeasterly from a machine shop at Toland's Landing and about 450 feet northwesterly from the northerly bank of the Sacramento River. From said point "Q" run north 55° 07½′ east 2,525.6 feet to the point of commencement of the boundary line of the land thereby conveyed. Thence from said point of commencement of the boundary line of the land thereby conveyed for said boundary line north 55° 07½′ east 75 feet more or less, to the low water mark line on the left bank of Sacramento River, thence down stream along low water line on left bank of Sacramento River to a point which is north 0° 17½′ east and 75 feet, more or less, distant from said point of commencement of the boundary line of the land thereby conveyed, and thence south 0° 17½′ west 75 feet, more or less, to the said point of commencement of the land thereby conveyed containing 0.052 acres, all outside of the levee.

Formalities of grant.

SEC. 2. Any grant of the land shall be sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

All documents necessary to the sale, other than the actual grant of the land, may be executed, accepted and delivered by the director of finance for, on behalf of, and in the name of the State of California

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CHAPTER 804.

Stats. 1927, p 1938, amended

An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8 9 and 10 of and to add new sections to be numbered sections 5a and 9a to that certain act entitled "An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved

June 3, 1927, relating to the regulation of detectives, investigators and detective agencies.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows: An act to license and regulate the business of private detectives, investigators, and detective agencies. Title

SEC. 2. Section 1 of the act cited in the title hereof is hereby amended to read as follows: Stats 1927, p 1938.

Section 1. No person, firm, partnership, association or corporation shall engage in the business of private detective or in the business of investigator for hire or reward or advertise such business to be that of detective or that of investigator irrespective of the name or title actually used or of conducting a detective agency, except as hereinafter provided in section 10 without having first obtained a license so to do from the Board of Prison Directors of the State of California in the manner hereinafter provided. Nor shall any person, firm, partnership, association or corporation, except as hereinafter provided in section 10, accept employment for hire or reward, or hire and reward, to furnish or supply information as to the personal character or actions of any person or firm, or as to the character or kind of the business or occupation of any person, firm or corporation, or own or conduct a bureau or agency for the above mentioned purposes without having first obtained a license so to do from the State Board of Prison Directors in the manner hereinafter provided. Violation of the provisions of this section is hereby declared to be a misdemeanor, punishable by a fine not to exceed five hundred dollars or by imprisonment not to exceed one year in the county jail or by both such fine and imprisonment. License required of detectives and investigators. Penalty

SEC. 3. Section 2 of said act is hereby amended to read as follows: Stats 1927, p 1938

Sec. 2. Any person, firm, partnership, association or corporation who shall engage in the business or shall accept employment for hire, fee or reward, or hire and reward to furnish or supply information as to the personal character or actions or identity of any person or firm or as to the character or kind of the business or occupation of any person, firm or corporation or own or conduct a bureau or agency for the above mentioned purposes or furnish policemen, guards or watchmen (other than private watchmen regularly employed), shall be termed and considered a "private detective" for the purposes of this act. "Private detective" defined.

SEC. 4. Section 3 of said act is hereby amended to read as follows: Stats. 1927, p 1938.

Application for license

Sec. 3. Any person, firm, partnership, association or corporation desiring to conduct the business of private detective or investigator or detective agency, and any person, firm, partnership, association or corporation desiring to conduct the business of furnishing or supplying information as to the personal actions or character of any person or firm, or as to the character or kind of the business or occupation of any person, firm, or corporation, or desiring to own, conduct, manage or maintain a bureau or agency for the above mentioned purposes, (except as hereinafter provided in section 10) shall file with the Board of Prison Directors of the State of California a written application duly signed and verified as follows:

Person or partnership.

(a) If the applicant is a person the application shall be signed and verified by such person and if the applicant is a firm or partnership the application shall be signed and verified by each individual composing or intending to compose such firm or partnership. The application shall state the full name, age, residence, present and previous occupations of each person or individual signing same, that he is a citizen of the United States and shall also specify the name of the city, stating the street and number, if the premises have a street and number and otherwise such apt description as will reasonably indicate the location thereof, where the principal place of business of the bureau or agency is to be located for which the license is desired and such further facts as may be required by the State Board of Prison Directors to show the good character, competency and integrity of each person, or individual so signing such application. Such application shall be duly signed and verified by the applicant and shall be approved by not less than five reputable freeholders of the county where such applicant resides or where it is proposed to conduct such business, each of whom shall certify that he has personally known the said person or individual for a period of at least five years prior to the filing of such application, that he has read such application and believes each of the statements made therein to be true, and that such person is honest, of good character and competent, and not related or connected to the person so certifying by blood or marriage. The certificate of approval shall be signed by such reputable freeholders and duly acknowledged by them before an officer authorized to take acknowledgments of deeds. The State Board of Prison Directors shall make such additional investigation as it may deem necessary. All provisions of this section applying to corporations shall also apply to joint stock associations, except that each joint stock association shall file a duly certified copy of its certificate of organization in the place of the certified copy of incorporation required in the case of a corporation.

Corporation

(b) If the applicant is a corporation the application shall be signed and verified by the president, secretary and treasurer thereof and shall specify the name of the corporation, the date

and place of its incorporation, the location of its principal place of business and the name of the city, stating the street and number if the premises have a street and number and otherwise such apt description as will reasonably indicate the location thereof where is to be located the bureau or agency, for which the license is desired, the amount of the corporation's outstanding paid-up capital stock and whether paid in cash or property, and if in property the nature and description of same, and shall be accompanied by duly certified copy of its certificate of incorporation. Each and every requirement of subdivision (a) of this section as to a person, or individual member of a firm or partnership shall apply to the president, secretary and treasurer; and each such officer, his successor, or successors, shall, prior to entering upon the discharge of his duties, sign and verify a like statement, approved in a like manner as is by said subdivision (a) prescribed in the case of a person, or individual member of a firm or partnership; and in the event of the death, resignation or removal of such officer due notice of that fact shall forthwith be given in writing to the State Board of Prison Directors.

SEC. 5. Section 4 of said act is hereby amended to read as follows: Stats 1927, p 1938.

Sec. 4. The State Board of Prison Directors when satisfied from recommendations and investigation that the applicant is of good character and competency and integrity shall issue and deliver to such applicant a license entitling the applicant to conduct such business during good behavior upon the applicant's paying to the State Board of Prison Directors a license fee of fifty dollars per annum and which shall be payable in advance on July 1, 1927, and annually thereafter; and upon said applicant's executing, delivering and filing with the State Board of Prison Directors a surety bond to be executed by such applicant with two or more sureties or by a surety company authorized to do business in this State in the sum of two thousand dollars conditioned for the faithful and honest conduct of such business by such applicant which bond as to its form, execution and sufficiency of the sureties must be approved by the State Board of Prison Directors. Such bond shall be taken in the name of the people of the State of California and every person injured by the wilful or malicious or wrongful act of the principal may bring an action on said bond in his own name to recover damages suffered by reason of said wilful or malicious or wrongful act. Every person, firm, partnership, association, or corporation engaged in the business of private detective, investigator or detective agency must at all times maintain on file such a surety bond in full force and effect and upon failure to do so the license of such licensee shall be forthwith suspended until such a bond be so placed on file. Fees and bonds.

All fees collected hereunder and all receipts of every kind and nature shall be reported at the beginning of each month,

Board of Prison Directors' private detective agency contingent fund.

for the month preceding, to the State Controller and the entire amount so collected or taken in shall be paid into the State treasury and be credited to a fund to be known as the Board of Prison Directors' private detective agency contingent fund, which fund is hereby created. Such fund shall be used by the said board to pay all expenses in accordance with the provisions of law necessarily incurred in carrying out the provisions of this act.

Stats. 1927, p. 1938.

SEC. 6. Section 5 of said act is hereby amended to read as follows:

Information not to be divulged.

Sec. 5. Neither any person licensed hereunder or his employee nor any employee, officer or member of any firm, partnership, association or corporation licensed hereunder shall divulge to anyone other than his employer or client or as his employer or client shall direct (except as he may be required by law so to do) any information acquired by him during such employment in respect of any of the work to which he shall have been assigned by such employer or client. Nor shall any such person so licensed hereunder or his employee or any employee, officer or member of any firm, partnership, association or corporation licensed hereunder wilfully make a false report to his employer or client in respect of any such work. Violation of the provisions of this section is hereby declared to be a misdemeanor punishable by fine not to exceed five hundred dollars or by imprisonment, not to exceed one year, in the county jail, or by both such fine and imprisonment.

Penalty.

New section.

SEC. 7. A new section to be numbered section 5a is hereby added to said act to read as follows:

Employees of licensee.

5a. The holder of an unexpired license issued hereunder may employ in connection with such business of private detective, investigator or detective agency as many persons as may be necessary and the holder of such license shall at all times while such persons remain in said employment be accountable for the good conduct in such business of each and every person so employed. Any person so in the employ of the holder of such a license need not be the holder of a license issued hereunder. Should the holder of a license falsely state or represent that a person is or has been in his employ such false statement or representation shall be sufficient cause for the revocation of such license.

Stats. 1927, p 1938.

SEC. 8. Section 6 of said act is hereby amended to read as follows:

Complaints

Sec. 6. Any person, firm or corporation desiring to file charges against a detective agency or employee thereof must present same to the State Board of Prison Directors in the form of sworn affidavits which shall be corroborated or supported by witnesses. Upon receipt of such charges properly substantiated the State Board of Prison Directors shall set a date of hearing and notice shall be given in writing and served upon the person accused at least thirty days prior to the date of such hearing. Such notice shall state the grounds

of the complaint against the accused, the person or persons filing same and shall also state the time when and the place where such hearing shall be had. Such notice shall be served on the person accused by personally delivering to such person said notice, or by leaving same at the place of business of the accused with some person of suitable age and discretion; or, in the discretion of the State Board of Prison Directors by forwarding such notice by registered mail to the last known address of the person accused in such charges. The State Board of Prison Directors shall have full power to subpoena witnesses at any such hearing and compel attendance of such witnesses. Failure for a period of ten days to furnish such sworn affidavits and corroboration thereof by any person, firm or corporation filing such charges shall constitute presumptive evidence that such person, firm or corporation has failed in respect to the matter so required and shall be sufficient grounds for a dismissal of such charges against the accused.

SEC. 9. Section 7 of said act is hereby amended to read as follows: Stats. 1927, p. 1938.

Sec. 7. Conviction of a felony or any offense involving moral turpitude or violation of any of the provisions of this act, or for any other cause which said board deems serious enough to justify the taking of administrative action, shall be grounds for revocation or suspension of the license issued pursuant to this act, and upon proof of any such offense or cause the State Board of Prison Directors hearing such charges may revoke or suspend the license of such offender; provided, that said board is hereby empowered to revoke any license already granted only upon a public hearing, notice of which shall be given by placing a letter in the registered mail at least a month before such hearing directed to the last known address of the person against whom such action is to be taken, designating an appropriate time and place for the same, at which any interested party may appear and show cause why such action should or should not be taken; provided further, if the said board revokes or suspends any license heretofore issued the said licentiate may file a petition for a writ of review in a court of competent jurisdiction for the purpose of reviewing the act and the findings of said board. Upon demand of either the accused or the accuser and deposit of necessary per diem charges of a stenographer employed for that purpose, all testimony adduced upon a hearing for revocation of license shall be taken down in shorthand and transcribed at the request and expense of either party demanding the same. Revocation or suspension of license.

SEC. 10. Section 8 of said act is hereby amended to read as follows: Stats 1927 p 1938.

Sec. 8. The State Board of Prison Directors shall appoint a person or persons to be regularly employed who shall have the authority of peace officers whose duty it shall be to investigate all alleged violations of this act and prosecute violators thereof. Enforcement of act

Stats 1927, p 1938.

SEC. 11. Section 9 of said act is hereby amended to read as follows:

Authority of licensee.

Sec. 9. A license obtained from the State Board of Prison Directors by any person, firm, partnership, association, or corporation, mentioned in section 1 of this act, shall be sufficient to give the said person, firm, partnership, association or corporation obtaining said license, or any employee of any such person, firm, partnership, association or corporation, the authority to act under said license as private detective in any county, city and county, or city in this State.

New section

SEC. 12. A new section to be numbered section 9a is hereby added to said act to read as follows:

Penalty for false representation

9a. Any person falsely stating or representing that he is engaged in the business of private detective, investigator, or detective agency or employed by a detective, investigator or a detective agency shall be guilty of a misdemeanor.

Stats 1927, p 1938.

SEC. 13. Section 10 of said act is hereby amended to read as follows:

Exemptions

Sec. 10. Nothing in this act shall apply to any detective or officer belonging to the police force of the State, or of any county, city and county, city or town thereof, appointed or elected by due authority of law, or to any person in the employ of any police force, or of any police department of this State, or in any county, city and county, city or town thereof, while engaged in the performance of their official duties, nor to any person, firm or corporation engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons, firms or corporations, nor to any person employed as special agent, detective or investigator for one employer exclusively in connection with the affairs of that employer, nor to any charitable philanthropic society or association duly incorporated under the laws of this State and which is organized and maintained for the public good and not for private profit.

CHAPTER 805.

An act granting to the City and County of San Francisco certain land within the limits of Lewis Street in the City and County of San Francisco, State of California.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Lands granted to San Francisco.

SECTION 1. That there is hereby granted to the City and County of San Francisco, a municipal corporation of the State of California, and to its successors, grantees and assigns, all the right, title and interest of the State of California, held by said State by reason of its sovereign power, in and to the following piece or parcel of land situate in the City and

County of San Francisco, State of California, and bounded and described as follows, to wit:

Description. Beginning at a point on the southerly line of Lewis Street (extended easterly) distant thereon westerly 319.990 feet from the westerly line of Van Ness Avenue (extended northerly), said point being on the northeasterly line of the real property so described in said Resolution No. 34579; running thence from said point of beginning along the boundary line of the real property so described in said Resolution No. 34579 the following courses and distances; northwesterly 69.6205 feet to a point which is distant 1709.046 feet northerly at right angles from the northerly line of Bay Street and 356.876 feet westerly at right angles from the westerly line of Van Ness Avenue; thence easterly 46.048 feet to a point which is distant 1710.003 feet northerly at right angles from the northerly line of Bay Street and 310.838 feet westerly at right angles from the westerly line of Van Ness Avenue; thence at a right angle northerly 12 feet; thence at a right angle westerly 47 feet; thence at a right angle northerly 29 feet; thence at a right angle westerly 156 feet; thence at a right angle southerly 59 feet; thence at a right angle easterly 140.26 feet to a point which is distant 1690 704 feet northerly at right angles from the northerly line of Bay Street and 373.188 feet westerly at right angles from the westerly line of Van Ness Avenue; thence southeasterly 47.9936 feet to the southerly line of Lewis Street (extended easterly); thence, leaving said boundary line, easterly along said line of Lewis Street 27.770 feet to the point of beginning.

CHAPTER 806.

An act to provide for a preliminary investigation report and hearing upon the organization of the special tax and assessment districts and providing certain restrictions and limitations upon the organization of same and providing for the termination of proceedings for the organization thereof by protest of the owners of a majority of the property subject to assessment for district purposes.

[Approved by the Governor June 10, 1933 In effect August 21, 1933]

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

Short title. SECTION 1. This act shall be known as the "District Investigation Act of 1933."

Application of act. SEC. 2. This act shall apply to all districts formed under any of the acts set out in section 22 of this act.

Definitions. SEC. 3. In this act, unless the context otherwise requires:

(a) "Supervisory body" means that body authorized by law to organize a district.

(b) "Project" includes the work, improvement or acquisition, or any combination thereof undertaken by a district.

(c) "True value" of land shall be determined in the manner prescribed in the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931."

Stats. 1931, p 1372.

Organization of district: Bond of proponents

SEC. 4. Whenever a petition is required for the initiation of proceedings for the organization of a district, the petition shall be accompanied by a bond approved by, and in an amount fixed by, the supervisory body at double the probable cost of organizing the district and conditioned that the sureties will pay all costs in connection with the proposed organization in the event that the district is not formed. An additional bond may be required by the supervisory body if in its judgment the costs of organization will exceed one-half of the undertaking first approved.

Report

SEC. 5. Before final action can be taken in the formation of a district the supervisory body shall cause to be prepared by a competent person, a written report upon the proposed district which shall be a comprehensive study of the intended project.

Contents of report.

SEC. 6. In addition to such matters as may be required by the supervisory body, the following information must be included in the report:

(a) A map or maps showing the boundaries of the proposed district, the general nature, location and extent of the proposed project, and the lands to be assessed or taxed to pay any part of the cost thereof;

(b) All essential data as to the needs of present and estimated future population, in regard to the proposed project;

(c) Economic factors involved in the proposed project;

(d) Preliminary plans showing the nature, type and arrangement of all facilities to be constructed, together with general specifications and itemized estimates of cost based upon such plans;

(e) The total estimated itemized cost of any alternative method of procedure recommended for obtaining the same desired general purpose showing the advantages and disadvantages of each of such alternatives;

(f) The assessed valuation of each parcel of land to be separately assessed or taxed, as shown on the last equalized county assessment roll, and the total assessed valuation of such lands. If the assessed valuation of any such parcel of land is not separately shown upon the county assessment roll, an estimated assessed valuation of such parcel shall be made by the county assessor and such estimate, for the purposes of this act, shall be considered the assessed value of such parcel of land;

(g) The total assessed value of improvements on such lands as shown by the last equalized county assessment roll;

(h) The total true value of said lands;

(i) The true value of each parcel of said lands;

(j) An itemized statement of all unpaid special assessments or taxes, exclusive of interest and penalties, and of any assessment or taxes for payment of interest on or principal of bonds issued therefor, which have been theretofore

levied, all separately stated as to each parcel of land within the proposed district; and the total amount of such unpaid assessments or taxes upon all lands in the proposed district; Report.

(k) An itemized estimated statement of all assessments or taxes which will be thereafter levied upon each parcel of land within the proposed district to pay the principal and interest on bonds theretofore issued, and the total estimated amount of such assessments or taxes upon all such lands. Such estimate shall be apportioned, as nearly as possible, according to the assessed value of such lands as shown by the last equalized county assessment roll. If the bonds were issued against a district divided into zones, the estimate shall also be apportioned, as nearly as possible, according to the percentages of such zones;

(l) An estimated itemized statement of all assessments and taxes for any project theretofore initiated or completed, whether levied in one lump sum or levied annually in proportion to the assessed value of the lands for the purpose of general taxation, which will be levied upon each parcel of land within the proposed district, but for which no assessment or tax has been levied; and the total amount of such estimated assessments and taxes upon all lands within the proposed district;

(m) An itemized statement of all unpaid tax liens upon any parcel of land and total estimated amount of all such unpaid taxes;

(n) An itemized statement of all other bonds and interest thereon for which the property within the proposed district is subject to taxation or assessment, and the aggregate amount of such bonds and interest;

(o) The estimated amount of the assessments or taxes for the proposed project which will be levied upon each parcel of land situated within the proposed district, and the total amount of all such assessments or taxes on all such lands. If the assessment or tax is to be made in proportion to the assessed value of lands for the purpose of general taxation, then the basis for the computation of the assessment of each parcel shall be the assessed value of such lands as shown by the last equalized assessment roll of the county wherein such land is situate, proportioned to the total assessed value of land in the district, and the total estimated cost of the proposed project. If the district is to be divided into zones, such zones and percentages thereof shall be shown on a district map and such estimated assessment shall be proportioned according to such zones and percentages;

(p) The land to be taxed or assessed which is on the latest county delinquent list;

(q) A brief summary of the essential facts of the report in a concise, understandable form.

SEC. 7. The report shall be completed as soon as practicable, with due regard to accuracy and completeness. Completion.

Filing

SEC. 8. The report, when completed, shall be filed with the supervisory body and shall remain on file at the office of the clerk of said body for the inspection of all persons interested.

Notice and hearing

SEC. 9. The supervisory body, upon filing of the report, shall fix the time and place for the hearing on the report and shall order the clerk of said body to give notice of such hearing.

SEC. 10. The notice of the hearing shall:

Contents of notice

(a) State the name and nature of the district and the title of the act under which the district is being formed;

(b) State that a report has been filed with the supervisory body concerning the advisability of forming the proposed district and that the report is available for inspection at the office of the clerk of said body;

(c) Designate the boundaries of the proposed district;

(d) State the time and place for the hearing;

(e) State that at said hearing protests will be considered by the body organizing the district;

(f) Set out the summary of the report as required by section 6, paragraph (q), of this act.

(g) In mailed notices a further statement that land in which the person addressed is interested may be assessed or taxed for the proposed project.

Publication and posting of notice

SEC. 11. Notice of the hearing shall be given by the clerk of said body;

(a) By a publication twice in a newspaper of general circulation published in each county in which any land within the proposed district is situated; publication to be complete at least twenty days prior to the date set for the hearing;

(b) By first-class mail, postage prepaid, to each person to whom land in the proposed district is assessed in the last equalized county assessment roll, at the address shown thereon, or as known to the clerk, and to any person who has filed his name and address and a designation of the lands in which he has an interest, either legal or equitable, with said clerk. Such notices must be mailed at least twenty days prior to the hearing.

Protests.

SEC. 12. At the hearing protest may be made orally or in writing by any person who owns or has an interest in property which might be liable to assessment or taxation for the proposed project or for the payment of expenses or obligations of the district, should the district be organized. Any protest pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularity or defect to which objection is made. All written protests must be filed with the clerk of the body organizing the district at or before the time fixed for the hearing. The hearing may be continued from time to time, not exceeding sixty days.

Request for exclusion or inclusion.

SEC. 13. At or before the hearing any person who owns or has an interest in land in the proposed district may present to the body organizing the district a request, in writing, for

exclusion of such land or any part thereof, and any person owning or having an interest in land outside the proposed district may present to the supervising authority a request, in writing, for inclusion of such land in the proposed district.

Limitations on cost of project.

SEC. 14. The proceedings shall terminate or be so modified that the amount to be assessed or levied for the cost of the project will be less than the limits herein established, if the report shows:

(a) That the total amount of assessments or taxes for the proposed project as estimated in paragraph (o) of section 6 of this act, upon any parcel or parcels of land in the proposed district, when added to the total amount of all assessments and taxes thereon, as estimated in paragraphs (j), (k), (l), and (n) of section 6 of this act, will exceed one-half of the true value of any such parcel or parcels of land, whose assessed value, separately or in the aggregate, exceeds five per cent of the total assessed value of all lands within the proposed district computed on the last equalized county assessment roll;

(b) That the total amount of assessments or taxes for the proposed project as estimated in paragraph (o) of section 6 of this act, upon all the land of the district, when added to the total amount of all assessments and taxes on land within the district, as estimated in paragraphs (j), (k), (l), and (n) of section 6 of this act, will exceed one-half of the true value of all the lands included in the proposed district

Majority protest

SEC. 15. Said proceedings shall also terminate if prior to the time it is determined that the district shall be formed, written protests against the formation of the district are filed with the clerk of the supervising authority by owners of a majority of the property subject to assessment for district purposes, computed according to the assessed value of same as appearing on the last equalized county assessment roll

Termination of proceedings

SEC. 16. The body organizing the district shall by resolution entered on its minutes declare that the proceedings are terminated when such protests are received from a majority of such owners or when the estimated expenses will be more than fifty per cent of the true value of the land within the district, as set out in section 14 and section 15 respectively.

Abandonment of proceedings

SEC. 17. The supervisory body may by resolution abandon the proceedings at any time prior to the formation of the district. Notice of the intention to adopt any such resolution of abandonment must be given by publication of notice thereof in a newspaper of general circulation published and circulated in the county in which the supervisory body has jurisdiction, by one insertion each week for at least two weeks

One year limitation

SEC. 18. No proceedings for the formation of the same district for the same project shall be considered by the supervisory body until after the expiration of one year from the date of any order of termination.

Formation of district

SEC. 19. If the proceedings are not terminated in the manner prescribed by the act, the supervisory body may pro-

ceed in accordance with the statute under which the district is to be organized.

Limitation on assessments

SEC. 20. If the actual cost of any project shall exceed the total estimated cost of the project as set out in the report by more than ten per cent of such estimated cost, no part of the excess over said ten per cent shall be assessed or taxed upon lands within the district.

Protests.

SEC. 21. All objections or protests of every kind and nature relating to the validity of the proceedings had under this act, and not otherwise provided for herein, must be made in writing and filed in the manner and not later than the time at which protests or objections may be filed for the hearing, and any protest or objection relating to the validity of the proceedings had under this act not made at such time and in such manner shall be waived and may not thereafter be urged, pleaded or raised in any action or proceeding, and the adoption of a resolution finally ordering the formation of a district shall be conclusive evidence that the proceedings prior thereto under this act are valid and sufficient.

Extension of time to form.

SEC. 22. Whenever by the terms of any act of the Legislature of this State, authorizing the formation of any district to which this act is applicable, final action in the formation of such a district must be taken by the supervisory body within a stated and limited period of time as provided in such an act, the limitation in such an act set forth is hereby extended to thirty days from and after the final hearing upon the report provided for in section 5 of this act.

Application of act.

SEC. 23. The provisions of this act shall apply to all districts, the formation of which is authorized by the following acts, reference being had to the printed statute showing same.

Year	Chapter	Page	Type of Districts
1881	36	26	Fire Protection
1891	161	223	Sanitary
1909	333	547	Public Museum
1909	335	551	Highway Lighting
1909	480	815	Library
1911	737	1425	Boulevard
1915	584	1011	Mosquito Abatement
1917	571	791	Local Health
1919	480	942	Sanitary
1921	652	1103	Cemetery
1923	171	393	Sanitary
1923	191	431	County Fire Protection
1923	250	498	County Sanitation
1927	213	380	Garbage Disposal
1927	254	465	Police Protection
1927	743	1400	Public Service
1929	847	1857	Airport
1929	880	1948	Transportation
1931	734	1523	County Fire Protection
1931	1019	2035	Memorial
1931	1058	2210	Recreation
1931	1208	2521	Resort

SCHOOL CODE

Chapter VIII, sections 6.570 to 6.723, inclusive, Union High School Library.

CHAPTER 807.

An act to amend sections 2 and 4 of an act entitled "An act relating to the liability and damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi-public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931, extending the provisions of the act to include suits against employees as well as officers of municipalities, counties, cities and counties, school districts, and the State and to suits against such officers and employees for alleged negligence or carelessness thereof while engaged in the public service, and defining terms used in the act. Stats 1931, p 2476 amended.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p. 2476.

Sec. 2. Whenever any suit for damages is brought against an officer of any municipality, county, city and county, school district, or the State of California on account of injuries to persons or property, alleged to have been received as a result of the negligence or carelessness of such officer occurring during the course of his service or employment, or alleged to have been received as a result of the dangerous or defective condition of any public streets, highway, building, park, grounds, works or property, alleged to be due to the negligence or carelessness of such officer, it shall be the duty of the attorney for such municipality, county, city and county, school district, or other public or quasi-public corporation, or of the State of California, as the case may be, to act as counsel in defense of such suit, unless lawful provision has been made for the employment of other counsel in connection therewith; and the fees and expenses involved in such suit shall be a lawful charge against such municipality, county, city and county, school district or the State of California, as the case may be. Duty of attorney for municipality, etc.

SEC. 2. Section 4 of said act is hereby repealed. Repeal

SEC. 3. A new section is hereby added to said act to be numbered section 4 and to read as follows: New section

Definitions

Sec. 4. The word "person" includes any pupil attending the public schools of any school or high school district.

The words "public property" include any vehicle, implement or machinery owned by a municipality, county, city and county, school district, or the State of California, or operated by or under the direction or authority or at the request of any public officer.

The words "public officer," "officer" or "officers" include any deputy, assistant, agent or employee of a municipality, county, city and county, school district or the State of California, acting within the scope of his office, agency or employment.

CHAPTER 808.

Stats 1929, p 1505, amended

An act to amend sections 2 and 5 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor," approved June 10, 1929, relating to the definition of the word "dam" as used in said act and to filing fees charged thereunder.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Stats 1929, p 1505

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Words defined "Dam"

Sec. 2. The word "dam" whenever used in this act shall mean any artificial barrier, whether heretofore or hereafter constructed, together with appurtenant works, if any, across a stream channel, watercourse or natural drainage area, which does or may impound or divert water, which is or will be either twenty-five feet or more in height from natural streambed to crest of spillway, or which has or will have an impounding capacity of fifty acre feet or more; provided, however, that any such barrier which is or will be not in excess of six feet in height, regardless of storage capacity, or which has or will have a storage capacity not in excess of fifteen acre feet, regardless of height, shall not be considered a dam within the meaning of this act; and provided further, that no obstruction in a canal used to raise or lower water therein or divert water therefrom shall be considered a dam within the meaning of this act.

"Owner"

The word "owner" whenever used in this act means the State and all its departments, institutions and agencies and its political subdivisions, every municipal or quasi municipal corporation, every public utility, district, corporation, com-

pany, association or person and their duly authorized agents, lessees, trustees, and receivers or trustees appointed by any court whatsoever, owning, controlling, operating, maintaining or managing or proposing to construct any dam as defined in this act, but does not mean the United States. The words "alterations" and "repairs" or either of them, whenever used in this act, shall mean only such alterations or repairs as may affect the safety of the dam.

"Alterations" and "repairs"

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Stats 1929, p 1505

Sec. 5. After the effective date of this act construction of any new dam or the enlargement of any dam shall not be commenced until the owner has applied for and obtained from the department written approval of plans and specifications. A separate application for each dam shall be filed with the department upon forms to be provided by it and shall give the name and address of the owner, the location, type, size and height of the proposed dam and appurtenant works, the storage capacity of the reservoir and such other pertinent information as the department shall require. It shall also give as accurately as may be readily obtained, the area of the drainage basin, rainfall and stream flow records and flood flow records and estimates. The department may also require data concerning subsoil and foundation conditions and may require that the site be drilled or otherwise prospected and may require such other appropriate information as may be necessary in a given instance but in instances wherein the physical conditions involved and the size of the dam are such as to render the above requirements as to drainage areas, rainfall, stream flow and flood flow and drilling or prospecting of site unnecessary, said requirements may be waived.

Approval of plans for new dam

Contents of application.

The application shall set forth the purpose for which the impounded or diverted water is to be used and shall be accompanied by maps and plans and specifications of such character and size, and setting forth such pertinent details and dimensions as the department may require. Such maps and plans and specifications shall be a part of the application. Also the application shall set forth the estimated cost, as hereinafter defined, of the dam or enlargement and shall be accompanied by a filing fee based upon said estimated cost and according to the following schedule, to wit: for the first one hundred thousand dollars a fee of one and one-half per cent of the estimated cost; for the next four hundred thousand dollars a fee of three-fourths of one per cent; for the next five hundred thousand dollars a fee of one-half of one per cent; and for all costs in excess of one million dollars a fee of one-fifth of one per cent. In no case, however, shall the minimum fee be less than twenty dollars. For the purposes of this act, the estimated cost of the dam, or enlargement involved shall include the cost of all labor and materials entering into the construction of the dam and appurtenant works, the cost of preliminary investigations and surveys, and the cost of the

Filing fee

Estimated cost

construction plant properly chargeable to the cost of the dam; and any and all other items entering directly into the cost of the dam; provided, that the costs of right of way, detached power houses, electrical generating machinery and roads and railroads affording access to the dam shall not be included among the items used in the determination of cost. An application shall not be considered by the department until the filing fee is received. In the event that the actual cost exceeds the estimated cost by more than ten per cent, a further fee shall be required by the department before final approval and shall be one hundred ten per cent of the amount by which the original fee is less than it would have been had the cost it was based upon been the same as the actual cost. Any dam which the department finds was not ninety per cent constructed at the date this act goes into effect, shall be subject to the same provisions as a dam commenced after the effective date of this act; provided, however, that construction work on such a dam may proceed, if an application for approval thereof is filed within sixty days after the effective date of this act, until an order from the department is received approving said dam or specifying how its construction must be made or altered to render it safe. After receipt of an order directing the construction of such a dam work thereafter must be in accordance with said order. Either an application for the approval of a dam under construction must be filed within sixty days after the effective date of this act or a statement must be filed showing that such dam was ninety per cent or more constructed at the effective date of this act. Dams found to be ninety per cent or more constructed at the effective date of this act shall be subject to the same supervision as dams which were completed prior to the effective date of this act. Applications for dams found by the department to have been less than ninety per cent constructed at the effective date of this act shall be accompanied by fees as much less than provided for dams commenced after the effective date of this act as the percentage of construction found by the department to have been completed at the effective date of this act. All filing fees collected under the provisions of this act shall be paid once each month into the State treasury. The fees herein provided for shall be required of all enumerated in the definition of owner as made in section 2 of this act.

Fee when actual cost exceeds estimated cost

Dams less than ninety per cent complete August 14, 1929.

Dams ninety per cent or more complete August 14, 1929

Disposition of fees.

CHAPTER 809.

An act to add section 363GG to the Political Code, relating to the powers and duties of the Department of Public Works concerning roads in or across property controlled by the State.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 363gg is hereby added to the Political Code to read as follows: New section.

363gg. With the exception of roads in property which is a part of the University of California, the following roads, if now existing, shall be maintained by the Department of Public Works by and through the Division of Highways, and if hereafter constructed, shall be both constructed and maintained by that department and division: Maintenance of roads on State controlled property.

(1) Roads in property which is part of an institution to the support of which the State, but no political subdivision or municipal corporation, contributes, excepting however any road in property within any State prison grounds;

(2) Roads in property which is part of the California Polytechnical School;

(3) Roads in property which is part of the California School for the Deaf;

(4) Roads in property which is part of the California School for the Blind;

(5) Roads in property which is part of a State teachers' college;

(6) Roads in National Guard camp grounds.

As used in this section, the term "roads" means and includes bridges, culverts, curbs, drains and all other works incidental to road construction and maintenance. "Roads" defined.

Nothing in this section contained shall be construed to constitute such roads as State highways or to add the same to the State highway system. Construction of section.

CHAPTER 810.

An act to reduce the number of judges of the superior court in and for the county of Humboldt and to repeal an act entitled "An act to provide for the appointment and election of one additional judge for the county of Humboldt," approved March 8, 1895. Stats. 1895, p. 27, repealed.

[Approved by the Governor June 10, 1933. In effect August 21, 1933]

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

SECTION 1. The number of judges of the superior court in and for the county of Humboldt is hereby reduced from two to one. One superior judge: Humboldt County.

Repeal.

SEC. 2. An act entitled "An act to provide for the appointment and election of one additional judge for the county of Humboldt," approved March 8, 1895, is hereby repealed.

CHAPTER 811.

Stats 1931, p 1350, amended

An act to amend section 1, of an act entitled "An act to create a fund to be known as the State highway general fund and providing for expenditures therefrom," approved June 5, 1931.

[Approved by the Governor June 10, 1933 In effect August 21, 1933]

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

Stats 1931, p 1350

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

State highway general fund created

Section 1. A fund to be known as the State highway general fund is hereby created. Any moneys contributed by any county or city and county for the construction or maintenance of highways, Federal aid road moneys, or other funds coming under the control of the Division of Highways of the State Department of Public Works which are not otherwise specifically appropriated money by placing in said State highway general fund. Any money placed in said State highway general fund may be drawn therefrom for such purposes as the said Division of Highways may direct, provided, that all money received from the Federal government as the result of the fulfillment of cooperative agreements between the State and the Federal government for highway purposes shall be expended with respect to primary State highways and secondary State highways and within the groups of counties designated in Stats 1927, p 1562. Chapter 794, Statutes of 1927, as provided with respect to expenditure of other State highway funds in said act or as said act may be amended.

CHAPTER 812.

An act to add a new article to Chapter I of Part IV of Division II of the School Code to be known as article 11a, embracing sections 2.1365 and 2.1366, relating to the State Council of Educational Planning and Coordination.

[Approved by the Governor June 10, 1933 In effect August 21, 1933]

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

New article.

SECTION 1. A new article to Chapter I of Part IV of Division II is hereby added to the School Code to be numbered article 11a, embracing sections 2.1365 and 2.1366.

Article 11a.—State Council of Educational Planning and Coordination.

State Council of Educational Planning and Coordination created.

2.1365. There is hereby created a State Council of Educational Planning and Coordination to consist of nine members. The Superintendent of Public Instruction and the president of the University of California shall be ex officio members of the said board.

Of the seven remaining members of the said board, five shall be persons not engaged in any manner in the direction or supervision of education, not engaged, employed or serving in any capacity in any body charged with the direction or supervision of education, and not engaged, employed or serving in any capacity in any school, college or university. Each of the said members of the said board shall be appointed for a term of one year jointly by the State Board of Education and the Board of Regents of the University of California upon the joint nomination of the Superintendent of Public Instruction and the president of the University of California.

Vacancies.

Thereafter their successors shall be chosen in like manner for a like term. Should any vacancy occur, the vacancy shall be filled by appointment by the Superintendent of Public Instruction and the president of the University of California jointly, the person so appointed to serve only for the balance of the period of time his predecessor in office would have served had no vacancy occurred.

Function.

2.1366. The function of the State Council of Educational Planning and Coordination is to study problems affecting the relationships between the schools of the public school system and the University of California, and to make recommendations thereon jointly to the State Board of Education and the Regents of the University of California through the Superintendent of Public Instruction and the president of the University of California.

CHAPTER 813.

An act providing for the recall of officers of cities of the second and one-fourth class.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Recall of officers

SECTION 1. The holder of any elective office in a city of the second and one-fourth class, after he has held his office for at least six months, may be removed or recalled at any time by the electors qualified to vote for his successor.

Incumbents.

The provisions of this act are intended to apply to officials now in office as well as to those hereafter elected.

Petition for election of successor

SEC. 2. A petition demanding the election of a successor to the person sought to be removed shall be filed with the city clerk, which petition shall be signed by qualified electors equal in number to at least twenty-five per cent of the entire vote cast in the city at the last preceding election for the office of Governor and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held hereunder. The signatures to the petition need not all be appended to one paper, but the statement shall appear at the head of each separate paper or part of the petition, and shall be followed by the signature, legal residence, and date of signing of each petitioner written by the petitioner in ink or indelible pencil, and by the affidavit of the person in charge of the paper or part that the signatures have all been made in his presence by the persons whose names they purport to be, and are legal signatures to the best of his belief. The petition shall be filed within sixty days after the date of the earliest signature thereon.

Certification of petition.

SEC. 3. Within ten days from the date of filing such petition, the city clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination, and shall give notice to the person who filed said petition of the sufficiency or insufficiency of the signatures thereon.

Supplement to insufficient petition

If by the clerk's certificate the petition is shown to be insufficient it may be supplemented within ten days from the date of such certificate by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon, but the petition shall remain on file as a public record. The failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If necessary the city council shall allow the clerk extra help for the purpose of such examinations. In case the clerk is the officer sought to be recalled, the duties herein provided to be performed by him shall be performed by some other person designated by the council for that purpose.

Special election.

SEC. 4. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, whereupon the council shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the passage of an ordinance calling such election, to determine whether the voters will recall the officer. If a regular municipal election is to occur within sixty days from the date of the passage of the ordinance, the council may,

in its discretion, submit such recall at such regular municipal election. If a vacancy occurs in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided.

One procedure sufficient.

SEC. 5. One petition is sufficient to propose a removal and election of one or more elective officials, and one election is competent for the removal and election of one or more elective officials.

Nominations

SEC. 6. Nominations for any office under such recall election shall be made by petition in the manner prescribed by the charter of the city, if any, for the nomination of candidates for all elective officers before primary elections, and in the absence of charter provisions such nominations shall be made by petition in the manner prescribed by section 1188 of the Political Code, except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition.

Reasons for recall.

SEC. 7. Upon the sample ballot there shall be printed in not more than two hundred words, the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify his course in office.

Form of ballot.

SEC. 8. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines with a blank space at the right of each, in which the voter shall indicate by stamping a cross (+) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election, but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

Votes necessary to recall.

SEC. 9. If a majority of those voting on the question of the recall of any incumbent from office shall vote "No" said incumbent shall continue in said office. If a majority shall vote "Yes" said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Restrictions on recalled officer

SEC. 10. No person who has been recalled, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any office within one year after such resignation or recall. The successor of any officer so recalled shall hold office during the unexpired term of his predecessor subject to removal under the provisions of this act.

CHAPTER 814.

An act to amend section 1168 of the Penal Code, relating to sentences, imprisonments and paroles of prisoners.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1053

SECTION 1. Section 1168 of the Penal Code is hereby amended to read as follows:

Imprisonment

1168. (1) Imprisonment. Every person convicted of a public offense, for which imprisonment in any reformatory or State prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence suspended, be sentenced to be imprisoned in a State prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment.

It is hereby made the duty of the warden of any of the State prisons to receive such person, who shall be imprisoned until duly released as provided for in this section. The term of imprisonment shall not exceed the maximum or be less than the minimum term of imprisonment provided by law for the public offense of which such person was convicted.

Term

Determination of term

The State Board of Prison Directors, or any board or commission that may be hereafter given authority so to do, shall determine after the expiration of the minimum term of imprisonment provided by law, except that in cases in which the minimum term of imprisonment is more than six months, the State Board of Prison Directors may determine after the expiration of six months from and after the actual commencement of such imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State.

Cumulative or consecutive sentences

When a prisoner has imposed upon him two or more cumulative or consecutive sentences, the State Board of Prison Directors may determine after the expiration of six months of his first sentence, what length of time he shall serve on all such cumulative or consecutive sentences.

Change of order of determination

In case any convicted person undergoing sentence in any of the State prisons commits any infraction of the rules and regulations of the prison board, or escapes while working outside

such prison under the surveillance of prison guards, the Board of Prison Directors may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, and make a new order determining such length of time not exceeding the maximum penalty provided by law for the offense for which he was convicted, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State. Such revocation and redetermination shall not be had except upon a hearing upon the question of such infraction or escape and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner, unless outside the walls of the prison as an escape and fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Persons whose terms have not been shortened

Any convicted person undergoing sentence in any of the State prisons, not sooner released under the provisions of this section shall, in accordance with the provisions of existing law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted.

Certain minimum penalties

(2) Certain Minimum Penalties. The following shall be the minimum term of sentence and imprisonment in certain cases, notwithstanding any other provisions of this code, or any provision of law specifying a lesser sentence:

(a) For a person not previously convicted of a felony, but armed with a deadly weapon either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, five years;

(b) For a person previously convicted of a felony either in this State or elsewhere, and armed with a deadly weapon, either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, ten years;

(c) For a person previously convicted of a felony either in this State or elsewhere, but not armed with a deadly weapon at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, five years.

(d) For a person convicted at one trial of more than one felony, and upon whom are imposed cumulative or consecutive sentences the aggregate of the minimum terms of which exceed ten years, ten years.

"Deadly weapon" defined

The words "deadly weapon" as used in this section are hereby defined to include any instrument or weapon of the kind commonly known as a blackjack, slung shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

Good credits.

(3) Good Credits. The State Board of Prison Directors shall require of every able-bodied prisoner imprisoned in any State prison as many hours of faithful labor in each and every

day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison.

In all cases there may be allowed to apply upon the term of imprisonment fixed such credits for meritorious conduct and diligent labor as are or may be authorized by law.

Reductions from term.

Except as otherwise provided in this section, every prisoner who has committed no infraction of the rules or regulations of the prison, or the laws of the State, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him to the satisfaction of the prison officials, and in whose behalf the warden of the prison shall file a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall upon, but not until, the adoption of such recommendation by the State Board of Prison Directors, be allowed time credit reductions from the end of his term of confinement as fixed by the board of directors (instead of and in lieu of such time credits as were heretofore allowed by law) a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term, and correspondingly for any part of the year, where such term of confinement is for more or less than a year. The mode of reckoning credits, recommended by the warden and allowed by the Board of Prison Directors, shall be as shown by the following table:

Table.

Number of years of sentence	Good time that may be earned	Total good time that may be earned	Time to be served if full credits are earned and allowed
1st year	2 months	2 months	10 months
2d year	2 months	4 months	1 year 8 months
3d year	4 months	8 months	2 years 4 months
4th year	4 months	1 year	3 years
5th year	5 months	1 year 5 months	3 years 7 months
6th year	5 months	1 year 10 months	4 years 2 months
7th year	5 months	2 years 3 months	4 years 9 months
8th year	5 months	2 years 8 months	5 years 4 months
9th year	5 months	3 years 1 month	5 years 11 months
10th year	5 months	3 years 6 months	6 years 6 months

And so on, through as many years as may be the time of confinement.

Forfeiture of credits

If any convict shall assault any keeper, guard, foreman, officer, convict or other person, or threaten or endanger the person or life of anyone, or violate or disregard any prison rule or regulation, or neglect or refuse to do the work to which he is assigned, or be guilty of any misconduct, or violate any of the rules or regulations governing parole, the board of prison directors may declare a forfeiture of all time credits theretofore earned by or allowed to him before the commission of such offense, and/or all time credits which he may thereafter earn, or the board of prison directors may forfeit such

part of such time credits as they may determine; such forfeitures, however, shall be made only by the board of directors after due proof of the offense and notice to the offender unless such offender be outside the walls of the prison as an escape and fugitive from justice, and the board may restore time credits forfeited for good cause shown, and may allow extra credits for extra meritorious conduct and industry.

Parole. (4) Parole. The State Board of Prison Directors shall have power to establish rules and regulations under which any prisoner who is now, or who hereafter may be imprisoned in any of the state prisons, and who has served the period of time prescribed by this section, may be allowed to go upon parole outside the prison buildings and inclosures.

Minimum term No prisoner may be paroled in any case until he has served the minimum term of imprisonment provided by law for the offense of which he was convicted, except that in cases of parole not otherwise specifically provided by this section, or if this section does not specifically provide such minimum sentence, then by other provisions of law, in which the minimum term of imprisonment is more than one year, he may be paroled at any time after the expiration of one-half the minimum term of imprisonment provided by law for the offense of which he was convicted, with benefit of credits, and in any case the matter of parole may be determined by the board at any time after the expiration of six months from and after the actual commencement of such imprisonment.

Second termer. No prisoner who has served a previous sentence in a State prison in this or any other State or in a Federal penitentiary may be paroled until he has served at least two calendar years.

Cumulative or consecutive sentences. No prisoner who has had imposed upon him two or more cumulative or consecutive sentences may be paroled until he has served at least two calendar years of the aggregate time of such cumulative or consecutive sentences.

Escape or attempt to escape. No prisoner confined in the State prison and no prisoner under sentence to the State prison who is convicted of an escape or an attempt to escape from the prison or the guards may be paroled until he has served at least two calendar years from and after the date of his return to the prison after such conviction.

Parole of life-termer. No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years.

Parole of person sentenced to fixed term. If neither a maximum nor a minimum term of imprisonment is imposed by law for the offense of which the prisoner was convicted, but a fixed and definite term is imposed by the court, he may be paroled after serving one calendar year of his term.

Notice to judge before whom prisoner was convicted. At least thirty days before the State Board of Prison Directors shall meet to consider the granting of a parole to any prisoner or to fix and determine the length of time any prisoner shall be confined, the said board shall send written notice thereof to the judge of the superior court before whom the prisoner was tried and convicted, and to the district

attorney and the sheriff of the county from which the prisoner was sentenced.

Custody of prisoners on parole

Prisoners on parole shall remain under the legal custody and control of the State Board of Prison Directors and shall be subject at any time to be taken back within the inclosure of the prison.

Permission to leave State

If any paroled prisoner shall leave the State without permission of the State Board of Prison Directors, he shall be held as an escaped prisoner and arrested as such.

Conditions of parole

The State Board of Prison Directors upon granting any parole to any prisoner may impose on the parole such conditions as it may deem proper, and may impose as a condition of the parole, that all or a portion of his credits earned, or to be earned, may be forfeited by order of the State Board of Prison Directors in the event that such prisoner shall break his parole or violate any law of the State, or rule or regulation of the prison, or of the State Board of Prison Directors, or any of the conditions of his parole.

Hearing

Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner, unless outside the walls of the prison as an escape and a fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Power over paroles

Full power to make and enforce rules and regulations relating to the parole of prisoners, to grant paroles thereunder, to suspend, cancel and/or revoke paroles without notice, and to retake and imprison any prisoner so upon parole, is hereby conferred upon the State Board of Prison Directors. The written order of the board certified by the president of the board shall be a sufficient warrant for all officers named therein to authorize such officers to return to actual custody any conditionally released or paroled prisoner.

Duty of police, etc.

It is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties, and all police, prison and peace officers, and constables to execute any such order in like manner as ordinary criminal process.

Power of Governor over paroles

The Governor of the State shall have like power to cancel and revoke the parole of any prisoner. The written authority of the Governor shall likewise be sufficient to authorize any of the officers named therein to retake and return said prisoner to the State prison. His written order canceling or revoking the parole shall have the same force and effect and be executed in like manner as the order of the State Board of Prison Directors.

Cause for revocation of parole

No parole shall be revoked and no credits forfeited without cause, which cause must be stated in the order revoking the parole or forfeiting the credits.

Deemed fugitive from justice, when

From and after the suspension, cancellation, or revocation of the parole of any prisoner and until his return to custody he shall be deemed an escape and fugitive from justice and

no part of the time during which he is an escape and fugitive from justice shall be part of his term.

(5) Rules and Regulations. The State Board of Prison Directors shall make all necessary rules and regulations to carry out the provisions of this section not inconsistent therewith, and may provide the forms of all documents necessary therefor. Rules and regulations

(6) The provisions of this section are to apply to all prisoners now serving sentence in the State prison, to the end that at all times the same provisions relating to sentences, imprisonments and paroles of prisoners shall apply to all the inmates thereof. Application of section

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CHAPTER 815.

An act to provide for the organization and conduct of nonprofit cooperative associations to engage in the marketing, handling, and distribution of fish and fishery products.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. This act shall be known as "The Fish Marketing Act." Short title

SEC. 2. In order to promote, foster and encourage the intelligent and orderly marketing of fish and fishery products through cooperation; and to eliminate speculation and waste; and to make the distribution of fish and fishery products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of fish and fishery products, this act is passed. Purpose of act

SEC. 3. As used in this act: Definitions

(a) "Fishery products" includes fish, crustaceans, mollusks and marine products for human consumption.

(b) "Member" includes members of associations without capital stock and holders of common stock in associations organized with shares of stock.

(c) "Person" includes firm, partnership, corporation, company, or association.

(d) "Association" means any corporation organized under this act.

SEC. 4. Associations organized hereunder shall be deemed "nonprofit," inasmuch as they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers of fishery products. Nonprofit associations

SEC. 5. Five or more persons, a majority of whom are residents of this State, engaged in the production of fishery products, may form a nonprofit cooperative association, with or without shares of stock, under the provisions of this act. Formation

SEC. 6. Each association incorporated under this act may:

Powers

(a) Engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling or utilization of any fishery products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or any activity in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this section.

(b) Borrow without limitation as to amount of corporate indebtedness or liability and may make advances to members.

(c) Act as the agent or representative of any member or members in any of the above mentioned activities.

(d) Purchase or otherwise acquire, hold, own, and exercise all rights of ownership in, sell, transfer, pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing or packing or manufacturing or processing or preparing for market of any of the fishery products handled by the association.

(e) Establish reserves and invest the funds thereof in bonds or in such other property as may be provided in the by-laws.

(f) Buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto.

(g) Levy assessments in the manner and in the amount as may be provided in its by-laws.

(h) Do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and contract accordingly; and in addition exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this act; and do any such thing anywhere.

(i) Use or employ any of its facilities for any purpose, provided the proceeds arising from such use and employment shall go to reduce the cost of operation for its members; and provided, further, that the fishery products of nonmembers shall not be dealt in to an amount greater in value than such as are handled by it for its members.

Eligibility for membership

SEC. 7. (a) Under the terms and conditions prescribed in the by-laws adopted by it, an association may admit as members, or issue common stock to, only such persons as are engaged in the production of fishery products to be handled

by or through the association, including the lessees and tenants of boats and equipment used for the production of such fishery products and any lessors and landlords who receive as rent all or part of the fish produced by such leased equipment.

(b) If a member of a nonstock association be other than a natural person, such member may be represented by any individual, associate, officer or manager or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

Articles of incorporation Contents.

SEC. 8. The articles of incorporation of any such association shall state:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The county where the principal office for the transaction of business of the corporation is to be located.

(d) The number of directors thereof, which shall be not less than three and may be any number in excess thereof; the term of office of such directors; and the names and residence of those who are to serve as directors for the first year, or until election and qualification of their successors.

(e) If organized without shares of stock, whether the voting power and the property rights and interest of each member are equal or unequal; and if unequal the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may be and are determined and fixed; and provide for the admission of new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule or rules.

(f) If organized with shares of stock, the number of shares which may be issued and if the shares are to have a par value, the par value of each share, and the aggregate par value of all shares; if the shares are to be without par value it shall be so stated.

Information regarding shares

If the shares are to be classified, a description of the classes of shares and a statement of the number of shares of each kind or class and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock; and except as to the matters and things so stated no distinction shall exist between said classes of stock or the holders thereof. One class of stock shall always be known as common stock and voting power may be restricted to holders of common stock.

Nonpar value stock

SEC. 9. If an association organized hereunder issues nonpar value stock the issuance of such stock shall be governed by the terms of all general laws covering the issuance of nonpar value stock in domestic corporations.

Filing of articles

SEC. 10. Articles of incorporation must be signed, acknowledged and filed in the manner prescribed by the general laws of this State for domestic corporations.

Alteration of articles

SEC. 11. The articles of incorporation of any association may be altered or amended in the manner and for the purposes prescribed in section 362 of the Civil Code and by the general corporation laws of this State covering domestic corporations.

By-laws

SEC. 12. Each association shall within thirty days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this act. A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote, is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked. Each association, under its by-laws, may provide for any or all of the following matters:

Provisions of by-laws

(a) The time, place and manner of calling and conducting its meetings. Meetings of members or stockholders shall be held at the place as provided in the by-laws; and if no provision be made, then in the city where the principal place of business is located at a place designated by the board of directors. Meetings of the board of directors may be held at any place within or without the State fixed by a quorum thereof unless otherwise provided in the articles of incorporation or by-laws.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both, and the conditions, manner, form and effects of such votes; the right of members or stockholders to cumulate their votes and the prohibition, if desired, of cumulative voting.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers and the time of their election.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not

exceed eight (8) per cent per annum and which dividends shall be in the nature of interest and shall not affect the non-profit character of any association organized hereunder.

(j) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders. In case of the expulsion of a member, and where the by-laws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

Board of directors.

SEC. 13. The affairs of the association shall be managed by a board of not less than three directors, elected by the members or stockholders from their own number.

SEC. 14. The by-laws may provide that:

By-laws Optional provisions

(a) The territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association.

(b) Primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary elections in the various districts shall be final and must be ratified at the annual meeting of the association.

(c) The territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisors, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisors to be elected by each district, the manner and method of reapportioning

the representatives or advisors and of redistricting the territory covered by the association.

(d) Directors shall be elected for terms of from one to five years; provided, that at each annual election the same fraction of the total number of directors shall be elected as the year bears to their term of office.

(e) One or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such directors shall represent primarily the interest of the general public in such associations. The directors so nominated need not be members or stockholders of the association, but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

(f) The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

Compensation.

SEC. 15. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee.

Vacancies

SEC. 16. When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board by a majority vote, shall fill the vacancy, provided that when the by-laws provide for an election of directors by districts, the vacancy shall be filled by the election of a director from the district in which the vacancy occurs; or the board of directors may call a special meeting of the members or stockholders in that district to fill the vacancy.

Organization of board of directors.

SEC. 17. The directors shall elect from their number a president and one or more vice presidents. They shall also elect a secretary and a treasurer, who need not be directors or members of the association; and they may combine the two latter offices and designate the combined office as secretary-treasurer; or unite both functions and titles in one person. The treasurer may be a bank or any depository and as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as and where authorized by the board of directors.

Certificate of membership.

SEC. 18. When a member of an association established without shares of stock has paid his membership fee in full, he shall receive a certificate of membership.

Stock.

No association shall issue a certificate for stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote. An association, in its

by-laws, may limit the amount of common stock which one member may own.

The by-laws shall prohibit the transfer of the common stock or membership certificates of the associations to persons not engaged in the production of the products handled by the association; and such restrictions must be printed upon every certificate of stock subject thereto. The association may, at any time, as specified in the by-laws, except when the debts of the association exceed fifty per cent of the assets thereof, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors, and pay for it in cash within one year thereafter. Transfers.

No member or stockholder shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory note given in payment thereof. Liability for debts.

SEC. 19. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by five per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer, against whom such charges have been brought, shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity. Removal of officer or director.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director; and by a vote of the majority of the members of that district, the director in question shall be removed from office.

SEC. 20. The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over fifteen years, all or any specified part of their fishery products or specified commodities exclusively to or through the association, or any facilities to be created by the association. If they contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens, to the association upon delivery; or at any other specified time if expressly and definitely agreed in the said contract. The contract may provide that the association may sell or resell the fishery products delivered by its members, with or without Marketing contracts.

taking title thereto; and pay over to its members the resale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight per cent per annum upon common stock.

Provisions

SEC. 21. The by-laws or the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of fishery products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this State; and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties.

Injunctive relief

SEC. 22. In the event of any such breach or threatened breach of such marketing contract by a member the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

Presumption as to landlords and lessors

SEC. 23. In any action upon such marketing agreements, it shall be conclusively presumed that a landlord or lessor is able to control the delivery of fishery products produced by his equipment by tenants, or others, whose tenancy or possession or work on such equipment or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landlord or lessor, of such a marketing agreement; and in such actions, the foregoing remedies for nondelivery or breach shall lie and be enforceable against such landlord or lessor.

Purchases by association

SEC. 24. Whenever an association, organized hereunder with preferred shares of stock, shall purchase the stock or any property, or any interest in any property of any person, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred stock to an amount which at par value would equal the fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

Conflicting provisions

SEC. 25. Any provisions of law which are in conflict with this chapter shall not be construed as applying to the associations herein provided for. Any exemptions under any and all existing laws applying to fishery products in the possession or under the control of the individual producer, shall apply similarly and completely to such fishery products deliv-

ered by its members, in the possession or under the control of the association.

Membership in other corporations.

SEC. 26. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing or selling of the fishery products handled by the association, or the by-products thereof.

Warehouse receipts

If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities delivered by it, or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this State or the United States, its warehouse receipt delivered to the association on commodities of the association or its members, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Merger and consolidation.

Any two or more corporations organized hereunder may be merged into one such constituent corporation or consolidated into a new corporation, such merger or consolidation to be made in the manner prescribed by the general laws of the State covering domestic corporations.

Cooperative agreements

SEC. 27. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative or other corporation, association or associations, formed in this or in any other State, for the cooperative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same personnel, methods, means and agencies for carrying on and conducting their respective business.

Contracts declared legal

SEC. 28. Any association organized hereunder shall be deemed not to be a conspiracy nor a combination in restraint of trade nor an illegal monopoly; nor an attempt to lessen competition or to fix prices arbitrarily or to create a combination or pool in violation of any law of this State; and the marketing contracts and agreements between the association and its members and any agreements authorized in this act shall be considered not to be illegal nor in restraint of trade nor contrary to the provisions of any statute enacted against pooling or combinations.

Corporation laws applicable.

SEC. 29. The general corporation laws of this State and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are

in conflict with or inconsistent with the express provisions of this act.

Exempt from Corporate Securities Act. Stats 1917, p. 673.

SEC. 30. No corporation organized or existing under or by virtue of the terms and provisions of this act shall be subject in any manner to the terms of the Corporate Securities Act of the State as approved May 18, 1917, or as amended, and any and all corporations organized under and by virtue of the terms of this act may and shall issue their membership certificates or stock or other securities as provided herein without the necessity of any permit from the Commissioner of Corporations.

Contracts specifically enforceable.

SEC. 31. A contract entered into by a member or stockholder of a nonprofit cooperative association or corporation, providing for the delivery to such association or corporation of products produced or acquired by the member or stockholder, may be specifically enforced by the association or corporation to secure the delivery to it of such fishery products, any provisions contained in the Civil Code to the contrary notwithstanding.

CHAPTER 816.

An act to amend section 6.273 of the School Code, relating to textbooks.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Sch Code 1929, p. 279. Contracts for use of textbooks, plates, etc

SECTION 1. Section 6.273 of the School Code is hereby amended to read as follows:

6.273. Whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books have been purchased, as hereinbefore provided, the State Board of Education shall enter into a contract for not less than six years nor more than eight years for the use of the same in the elementary day and evening schools of the State, and shall require a good and sufficient bond of the owner or owners of such books, plates, maps, or engravings under a written guarantee that the same shall be kept, revised and free from all errors and up to date as may be required by the State Board of Education.

CHAPTER 817.

An act to repeal section 2.1420 of the School Code, relating to printing and distribution of school laws.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2.1420 of the School Code is hereby repealed. Repeal

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CHAPTER 818.

An act to amend sections 2.878 and 2.881 of Article I, Chapter II, Part II, Division II, of the School Code of the State of California, relating to school district elections.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2.878 of Article I, Chapter II, Part II, Division II, of the School Code of the State of California is hereby amended to read as follows: Stats 1931, p. 2294

2.878. Every elector resident of the school district, who is a qualified elector of the county, and who is registered in the precinct, within the school district, where the election is held at least forty days before the election, may vote thereat. School district elections: Who may vote.

At the time the governing board of any school district calls any election provided for by this code the clerk or secretary of the board shall in writing officially request the county clerk or registrar of voters of the county or city and county within which the school district is situated to furnish said board with a copy of the index of the registration book for each precinct contained in whole or in part in the school district, up to and including forty days previous to said election. Index of registration book

Upon receipt of such request at least twenty days before said election the county clerk or registrar of voters shall forward to the said clerk or secretary of the governing board the number of copies of such index requested; provided, however, such copies of such index shall be supplied from any available copies thereof in the custody of such county clerk or registrar of voters, and in the event that no copies thereof are available then, and in that event, such copies of said index of the registration book or any supplements thereto, shall be prepared by the county clerk or registrar of voters and that the actual expense of the preparation thereof shall be a charge against the school district requiring same.

The governing board of the school district charged with the conduct of carrying on said election, may precinct or subdivide the municipality or territory within which such election Precincts

is to be held, into special or consolidated election precincts for the holding of such election. In establishing such precincts, the said governing board shall number such precincts so established, consecutively, and each precinct so established shall, for the purpose of such election, be known by the number so designated.

Manner of voting

Any elector desiring to vote at said election shall write his or her name and address (or if he or she be unable to write, shall have the same written for him or her) on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the printed index, and it has not been canceled, he shall in like manner repeat the name and address and deliver to the elector a ticket which he shall be allowed to vote.

The election clerk having in charge the copy of the index to the register or affidavits of registration, shall, in like manner, repeat the name and shall write in the ruled space opposite the name, in figures, the line number designating the position of the name of such voter on the roster for each elector who votes.

The said elector shall only be allowed to cast his ballot in the precinct in the district in which his place of residence is located.

Sch Code 1929, p. 78

SEC. 2. Section 2.881 of Article I, Chapter II, Part II, Division II, of the School Code of the State of California is hereby amended to read as follows:

Marking ballots

2.881. In casting his vote the elector must stamp or write a cross (+) in the square space immediately following the name of the candidate for whom he desires to vote, or, should the elector desire to vote for a candidate whose name does not appear on the ballot, he shall himself write the name of said candidate in the space provided for that purpose on the ballot. Where the elector writes the name of a candidate on the ballot he may, but it shall not be necessary for him to designate his vote by writing or stamping a cross (+) after such name. After properly marking his ballot the elector shall hand it to the inspector who shall then, in his presence, deposit the same in the ballot box.

CHAPTER 819.

An act to amend section 5.21 of the School Code, relating to the duties and powers of the State Director of Education.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Stats 1931, p 740

SECTION 1. Section 5.21 of the School Code is hereby amended to read as follows:

5.21. The director shall control and expend all moneys appropriated for the support and maintenance of the teachers colleges, and all moneys received as donations. With the approval of the Director of Education tuition fees and deposits may be required of and collected from students enrolled in State teachers colleges. All fees collected from students in any State teachers college are hereby appropriated for the support of the State teachers college in addition to such other funds as may be appropriated therefor by the Legislature. The total tuition fees charged any such student shall not exceed twenty-five dollars per year or twelve dollars and fifty cents per semester. Whenever any law requiring nonresident students to pay any tuition fee becomes effective no nonresident student shall be required to pay any fee prescribed under the provisions of this section. The Director of Education shall prescribe rules and regulations subject to the approval of and audit by the Department of Finance covering the collection, custody and disposition of any and all moneys collected at any State teachers college.

Control of funds

Appropriation

Tuition fees

CHAPTER 820.

An act to add section 15b to the Bank Act, relating to claims arising out of collection of negotiable instruments by banks.

Stats 1909, p 87, amended

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section to be numbered section 15b is hereby added to the Bank Act to read as follows:

New section

Sec. 15b. Except as herein provided, upon appointment of a receiver or conservator of any State bank, the holder or transferor of a negotiable instrument transferred to such bank for collection shall have a preferred claim in the amount of the liability of such bank on such instrument if such negotiable instrument

Negotiable instrument Holder has preferred claim

(1) is forwarded to such bank by any other bank, firm or individual for collection or remittance, and payment therefor in money or its equivalent in value has not been made;

(2) has been transferred to such bank after the date this act takes effect; and

(3) has been collected either in whole or in part by such bank

The provisions of this section shall not apply to any case where the transferor is a voluntary depositor in the bank and the proceeds of the collection, upon request of the indorser, have been credited by the bank to his account.

CHAPTER 821.

An act to provide for the incorporation and supervision of limited dividend corporations for the purpose of protecting and developing forest and other renewable natural resources.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Corporations for protection of natural resources

SECTION 1. Corporations may be formed under the general corporation laws of this State except as the provisions of such laws are modified or extended by the provisions of this act, for the protection and development of forest and other renewable natural resources.

Articles of incorporation.

SEC. 2. In addition to other requirements prescribed by law, the articles of incorporation must set forth the following:

(a) That one of the purposes for which the corporation is formed is for the protection and development of forest and other renewable natural resources;

Additional provisions.

(b) The par value of all shares of capital stock of the corporation, and all shares must have par value;

(c) All projects for the protection and development of forests or other renewable natural resources undertaken by the corporation shall, at all times, be subject to the supervision and regulation of the State of California through the State Board of Forestry or other appropriate State authority and subject to the provisions of this act.

Dividends, etc.

SEC. 3. No stockholder of any corporation formed hereunder shall receive or accept from the corporation in repayment of his investment in its stock any sum or sums in excess of the par value of the stock together with current dividends of not to exceed seven per cent per annum of the par value thereof and any cumulative dividends to which said stockholder may be entitled.

May borrow from Federal agencies.

SEC. 4. Any corporation formed under this act shall have power and authority and is authorized by the commission to borrow money from or to sell, pledge or discount its securities to the Reconstruction Finance Corporation or any other corporation or agency established under the authority of the United States government.

Approval of State Board of Forestry

SEC. 5. No operation of the company, operating under the provisions of this act, involving the cutting of timber or other work upon forest lands shall be commenced without the approval of the State Board of Forestry. For the purpose of regulating the conduct of such companies the State Board of Forestry shall establish reasonable rules regarding adequate fire protection, protection of timber against infestation of forest insects, protection against tree disease epidemics and provision for natural or artificial reforestation of the areas cut over. The State Board of Forestry is authorized to make

Rules and regulations

such other reasonable rules and regulations regarding the operation of such companies as in its opinion is necessary for the proper preservation or protection of the forests and forest lands of this State.

Examinations and reports

SEC. 6. The Board of Forestry shall make regular examination of the properties of such corporations during the operating season at intervals of not more than two months apart and following such examination a report shall be submitted to the Reconstruction Finance Corporation or other public agency from which loans have been made to the corporation. The cost of such examinations shall be charged to and paid by the company whose property is examined. If in the opinion of the Board of Forestry the plan of forest management is not being adhered to, the board shall notify the lumber operators and the lender of this fact.

Corporations Subject to act.

SEC. 7. Any corporation now formed and operating in or upon forests or forest lands of this State which shall hereafter borrow money from the Reconstruction Finance Corporation or other Federal agency which may succeed or supplant the Reconstruction Finance Corporation for the purpose of conducting lumber operations shall thereupon automatically become subject to the provisions of this act.

Subject to contract provisions.

SEC. 8. The operation of any corporation formed under the provisions of this act shall in addition to other requirements herein set forth be subject to any stipulations or provisions contained in any contract which may be entered into between such corporation and the Reconstruction Finance Corporation or other Federal agency which may have loaned or advanced funds for the operation of such corporation.

CHAPTER 822.

An act to provide for the issuance of duplicates of bonds, warrants, and other evidences of indebtedness of counties and municipal and other public corporations.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

Issuance of new bonds, warrants, etc.

SECTION 1. Whenever it shall be made to appear to the legislative or governing body of any county, city and county, city, town, irrigation district, reclamation district, school district, sanitary district, or other municipal or public corporation, by competent proof, that any bonds, warrants, or other evidences of indebtedness theretofore issued by the county or corporation have been lost or destroyed, it may issue or cause to be issued new bonds, warrants, or other evidences of indebtedness similar to the originals to replace the same, if the owner shall give security to be approved by said body, to indemnify the county or corporation against loss or dam-

age that may be incurred on account of the bonds, warrants, or other evidences of indebtedness so lost or destroyed, and shall pay all cost and expense in connection with the issuance of the new instruments.

Application to superior court

SEC. 2. If said body shall refuse to issue or cause to be issued new instruments to replace those lost or destroyed as above specified, the owner of any bonds, warrants, or other evidences of indebtedness so lost or destroyed, may apply to the superior court of the county or of the city and county in which the municipal or other public corporation is situated for an order requiring said body to show cause why it should not be required to issue or cause to be issued such new instruments.

Procedure

The application shall be by petition, a copy of which shall be served upon the said body not later than ten days prior to the time set for the hearing thereof. The court shall inquire into the truth of the facts stated in the petition and hear the proofs and allegations of the petition in relation thereto, and if satisfied that the petitioner is the lawful owner of the instrument or instruments described in the petition, and that they have been lost or destroyed and can not after due diligence be found, and that no sufficient cause has been shown why new instruments to replace the same should not be issued,

Court order

it shall make an order requiring said body to issue and deliver or cause to be issued and delivered to the petitioner a new instrument or new instruments in place of the lost or destroyed instruments, upon the petitioner giving such security to the said body as the court may direct.

New bonds, etc Contents

SEC. 3. Every instrument and every coupon of any instrument so issued shall state upon its face the number and denomination of the bond, warrant, or other evidence of indebtedness for which it is issued; that it is issued in the place of such instrument claimed to have been lost or destroyed; that it is issued as a duplicate thereof; and that but one is to be paid.

Security

SEC. 4. The security required by this act, duly endorsed as approved, shall be filed in the office of the clerk of the issuing body.

CHAPTER 823.

An act relating to the refunding of bonds of irrigation and reclamation districts, making State assistance available therefor and authorizing the issuance and sale of bonds of the State to provide funds for use in furtherance thereof.

[Approved by the Governor June 10, 1933. Not effective. Validating constitutional amendment failed adoption June 27, 1933.]

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

Enforcement of act

SECTION 1. The California Districts Securities Commission, hereinafter referred to as the commission, in addition to any

other powers and duties imposed upon it by law, is hereby authorized and directed to carry out the provisions of this act.

Employees. SEC. 2. The commission may appoint and prescribe the duties of such employees as it deems necessary to carry out the purposes of this act, and, in accordance with law, it may fix the compensation of such employees. It may adopt such rules and regulations as it deems necessary to carry out the provisions of this act and to properly conduct its affairs.

Rules and regulations.

Cooperation SEC. 3. The commission may call upon any department of the government of the State of California for such assistance, cooperation, information and services as may be legally and appropriately rendered by such departments.

Investigation of applying districts SEC. 4. Upon application of any irrigation or reclamation district organized and existing under the laws of the State of California, the commission shall make a full and thorough investigation of the affairs of the district to determine whether it is desirable and feasible for the State to assist the district in refunding any issue of outstanding bonds thereof.

SEC. 5. Each such investigation shall develop sufficient information to enable the commission to determine the feasibility and economic soundness of the extension of State aid to the district in refunding any issue of its bonds, under the provisions of this act, and the price which it is reasonable for the State to pay for such outstanding bonds.

Expense of investigation The expense of such investigation shall be a charge against the district, but may be refunded to the district by the commission out of any excess interest received by the State on the district bonds over and above the interest paid by the State, after deducting all expenses paid by the commission in making such investigation.

Powers of commission. SEC. 6. In connection with any investigation conducted hereunder, the commission shall have the right to inspect books and records, and the commission or any member thereof shall have power to administer oaths, certify to official acts, issue subpenas for the attendance of witnesses, for the production of papers, books, accounts, documents and testimony, in any part of the State, and exercise all of the powers conferred upon the head of a department by the provisions of section 353 of the Political Code. All of the provisions of said section are incorporated herein with the same force and effect as if herein set forth at length, and wherever in said section the term "head of the department" or similar designation occurs, the same for the purpose of this reference means any member of the commission.

Stats 1921, p. 1022

Findings and recommendations. SEC. 7. Following such investigation, a report thereof shall be filed with the commission, whereupon the commission shall make its findings and recommendations in writing based on such report. A copy of such recommendations and findings shall also be filed in the office of the commission and a copy forwarded to the secretary of the district. The commission, if it finds in favor of the extension of State aid to the district in refinancing of the district hereunder, and if, within a time

to be fixed by the commission, the governing board of the district adopts a plan for the refunding of the outstanding bonds of the district in all respects in conformity to the findings and recommendations pertaining thereto made by the commission, shall give notice by publication in one newspaper of general circulation published in the City and County of San Francisco, one such newspaper published in the city of Oakland, and one such newspaper published in the city of Los Angeles, once a week for two consecutive weeks, that the State offers to purchase all or substantially all of any issue of the outstanding bonds of the district at the price fixed in the report and designated in the notice. The price shall in no instance exceed the par value of the bonds to be so purchased. The bonds shall be deposited in escrow with the State Treasurer, who is hereby authorized to receive and hold the same pursuant to the refunding plan and to issue his receipt therefor in the form of a negotiable certificate of deposit in accordance with said plan. The notice shall designate the time when the bonds may be deposited in escrow and such other matter or information as the commission may determine.

Notice

Escrow deposit.

Refunding agreement.

SEC. 8. The agreement under which the bonds are deposited may contain a provision that the time in which bonds may be deposited may be extended by the commission, and if so, the commission is authorized to extend such time. The commission shall have sole discretion to determine whether or not, within such time, sufficient of the outstanding bonds of the district have been deposited to insure a substantial refunding of the issue proposed to be refunded If the commission so determines, it shall notify the district of the fact.

Issuance of district refunding bonds

SEC. 9. Thereupon the district may proceed with the issuance of refunding bonds of the district, in accordance with the procedure therefor prescribed in the laws applicable to such district, in their present form or as they may hereafter be amended, in so far as consistent with this act. The refunding bonds shall be either serial or sinking fund bonds as required by the commission, payable in not more than forty years from date of issuance, and shall be in such form or forms, and denomination or denominations, and subject to such terms and conditions of issue, conversion, redemption, maturity and payment as the commission shall have prescribed. The commission shall also prescribe the rate or rates of interest and the time or times of semiannual payment thereof. In the case of each issue of refunding bonds, the rate of interest shall be one-fourth of one per cent in excess of the rate on the State bonds issued to provide funds for the purchase of the bonds to be refunded.

Sale of State bonds.

SEC. 10. If, within a time to be specified by the commission after receipt of the notice prescribed in section 8 hereof, the district duly issues and delivers to the commission refunding bonds of the district of the amount and in conformity with the terms and conditions prescribed therefor under the pro-

visions hereof, the commission shall proceed hereunder with the issuance and sale of the requisite amount of bonds of the State to provide funds for the purchase of outstanding bonds of the district and the exchange thereof for said refunding bonds of the district.

Creation of State debt.

SEC. 11. For the purpose of creating a fund to provide for assistance by the State in the refinancing of districts in accordance with the provisions of this act, the commission is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise nor in excess thereof.

Resolution to refinance.

SEC. 12. Whenever district refunding bonds of the requisite amount and character have been delivered by the district to the commission under and in conformity to the provisions of this act and the commission shall have determined that a bond issue under this act is necessary or desirable to carry into execution a plan for the refinancing of said district and the commission shall have adopted a plan in accordance with the provisions hereof, the commission shall adopt a resolution to that effect.

Contents of resolution

SEC. 13. The resolution shall authorize and direct the State Treasurer to prepare the requisite number of suitable bonds and shall specify:

(a) The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued;

(b) The date or dates of maturity of the bonds to be issued, and the numerical sequence of the bonds maturing at each date of maturity; and may in the discretion of the commission specify that such bonds are callable at some date before maturity and at some figure above the par value thereof, upon such notice as shall be prescribed in the resolution;

(c) The annual rate of interest which the bonds to be issued shall bear;

(d) The number, numerical sequence, amount or amounts, and the dates of maturity, of the interest coupons to be attached to the bonds;

(e) The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

State bonds-Maturity.

SEC. 14. In determining the date or dates of maturity of the State bonds and the amount of such bonds maturing at each date of maturity, the commission shall be guided by the amounts and dates of maturity and the receipts estimated to accrue to the State from the refunding bonds of the district or districts to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on said bond issue, they shall coincide as nearly as practicable with the dates and amounts of such estimated receipts; provided, that the bonds last to mature in each issue shall mature not later than forty years from the date of issuance.

Interest.

SEC. 15. The rate of interest to be borne by said State bonds shall be uniform for all the bonds of the same issue and shall be fixed by the commission according to the then prevailing market conditions, but shall in no case exceed five per cent per annum. The determination of the commission as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the bonds shall be payable at semiannual intervals from the date of issuance of the bonds, but the interest coupons first payable may, if the commission so determines and specifies, be payable one year after the date of issuance of the bonds.

Preparation.

SEC. 16. Immediately after the adoption of any such resolution by the commission, the State Treasurer shall prepare the requisite number of suitable bonds in accordance with the specifications contained in the resolution.

Signatures, etc.

SEC. 17. All bonds of the State issued under this act shall bear the facsimile signature of the Governor, the facsimile countersignature of the Controller, and shall be endorsed by the State Treasurer either by original signature or by a signature stamp adopted for the particular bond issue. The bonds shall be signed, countersigned and endorsed by the officers who are in office at the date of issuance thereof, and each shall bear the impress of the great seal of the State of California. The bonds so issued shall bear interest from the date of issuance to the date of maturity thereof at the rate determined by the commission and specified in such resolution, but in no case exceeding five per cent per annum. Both principal and interest shall be payable in gold coin of the United States of the present standard of value, at the office of the State Treasurer or at the office of any duly authorized agent of the State Treasurer, and shall be so payable at the times specified in the resolution.

The bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and indorsed said bonds or any or either of said officers shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning or indorsing the same.

Interest ceases after maturity.

SEC. 18. Each bond of the State issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the commission by virtue of which the bond is issued.

Interest coupons.

SEC. 19. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond of the State issued under this act. The interest coupons shall bear the facsimile signature of the State Treasurer who is in office on the date of issuance of the bonds to which the coupons pertain.

Sale of State bonds

SEC. 20. When bonds of the State authorized to be issued under this act are duly executed, they shall be sold at public auction by the State Treasurer to the highest bidder for cash, in such parcels and numbers as the commission shall direct. The State Treasurer must reject any and all bids for such bonds or any of them which are below the par value of the bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. He may with the approval of the commission, and at its direction shall from time to time, by public announcement, at the time and place fixed for the sale, continue the sale as to the whole or any part of the bonds offered to such time and place as he may select. Before offering any of the bonds for sale he shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Notice of sale.

SEC. 21. Due notice of the time and place of sale of all bonds issued by the State hereunder must be given by the State Treasurer by publication in one newspaper of general circulation published in the City and County of San Francisco, in one such newspaper published in the city of Oakland and in one such newspaper published in the city of Los Angeles, once a week during four weeks prior to such sale. In addition to such notice, he may give such further notice as he deems advisable, but the cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

Proceeds of sale.

SEC. 22. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by the State Treasurer into the district finance fund, which fund is hereby created, and must be used exclusively in assisting in the refunding of district bonds in accordance with the provisions of this act; except, that the proceeds from the sale of the bonds may be used to pay the debt created by the issuance and sale thereof.

District finance fund created

Limitation of total debt.

SEC. 23. The aggregate par value of all bonds issued under this act shall not exceed the sum of fifty-five million dollars.

State bonds. Payment and cancellation.

SEC. 24. All bonds of the State issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall on the respective dates of their maturity, or as soon thereafter as said bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor, as provided in section 28 hereof, and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the respective dates of maturity, cancel all bonds of the State bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such payment and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds of the State authorized by this act to be issued and shall be appli-

cable, as far as practicable, to any duly authorized agent of the State Treasurer.

Appropriation.

SEC. 25. There is hereby appropriated from the general fund in the State treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act as said principal and interest become due and payable.

Collection of additional revenues

SEC. 26. There shall be collected annually, in the same manner and at the same time as other State revenue is collected, such a sum, in addition to the ordinary revenues of the State, as will be required to pay the principal and interest on said bonds of the State as herein provided. It is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

Transfers to general fund.

SEC. 27. On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the State treasury all moneys in the specific fund into which the proceeds from the sale of said bonds of the State have been covered as herein prescribed, not in excess of the principal of and interest on said bonds then due and payable. If such moneys so returned on said dates of maturity are less than the principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the State treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the rate of four per cent per annum.

State bonds: Payment.

SEC. 28. Both principal and interest of said bonds of the State shall be paid when due, upon warrants duly drawn against said appropriation from the general fund by the Controller of the State in favor of said Treasurer or in favor of any duly authorized agent of the State Treasurer, upon demands audited in accordance with law. The moneys to be returned into the general fund pursuant to the provisions of section 27 hereof shall likewise be paid as herein provided upon warrants duly drawn by the State Controller upon demands duly audited in accordance with law.

Refunding procedure.

SEC. 29. Whenever bonds of the State in the requisite amount have been issued and sold and the proceeds thereof deposited in the district finance fund in accordance with the provisions hereof, the commission shall consummate the purchase of the outstanding bonds of the district in not less than the amount theretofore fixed by the commission, payment to be made in accordance with law upon warrants of the State Controller duly drawn upon the district finance fund upon requisition of the commission. Upon consummation thereof, the commission shall cancel the district bonds so purchased and return the canceled bonds to the district, and shall lodge the requisite amount of refunding bonds of the district with the State Treasurer. The State Treasurer with the approval

of the commission may, if he deems it for the best interests of the State, sell such refunding bonds at not less than par at public or private sale. All moneys received from the sale of such bonds and all payments upon account of interest or principal of any such district refunding bonds, as and when received, shall be paid into the State treasury to the credit of the district finance fund.

Issuance of additional district bonds unlawful

SEC. 30. It shall be unlawful for any district, the bonds of which have been refunded in accordance with the provisions of this act, to issue any additional bonds so long as any of the refunding bonds so issued remain outstanding, without the consent of the commission. Whenever any district shall have outstanding any of the bonds issued pursuant to this act, such district shall render such reports to the commission as the commission shall from time to time require and if, at any time. the governing board of any district shall fail or neglect to levy any assessment and/or make any call thereof necessary to be made in order to carry out any provision of this act, the commission shall have and is hereby expressly given all of the respective powers of the district and/or county officials in the matter of levying, calling and/or collecting such amount.

Appropriation.

SEC. 31. Out of any money in the State treasury not otherwise appropriated, the sum of ten thousand dollars is hereby appropriated to be expended in accordance with law in carrying out the provisions of this act. Of said sum, not exceeding five thousand dollars may be used to pay the expenses of the State Treasurer in preparing and advertising bonds of the State issued hereunder, the amount so used to be refunded to the general fund in the State treasury out of the specific fund into which the proceeds of such bonds are covered, on Controller's warrants drawn for this purpose. The balance of said sum shall be available for administrative expenses alone until such time as other moneys are available for such purposes derived from the excess of interest on district refunding bonds over the amount of interest on bonds of the State issued hereunder. The excess of interest received by the State on refunding bonds over the interest paid by the State on State bonds issued under this act is hereby appropriated and may be used for the support of the commission. In paying expenses of the commission the Controller shall resort, first, to such excess moneys and, second, to any funds appropriated from the general fund for the support of the commission.

Short title.

Ch. 67 of Res., Stats 1933.

SEC. 32. This act shall be known as the "District Finance Act of 1933," and shall take effect upon the adoption by the people of the State of California of an amendment to the Constitution of the State approving and ratifying this act.

CHAPTER 824.

An act to add section 386 to the Political Code, relating to the secretaries of the Governor.

[Approved by the Governor June 10, 1933 In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 386 and to read as follows:

Governor's employees.

386. In addition to such other assistants and employees as are provided by law, the Governor shall have power to employ the following: (1) At his Los Angeles office, one stenographer whose compensation shall be two thousand one hundred dollars per annum; (2) at his San Francisco office, one stenographer whose compensation shall be one thousand eight hundred dollars per annum; (3) at his San Francisco office, one office assistant in charge whose compensation shall be two thousand four hundred dollars per annum.

The salaries of such assistants and employees shall be paid at the same time and in the same manner as the salaries of State officers.

CHAPTER 825.

An act to repeal sections 1120 to 1140 inclusive of the Fish and Game Code, relating to the State Fish Exchange, and disposing of the property and funds thereof.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

NOTE.—For affected sections of Fish and Game Code, see Stats. 1933, Ch. 73.

Transfer of property, etc.

SEC. 2. Immediately after the date upon which this act becomes effective, the Department of Agriculture shall take control of and preserve all books. papers, and records of the State Fish Exchange, and shall take possession and control of all other equipment and supplies of the State Fish Exchange.

Transfer of funds

Stats 1917, p 1673.

SEC. 3. All moneys in the Department of Agriculture fund which have accrued to said fund under the provisions of chapter 803, Statutes of 1917, shall be transferred to the Division of Fish and Game of the Department of Natural Resources and shall be expended by said division in accordance with law during the eighty-fifth and eighty-sixth fiscal years in educational and publicity campaigns for the purpose of increasing the consumption of fresh food fish, and of enabling the public to obtain fish at reasonable prices.

CHAPTER 826.

An act to amend section 172 of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain State buildings and grounds.

[Approved by the Governor June 10, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 172 of the Penal Code is hereby amended to read as follows:

Stats 1915, p. 1451. See Stats 1933, Ch 1023

Sale of liquors near university, etc, prohibited

172. 1. Every person who, within half a mile of the land belonging to this State upon which any State prison, or within one thousand nine hundred feet of the land belonging to this State upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of the lands occupied by any home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this State, or by the United States within this State, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any spirituous, vinous or alcoholic liquors, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than fifty days or by both such fine and imprisonment, in the discretion of the court.

License deemed prima facie evidence

2. The possession by a person, within the distances mentioned in paragraph one of this section of any State prison, reformatory, grounds belonging to the University of California at Berkeley, University Farm at Davis, or of the land on which is located the Veterans' Home at Yountville, Napa County, California, or any home, retreat or asylum for ex-soldiers or sailors, and marines of the Army and Navy of the United States, within the State Capitol, or within the grounds adjacent and belonging thereto, of a license for the sale of spirituous, vinous or malt liquors issued under and by the authority of the government of the United States shall, in any prosecution under paragraph one of this section, be deemed to be prima facie evidence of the violation of the provisions of paragraph one of this section.

Legal beer excepted.

3. Except within the distances of the grounds belonging to the University of California at Berkeley or within the limits of the grounds adjacent and belonging thereto, or within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision one of this section,

the provisions hereof shall not apply to the sale, gift, or exposing or offering for sale of beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of one per cent or more of alcohol by volume and not more than three and two-tenths per cent of alcohol by weight.

CHAPTER 827.

An act to amend sections 410, 780 and 782 and repeal section 781 of the Political Code, relating to the laws, resolutions and journals of the Legislature and to the bound volumes of Decisions of the Supreme Court and District Courts of Appeal.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1329

SECTION 1. Section 410 of the Political Code is hereby amended to read as follows:

Distribution of laws, etc

410. The laws, resolutions and journals of the Legislature shall be delivered by the State Printer to the Secretary of State, who shall immediately distribute them as follows:

1. To the Library of Congress, three copies.

2. To the State Library or other library or department in each State, authorized to receive them, one copy.

3. To the Lieutenant Governor, each member of the Legislature, the Secretary of the Senate and the clerk of the Assembly, one copy each.

All other copies of the laws, resolutions and journals shall be sold by such price as may be fixed by the Department of Finance.

Code Amdts. 1873-4, p. 68.

SEC. 2. Section 780 of the Political Code is hereby amended to read as follows:

Contract for printing court decisions.

780. The contract must require the publisher to print and publish each volume in the style required by section 777 within sixty days from the time at which the manuscript is delivered by the reporter to sell copies to the State for official use only at the price fixed in the contract and to keep on hand and for sale at the price stipulated in the contract, a sufficient number of each volume to supply all demands for six years from the publication thereof, and to give bonds for the fulfillment of the terms of the contract, in the sum of ten thousand dollars.

Repeal

SEC. 3. Section 781 of the Political Code is hereby repealed.

Code Amdts. 1873-4, p. 68.

SEC. 4. Section 782 of the Political Code is hereby amended to read as follows:

Proceedings if no contract made.

782. If, after advertising as required by section seven hundred seventy-nine, no proposals are received by the Secretary of State, agreeing to print, publish, and sell said volumes

at a price not exceeding four dollars per volume, then the State Printer must print and bind twelve hundred copies of each volume, and deliver to the Secretary of State all the copies printed by him; and the Secretary of State must keep the copies of the edition on sale at four dollars per volume, at retail, and at such wholesale price as may be fixed by the Governor, Controller, and Secretary of State, and must, at the end of each month, pay into the State treasury the proceeds of all sales made by him.

Sale of copies.

The Secretary of State may sell for official use only at not less than the cost thereof copies of the bound volumes of the Decisions of the Supreme Court, and of the District Courts of Appeal as may have been purchased under the provisions of section 780 of the Political Code.

CHAPTER 828.

An act to amend sections 5.720 and 5.790 of the School Code, relating to leaves of absence of employees of school districts.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 5.720 of the School Code is hereby amended to read as follows:

Sch. Code 1929, p 249.

5 720. Governing boards of school districts shall have power to grant leaves of absence to persons employed in positions requiring certification qualifications.

Leaves of absence.

SEC. 2. Section 5.790 of the School Code is hereby amended to read as follows:

Sch. Code 1929, p. 252

5.790. Governing boards of school districts shall have power to grant leaves of absence to persons employed in positions not requiring certification qualifications.

Leaves of absence.

CHAPTER 829.

An act to amend sections 4.347, 4.349, and 4.350 of the School Code, relating to requisitions on school district funds.

[Approved by the Governor June 12, 1933. In effect August 21, 1933]

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

SECTION 1. Section 4.347 of the School Code is hereby amended to read as follows:

Stats. 1931, p 2426.

4.347. The order of the governing board of the school district when signed by at least a majority of the members of

Issue of order for payment of funds.

the board of trustees or by the official or officials authorized to sign orders for the board of education, shall be transmitted to the county superintendent of schools who shall, in case he approves such order, indorse upon it, "examined and approved," and shall, in attestation thereof, affix his signature thereto, and shall number and date the order.

Sch. Code 1929, p. 168.

SEC. 2. Section 4.349 of the School Code is hereby amended to read as follows:

Allowance of order

4.349. The county superintendent of schools, after examining and approving any order shall transmit the same directly to the county auditor, who after allowing such order shall return the same to the county superintendent of schools, who shall thereupon return said order to the governing board of the school district, which shall issue said order to the claimant or to his order.

Stats 1931, p 2426.

SEC. 3. Section 4.350 of the School Code is hereby amended to read as follows:

Requisition and warrant.

4.350. The order when so approved and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this article.

CHAPTER 830.

An act to repeal sections 5.361 and 5.635 of the School Code, to add section 5.354 thereto and to amend section 5.362 thereof, all relating to the disposition of fees received by county superintendents of schools for the issuance of kindergarten, elementary, high school and junior college certificates.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Repeals

SECTION 1 Sections 5.361 and 5.635 of the School Code are hereby repealed.

Sch Code 1929, p 234

SEC. 2. Section 5.362 of the School Code is hereby amended to read as follows:

Disposition of fees

5.362. All money received by the county superintendent of schools as fees for the issuance of kindergarten and elementary school certificates shall be paid by him into the county treasury to the credit of the unapportioned county elementary school fund, and all fees received by him for the issuance of high school and junior college certificates shall be paid by him into the county treasury to the credit of the unapportioned county high school fund.

New section.

SEC. 3. Section 5.354 is hereby added to the School Code to read as follows:

Fee prohibited, when

5.354. No fee can be charged by the State Board of Education for renewal of a credential to an unemployed teacher

during the period beginning July 1, 1933, and ending July 1, 1935.

CHAPTER 831.

An act to amend sections 2.676, 2.680 and 2.1145 of the School Code, and to repeal section 2.677 thereof, all relating to junior college districts.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 2.676 of the School Code is hereby amended to read as follows: Stats. 1931, p. 2585.

2.676. If the State Board of Education shall approve the petition, it shall within thirty days thereafter notify the superintendent of schools of the county within which the greatest area of the proposed junior college district will lie. Notification of superintendents

SEC. 2. Section 2.680 of the School Code is hereby amended to read as follows: Stats. 1931, p. 2585

2.680. Within thirty days after receiving such notice the superintendent of schools of the county within which the greatest area of the proposed junior college district will lie, shall call an election to be held in every elementary district in the proposed junior college district at the same time that the next annual election for school trustees is held, and the officers of the election for school trustees shall conduct the election provided for in this article. Time of election

SEC. 3. Section 2.1145 of the School Code is hereby amended to read as follows: Sch. Code 1929, p. 90.

2.1145. At the first regular annual election of members of the junior college board of a junior college district, one member of the board shall be elected to hold office from the day of receiving his certificate of election until the first day of May next succeeding; two members of the board shall be elected to hold office from the day of receiving their certificates of election until the first day of the second succeeding May, and two members of the board shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. Thereafter each of their successors shall be elected for a term of three years in the manner provided for in this article. Terms of board members.

SEC. 4. Section 2.677 of the School Code is hereby repealed. Repeal.

CHAPTER 832.

An act to amend the title and section 1 of chapter 379, Statutes of 1913 entitled "An act to provide for the instruction of blind students in certain State institutions," Stats. 1913, p. 806, amended.

approved June 13, 1913, relating to the instruction of blind persons.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Title.

SECTION 1. The title of chapter 379, Statutes of 1913, entitled "An act to provide for the instruction of blind students in certain State institutions," approved June 13, 1913, is hereby amended to read as follows:

An act to provide for the instruction of blind students in universities and colleges.

Stats. 1913, p. 806.

SEC. 2. Section 1 of Chapter 379, Statutes of 1913, is hereby amended to read as follows:

Instruction of blind students in universities and colleges.

Section 1. Whenever one or more blind persons with the approval of the principal of the California School for the Blind and with the proper educational and moral qualifications shall regularly matriculate, enter and work for a degree, or for a diploma of graduation, in any university, college or State teachers college in California, the Director of Education is hereby authorized, to provide from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist such blind person in his studies; provided, however, that no more than three hundred dollars per annum shall be expended for the instruction of any one student.

CHAPTER 833.

Stats 1929, p. 309,* repealed.

An act to repeal sections 5.630 to 5.634, inclusive, of the School Code and to repeal an act entitled "An act providing for annual conventions of secondary school principals," approved April 12, 1929, relating to secondary school principals' conventions.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Repeals.

SECTION 1. Sections 5.630 to 5.634, inclusive, of the School Code are hereby repealed.

Repeal.

SEC. 2. An act entitled "An act providing for annual conventions of secondary school principals;" approved April 12, 1929, is hereby repealed.

* Page reference is to 1929 School Code.

CHAPTER 834

An act to add a new section to the School Code to be numbered 5.27, relating to cooperative stores on the campuses of the State teachers colleges.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. A new section is hereby added to the School Code to be numbered 5.27, and to read as follows: New section

5.27. The Director of Education is hereby empowered to rent, in the name of the State of California, any space in the buildings of any State teachers college not needed for other authorized purposes, to any organization composed entirely of students attending the college and/or members of the faculty thereof for the purpose of establishing and maintaining cooperative stores on the campus of the colleges for the sale of materials and supplies required by students in the classes of the college and such activities of the college as may be approved by the Director of Education, after a survey of the conditions, and a public hearing in the community where it is proposed to locate the store. The Director of Education shall fix such rental as shall be reasonable. Cooperative stores

The rental fixed by the Director of Education shall be transmitted monthly to the State Treasurer to be placed to the credit of the general fund. Rental

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CHAPTER 835.

An act relating to the redemption of property sold to irrigation districts for delinquent assessments.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. In all cases where land has been sold to an irrigation district prior to April 1, 1933, for any delinquent irrigation district assessment and the district still holds the certificate of sale, and a deed for the land has not been taken by the district at any time prior to redemption of the land as provided by law, or by this act, the owner of said land may, notwithstanding any of the provisions of sections 43 and 46 of the California Irrigation District Act, or the provisions of any other section or sections of said act or the provisions of the Palo Verde Irrigation District Act, as amended, redeem the same by the payment in four equal annual installments plus seven per cent interest on all unpaid assessments from the date of sale to the date of redemption. The first install- Redemption of delinquent property sold to irrigation districts

Stats 1897, p 254

Stats 1923, p 1067

ment to be paid on or before March 1, 1934, and each succeeding installment on or before March first of the year in which such installment is due. No other amount shall be required to be paid in order to effect such redemption either by way of penalties for delinquencies, redemption penalties or costs. This act is not intended to repeal or modify any of the provisions of the California Irrigation District Act, nor any of the provisions of the Palo Verde Irrigation District Act, as amended, except as to those sales for delinquent assessments made prior to April 1, 1933.

Applicability of other provisions.

SEC. 2. In the event that such property is not redeemed in accordance with section 1 of this act such property can be redeemed only in accordance with the provisions of law which would govern the redemption of such property but for the provisions of this act, and any moneys paid pursuant to the provisions of section 1 of this act shall be credited on the amount necessary for redemption.

Effect of act.

SEC. 3. This act shall not be construed to affect taxes accruing after April 1, 1933, on any property subject to the provisions of this act.

Emergency.

SEC. 4. The Legislature hereby declares that a public emergency of grave character now exists which requires the enactment of the foregoing legislation under the exercise of the police power of the State and in order to conserve the public welfare.

The following is a statement of facts constituting the emergency:

Due to the agricultural depression which has existed for the past several years, many landowners in irrigation districts in the State have been unable to meet their annual taxes and assessments with the result that their land has been sold to the district. The heavy penalties necessary to be paid as now provided by law, and which continually increase, makes it impossible for the landowner to redeem his land and thousands of landowners are now threatened with the loss of their land. If the land is not redeemed and it is deeded to the district, it then becomes nonassessable for district purposes, and the burden becomes all the heavier on the other landowners in the district, causing more delinquency and loss. The Legislature hereby declares that the welfare of the State requires that the landowner in these districts be not dispossessed of his land, and that the land be redeemed so as to thenceforth bear its just proportion of taxation.

CHAPTER 836.

Stats. 1905, p. 535, amended

An act to amend sections 1, 2, 3, 4, 7, 11, 12, 13, 15 and 17 and to repeal section 3½ of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof;

and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to the practice of pharmacy.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows: Stats 1927, p 1032

Section 1. From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist, or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drug store," "drugs," or any of these words shall be deemed a "pharmacy" within the meaning of this act, and no store or shop shall use the word drug or drugs in any advertisement, or display unless a licentiate is in charge. Drugs to be sold, etc., only by pharmacists

SEC. 2. Section 2 of said act is hereby amended to read as follows: Stats 1927, p 154

Sec. 2. Any person in order to become a registered pharmacist must be a licentiate in pharmacy or a practicing pharmacist. Practicing pharmacists are persons who at the passage of this act are registered as such, and who shall on or before the first day of July, 1928, have paid to the California State Board of Pharmacy all moneys due for renewal of registration as required by section 9 of this act. Qualifications. Practicing pharmacists

An applicant for registration as a registered pharmacist must be at least twenty-one years of age, and of good moral character and temperate habits, and must be a citizen of the United States, or if eligible for such citizenship and not a citizen of the United States must have filed and proven his or her intention of becoming such; and provided further, if citizenship is later denied to any person registered under this act, then such denial of citizenship shall automatically cancel all such registration and privileges. Applicants

SEC. 3. Section 3 of said act is hereby amended to read as follows: Stats 1929, p 235

Sec. 3. Licentiates in pharmacy are persons who are registered as such on or before the first day of January, 1928, Licentiates

and who shall on or before the first day of July, 1928, have paid to the California State Board of Pharmacy all moneys due for renewals of registration as provided for in section 9 hereof, or are such other persons as shall be registered in accordance with the classes provided by this section.

Proof of qualifications. Proof of the qualifications for registration in these several classes must be made to the satisfaction of the California State Board of Pharmacy, substantiated by such affidavits or other evidence as may be required by said board.

Pharmaceutical experience. Pharmaceutical experience as used in this act shall mean service and experience obtained after the applicant's fifteenth birthday, in a pharmacy under the personal supervision of a registered pharmacist or licentiate in pharmacy, and which shall be service and experience predominantly related to the selling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under State and Federal statutes; provided, however, that time spent attending a school or college of pharmacy or a department of pharmacy of a university shall be counted the equivalent of pharmaceutical experience as defined in this act; and provided further, that no applicant shall count as experience both college attendance and drug store experience for the same calendar month as more than the actual calendar month; and provided further, that not more than thirty months of pharmacy college attendance shall be counted toward required experience.

Graduation. Graduation from a school or college of pharmacy or a department of pharmacy of a university after January 1, 1928, shall not be recognized by the California State Board of Pharmacy unless said school or college of pharmacy or pharmacy department of a university requires in its course a minimum of two thousand two hundred fifty hours in pharmaceutical work which includes nine hundred hours of laboratory work predominantly related to pharmaceutical chemistry for graduation.

Registration, to whom granted. Registration as a licentiate in pharmacy shall be granted by the California State Board of Pharmacy to the following classes of persons: Class one, class two, class three, and class four.

Class one. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall have passed a written examination to the satisfaction of and before the California State Board of Pharmacy, who shall have had four years pharmaceutical experience as defined in section 3 of this act, who shall have been registered as an assistant pharmacist in this State for a period of not less than one year and who shall have graduated from a school or college of pharmacy or department of pharmacy of a university recognized by the California State Board of Pharmacy.

Class two. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in

section 2 hereof appearing in person before the California State Board of Pharmacy who shall have been registered by examination as a licentiate in pharmacy or a registered pharmacist in any other State or Territory or the District of Columbia; provided, however, such State or Territory of the United States or the District of Columbia must be one which reciprocally grants registration without examination to persons who have been registered in the State of California as licentiates in pharmacy under the terms and conditions similar to those required in this class, who shall have graduated from a school or college of pharmacy or a department of pharmacy of a university recognized by the California State Board of Pharmacy who shall have had four years of pharmaceutical experience as defined by section 3 of this act.

Class three. Registration as a licentiate in pharmacy shall be granted to any person who shall have been registered as a licentiate in good standing in another State or Territory of the United States or District of Columbia, graduated from a recognized school or college of pharmacy or department of pharmacy of a university, and who shall have had not less than four years actual experience in the practice of pharmacy as defined in section 3, and upon passing a satisfactory written examination before the Board of Pharmacy of this State.

Class four. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall be registered as an assistant pharmacist in the State of California, prior to January 1, 1934, who shall have passed a written examination to the satisfaction of the California State Board of Pharmacy, who shall have had five years of pharmaceutical experience as defined by section 3 of this act, who shall have been registered as an assistant pharmacist for a period of two years prior to his or her application for examination as a licentiate in pharmacy.

Repeal

SEC. 4. Section 3½ of said act is hereby repealed.

Stats 1927, p 154.

SEC. 5. Section 4 of said act is hereby amended to read as follows:

Assistant pharmacists.

Sec. 4. Registered assistant pharmacists are persons who are registered as such on or before the first day of January, 1928, and who on or before the first day of July, 1928, shall have paid to the California State Board of Pharmacy all moneys due for renewal of registration as required by section 9 of this act, or are such other persons as shall be registered in accordance with the provisions of this section.

Applicants

An applicant for registration as registered assistant pharmacist must be at least twenty years of age and of good moral character and temperate habits and must be a citizen of the United States, or if not a citizen of the United States must have filed and proven his or her intention of becoming such; and provided further, if citizenship is denied to any person registered under this act, then such denial of citizenship shall automatically cancel all such registration and privileges.

Registration, to whom granted

Registration as an assistant pharmacist shall be granted by the California State Board of Pharmacy to the following classes of persons: Class A

Class A. Registration as an assistant pharmacist shall be granted to any person otherwise qualified as provided in section 4 hereof who shall have passed a written examination to the satisfaction of the California State Board of Pharmacy, who shall have had three years pharmaceutical experience as defined by section 3 of this act, who shall have satisfactorily completed at least one-half of the course required for graduation in a school or college of pharmacy or a department of pharmacy of a university recognized by the California State Board of Pharmacy.

Proof.

Proof of qualification for registration under this section shall be made in the same manner as proof for registration as a licentiate in pharmacy under section 3 hereof, and pharmaceutical experience as used in this section shall be defined the same as pharmaceutical experience required for a licentiate in pharmacy as defined in section 3 hereof.

Stats. 1927, p 1032

SEC. 6. Section 7 of said act is hereby amended to read as follows:

Meetings of board

Sec. 7. Four members of the board shall constitute a quorum. They shall hold a meeting at least once in every four months.

Powers and Duties of the Board.

Powers and duties

Subdivision 1. The State Board of Pharmacy shall have power:

By-laws and regulations.

(a) To make such by-laws and regulations, not inconsistent with the laws of this State, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the sale of drugs and medicines by or through any mechanical device.

Complaints

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia or National Formulary.

Inspection.

(f) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores, or places in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

Registration

(g) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, under this act,

shall pay the following fees therefor to the secretary of the Board of Pharmacy. Every applicant for registration shall pay a fee of ten dollars on filing his or her application, which shall be compensation to the Board of Pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration by interchange is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay the additional sum of five dollars upon the issuance of certificate; all applicants for examination as assistant, if found satisfactory by the board, shall be entitled to their certificate without further fee; and provided further, that an applicant for registration by interchange may at his or her option be examined as a licentiate without further fee for application.

New certificates

(h) In the event any person having registered shall have lost his or her certificate, or the same has been destroyed, or if he or she desires the renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; provided further, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of same shall be issued; and provided further, that the board shall have the power to require satisfactory evidence from the applicant of the loss or destruction of the certificate; and provided further, that where the applicant is delinquent for the annual dues required by this act then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a reissue of the certificate in this subdivision provided for.

Revocation of licenses.

(i) To provide by proper rules and regulations for the temporary or permanent revocation by said board, of licenses issued under the provisions of this act: whenever the holder of such license shall have made false affidavits in reference to his experience or the experience of any other person applying for registration or shall be guilty of habitual intemperance or addicted to the use of narcotic drugs or shall have been convicted of a felony or embezzlement or larceny subsequent to the procuring of his or her license in any court having legal jurisdiction.

Stats 1927, p. 154

SEC. 7. Section 11 of said act is hereby amended to read as follows:

Filing prescriptions.

All prescriptions filed by a duly registered pharmacist must be kept on file and open for inspection by duly constituted authorities for a period of at least two years, and any person who shall wilfully fail to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The State Board of Pharmacy may at any time, when in their judgment it appears advisable,

Investigations

deputize one of their members, or any other competent person, to investigate any suspected violation of any of the provisions of this act, and, if the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this act.

Stats 1929, p 235.

SEC. 8. Section 12 of said act is hereby amended to read as follows:

Fraudulent registration

Penalty

Compounding and sale of drugs by nonregistered persons.

Penalty.

Disposition of fines.

Cancellation of registration

Inapplicable to physicians and wholesalers.

Sec. 12. Any person who shall attempt to secure, or secures registration for himself or any other person under this act by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars, or by punishment for a term not exceeding fifty days, or by both such fine and imprisonment. Any person who shall permit the compounding of prescriptions of medical practitioners, or the selling of drugs and medicines in his or her store or pharmacy, except by a registered pharmacist, or registered assistant pharmacist, unless the same is expressly permitted by law, or any person violating any of the provisions of this act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment of not exceeding fifty days, or by both such fine and imprisonment. All fines recoverable under this act shall be paid by the magistrate receiving the same to the State Board of Pharmacy. Any person convicted of violating the provisions of this act the third time shall in addition to the penalties hereinbefore mentioned have his or her registration as a pharmacist canceled by the magistrate passing sentence upon the third conviction; provided, however, that any person having his or her license so canceled may, after the expiration of one year thereafter, make a new application for registration to the California State Board of Pharmacy. The board may refuse to register such applicant, or may register such applicant upon examination, or upon such terms and conditions as the board may prescribe. Nothing in this act shall apply to or interfere with any one who holds a physician's and surgeon's certificate who is duly registered as such by the State Board of Medical Examiners or the State Board of Osteopathic Examiners of this State, with supplying his own patients as their physician, and by them employed as such, with such remedies as he may desire, and who does not keep a pharmacy, open shop, or drug store, advertised or otherwise, for the retailing of medicines or poisons, nor does this act apply to the exclusively wholesale business of any dealer. Nor does this act apply to registered, trade-marked, or copyrighted proprietary medicine, registered in the United States Patent Office, but does apply to the sale by or through any mechanical device, of drugs, medicines and proprietary medicines registered or trade-marked in the United States Patent Office. Nor

does this act apply to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in the State of California, for which trade-marks may have been filed with the Secretary of State of California, by merchants possessing a license issued by the Board of Pharmacy as described in section 16 of this act. Proprietary medicines

SEC. 9. Section 13 of said act is hereby amended to read as follows: Stats 1909, p 1013

Sec. 13. Any proprietor of a pharmacy, who shall fail, or neglect to place in charge of such pharmacy a registered pharmacist, or any proprietor, who shall by himself, or any other person, permit the compounding of prescriptions, or the vending of drugs, medicines or poisons, in his or her store, or place of business, except by a registered pharmacist, or registered assistant pharmacist, or any person not being a registered pharmacist, who shall take charge of, or act as manager of any pharmacy, or store, or who not being a registered pharmacist or registered assistant pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty dollars ($20) and not more than one hundred dollars, or by imprisonment for a term of not exceeding fifty days, or by both such fine and imprisonment. Registered pharmacist must be in charge; Penalty

SEC. 10. Section 15 of said act is hereby amended to read as follows: Stats 1927, p 154

Nothing contained in this act shall affect the registration already granted to aliens, as either registered pharmacists, licentiates in pharmacy or registered assistant pharmacists, neither shall anything contained in this act affect any pending legislation or prosecution, either civil or criminal, instituted before the passage of this act, but the same may be asserted, enforced or prosecuted as fully and to the same extent as if this amendatory act had not been passed Aliens; Pending prosecutions

SEC. 11. Section 17 of said act is hereby amended to read as follows: Stats 1907, p 766

Sec. 17. It shall be the duty of the owner or manager of any drug store or other store retailing drugs, medicines or poisons when called upon by an officer, or by a member of the Board of Pharmacy, or a duly authorized inspector, to furnish said officer, member of the Board of Pharmacy or duly authorized inspector with the names of the owner or owners or manager or managers and employees together with a brief statement of the capacity in which said persons are employed in said stores. Any person refusing to furnish the information, or wilfully furnishing information that is false or untrue shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment for not less than ten days and not more than thirty-five days, or by both such fine and imprisonment. Information to be furnished; Penalty

CHAPTER 837.

Stats. 1927, p. 1351, amended

An act to amend sections 7 and 8 of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved May 24, 1927, Statutes of 1927 p. 1351, and relating to bonds to be issued, and providing for abandonment of proceedings and payment of the expenses thereof.

[Approved by the Governor June 12, 1933 In effect August 21, 1933]

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

Stats. 1927, p. 1351.

SECTION 1. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Bonds

Sec. 7. Said legislative body shall, subject to the provisions of this act, prescribe the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable in the following manner:

Manner of payment

A part, to be determined by said legislative body, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year, on a day and date, and at a place to be fixed by said legislative body and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid; provided, however, that said legislative body may in its discretion determine and fix a date for the earliest maturity of the principal of such bonds, not more than ten (10) years from the date of the issue of such bonds, but in this event the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of contracting the same.

Contents of bonds

The bonds shall be issued in such denomination as said legislative body may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum per annum, and shall be paid semiannually; and said bonds shall be signed by the chief executive of the municipality, or by such other officer thereof as the legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose, and also signed by the treasurer thereof, and shall be countersigned by the clerk. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of such municipality by his engraved or lithographed signature. In case any such officers, whose signatures or countersignatures appear on the

bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

Redated bonds.

At any time prior to the sale of said bonds and notwithstanding the fact that a tax may have been levied to pay principal and interest or principal or interest of any of said unsold bonds, the said unsold bonds may be redated and the maturities, denominations, form, interest rate or any thereof may be changed, and, after such changes are made, the bonds issued pursuant thereto may be sold; provided the interest rate of the bonds shall not exceed the rate authorized at the election. If a tax has theretofore been levied to pay principal and interest or principal or interest of any of said unsold bonds, the said tax, when collected, shall be used to pay the principal and interest or principal or interest of the bonds actually issued and sold.

Stats 1927, p 1351.

SEC. 2. Section 8 of the act cited in the title hereof is hereby amended to read as follows:

Sale of bonds

Sec. 8. Said legislative body may issue and sell the bonds of such district authorized as hereinabove provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of such municipality to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election as aforesaid and to the incidental expense in connection therewith.

Petition

At any time prior to the actual sale of any of the bonds of any issue authorized under the provisions of this act, a petition verified by one or more persons and signed by not less than twenty-five per cent of the qualified electors residing in the municipal improvement district and praying that no bonds be sold and the entire issue be canceled and all proceedings thereunder abandoned may be filed in the office of the clerk of the legislative body of said city. The genuineness of the signatures thereto must be examined and certified to by the city clerk within two weeks from and after the filing thereof and within three weeks after the clerk has so certified the legislative body of the city must by ordinance call an election and submit to the qualified electors within the district the proposition of whether or not the bonds shall be canceled and all proceedings for the issuance thereof abandoned. The ordinance or resolution calling such election shall fix the date thereof and recite the objects and purposes for which the proposed bonded indebtedness was to be incurred, the nature of the improvement, work or public utility contemplated thereby, the estimated cost thereof, the estimated cost of the incidental expenses in connection therewith, the amount of the principal of the indebtedness to be incurred, and the rate of interest, all as specified in the ordinance or resolution calling the election

Election.

upon the proposition of incurring the bonded debt. In all other particulars such election shall be called and held in the manner provided by section 6 of this act.

Majority vote determines

If at such election a majority of the voters voting thereat vote in favor of canceling the bonds and abandoning proceedings for the issuance thereof, then such legislative body shall order the bonds canceled and declare the proceedings for the issuance thereof abandoned and thereafter the legislative body shall have no power to issue the said bonds. If said bonds have been printed or prepared for delivery they shall forthwith be destroyed. In case the proceeding is abandoned the legislative body of such city shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect a tax upon the taxable land within the boundaries of the district theretofore formed under this act, sufficient to pay the engineering, legal and other incidental expenses incurred by such city in the proceedings theretofore had under the provisions of this act and to reimburse the said city for such sums as it may have advanced therefor, and from the funds derived from said tax shall pay such engineering, legal and other incidental expenses and reimburse the city for such sums as it has advanced therefor.

Abandonment of project.

CHAPTER 838.

Stats 1915, p. 1011, amended.

An act to amend sections 4 and 5 of the act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, relating to officers of such districts.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1929, p. 1672.

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Appointment of trustees.

Sec. 4. Within thirty days after the said filing with the Secretary of State of the certificate of incorporation of said district, a governing board of trustees for said district shall be appointed. Said board shall be appointed as follows:

(a) If the district is situate within one county only and consists wholly of unincorporated territory, five trustees therefor shall be appointed by the board of supervisors of the county;

(b) If the district is situate entirely within one county and includes incorporated and unincorporated territory one trustee shall be appointed from the district at large by the board of supervisors of the county and one trustee from each munici-

pality, the whole or part of which is situate in the district, by the governing body of such municipality; provided, that if the board of trustees thereby created consists of less than five members then the board of supervisors shall appoint from the district at large enough additional members to make a board of five trustees;

(c) If the district is situate in two or more counties and is comprised wholly of unincorporated territory, one trustee shall be appointed from each county or portion of a county situate in the district, by the board of supervisors; provided, that if the board of trustees thereby created consists of less than five members then the board of supervisors of the county in which the greater portion of the district is situate shall appoint from such district at large enough additional members to make a board of five trustees;

(d) If the district is situate in two or more counties and consists both of incorporated and unincorporated territory one trustee shall be appointed by the board of supervisors of each of said counties from that portion of the district lying in each of such counties respectively, and one trustee from each municipality or portion thereof situate within the district, by the governing body of such municipalities respectively; provided, that if the board of trustees thereby created shall consist of less than five members, then the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five trustees. The governing board of such district shall be called "The board of trustees of _____ mosquito abatement district." Each trustee appointed by a municipal board shall be an elector of the municipality from which he is appointed, and a resident of that portion of the municipality which is situate within the district. Each trustee appointed from a county or portion of a county shall be an elector thereof and a resident of that portion of the county which is situate within the district. Each trustee appointed at large shall be an elector of the district.

All such trustees shall hold office for the term of two years from and after the second day of the calendar year succeeding their appointment; provided, however, that the first board of trustees appointed in any district under the provisions of this act shall at their first meeting so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven then that a bare majority of their number shall go out of office at the expiration of one year and the remainder at the expiration of two years from the second day of the calendar year next succeeding their appointment. Term of office

SEC. 2. Section 5 of said act is hereby amended to read as follows: Stats. 1915, p. 1011.

Sec. 5. The members of the board of trustees shall meet on the first Monday subsequent to thirty days after the filing with the Secretary of State of the certificate of incorporation of said district and shall organize by the election of one of their Meetings.

Compensation

members as president and one thereof as secretary. The members of the board shall serve without compensation except that the necessary expenses of each member for actual traveling expenses on meetings or business connected with said board shall be allowed and paid. The secretary shall receive such compensation as shall be fixed by the board of trustees of the district. In event of the resignation, death or disability of any member, his successor shall be appointed by the board of supervisors, if such board originally made such appointment, or by the governing board of the appropriate municipality, if such appointment were originally made by the board of a municipality. The board of trustees shall provide for the time and place of holding its regular meetings, and the manner of calling the same, and shall establish rules for its proceedings. Special meetings shall be called by three trustees and notice of the holding thereof shall be given to each member at least three hours before the meeting. All of its sessions, whether regular or special, shall be open to the public and a majority of the members of the board shall constitute a quorum for the transaction of business.

Quorum

CHAPTER 839.

An act to add a new section to the Political Code, to be numbered 3714b, relating to annual financial estimates from special tax and assessment districts.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 3714b, and to read as follows:

Estimate of expenditures and income

3714b. (1) The governing body of any special tax or assessment district in a county where a tax levy for such district is not carried upon the regular county or city and county assessment roll, except irrigation, reclamation, water conservation, drainage and levee districts, revenue producing utility districts and those districts that are situated in two or more counties, shall at least sixty days prior to the time the county board of supervisors is required by law to pass upon the general county budget, file with the county board of supervisors of such county an itemized estimate of expenditures and income for the preceding and next ensuing fiscal year.

Contents.

(2) The estimate shall be known as the district budget and shall state:

(a) The probable revenues from sources other than taxation or assessment that will accrue during the next ensuing fiscal year;

(b) All expenditures required by such district for the next ensuing fiscal year;

(c) Any matter that may be required by the county board of supervisors; and

(d) Any matter that may be required by the State Department of Finance.

Form

(3) The estimates shall be made on such forms as may be prescribed by the State Department of Finance.

Classification

(4) The budget estimates shall be classified into the following classes:

(a) Salaries and wages;

(b) Maintenance and operation;

(c) Capital outlay;

(d) Interest and debt redemption; and

(e) Expenditures proposed to be made from bonds or other income not yet authorized.

Consideration.

(5) The board of supervisors of the county shall consider such budget at the time and in the manner and form prescribed by section 3714 of the Political Code.

Certification.

(6) Where any district taxes or assessments are levied by a body other than the county board of supervisors, whether or not such taxes or assessments appear on the regular county assessment roll, the budget as finally approved shall be certified by the county board of supervisors to such body prior to the time the latter is required by law to levy the district taxes or assessments.

Assessment limited by budget

(7) No tax or assessment for district purposes whether or not such taxes or assessments appear on the regular county assessment roll, shall exceed the amount approved in the budget by the county board of supervisors.

Exemptions.

Nothing in this section shall be deemed or construed to apply to, control, or affect the powers, operation, taxes or taxing power of any school, reclamation, irrigation, water conservation, drainage, or levee districts, or districts formed under an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the State, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915.

Stats 1915, p. 1011

Definition.

The term "revenue producing utility districts," as used herein, means districts formed for the construction, operation, and maintenance of utilities from which revenue is customarily or may be derived by charges, rates or rentals imposed or collected from users, consumers, or customers thereof, together with such work, facilities and appliances as are used or useful in connection therewith or incidental thereto.

CHAPTER 840.

Stats 1929, p. 914, amended

An act to amend section 14 of the Old Age Security Act of the State of California, relating to the protection, welfare and assistance of aged persons.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1931, p 1310.

SECTION 1. Section 14 of the act cited in the title hereof is hereby amended to read as follows:

Investigation by board of supervisors

Sec. 14. The board of supervisors, directly or through the advisory board or other authorized investigator, shall upon the receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation.

Decision by board and appeal therefrom.

The board shall, upon receipt of the report of the investigation, decide upon the amount of aid, if any; provided, however, that in any case where such application is denied by the board of supervisors, the applicant, upon filing a petition with the Department of Social Welfare setting forth the facts in full as to the necessity of such aid, verified by five reputable citizens of the county, shall have the right of appeal direct to said Department of Social Welfare, and if the appeal is sustained by said department the payments of aid in the amounts determined by said department must be paid by the county or city and county as herein provided.

Renewing rejected applications.

An applicant whose application for aid under this act has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or city and county.

Payments

If the application for aid be granted, the clerk of the board of supervisors shall report the fact to the auditor of the county or city and county. All payments of aid under this act shall be made monthly by claim against the county or city and county or by warrant of the county auditor of the county or city and county.

Aid renewed annually

All aid under this act shall be renewed annually on verified applications and after such further investigations as the board may deem necessary, and the amount of aid may be changed if the board finds that the recipient's circumstances have been changed.

Cancellation and revocation of aid

It shall be within the power of the board of supervisors to cancel and revoke aid for cause and it may for cause suspend payments for aid for such periods as it may deem proper.

CHAPTER 841.

An act to amend sections 3a, 7, and 13 of the Juvenile Court Law, relating to juvenile courts and wards thereof. Stats 1915, p 1225, amended

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3a of the Juvenile Court Law is hereby amended to read as follows: Stats 1915, p 1225

Sec. 3a. There shall be no fee for filing such petition mentioned in the foregoing section. Nor shall any fees be charged by any officer for his services in filing, or serving papers, nor for the performance of any duty enjoined upon him by this act, except where the sheriff transports a person to a State institution. If the judge of the juvenile court orders that the ward go to a State institution without being accompanied by an officer or that the ward be taken to an institution by the probation officer of the county or parole officer of the institution or by other suitable person, all expenses necessarily incurred therefor shall be allowed and paid in the same manner and from the same funds as would be allowed and paid were such transportation effected by the sheriff. No filing fee. Expenses.

SEC. 2. Section 7 of said act is hereby amended to read as follows: Stats 1915, p 1225

Sec. 7. Whenever any person over the age of eighteen years and under the age of twenty-one years is accused of a felony or misdemeanor by indictment or information therefor in the superior court of the county wherein the crime was committed, the judge may in his discretion, with the consent of the accused, or upon his request, arrest said proceeding at the time of arraignment or at any time previous to the impanelment of a jury, except where the crime charged is a capital offense, or any attempt to commit a capital offense, and may proceed to investigate the charge against the defendant, and all the facts and circumstances necessary to determine the proper disposition to be made of said person, and shall determine whether such person shall be dealt with as a ward of the juvenile court under the provisions of this act. If the court is satisfied upon such investigation that said person should be declared a ward of the juvenile court and should be dealt with under this act, it may recess as a criminal court and reconvene as a juvenile court and may make such order or orders as herein provided for the disposition of such wards. If such person thereafter proves not to be amenable to the discipline of the State school to which he may be committed, and the trustees thereof shall determine that said person should be committed to a State penitentiary, such person shall be returned to the committing court, and thereafter proceedings shall be had upon the indictment or information commencing at the point at which proceedings were arrested; and said person shall be tried for the offense alleged in the information Persons under twenty-one charged with felony

and if convicted shall be sent to the penitentiary for such time as the court may determine or otherwise dealt with in accordance with the law for dealing with persons convicted of a felony. If no request is made by the defendant for proceedings under this statute, or if the defendant desires trial by jury, or if the judge declines to consent to the application of the defendant for proceedings under this statute, said cause shall proceed in the ordinary manner up to the verdict of guilty or not guilty, as the case may be.

May be committed to State schools.

If said person is convicted, the court may thereafter receive such evidence as may be offered, touching the question as to whether or not said person should be dealt with as a ward of the juvenile court in the manner hereinbefore provided in the case of the application and consent of the accused before trial, and sitting as a juvenile court may make such order of probation or commitment to said State schools, and may from time to time modify said probation orders, as is herein provided in the case of persons adjudged wards of the juvenile court.

If person proves incorrigible

If such person during the period of his commitment to said State institution, proves to be incorrigible or not amenable to the discipline of such institution, and it shall be deemed advisable in the judgment of the trustees of such institution that said person be sent to a State prison, then said person shall be returned to the superior court in which the verdict was rendered, for sentence, and thereupon the court shall pronounce judgment.

Stats. 1929, p 824.

SEC. 3. Section 13 of said act is hereby amended to read as follows:

Transfer of juvenile court cases.

Sec. 13. 1. Except as provided in subdivision 2 hereof, whenever a petition is filed in the juvenile court of a county other than the residence of the person named in said petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where said person resides, the residence of said person is changed to another county, the entire case may be immediately transferred to the juvenile court of the county wherein said person then resides and the juvenile court of the county wherein said person then resides must take jurisdiction of the case upon the filing with it of an order transferring the case.

2. Provided, however, that in any case in which the petition alleges that the person therein named comes within the provisions of subdivision 3 of section 1 of this act, and in which said person may or may not have been declared a ward of the juvenile court, the transfer of such case to the juvenile court of the county wherein said person or said ward then resides must be made after the residence of said person or said ward has continued in said county for the period of one year;

And provided further that in the case of any person who has been declared a ward of the juvenile court and the county directed to pay toward the expense of support and maintenance of said ward, and where the residence of said ward is

subsequently changed to another county, such transfer must be made after the residence of said ward has continued in said county for the period of one year.

Expense of the transfer.

3. The expense of the transfer of said person shall be paid from the county treasury and the court ordering the transfer to such county must also pay all expenses in connection with the transfer until the acceptance of the transfer by the transferee county.

The judge must inquire into the financial condition of said person and of the parent, parents, guardian, or other person charged with the support and maintenance of said person, and if he finds said person, parent, parents, guardian or other person able, in whole or in part, to pay the expense of such transfer, he must make a further order requiring said person, parent, parents, guardian, or other person to repay to such county such part, or all, of such expense of transfer as, in the opinion of the court, is proper. Such repayment shall be made to the probation officer, who shall keep suitable accounts of such expenses and repayments and shall deposit all such collections in the county treasury.

Order of transfer

4. Whenever a case shall be transferred as herein provided, the order of transfer shall recite (a) each and all of the findings, orders or modification of orders that may have been made in said case, and (b) that said person resides in or has removed to the county to which said matter has been transferred, and (c) to said order shall be attached a certified copy of the original petition in said matter. Such transfer shall be accompanied by a summary of all the facts in the possession of the court or probation officer covering the history of said person.

Hearing given precedence

5. Whenever an order of transfer from another county is filed with the clerk of any superior court, the clerk must place the transfer order on the calendar of the court, to have precedence over all actions and civil proceedings not specifically given precedence by other provisions of law, and shall be heard by the court at the earliest possible moment following the filing of the order.

CHAPTER 842.

An act to amend section 8 of the Juvenile Court Law, relating to juvenile courts and wards thereof.

Stats 1915, p. 1225, amended

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1929, p. 1060

SECTION 1 Section 8 of the Juvenile Court Law is hereby amended to read as follows:

Time and place of commitment

Sec. 8. When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of sec-

tion 1 of this act shall be adjudged by said court or judge to come within the terms of any of said subdivisions, and adjudged to be a ward of the juvenile court, the court may make an order committing said person for such time as the court may deem fit, but not beyond the time during which the court retains jurisdiction as prescribed by the provisions of section 12 hereof, either (a) to the home and care of some reputable person of good moral character, or (b) to the care of some association, society or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, willing and able to receive and care for said ward, or (c) to the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of said ward until suitable provision may be made for said ward in a home without such payment, said ward to be subject to the supervision of the probation officer and the further order of the court; or (d) on probation to the care of the probation officer, said ward to remain in the home of said ward, or in any other fit home in which the court may order the probation officer to place said ward, subject to the visitation of the probation officer, said ward to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or (e) the court may, if said ward of the juvenile court be a boy, commit him to the Preston School of Industry, or to the Whittier State School, for the period during which the court retains jurisdiction; provided, that no boy under the age of fifteen years shall be committed to the Preston School of Industry, nor any boy over the age of sixteen years to the Whittier State School, or if said ward be a girl, the court may commit her to the California School for Girls, for the period during which the court retains jurisdiction, or (g) may commit such person to any other State or county institution that is now established or may hereafter be established for the purpose of caring for and training persons that come within the provision of this act; provided, however, that before conveying any such person to any such institution it shall be ascertained from the superintendent thereof whether such person can be received; provided, however, that such commitment under this act to either the Preston School of Industry or the Whittier State School shall permit the transfer of any such boy from one institution to the other upon the agreement thereto by the superintendents of such institutions; and provided further, that any boy committed to the Whittier State School who has passed his fifteenth birthday, and who after due trial and a reasonable opportunity has failed to make a satisfactory response to the training and instruction therein given and who has persistently resisted the discipline of said school and any boy who has passed his fifteenth birthday and while still under commitment to said school, violates the conditions under which he

Transfers between institutions

may have been permitted to leave said school, shall on the recommendation of the superintendent of said Whittier School, approved by the board of trustees thereof, be transferred to and be received by the Preston School of Industry.

Conditions of probation

In all cases of probation the court is authorized to require as a condition of probation that the ward go to work and earn money for the support of his dependents or to effect reparation and in either case to keep an account of his earnings and to report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions as it may determine fitting and proper to the end that justice may be done and that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach and specifically for the reformation and rehabilitation of the ward.

Ward of court under sixteen years of age.

Provided, that no ward of the juvenile court under the age of sixteen years shall be boarded out in any boarding place other than a boarding place licensed by the Department of Social Welfare.

Court may admonish and dismiss.

When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section 1 of this act shall be found by said court to come within said provisions said court may at its discretion admonish said person and dismiss said petition.

Conditions of commitment.

No ward who is under the age of eight years and no ward who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of said State schools shall be committed thereto. No person under the age of fourteen years at the time of the commission of any offense with which he may be charged shall ever be sent to a State prison unless he has first been committed to the Whittier State School, or the Preston School of Industry, and has there proved to be incorrigible or not amenable to the discipline of said school. No ward shall be committed to said State school unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said ward are such as to render it probable that such ward will be benefited by the reformatory educational discipline of such schools.

History of ward

Accompanying the commitment papers, the court must send to the superintendent of the State institution to which said person is committed a summary of all the facts in the possession of the court, covering the history of the ward committed, including a statement of the mental and physical condition of said ward.

Non-resident wards

In a case where the residence of the ward of the juvenile court is out of the State of California and in another State the court may order the ward to return to his parents or relatives or guardian or person charged with his custody and in such case may order transportation and accommodation furnished with or without an attendant as the court may deem necessary. If the court deems an attendant necessary the court may order

the probation officer or other suitable person to serve as such attendant and may order paid out of the appropriate funds of the county the necessary expenses of the ward and of the attendant.

CHAPTER 843.

An act to amend section 4290 and to repeal sections 4175 and 4176 of the Political Code, relating to fees and salaries of sheriffs.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1917, p. 1323.

SECTION 1. Section 4290 of the Political Code is hereby amended to read as follows:

Fees and salaries of county officers

4290. The salaries and fees provided in this title shall be in full compensation for all services of every kind and description rendered by the officers named in this title either as officers or ex officio officers, their deputies and assistants, unless in this title otherwise provided, and all deputies employed shall be paid by their principals out of the salaries provided in this title, unless in this title otherwise provided; provided

Assessor.

and except, that the assessor shall be entitled to receive and retain for his own use, unless in this title otherwise provided, six per cent on personal property tax collected by him, as authorized by section 3820 and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section 1901, and shall also be allowed by the county his actual expense when summoned before the State Board of Equalization in pur-

Stats 1911, p. 530

suance of an act entitled "An act to carry into effect the provisions of section 14 of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating

License collector.

to revenue and taxation," and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this title; provided, however, that in counties and cities and counties of the first, second and third classes, the assessor shall receive no commission for the collector of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section 1901; nor shall the license collector in counties and cities and counties of the first and second classes receive any commission for licenses col-

lected by him; provided further, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him; and provided further, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes, said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; provided, that in any county where the number of judges of the superior court shall have been increased since the first day of January, 1911, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding one thousand two hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid, and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as courtroom clerk, for each judge so appointed or elected, at a salary not exceeding one thousand two hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; provided, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title, which price shall not be less than twelve cents for each meal for each prisoner; provided further, that the sheriff shall be entitled to receive and retain for his own use, four dollars per diem for conveying prisoners to and from the State prisons, and for conveying patients to and from the insane asylums, or other State institutions, not otherwise provided for by law; also all expenses necessarily incurred in conveying insane persons to and from the insane asylums and in conveying persons to and from the State prisons or other State institutions, or in advancing actual traveling expenses to any person committed to a State institution who is permitted to report to an institution without escort, which expenses shall be allowed by the Board of Control and collected from the State. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the State; provided further, that the county treasurers of the several counties of this State, where their necessary expense incurred in the making of the State settlements provided for by section 3866 shall exceed the maximum amount of mileage allowed them by section 3876 shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid; provided

Treasurer

Special attorney

Additional deputy sheriff

Additional deputy clerk

Sheriff's expenses Pursuing and boarding prisoners.

Conveying prisoners.

Keeping and preserving property

State settlements of treasurers

Municipal duties of county officers

further, that in case county or city and county officers perform municipal duties imposed by a charter framed under the provisions of sections 8 and 8½ of article eleven of the Constitution the compensation of such officers and the expense of such officers may be apportioned by the board of supervisors in proportion to the duties rendered as county officers under general laws and rendered as municipal officers under charter provisions, and the compensation determined to be for the performance of municipal duties shall be paid from funds raised for municipal purposes and the compensation determined to be for county duties shall be paid from funds provided by sections 3714 and 4305 of this code.

Repeals

SEC. 2. Sections 4175 and 4176 of the Political Code are hereby repealed.

CHAPTER 844.

An act to amend section 2187 of the Political Code, relating to the transfer of inmates between State institutions.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1931, p 2192

SECTION 1. Section 2187 of the Political Code is hereby amended to read as follows:

Transfer of State hospital patients.

2187. 1. When the building of any State hospital becomes overcrowded with patients or inmates, or the number of buildings is reduced by fire, or other casualties, or for other sufficient cause, the Department of Institutions may, in its discretion, cause the transfer of patients or inmates therefrom or direct that patients or inmates required to be sent thereto, be transferred to another State hospital, where they can be conveniently received, or make, in emergencies, temporary provision for their care, preference to be given in such transfer to a hospital or place in an adjoining rather than a remote district. The expense of such transfer is chargeable to the State, and the bills for the same, when approved by the Director of Institutions, must be paid by the Treasurer on the warrant of the Controller, out of any moneys provided for the care or support of the insane.

Expense.

Request of relatives or friends.

2. Patients may be transferred at the request of relatives or friends; provided, there is room in the hospital to which transfer is sought, but in case of transfers made as last provided the expense of such transfer shall be paid by such relatives or friends; provided further, that transfers as last provided, shall not be made unless the consent of the Department of Institutions and the medical superintendents of the hospitals from which and to which said transfer is to be made be obtained.

Effect of transfer.

3. The Department of Institutions, when it deems it necessary, may transfer any inmate of a State institution under its

jurisdiction to another such institution and the expense of such transfer shall be paid from the moneys available by law for the support of said department but the counties, guardian, relatives or friends of such inmate shall be liable for his care, support and maintenance in the institution to which such inmate is transferred to the same extent as if the said inmate had originally been committed to said latter institution. All amounts due from any county to the State for care, support and maintenance of any such patients or inmates shall be included by the county auditor in his State settlement report, prescribed in section 3868 of this code.

CHAPTER 845.

An act ceding to the United States of America certain lands of the State of California, for aerial training, military camps and other Federal purposes.

[Approved by the Governor June 12, 1933. In effect August 21, 1933]

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

Certain State lands ceded to United States.

SECTION 1. There is hereby ceded to the United States of America all of the right, title and interest of the State of California in and to those certain lands situate in the county of Lassen, State of California, and more particularly described as follows, to wit:

Description.

The lands comprising the bed of Honey Lake with boundaries in accordance with meander lines for said lake as shown on the accepted plats of United States surveys of public lands, and also section eighteen, township twenty-seven north, range sixteen east, Mount Diablo meridian.

Conditions and reservations

SEC. 2. The lands described in section 1 of this act are ceded to the United States of America for aerial training, military camps and other Federal purposes, provided, that the State reserves the right to serve and execute on said lands, or any portion thereof, all civil process not incompatible with this cession, and such criminal process as may lawfully issue under the authority of the State against any person or persons charged with crimes or offenses committed without the exterior bounds of said lands.

Reversion of lands

SEC. 3. The cession of the lands described in section 1 of this act is made upon the express condition that the said lands be utilized by the United States of America for the purposes mentioned in this act and should the United States of America abandon the said lands or determine not to utilize said lands for the purposes herein mentioned, the State of California shall be entitled to the immediate reversion of said lands and may reenter and take possession as if this cession had never been made.

CHAPTER 846.

An act to amend section 461 of the Penal Code, relating to punishment for burglary.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1925, p. 235.

SECTION 1. Section 461 of the Penal Code is hereby amended to read as follows:

Punishment for burglary

461. Burglary is punishable as follows:

1 Burglary in the first degree: by imprisonment in the State prison for not less than five years.

2. Burglary in the second degree: by imprisonment in the county jail not exceeding one year or in the State prison for not less than one year or more than fifteen years.

CHAPTER 847.

An act to amend section 245 of the Penal Code, relating to the penalty for assault with deadly weapon.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1921, p 86.

SECTION 1. Section 245 of the Penal Code is hereby amended to read as follows:

Penalty for assault with deadly weapon

245. Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the State prison not exceeding ten years, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

CHAPTER 848.

An act to amend section 19 of and to add a new section to the Penal Code to be numbered 19a, relating to punishment for crime.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Pen C. 1872.

SECTION 1. Section 19 of the Penal Code is hereby amended to read as follows:

Punishment for misdemeanor

19. Except in cases where a different punishment is prescribed by any law of this State, every offense declared to be a

misdemeanor is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars, or by both.

New section. SEC. 2. A new section is hereby added to the Penal Code, to be numbered 19a and to read as follows:

Period of confinement. 19a. In no case shall any person sentenced to confinement in a county or city jail on conviction of misdemeanor, or as a condition of probation, or for any reason, be committed for a period in excess of one year. If, however, any county, or group of counties together, should establish a penal farm, or if there be established a State institution for long-term misdemeanants, then commitment to such penal farms or such State institution shall be for such period as the court may order within the limits prescribed by statute for the offense.

CHAPTER 849.

Stats 1923, p 85, amended. *An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado, in furtherance of navigation, commerce and fisheries, and providing for the government, management and control thereof," approved April 27, 1923, relating to tidelands in San Diego Bay.*

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1929, p 1172 SECTION 1. Section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries, and providing for the government, management and control thereof," approved April 27, 1923, is hereby amended to read as follows:

Lands granted to Coronado. Sec. 1. There is hereby granted and conveyed to the city of Coronado, a municipal corporation in the county of San Diego, State of California, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty in and to all the tidelands and submerged lands (whether filled or unfilled), and situated upon the Coronado side of the bay of San Diego, in the county of San Diego, State of California, lying between the line of mean high tide and the pierhead line in said bay, as said pierhead line has been or may hereafter be established by the Federal government, and between the prolongation of the easterly boundary line of the city of Coronado into Glorietta Bay, a portion of said San Diego Bay, and the prolongation of the westerly boundary line of said city of Coronado into Spanish Bight, a portion of said San Diego Bay; to be forever held by said city of Coro-

nado in trust for the uses and purposes and upon the express conditions following, to wit:

Use of lands.

(a) That said lands shall be used by said city for the establishment, improvement and conduct of the harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion of commerce, navigation and fisheries, and for the establishment and maintenance of bathhouses and bathing facilities, and boathouses necessary or convenient for the inhabitants of said city and said city shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation for any purpose whatsoever; provided, however, that said city of Coronado may grant franchises thereon for wharves, docks, piers, slips, quays, bathhouses and bathing facilities, boathouses and any other public uses and purposes, and may lease said lands or any part thereof for any of said uses or purposes hereinabove enumerated, or for any purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation of said harbor, to person, firms or corporations for a period not exceeding fifty years; provided, however, that said city may have the right to renew such lease or leases for the further term not exceeding twenty-five years, or to terminate the same upon such terms, reservations and conditions as may be stipulated in such lease or leases.

Leases.

Rental

Every such lease shall provide for the payment of rentals to the city of Coronado, which said rentals shall either be at an agreed figure, or shall be arrived at in such manner as may be mutually agreed upon, and provided for in said lease or leases.

Said leases shall also provide that at no time during their term, shall the said city of Coronado be required to make any improvements on or for the benefit of the leased lands. Every lease so executed shall reserve to the city council and to the people of the city of Coronado, the right and privilege by ordinance duly adopted, to terminate, change or modify such lease or leases on such terms, reservations and conditions as may be stipulated in such lease or leases

Harbor to be public.

(b) That said harbor shall be improved by said city without expense to the State of California, and it shall always remain a public harbor for all purposes of commerce, navigation, and the State of California shall have at all times the right to use without charge all wharves, docks, piers, slips, quays and other improvements constructed on said land or any part thereof for any vessel or other water craft or railroad, owned and operated by the State of California.

No discrimination in rates

(c) That in the management, conduct or operation of said harbor or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges or in facilities for any use or service in connection

therewith shall ever be made, authorized or permitted by said city.

Reserving, however, for the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purpose. Right to fish reserved

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CHAPTER 850.

Stats 1931, p. 2284, amended.

An act to amend sections 1 and 5 of an act entitled "An act to regulate motor boats of less than fifteen gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 2284

SECTION 1. Section 1 of the act recited in the title hereof is hereby amended to read as follows:

Passenger boats

Section 1. That before any boat of fifteen tons or less gross capacity, carrying passengers for hire, and propelled by machinery, may operate within the limits of the State of California, a permit shall be obtained from the Industrial Accident Commission of the State of California. Before the issuance of such permit, and at least annually thereafter, the Industrial Accident Commission of the State of California shall make or cause to be made an inspection of the hull, machinery and equipment and shall satisfy itself that every such vessel so submitted to its inspection is of a structure and so equipped as to be suitable for the service in which it is to be employed; has suitable accommodations for passengers and is in a condition to warrant the belief that it may be used in navigation with safety to life. Said permit shall be posted in such place and manner as the Industrial Accident Commission of the State of California may order. Inspection

Contents of permit

Such permit shall specify:

(1) Number of passengers that may be carried by said boat;
(2) Seating capacity per passenger;
(3) Deck space for each passenger for
    (a) Inland waters,
    (b) Exposed waters, and
    (c) Where passengers are to engage in fishing.

The Industrial Accident Commission of the State of California shall make such regulation as to strength and ventilation of fuel tanks, pumping of the bilge, requirements as to electric installation and such further rules as it shall deem necessary for safety of passengers and crew. Regulation

Inspection fees.

The Industrial Accident Commission shall fix and collect fees for the inspection of boats subject to the provisions of this act. Such fee shall not exceed five dollars and only one fee shall be collected for the inspection of any one boat during the year.

Stats. 1931, p. 2284.

SEC. 2. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Exemption.

Sec. 5. This act shall not apply to any ferry boat the property of a corporation or person operating under a certificate of public convenience and necessity issued by the Railroad Commission of the State of California.

CHAPTER 851.

Stats. 1909, p. 1129, amended

An act to amend sections 1 and 2 of an act entitled "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths," approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1911.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

County boards of forestry.

Section 1. The board of supervisors in each and every county or city and county in the State of California, may, in its discretion, appoint a county board of forestry, consisting of five persons, one from each supervisorial district, who shall serve without compensation and who shall have exclusive charge of the protection of the county, outside of municipalities or fire districts, organized under State law, from forest, grass, grain, brush or other fires, and who shall also have exclusive charge and control of all shade and ornamental

trees, hedges, lawns, shrubs, and flowers growing or to be grown upon the public roads, highways, grounds and property within its respective county; provided, however, that the board of supervisors of any county in this State in which a planning commission has been created, pursuant to law, may, in its discretion, appoint a county board of forestry, consisting of the nine members of such planning commission, and who shall, in addition to their powers and duties as members of such planning commission, lawfully exercise all the powers and duties of a forestry board as provided by this act other than for the protection of said county from forest, grass, grain, brush or other fires; provided, that nothing in this act shall be construed as conferring upon any county board of forestry, or other local authority, however constituted or appointed, any jurisdiction over or within the right of way of any State road or highway, except that county boards of forestry or other local authorities may extinguish or assist in the suppression of fires within the right of way of any State road or highway.

Where there is a planning commission

SEC. 2. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1931, p. 1911.

Sec. 2. Whenever the board of supervisors of any county or city and county in this State shall, by resolution or ordinance, elect to avail itself of the provisions of this act, such board shall, within two months thereafter, appoint five suitable and competent persons, one from each supervisorial district of such county or city and county, or in lieu of said five persons from each supervisorial district the board may, within the time heretofore provided, appoint the nine members of any county planning commission created pursuant to law, to act, and who shall have all of the powers and duties of a county board of forestry in and for such county, who shall serve as such without compensation; provided, however, that whenever any county board of forestry is created by appointment of the members of any county planning commission, then such county forestry board shall have no power or authority to act for the protection of the county from forest, grass, grain, brush or other fires; and the board of supervisors in all cases where a county board of forestry has been created by the appointment of five persons, other than from members of any county planning commission, may also fix the compensation of a county forester, to be appointed as hereinafter provided at a sum not to exceed two hundred fifty dollars per month, and who may employ or authorize the county forester to employ a deputy county forester at a sum not to exceed two hundred dollars per month; provided, however, that no board of forestry appointed from the members of any planning commission shall have any power to employ or appoint a forester, as provided by section 5, but in such case, such employment and appointment may be made by the board of supervisors whenever deemed necessary by it, the bond therefor to be furnished to the board of supervisors.

Appointment of members.

County forester

Appointment and compensation

CHAPTER 852.

An act to amend section 4039 of the Political Code, relating to records of county boards of supervisors.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1927, p. 628

SECTION 1. Section 4039 of the Political Code is hereby amended to read as follows:

Supervisors' records

4039. The board must cause to be kept:

Minute book.

1. A "minute book" in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by them, except such as are required to be recorded in the "ordinance" book.

Allowance book.

2. An "allowance book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year; provided, that in any county using certified duplicate lists of claims allowed, as permitted by section 4076 of this code, one such list shall constitute the "allowance book" within the meaning of this section; and provided further, that when in any county the auditor maintains an index of claims allowed, the index required by this section may be dispensed with. In lieu of recording in the allowance book, claims or duplicates thereof may be filed with the clerk of the board, who must make an alphabetical index of such file.

Warrant book

3. A "warrant book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order or the minute book, with the date, amount, on what account, and name of payee; provided, that in any county using a list of claims allowed for an allowance book, as permitted in subdivision two of this section and in section 4076 of this code, the list filed in the office of the auditor shall constitute the warrant book, within the meaning of this section.

Ordinance book

4 An "ordinance book," in which must be entered all ordinances duly passed by the board.

CHAPTER 853.

Stats 1903, p 376, amended

An act to amend sections 18 and 26a of an act entitled "An act to provide for the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities; for the condemnation of property

necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement," approved March 24, 1903, relating to street improvements.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. That section 26a of an act entitled "An act to provide for the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement," approved March 24, 1903, is hereby amended to read as follows: Stats 1913, p. 420.

Sec. 26a. Whenever any assessment heretofore made or issued or filed or which may be hereafter made, issued or filed in the office of the city clerk, or whenever any bond or bonds issued to represent the amounts of any such assessments in accordance with the provisions of "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds, approved April 27, 1911, and all acts supplementary thereto or amendatory thereof, have been set aside by any court of competent jurisdiction or such court has refused to enforce any assessment or has decreed any such bond or bonds issued under the above-mentioned statute, approved April 27, 1911, not to constitute valid and subsisting liens against the lots, pieces or parcels of land upon which the assessments represented by them have been levied; that is to say, if for any reason such assessments and/or bonds shall not have been or shall not be effective through the curative and waiver provisions of this statute and/or the curative and waiver provisions of the above-mentioned statute, approved April 27, 1911, or any curative act that may be or may have been passed by the Legislature in relation thereto to make them valid and enforceable, then in any of such events a reassessment therefor must be issued. The true intent and meaning of this section is to make the cost and expense of the improvements made or attempted to be made through an attempted compliance with this act payable by the real property benefited by such work or improvement by making a reassessment therefor. Such power of reassessment embraces both a full and partial New assessment when first one set aside. Stats. 1911, p 1192 Reassessment.

When ordered

reassessment and is not exhausted by a single attempted exercise thereof. A reassessment shall be ordered under any one of the following circumstances:

First: Where the owner or holder of any assessments or bonds issued to represent or be secured by assessments requests the legislative body of the city in which the assessment has been or shall be made, filed or issued, to order a reassessment. In such event if such legislative body be of the opinion that the assessments or bonds in question are not enforceable it shall order the making and issuing of a reassessment covering only the assessments owned or held by the petitioner or the assessments represented or secured by the bonds owned or held by such petitioner.

Second: Whenever any court of competent jurisdiction in any suit involving the validity of the obligation of any bond or assessment has for any reason held the lien of the assessment and/or bond to be unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Third: Whenever any court of competent jurisdiction in any suit to set aside the lien of any assessment or of any bond representing any assessment or in any suit to quiet title against the lien of any such assessment or bond or in any suit to enjoin the making, filing, confirmation or issuance of any assessment or bond to pay for the cost and expenses of any work done hereunder, shall in its judgment decree such assessments or bonds to be void or unenforceable or shall enjoin the making, filing or issuance or confirmation of any such assessment or bond, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Fourth: Whenever the lien of any assessment or bond has been or shall hereafter be foreclosed or attempted to be foreclosed by sale by the city treasurer as provided in this act or in the statute hereinbefore mentioned, approved April 27, 1911, and thereafter any court of competent jurisdiction in any suit contesting the validity and legal force and effect of such sale shall in its judgment decree such sale to be void or unenforceable for any reason, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit

Manner of making, issuing and enforcing reassessment.

The manner of making, issuing and enforcing the reassessments shall be as follows:

The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, proceed to make a reassessment in the following manner:

If the reassessment be a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment. If it be a full reassessment, however, then the superintendent of streets shall prepare and file with the reassessment a diagram showing the

lots, pieces or parcels of land deemed by him to have been benefited by the work or improvement. The reassessment shall assess upon and against each of the lots, pieces or parcels of land contained therein an amount arrived at as follows: The benefits derived, or to be derived by each of said lots, pieces or parcels of land from the work or improvement estimated as of the date of the filing in the clerk's office of the original assessment shall first be listed. Then there shall be added thereto interest thereon from thirty days after the date of such filing of the original assessment at the rate of seven per cent per annum, and the total sum shall constitute and be the amount of the proposed several assessments in such reassessment. The total of such reassessment, however, exclusive of interest, shall not exceed the cost and expenses of the work or improvement. Such assessment need not be in any prescribed form, but shall refer to the original assessment filed, give the date of filing of said original assessment and state that it is made pursuant to the order of the legislative body of the city or decree of the court, as the case may be, and shall be accompanied by a diagram showing the lots to be reassessed and their relation to the work. It shall then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the ordinance of intention for the improvement for which the assessment was made was published unless the legislative body directs publication in some other paper. If the reassessment is to be against the property in a district, then this fact shall be set forth and the assessment diagram referred to for particulars. Such notice shall be published for five insertions, if the paper be a daily, or by two insertions if the paper be published less frequently. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable to apportion to each lot, piece or parcel of land thereby benefited the amount of the actual benefits derived from said improvement. When such reassessment shall have been revised, or corrected, or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent shall thereupon record the reassessment with a certificate at the end thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment all payments theretofore made upon the original assessment, or upon the bonds issued to represent the same together with

Determination of amount.

Interest

Hearing.

Notice

Confirmation and recordation.

Manner of enforcement

interest on such payments at the rate of seven per cent per annum from and after the date of such payments. Such reassessment shall be collectible and payable in the same manner as an original assessment and shall be enforceable in the same manner provided in this act for enforcing an original assessment, and shall have the same weight in evidence. In the event that bonds issued under or upon the security of the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lots, pieces or parcels of land covered thereby. When the reassessment is recorded the original assessment shall be canceled by the street superintendent so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the city treasurer, who shall cancel the same. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of filing of the original assessment.

Cancellation of original assessment

Lien priority.

Stats 1931, p 832.

SEC. 2. Section 18 of said act is hereby amended to read as follows:

Notice of filing assessment

Sec. 18. As soon as said assessment is completed the street superintendent shall file the same, with the diagram attached thereto and made a part thereof as aforesaid, with the clerk of the council, who shall give notice of such filing by publication for at least ten days in a daily newspaper published and circulated in the city, or if there be no such daily newspaper, by three successive insertions in a weekly newspaper so published and circulated. Said clerk shall mail a notice of such filing to each owner of real property within the assessment district at his last known address as same appears on tax rolls of said city or on file in the office of the city clerk or to both said addresses if they are not the same, containing a designation by street number, or some other description, of the property assessed sufficient to enable the owner to identify the same and the amount proposed to be assessed thereon. The city clerk upon the completion of the mailing of said notices, shall file with the city council an affidavit setting forth the time and manner of the compliance with the above requirement for mailing such notices. The mailing of such notices shall not be essential to obtaining jurisdiction by the council, and the failure so to do shall not affect in any manner the validity of any proceedings taken hereunder. Said notices shall require all persons interested to file with said clerk their objections, if any they have to the confirmation of said assessment, prior to the date set for the confirmation of said assessment which date shall be stated in said notices and be at least thirty (30) days from and after the date of mailing such notices.

Call for objections.

CHAPTER 854.

An act to repeal section 3310 of the Political Code, relating to quarterly reports of auctioneers.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 3310 of the Political Code is hereby repealed. Repeal.

CHAPTER 855.

An act to amend section 43 of the public utilities act, relating to the powers, duties and jurisdiction of the Railroad Commission. Stats 1915, p. 115, amended.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 43 of the act cited in the title hereof is hereby amended to read as follows: Stats 1927, p. 1215.

43. (a) No public road, highway or street shall hereafter be constructed across the track of any railroad corporation at grade, nor shall the track of any railroad corporation be constructed across a public road, highway or street at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the track of a railroad corporation at grade, without having first secured the permission of the commission; provided, that this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe. Grade crossings.

(b) The commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad, and of each crossing of a public or publicly used road or highway by a railroad or street railroad, and of a street by a railroad or vice versa, subject to the provisions of section 2694 of the Political Code so far as applicable, and to alter, relocate or abolish by physical closing any such crossing heretofore or hereafter established, and to require, where in its judgment it would be practicable, a separation of grades at any such crossing heretofore or hereafter established and to prescribe the terms upon which such separation shall be made and the proportions in which the Powers of commission. Stats Ex Sess 1911, p 138.

expense of the construction, alteration, relocation or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected or between such corporations and the State, county, municipality or other political subdivision affected. It shall be the duty of each corporation and political subdivision to which any of the expense is apportioned to pay from the funds available therefor in its treasury the amount apportioned to it at the time and to the parties specified by the order of the commission and if the same is not paid in accordance with the commission's order the corporation or political subdivision entitled thereto under the commission's order shall have the right to sue therefor in any court of competent jurisdiction. If no such funds are available as aforesaid, it shall be the duty of the appropriate boards, officers and employees intrusted with the levy and collection of the taxes or assessments of such political subdivision to do all acts necessary to include in the next succeeding tax or assessment levy the amount due and to collect the same, whereupon the amount due shall be paid over to the corporation or corporations, the State, political subdivision, or political subdivisions entitled thereto under the commission's order. The commission shall have the power by order to designate the State, certain of said corporations, and political subdivisions, affected, to do all or specified portions of the acts required by any order of the commission made under the provisions of this subsection, and to prescribe the manner and the time within which the parties so designated shall be paid or reimbursed by the other corporations, the State and political subdivisions among which the expense of the work has been apportioned by the commission.

Payment of expense

Tax levy.

Assessments against districts

If the legislative body of the political subdivision deems that special benefits will accrue from the separation of grades to a district or districts within such political subdivision, and has made a finding to such effect and that the cost thereof other than the portion to be paid by the railroad, interurban railroad or street railroad involved should be paid in whole by such district or districts or partly by such district or districts and partly by such political subdivision, then the commission shall have power to provide that such proportion of the total cost of such separation of grades including the acquisition of property, the damage to property or an interest therein as shall not be payable by the owners of the railroad, interurban railroad or street railroad involved, may be assessed upon a district or districts within such political subdivision or that a part thereof may be paid by such district and a part by such political subdivision in accordance with the finding of the legislative body of such political subdivision and that the physical work of making such grade separation as well as the proceedings for letting contracts therefor, collecting and enforcing the assessments and making payment for damages and for the acquisition of property shall be done

through the agency of such political subdivision in accordance with such statutory methods as may be provided. Power shall be given in and by the order of the commission to the officers of the political subdivision to enter upon so much of the right of way of the railroad, interurban railroad or street railroad as may be necessary to effect the physical grade separation.

Modification of order

If any order of the commission heretofore or hereafter made shall provide for the payment of a portion of the cost of any such grade separation by such political subdivision without authorizing the assessment of the same or any part thereof upon a benefited district, then the legislative body of such political subdivision may at any time thereafter apply to the commission to have such order modified in accordance with any finding made by such legislative body and the commission shall thereupon have the same power to make a new or modified order as if such application had been made to it before the making of such order.

Power to fix just compensation

(c) 1. The commission shall have power in accordance with the procedure provided in this subsection to fix the just compensation to be paid for property or any interest in or to property to be taken or damaged in the separation of grades at any crossing specified in subsection (b) hereof, or for property or any interest in or to property to be taken or damaged in the construction, alteration or relocation, under the order or with the approval of the commission, of elevated tracks or subways for any railroad or street railroad over or under any public road, street, highway or private right of way, or of any public road, street or highway over or under the tracks of any railroad corporation or street railroad corporation; and upon the payment of the just compensation so fixed to make a final order of condemnation as hereinafter provided.

Commencement of proceedings.

2. Proceedings under subsection (c) hereof may be commenced by order on the commission's own motion or by a petition filed by the State, county, city and county, incorporated city or town, other political subdivision, railroad corporation, or street railroad corporation affected. Any proceeding commenced under this subsection may be made a part of any proceeding commenced under subsection (b) hereof. Said petition shall set forth the name and interest of the petitioner, and said order on the commission's own motion and said petition shall set forth a statement of the purpose of the proceedings and the use for which property or interest in or to property is sought to be taken, a description of each piece of land or other property or interest in or to property sought to be taken, and whether the same includes the whole or only a part of an entire parcel or tract or piece of property or interest in or to property and the names and addresses of all owners and claimants thereof, if known, or a statement that they are unknown, and a statement of each railroad corporation, the State and political subdivision which in the opinion of the commission or the petitioner has an interest in the pro-

Petition

ceeding. Said petition shall pray that the commission fix the just compensation to be paid for the acquisition of or damage to the property and interest in or to property specified in the petition, that the commission designate the party or parties to the proceeding who shall pay such compensation and the owners and claimants of the property and interest in or to property condemned to whom such compensation shall be paid and that the commission make its final order of condemnation; provided, that when the proceeding is commenced by order on the commission's own motion said matters shall be included in the statement of the purpose of the proceeding. Said petition shall be duly verified and at the time the same is filed with the commission the petitioner shall also file the additional copies thereof equal in number to three or more than the number of owners and claimants named in the petition

Verification.

Order to appear

3. Upon the filing of said petition with the commission or the making of said order on the commission's own motion, the commission shall make its order specifying the nature of the proceeding, containing a general description of the property and interest in or to property to be condemned, and directing the owners and claimants and the railroad corporations, street railroad corporations, and governmental authorities in interest named in said petition or order on the commission's own motion, who shall also be named in said order to show cause, to appear before the commission at a time and place specified in said order, to show cause, if any they have, why the commission should not proceed after hearing to fix the just compensation to be paid for the acquisition of or damage to the property and interest in or to property specified in said petition or order on the commission's own motion, to designate the party or parties to the proceeding who shall pay such compensation and the owners and claimants to whom such compensation shall be paid and to make its final order of condemnation. Said order to show cause shall direct the secretary of the commission to serve or cause to be served upon each said owner and claimant, railroad corporation, street railroad corporation and governmental authority in interest a copy of said order certified under the seal of the commission to which shall be attached a true and correct copy of the petition or order on the commission's own motion; provided, that when the proceeding is commenced by order on the commission's own motion said order to show cause may be incorporated in said order on the commission's own motion.

Personal service.

Personal service shall be made in accordance with the provisions of the Code of Civil Procedure of the State of California; provided, that service may also be made by depositing a copy of said order to show cause certified under seal of the commission with a true copy of the petition or order on the commission's own motion attached thereto or made a part thereof in the United States mail, inclosed in a sealed envelope, registered, with postage prepaid, addressed to each owner or claimant, railroad corporation, street railroad corporation and

governmental authority in interest named in said petition or order on the commission's own motion.

Service by publication.

If any owner or claimant named in the petition, or order on the commission's own motion resides out of the State or has departed from the State or can not after due diligence be found within the State, or conceals himself to avoid service, or is a corporation having no managing or business agent, cashier or secretary or other officer upon whom summons may be served, who, after due diligence, can not be found within the State, and the fact appears by affidavit to the satisfaction of the commission, and it also appears by such affidavit or by the petition or order on the commission's own motion that a cause of action exists against such owner or claimant on whom service is to be made and that he is a necessary or proper party to the proceeding, the commission may make an order that the service be made on such owner or claimant by publication of the commission's said order to show cause. Said order of the commission shall direct that the publication be made in a newspaper to be designated by the commission as likely to give notice to the owner or claimant to be served, and for such time as the commission may find to be reasonable, at least once a week, but publication against an owner or claimant residing out of the State or absent therefrom shall not be less than two months. If the address of any owner or claimant as stated in the petition or order on the commission's own motion is out of the State, the secretary of the commission shall within fifteen days after the making and filing of said order to show cause, deposit or cause to be deposited a copy of said order to show cause certified under the seal of the commission, with a true and correct copy of the petition or order on the commission's own motion attached thereto or made part thereof, in the United States mail, inclosed in a sealed envelope, registered, with postage prepaid, addressed to such owner or claimant at the address specified in the petition or order on the commission's own motion. Personal service of a copy of the order to show cause and of the petition or order on the commission's own motion out of the State is equivalent to publication and deposit in the United States mail.

Notice of hearing.

Within ten days prior to the time set for the first hearing on the petition or order on the commission's own motion, which time shall be not less than thirty days after the filing of said petition or the making of said order on the commission's own motion, the secretary shall serve or cause to be served upon the petitioner a written notice of such hearing, specifying the time and place at which such hearing shall be had. In all respects not in this paragraph otherwise provided, service and the proof of service shall be made as provided by the Code of Civil Procedure of the State of California. Upon the completion or service upon the petitioner or upon any owner or claimant, railroad corporation, street railroad corporation or governmental authority in interest

named in the petition or order on the commission's own motion, the commission shall have full and complete jurisdiction in so far as such petitioner, owner or claimant, railroad corporation, street railroad corporation, or governmental authority in interest is concerned, to make each finding hereinafter referred to, to fix the just compensation to be paid for the acquisition of or damage to any property or interest in or to property specified in the petition or order on the commission's own motion, to designate the party or parties to the proceeding who shall pay such compensation and the owner or claimant to whom such compensation shall be paid and to make its final order of condemnation. The failure to make such service upon any person alleging that he is an owner or claimant or party in interest but not named in the petition or order on the commission's own motion or to acquire jurisdiction over such person shall in no way affect the jurisdiction of the commission over owners and claimants and parties in interest on whom service has been made as in this paragraph provided.

Amendment of petition

The commission shall have power at any time subsequent to the filing of the petition, and prior to making and filing its finding of just compensation, to authorize the amendment of the petition, or in case the proceeding is by order on the commission's own motion to amend said order, by altering or modifying the description of said property, or interest in or to property, or by adding to or deducting from said property or interest in or to property, or by bringing in any additional party or parties and in each other respect including each jurisdictional allegation.

Hearing and finding.

4. At the time and place specified in said order to show cause, or at such other time and place as, for good cause, may be otherwise ordered by the commission, the commission shall proceed to a hearing upon the petition or order on the commission's own motion. When the proceeding has been submitted the commission shall make and file its finding upon the question whether the use to which the property or interest in or to property is to be applied is a use authorized by law and whether the taking is necessary to such use, and shall make and file its written finding and fixing the just compensation to be paid for said property or interest in or to property; provided, that if the commission finds that severance damages should be paid, the just compensation for such damages shall be found and stated separately. Said just compensation shall be fixed by the commission as of the day on which the petition was filed or the order on the commission's own motion was made. The commission shall also make its order designating the party or parties to the proceeding who shall pay the just compensation so fixed, or any portion thereof, the amounts in which it shall be paid, the times at which it shall be paid, the property or interest in or to property for which it shall be paid, and the owners and claimants of such property or interest in or to property to whom it shall be paid. The commission may prescribe any other terms or conditions with reference to the

payment of such compensation as to the commission may seem proper, including a provision that the money due be paid to the commission to be distributed to the parties entitled thereto. The party or parties whom the commission may designate to pay such compensation or any part thereof shall thereupon become liable therefor, and may be sued in any court of competent jurisdiction by the party or parties entitled to such compensation as provided in the commission's order; provided, that in cases in which the order of the commission authorizing any work to be done under the provisions of this section is permissive in character and not mandatory, the commission may prescribe the time within which the party receiving such permission must elect to proceed and notify the commission thereof, and only in the event such party elects to proceed and so notifies the commission shall any liability arise in such cases to pay the just compensation or any part thereof under the provisions of this subsection. When any political subdivision of the State is designated by the commission to pay such compensation or any portion thereof the same shall be collectible in the manner provided in subsection (b) hereof for the collection of expenses apportioned by the commission to political subdivisions of the State.

Final order of condemnation

5. When the just compensation has been paid in accordance with the commission's order made under the provisions of this subsection for property or interest in or to property, the commission shall make its final order of condemnation which must describe the property or interest in or to property condemned and the purpose of such condemnation. A copy of said order certified under the seal of the commission shall thereupon be filed in the office of the recorder of the county in which the property or interest in or to property therein described is situated, and thereupon the property or interest in or to property described therein shall vest in the parties and for the purposes specified in said order.

Finding is final.

6. The finding of the commission on the question of the necessity for the taking and the finding, fixing the just compensation to be paid for any property or interest in or to property under the provisions of this subsection shall be final and shall not be subject to modification, alteration, reversal or review by any court of this State. The provisions of this act with reference to rehearing and review shall be applicable to the findings of the commission made and filed under the provisions of this section. Petitions for rehearing must be filed within twenty days from the date of making and filing the finding as to which a rehearing is desired. If a finding of the commission made and filed under the provisions of this section is set aside by the Supreme Court of the State of California, the matter shall be referred back to the commission for further action in a proceeding before the commission, and the commission shall have the right, on taking further action, to consider the entire testimony theretofore taken in the proceeding before the commission as well as such further testimony, if any, as may be presented in connection with such further action.

Rehearing and review.

Procedure not exclusive.

7. The procedure provided in this section shall be alternative and cumulative and not exclusive to the right to pursue any other procedure now or hereafter establishing providing for the acquisition under eminent domain proceedings of property or interest in or to property.

Germane to jurisdiction

8. The Legislature hereby declares that subsection (c) hereof is enacted as a germane and cognate part of and as an aid to the jurisdiction of the Railroad Commission in the supervision and regulation of railroad and street railroad corporations.

Right to damages

9. Nothing in this section shall be construed to entitle any owner or claimant of property and interest in or to property to receive damages when the right to receive such damages does not exist under the laws of this State apart from the provisions of this section.

Germane to jurisdiction

(d) The Legislature hereby declares that subsections (a) and (b) hereof are, and each of them is, enacted as germane and cognate parts of and as aids to the jurisdiction vested in the Railroad Commission for the supervision, regulation and control of railroad and street railroad corporations in this State, and the Legislature hereby further declares that the authority and jurisdiction thus vested in the Railroad Commission involve matters of state-wide importance and concern and have been enacted in aid of the health, safety and welfare of the people of this State.

CHAPTER 856.

Stats. 1921, p. 579, amended

An act to add section 4½ to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements under the 'Street Opening Act of 1889' and providing for the effect and enforcement of such bonds," approved May 24, 1921, relating to the issuance of bonds.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

New section

SECTION 1. Section 4½ is hereby added to the act cited in the title hereof to read as follows:

Signatures on bond, validated

Sec. 4½. In case any officer whose signature or countersignature appears on any bond or coupon shall cease to be such officer before delivery of such bonds to the purchaser thereof, such signature or countersignature appearing either on the bonds or on the coupons, or both, shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of such bonds.

CHAPTER 857.

An act to amend section 6.3 of the School Code, relating to the improvement of public streets and places by school boards.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 6.3 of the School Code is hereby amended to read as follows: Sch Code 1929, p. 268

6.3. Boards of school trustees and city boards of education shall have power to, and may in their discretion, grade, pave, sewer, or otherwise improve streets and other public places in front of real property owned or controlled by them, and also may construct in immediate proximity to any school of the district, pedestrian tunnels, sewers, and water pipes in any street when required for school purposes, and appropriate money from the building fund of the district to pay the cost and expense of such improvements whether made by said boards, under contract executed by said boards, or under contracts made in pursuance of any of the general laws of the State respecting street improvements, or other contracts made in pursuance of the charter of any municipality. Improvement of public places by school boards

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CHAPTER 858.

An act to add a new section to the Political Code, to be numbered 542.5, relating to expenditures for the printing or publishing of books, pamphlets, reports, compilations, synopses and other documents.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 542.5 is hereby added to the Political Code, to read as follows: New section.

542.5. No moneys now or hereafter appropriated from the general fund of the State shall be expended for the printing or publishing of any book, pamphlet, report of activities, or compilation or synopsis of laws, rules or regulations, or other document of or concerning any of those activities of any department, board, commission or office as are supported from special funds. Expenditures for publications.

CHAPTER 859.

An act to amend section 409 of the Political Code, relating to fees of the Secretary of State.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1933, Ch. 20

SECTION 1. Section 409 of the Political Code is hereby amended to read as follows:

Fees of Secretary of State.

409. The Secretary of State, for services performed in his office, must charge and collect the following fees:

1. For preparing a first copy, other than a carbon copy, of any law, resolution, record, or other document on file in his office, thirty cents per page, or fraction thereof.

2. For preparing a carbon copy of any law, resolution, record, or other document on file in his office, made at the time of preparing the first copy thereof, twelve cents per page, or fraction thereof.

3. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, twelve cents per page, or fraction thereof.

4. For affixing certificate and seal of State, unless otherwise provided for, two dollars.

5. For filing articles of incorporation or agreements of consolidation, except as otherwise provided, the fee fixed in the following schedule:

Amount represented by the total number of shares provided for in the articles of incorporation or the agreement of consolidation	Fee
$25,000 or less	$15
Over $25,000 and not over $75,000	$25
Over $75,000 and not over $200,000	$50
Over $200,000 and not over $500,000	$75
Over $500,000 and not over $1,000,000	$100
Over $1,000,000	
(1) for the first $1,000,000	$100
(2) for each additional $500,000 or fraction thereof	$50

For the purposes of the foregoing schedule, the amount represented by the total number of shares provided for in the articles of incorporation or the agreement of consolidation shall be:

1. The aggregate par value of such shares, if only shares with a par value are therein provided for,

2. The product of the number of shares multiplied by ten dollars, if only shares without par value are therein provided for, or

Fees of Secretary of State.

3. The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by ten dollars, if shares with and without par value are therein provided for.

For filing articles of incorporation or agreements of consolidation not providing for shares with and/or without par value, five dollars;

6. For recording articles of incorporation, and agreements of consolidation, and certified copies of articles of foreign corporations filed at the time they qualify for the transaction of intrastate business in this State, thirty cents per page, or fraction thereof.

7. For filing certificates of amendment of articles of incorporation, or agreements of merger, except as otherwise provided for, five dollars; for filing certificates of amendment of articles of incorporation, or agreements of merger, providing for shares the total number of which represents an amount in excess of the amount represented by the total number of authorized shares of the corporation, or the surviving corporation, respectively, five dollars for each fifty thousand dollars, or fraction thereof, of such additional amount. For the purposes of the preceding sentence, the amount represented by the total number of authorized shares of the corporation, or the surviving corporation, respectively, shall be

1. The aggregate par value of such shares, if only shares with a par value have been authorized,

2. The product of the total number of such shares multiplied by ten dollars, if only shares without par value have been authorized, or

3. The aggregate par value of such shares with a par value plus the product of the total number of such shares without par value multiplied by ten dollars, if shares with and without par value have been authorized, and the amount represented by the total number of shares provided for in the certificate of amendment of articles of incorporation or agreement of merger shall be

1. The aggregate par value of such shares, if only shares with a par value are therein provided for,

2. The product of the number of shares multiplied by ten dollars, if only shares without par value are therein provided for, or

3. The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by ten dollars, if shares with and without par value are therein provided for.

8. Upon delivery to him of copies of process against a corporation, five dollars for each corporation upon which service is sought through such delivery.

9. For filing claim to trade-mark, and issuing certificate of filing, five dollars.

10. For issuing certificate of filing any document, not otherwise provided for, three dollars.

Fees of Secretary of State.

11. For receiving and recording each official bond, five dollars.

12. (a) For filing the certified copy of the articles of a foreign corporation, other than the one specified in paragraph (b) hereof, one hundred dollars.

(b) For filing the certified copy of the articles of incorporation of a foreign nonprofit corporation, and of a foreign corporation organized for educational, religious, scientific or charitable purposes, and not issuing shares, five dollars.

13. For each commission, passport, or other document signed by the Governor and attested by the Secretary of State (pardons, military commissions, commissions issued to nonsalaried State officers, and extradition papers excepted) five dollars

14. For each patent for land issued by the Governor, if for one hundred sixty acres, or less, one dollar; and for each additional one hundred sixty acres, or fraction thereof, one dollar.

15. For issuing certificate of official character, two dollars.

16. For recording miscellaneous documents or papers, thirty cents per page, or fraction thereof.

17. For filing any instrument by or on behalf of a corporation other than a certificate showing the surrender of the right of a foreign corporation to transact intrastate business, and other than a document or copy thereof terminating the existence of a foreign corporation, unless otherwise provided, five dollars.

18. For filing and indexing certificate of filing of mortgage or assignment or full or partial discharge of mortgage of live stock or any vehicle other than a vehicle registered under the Vehicle Code and certificate of filing of contract of conditional sale of live stock and other animate chattels or assignment or full or partial discharge of such contract, twenty-five cents.

19. For each notary public commission signed by the Governor and attested by the Secretary of State, five dollars.

20. For issuing a certificate of reservation of corporate name, two dollars.

21. For filing contracts for conditional sale of railroad or street railway equipment or rolling stock and declarations of payment and performance, five dollars.

22. For recording contracts for conditional sale of railroad or street railway equipment or rolling stock and declarations of payment and performance, thirty cents per page, or fraction thereof.

23. For registering farm, ranch or villa names, including the issuance of certificates of such registration, one dollar.

24. For issuing certificates of the filing of a copy of any lecture, sermon, address, dramatic composition, story or motion picture scenario and of an affidavit of authorship, five dollars.

25. For filing a copy of the trust instrument of any Massachusetts or business trust, fifteen dollars.

No member of the Legislature or State officer shall be charged for any search relative to matters appertaining to the duties of his office, nor shall he be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to his official duties. Fees of Secretary of State

All fees collected by the Secretary of State must, at least once each week, be paid into the State treasury.

CHAPTER 860.

An act to amend section 291 of the Civil Code, relating to corporations.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 291 of the Civil Code is hereby amended to read as follows: Stats 1931, p 1762

291. Corporate Name. The Secretary of State shall not file articles which set forth a name which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive, (1) the name of a domestic corporation, or (2) the name of a foreign corporation which is authorized to transact business in this State, or (3) a name which is under reservation, except to the applicant therefor. Corporate name

Any applicant therefor may, upon payment of the fee provided for by law, obtain from the Secretary of State a certificate of reservation of any name not within any of the above prohibitions, and upon the issuance of such certificate the name stated therein shall be reserved for a period of thirty days. Fee.

The use by a corporation of a name in violation of this section may be enjoined notwithstanding the filing of its articles by the Secretary of State. Enjoining use of name

The Secretary of State shall not file articles setting forth a name in which the words "bank," "trust," or "trustee" or related words appear, unless the certificate of approval of the Superintendent of Banks is attached thereto. Words "bank," etc

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CHAPTER 861.

An act to amend section 5.63 of the School Code, relating to State teachers colleges.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 5.63 of the School Code is hereby amended to read as follows: Sch Code 1929, p 220

See Stats 1933, Ch. 1051

Admission of non-resident persons to teachers colleges.

5.63. Persons resident of another State may be admitted upon letters of recommendation from the Governor or Superintendent of Schools thereof. A tuition fee of seventy-five dollars for the first semester or part of a semester must be required by al teachers colleges for each such nonresident student registered therein; and a fee of thirty-seven dollars and fifty cents for each semester attended consecutively thereafter, except that in any teachers colleges in which the school year is divided into three periods, commonly referred to as quarters, each such nonresident student must be required to pay a tuition fee of thirty-seven dollars and fifty cents for each such period or part of a period.

CHAPTER 862.

An act to add a new section to the Political Code, to be numbered 2161a, relating to State hospital buildings and grounds.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section, to be numbered 2161a, is hereby added to the Political Code to read as follows:

Rules and regulations governing buildings and grounds.

2161a. The business manager shall have power, with the sanction of the medical director and superintendent and the Director of the Department of Institutions, to establish rules and regulations, not inconsistent with law, for the government of the hospital buildings and grounds. He must preserve the peace thereon and arrest or cause the arrest of and appearance before the nearest magistrate for examination, all persons who attempt to commit or have committed thereon a public offense.

Violation

Any person who knowingly or wilfully violates the aforementioned rules and regulations may, upon the order of the medical director and superintendent, be ejected from the buildings and premises of the hospital

Designation of police officers

The business manager of each State hospital may with the approval of the medical director and superintendent, designate, in writing, as a police officer one or more of the bona fide employees of said State hospital and said business manager, police officer and police officers have all the powers of peace officers. Said police officers shall receive no compensation as such and the additional duties arising therefrom shall become a part of the duties of their regular positions. When and as directed by the business manager or the medical director and superintendent, said police officers shall enforce the rules and regulations of the hospital, preserve peace and order on the premises thereof and protect and preserve the property of the State of California.

CHAPTER 863.

An act to amend section 594 of the Political Code, relating to kinds of insurance and insurance companies.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 594 of the Political Code is hereby amended to read as follows: Stats 1929, p. 353.

594. All insurance business in the State of California is hereby classified in the following twenty kinds, namely: Insurance business classified

1. Life insurance, including within its meaning insurance upon the lives of persons and every insurance appertaining thereto, and the granting, purchasing and disposing of annuities. Life

2. Fire insurance, including within its meaning insurance against loss or damage by fire, lightning, windstorm, tornadoes or earthquakes. Fire.

3. Marine insurance, including within its meaning marine insurance as defined in section 2655 of the Civil Code of this State, also insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and every insurance connected with marine risks and risks of transportation and navigation, including the risks of lake, river and inland transportation and navigation; provided, that nothing in this paragraph contained shall prevent a company qualified to do plate glass, burglary, team and vehicle, automobile, aircraft or miscellaneous insurance, from covering the hazards defined in this paragraph when such hazards are included within and are incidental to such other respective classifications. Marine

4. Title insurance, including within its meaning the issuance of guarantees and policies of insurance affecting titles to real estate, and guaranteeing or insuring owners of real or personal property, or others interested therein, or having liens or encumbrances thereon, against loss by reason of defective titles, encumbrances, or adverse claims of title, or otherwise. Title

5. Fidelity and surety insurance, including within its meaning the guaranteeing of persons holding places of public or private trust, and guaranteeing and executing all bonds, undertakings, and contracts of suretyship, and guaranteeing the performance of contracts other than insurance policies, and not including guaranteeing the payment of mortgages or trust deeds. Fidelity and surety

6 Accident insurance, and either sickness or health insurance, including within its meaning insurance against injury, disablement or death resulting from traveling or general accidents, and against disablements resulting from sickness and every insurance appertaining thereto. Accident.

Plate glass

7. Plate glass insurance, including within its meaning all insurance against breakage of glass, whether local or in transit.

Liability.

8. Liability insurance, including within its meaning all insurance against loss or damage resulting from accident to or injury, fatal or nonfatal, suffered either by an employee or other person, and for which the insured is liable, and also including liability of the insured for loss or damage to property, or property interests of others, for which loss or damage the insured may be liable, excepting from this classification, workmen's compensation, common carrier liability, boiler and machinery, and team and vehicle insurance.

Workmen's compensation

9. Workmen's compensation insurance which is hereby defined to be insurance against any liability imposed by law upon any or all employers of labor or other person to compensate their or any employees and the dependents of such employees for any injury sustained by such employees by accident arising out of and in the course of their employment, irrespective of negligence or of the fault of either party; and includes all insurance written in accordance with the provisions of the Workmen's Compensation Insurance and Safety Act of 1917, and amendments thereto; provided, that insurance carriers as defined in said act and also all companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by section 602a of the Political Code for insurance carriers and companies doing liability insurance or insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable

Stats 1917, p. 831

Common carrier liability

10. Common carrier liability insurance which is hereby defined to be all insurance against loss or damage, resulting from accident to, or injury, fatal or nonfatal, suffered either by an employee, or other person, and for which any common carrier is liable, except workmen's compensation insurance; provided, that companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by sections 602 and 602a of the Political Code for companies doing liability insurance.

Boiler and machinery

11. Boiler and machinery insurance, including within its meaning insurance against loss of or damage to persons or property from explosion of or other accident to, boilers, tanks, pipes and other pressure vessels, engines, wheels and electrical machinery and apparatus connected therewith or operating thereby.

Burglary

12. Burglary insurance, including within its meaning insurance against loss by burglary or theft or both.

Credit.

13. Credit insurance, including within its meaning insurance of merchants, traders, and those engaged in business and giving credit for loss and damage by reason of giving and extending credit to their customers and those dealing with them, and insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, against loss or

damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities.

Sprinkler

14. Sprinkler insurance, including within its meaning insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus placed for extinguishing fires, and of water pipes, against accidental injury to such sprinklers, pumps, or other apparatus.

Team and vehicle.

15. Team and vehicle insurance, including within its meaning insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle, and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used does not include ships or vessels, nor boats nor any railroad rolling stock.

Automobile.

16. Automobile insurance, including within its meaning the insurance of the owners or users of or dealers in automobiles against any and all hazards incident to ownership, maintenance, operation and use of such automobiles, except the hazard or liability against loss or damage resulting from an accident to or physical injury, fatal or nonfatal, suffered by any person as a result of the ownership, maintenance, operation or use of such automobile. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon an automobile covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon an automobile covering the marine hazard of transportation only.

Mortgage

17. Mortgage insurance, including within its meaning the guaranteeing of the payment of the principle, interest and other sums agreed to be paid under the terms of any note or bond secured by mortgage or trust deed, or other sums secured under the terms of any such mortgage or trust deed, in its entirety, or of any undivided or other partial interest in any such mortgage or trust deed, or in a group of such mortgages or trust deeds, and the guaranteeing or insuring, directly or indirectly, against loss thereon.

Aircraft

18. Aircraft insurance, including within its meaning the insurance of the owners or users of or dealers in aircraft against any and all hazards incident to ownership, maintenance, operation and use of such aircraft, and also including loss or damage caused by aircraft to any person's property, but not including the liability against loss or damage resulting from an accident to or physical injury, fatal or nonfatal, suffered by any person as a result of the ownership, maintenance, operation or use of such aircraft. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon any aircraft covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy

of insurance upon any aircraft covering the marine hazard of transportation only.

Land value. 19. Land value insurance, including within its meaning the insuring of or guaranteeing land values.

Miscellaneous 20. Miscellaneous insurance, including within its meaning lightning, windstorm, tornado and earthquake insurance; and any and all casualty insurance not included in any of the foregoing kinds, and which is a proper subject of insurance.

Authority to insure No company shall do any of the foregoing twenty kinds of insurance unless authorized so to do by its charter; provided, however, that companies heretofore authorized to write liability insurance may continue to write workmen's compensation insurance and common carrier liability insurance, in the same manner as if the said last two kinds of insurance were expressly permitted in their charter.

Capital stock required and restrictions on business. No company having a capital stock shall do life insurance in California without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the sixth, eighth, ninth, and tenth classes; provided, that any such company desiring to do either the sixth, eighth, or ninth and tenth class, must have in addition to such two hundred thousand dollars of capital stock at least fifty thousand dollars of capital stock for each permitted class it desires to do except that an additional capital stock of fifty thousand dollars shall be sufficient capital stock to enable such company to do the eighth, ninth and tenth classes of insurance.

No company having a capital stock shall do in California any fire insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other kinds of insurance except the third, eleventh, fourteenth, sixteenth, eighteenth and twentieth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each additional class it desires to do, in addition to the two hundred thousand dollars required if it does fire insurance, or the four hundred thousand dollars if it does fire and marine insurance.

No company having a capital stock shall do in California marine insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the second, fifteenth, sixteenth, eighteenth and twentieth classes; provided, that any company qualified hereunder to do both fire and marine insurance may transact all of the classes of insurance permitted to either of said classes. To do both fire and marine insurance, such company must have a capital stock of at least four hundred thousand dollars and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for

each such additional class it desires to do, in addition to the two hundred thousand dollars required if it does marine insurance, or the four hundred thousand dollars if it does both fire and marine insurance.

No company having a capital stock shall do in California any fidelity and surety insurance without having a capital stock of at least two hundred fifty thousand dollars.

No company having a capital stock shall do in California any of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, or twentieth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars for the first class of insurance such company desires to do, nor any other of such classes, without having in addition thereto at least fifty thousand dollars capital stock for each additional permitted kind of insurance it desires to do; provided, however, that any company having a capital stock of at least one hundred thousand dollars may do the eighth, ninth, and tenth classes of insurance, or having qualified to do any of the fifth, sixth, seventh, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, or twentieth classes of insurance may do the eighth, ninth and tenth classes of insurance upon having an additional capital stock of at least fifty thousand dollars. Except as above prescribed, no company doing either the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, or twentieth classes of insurance shall do any of the first, second or third classes of insurance. No company doing the fourth class of insurance shall do any other class of insurance. No company doing the seventeenth class of insurance shall do any other class of insurance. No company doing the nineteenth class of insurance shall do any other class of insurance. No company doing any other class of insurance shall do the fourth class or seventeenth class or the nineteenth class of insurance. No company shall do in California any title insurance without having at least one hundred thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy. No company shall do in California any mortgage insurance without having at least two hundred fifty thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy. No company shall do in California any land value insurance without having at least five hundred thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy.

Capital to be paid up.

Such capital stock required must be fully paid up before doing any such business in California. The capital stock required must be unimpaired and shall be exclusive of all liability for losses reported, expenses, taxes, and all other indebtedness, and reinsurance of all outstanding risks as provided in sections 602 and 602a of the Political Code Every company organized or formed under the laws of any other State or country as a mutual or as a joint stock and mutual

company having a capital stock less than as above prescribed must have in lieu of such capital stock available cash assets of at least two hundred thousand dollars above all liabilities for losses reported, expenses, taxes and all other indebtedness, and reinsurance of all outstanding risks as provided in sections 602 and 602a of the Political Code.

Limitations on fidelity and surety companies

No company having a capital stock shall do in California any fidelity and surety business without having fully paid in and maintaining during the first three years during which it does such insurance in this State, at least two hundred fifty thousand dollars of capital stock in cash or in the value of obligations of the Government of the United States, any State or Territory thereof, or of any county or city and county in this State. Such investments must be approved by the Insurance Commissioner and all changes therein must be so approved. After the said first three years, such sum may be invested in any investments permitted by law to companies doing fidelity and surety insurance.

Par value required

No stock company shall be hereafter organized or admitted to this State to transact the business of any of the foregoing classes of insurance in this State unless all of its stock, authorized or issued, has a specified par value.

CHAPTER 864.

Stats. 1917, p. 831, amended

An act to amend section 60 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to hearings.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1917, p 831

SECTION 1. Section 60 of the Workmen's Compensation, Insurance and Safety Act of 1917 is hereby amended to read as follows:

Commission not bound by statutory rules of evidence and procedure

Sec. 60. (a) All hearings and investigations before the commission or any member thereof, or any referee appointed thereby, shall be governed by this act and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission nor any member thereof, nor any referee appointed thereby, shall be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in such manner, through oral testimony and written and printed records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the spirit and provisions of this act. All oral testimony together with all objections and rulings shall be taken down in shorthand by a competent phonographic reporter. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, award, rule or regulation made, approved or confirmed by the com-

Informality shall not invalidate

mission; nor shall any order, award, rule or regulation be invalidated because of the admission into the record, and use as proof of any fact in dispute, of any evidence not admissible under the said common law or statutory rules of evidence and procedure.

(b) The commission, or a commissioner or referee, or any party to the action or proceeding, may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this State, and to that end may compel the attendance of witnesses and the production of books, documents, papers and accounts; provided, that depositions taken outside of the State may be taken before any officers authorized to administer oaths. Depositions

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CHAPTER 865.

An act to appropriate and transfer funds to the "State employees' retirement fund" from moneys allocated and payable to the county of Los Angeles from the "Motor vehicle fund" to cover deficiencies in the "State employees' retirement fund" arising out of the transfer of the Los Angeles County motor patrol to the California Highway Patrol.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. There is hereby appropriated to the "State employees' retirement fund" out of moneys to be hereafter allocated to the county of Los Angeles from and out of the "Motor vehicle fund" the sum of $34,000.00, and the Director of Finance and the State Controller are hereby authorized and directed to deduct said sum from the moneys allocated to and otherwise payable to the treasurer of the county of Los Angeles in the month of August, 1933, and to cause said sum to be paid into the "State employees' retirement fund" to augment said latter fund to the extent of such transfer. Transfer of funds.

The said sum of $34,000.00 when deposited in the "State employees' retirement fund" shall be deemed to be so deposited for the benefit of those members of the Los Angeles County motor patrol who have been transferred to and have become members of the State highway patrol and said sum shall be in lieu of such contributions as the State would have made to said fund if each of the members of the Los Angeles County motor patrol had been in the employment of the State of California during the period of time corresponding to the time he was employed by the county of Los Angeles in the county motor patrol. Benefit of Los Angeles County motor patrol.

CHAPTER 866.

An act to amend section 4.191 of the School Code, relating to county elementary school funds.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 2569. See Stats. 1933, Ch. 1050

Unapportioned county elementary school fund How expended.

SECTION 1. Section 4.191 of the School Code is hereby amended to read as follows:

4.191. The unapportioned county elementary school fund shall be employed by the county superintendent of schools to pay such charges against this fund as are stipulated elsewhere in this code; and to provide, with the approval of the county board of education, additional apportionments to such elementary school districts of the county for the purpose of providing emergency teachers, instructional materials and pupil transportation as, (1) have levied the maximum district tax specified in School Code section 4.375 for purposes other than building purposes and in which the annual average current cost per pupil does not exceed the annual average current cost per pupil for all districts within the county or under the jurisdiction of the county superintendent of schools or, (2) need additional apportionments for such purposes because of temporary emergency conditions.

CHAPTER 867.

An act to repeal section 269 of the Political Code, relating to compensation of officers and employees of the Legislature.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Repeal.

SECTION 1. Section 269 of the Political Code is hereby repealed.

CHAPTER 868.

An act to validate the organization and incorporation of municipal corporations.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

Organization and incorporation of municipal corporations validated

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

SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by the boards of supervisors in this State, declaring the same incor-

porated, as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such boards of supervisors in the office of the Secretary of State, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the boards of supervisors with the Secretary of State; and all acts of the said municipal corporation heretofore performed according to the act aforesaid, are hereby validated, and declared to be legal; provided, however, that all municipal corporations shall be excepted from this act where the right to act as such is being contested or inquired into in legal proceedings which are now pending and undetermined.

Stats 1883, p 93.

CHAPTER 869.

An act relating to payment of death benefits by fraternal societies and lodges.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Except in the case of societies subject to and governed by the provisions of an act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, or otherwise supervised by the Insurance Commissioner pursuant to law, whenever any fraternal society or lodge pays benefits contingent on the death of the member, beneficiaries other than the following relatives by blood, marriage or adoption shall be paid only the excess of the amount of the benefits over the expense of burial of the member: Spouse, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, and parents by legal adoption.

Payments by fraternal benefit societies.
Stats 1911, p. 1320.

SEC. 2. Any fraternal society or lodge making any payment in violation of the provisions of this act shall thereby become liable for the expense of burial of the member to the extent of the amount paid in violation thereof.

Penalty.

CHAPTER 870.

An act to add a new section to the Political Code to be numbered section 472a relating to the defense of peace officers.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 472a and to read as follows:

Attorney General to defend State peace officers

472a. Whenever any suit for damages is brought against a peace officer who is paid in whole or in part from State funds, on account of his official actions in making arrests or prosecuting offenses, such peace officer may, with the consent of the head of the department in which he is employed, have such action referred to the Attorney General, and upon the determination of the Attorney General that such officer performed his official duty in good faith and without malice, it shall then be the duty of the Attorney General to appear and defend such officer in such action or authorize any attorney in such department to appear and defend such officer.

Costs and expenses

The costs and expenses involved in such action and any judgment recovered against such officer shall be a lawful charge against the funds of such department by which such officer was employed, and for which he was officially acting; provided, however, that such department may recover from such officer the amount of any judgment, costs or expenses paid out by it under the provisions of this section.

CHAPTER 871.

Stats. 1933, Ch 33, repealed.

An act to repeal an act entitled "An act to repeal 'An act making an appropriation to pay the claims for services, subsistence, supplies, transportation and other expenses of the National Guard of California called into service by order of the Governor in the months of March and April, 1933, to take effect immediately,'" approved March 14, 1933.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Repeal

SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 872.

An act to amend sections 8 and 11 of an act entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments," approved May 16, 1919, as amended, relating to penalties levied thereunder.

Stats 1919, p 612, amended

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 8 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1919 p 612.

Sec. 8. Upon the receipt of the diagram and assessment referred to in the last preceding section, the tax collector shall record the same in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, paramount to all other liens except liens for State, county and municipal taxes, and shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency. The tax collector shall, upon the recording of such assessment, give notice by publication for five days in a daily newspaper, published and circulated in said city, or by two insertions in a weekly newspaper so published and circulated, that said assessment has been recorded in his office and that all sums assessed therein are due and payable immediately, and that payment of said sums must be made to him within thirty days after the date of the first publication or posting, which date shall be stated in the notice. Said notice shall also contain the statement that all assessments not paid before the expiration of the said thirty days shall be delinquent, and thereupon five per cent of the amount of each such assessment shall be added thereto. When payment of any assessment is made, the tax collector shall mark opposite such assessment the word, "paid," with the date of the payment thereof, and shall give a receipt therefor. Upon the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the tax collector shall mark each such assessment "delinquent," and shall add five per cent to the amount thereof.

Assessment roll

Assessments payable immediately

Liens.

Publication of notice of record of assessment

Record of payment

Delinquent assessments

Stats 1919, p 612

SEC. 2. Section 11 of the act cited in the title hereof is hereby amended to read as follows:

Redemption of property

Sec. 11. At any time after the date of sale and prior to the issuance and delivery of a deed to said property as provided in section 12 of this act, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of one per cent per month of said amount together with such other penalties as may be payable as provided for in said section 12 of this act. Said one per cent penalties shall be added on the first day of each month following the date of the sale of said property.

Payment of redemption money

Said redemption money shall be paid by the tax collector to the person holding the original certificate of sale upon his delivering up the same and receipting for the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

CHAPTER 873.

Stats 1913, p. 1049, amended

An act to amend an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, as amended, by amending sections numbered 4, 5, 9, 10, 12, and 26, and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: section 22a, relating to levy of special assessments, in county water districts; section 22b, relating to special rates of assessment in certain cases; section 22c, relating to assessing and collecting the cost of works in the manner provided in the "Improvement Act of 1911"; sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, relating to the optional levy and collection of taxes by county water districts through the district's own officers rather than with county taxes; section 52, relating to the raising and payment by a county water district of assessments levied by an irrigation district within which is included a part of the lands within such county water district; and section 53, relating to short title of this act.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1925, p. 530.

SECTION 1. Section 4 of said act, as amended, is hereby amended to read as follows:

Election of directors.

Sec. 4. Within ninety days after the date of filing with the county clerk of the copy of the certificate of the Secretary of State, provided for in section 3 of this act, the board of supervisors of the county in which the county water district is located shall make and cause to be entered upon its minutes at a regular meeting thereof an order calling an election in such county water district for the election of a board of directors for the county water district consisting of five members, each of whom shall be a resident of and qualified to vote at elections of the district.

Order calling election.

The order of the board of supervisors shall fix the date of the election which shall not be more than sixty days after the date of the order calling the election. The order shall also create one or more voting precincts within the district and establish a polling place in each precinct and appoint a board of election, consisting of one inspector, one judge and two clerks, to hold, conduct and make returns of the election.

Publication of notice.

The county clerk shall give notice of the election by publishing notice thereof for at least two weeks in one but not to exceed three newspapers published in the county. The notice of election so published shall state the purpose for which the election is to be held, describe the voting precincts, state the location of the polling place for each precinct, the name and position of the persons appointed election officers and the date on which the election will be held.

Conduct of election

The election shall be conducted in accordance with the general election laws of the State so far as the same may be applicable and the returns canvassed by the board of supervisors of the county at its regular meeting next succeeding the date of the election.

Term of office.

All directors elected or appointed shall hold office until the election and qualification of their successors. The term of office of directors elected under the provisions of this act shall be four years from and after the date of their respective election; provided, that the directors first elected after the incorporation of the county water district shall classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general water district election, and three of them shall hold office until the election and qualification of their successors at the second succeeding general water district election.

Vacancies.

All vacancies occurring in the office of directors shall be filled by appointment by the remaining directors elected and the person so appointed shall have all of the qualifications necessary to be elected a director, and shall hold office during the unexpired term.

Time of election.

The election of directors of the district shall be held in every second year after its organization, on the fourth Tuesday in March, and shall be known as the general water district election. A second election shall be held, when necessary, as hereinafter provided, on the third Tuesday after such general election and shall be known as the second water district

election. All other elections which may be held by authority of this act, or of the general laws, shall be known as special water district election.

Directors to classify selves by lot.

The directors elected in any district, now existing, at the first election held in said district after the year 1933, shall, at the first meeting of the board, classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general water district election and three of them shall hold office until the election and qualification of their successors at the second succeeding general water district election.

Stats 1913, p 1019

SEC. 2. Section 5 of said act, as amended, is hereby amended to read as follows:

Nomination of officers

Sec. 5. (1) The mode of nomination and election of all elective officers of such water district to be voted for at any water district election shall be as follows and not otherwise.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

Petition of nomination

Petition of Nomination.

INDIVIDUAL CERTIFICATE.

State of California, } ss.
County of _____ }

Precinct No._____.

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____, _____ Street, for the office of _____ of the _____ county water district to be voted for at the water district election to be held in the _____ county water district on the _____ day of _____, 19___; and I further certify that I am a qualified elector residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above-named office, or, in case there are several places to be filled in the above-named office, that I have not signed more petitions than there are places to be filled in the above-named office; that my residence is at No. _____, _____ Street, _____, and that my occupation is _____.

Signed_____

State of California, } ss.
County of _____ }

_____ being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
Notary public or verification deputy.

The petition for nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ Street, _____, California.

(4) It shall be the duty of the county clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Certificates

(5) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the county clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector residing within said district, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a certification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification deputies.

(6) Verification deputies, under this section, must be qualified electors of such county water district, and shall be appointed by the county clerk upon application in writing, signed by not less than five qualified electors of such county water district. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for office in said county water district at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the county clerk.

Presentation of petition.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the county clerk not earlier than forty-five days nor later than thirty days before the election. The county clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petition

(8) When a petition of nomination is presented for filing to the county clerk, he shall forthwith examine the same, and ascertain whether or not it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the board of supervisors shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Signer may withdraw name

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the county clerk a verified revocation of his signature before the filing of a petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Candidate may withdraw

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the county clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five days prior to such election.

Petition filed

(11) If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Petitions preserved

(12) The county clerk shall preserve in his office for a period of two years, all petitions of nomination and all certificates belonging thereto, filed under this section.

List of candidates

(13) Immediately after such petitions are filed, the county clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the provisions of this act, and the board of supervisors shall cause said certified list of names and the offices to be filled, to be published in a proclamation calling an election at least once a week for two successive weeks next before the day of the election, in some newspaper of general circulation published in the county water district and designated by the board of directors of the county water district. In case there is no newspaper of general circulation published in the district, such board of directors may

designate any newspaper of general circulation published in the county. Such proclamation shall conform in all respects to the general State law governing the conduct of general elections now or hereafter in force, applicable thereto, except as otherwise herein provided.

(14) The county clerk shall cause the ballots to be printed and bound and numbered as provided by said general State law, except as otherwise required in this act. The ballots shall contain the list of names and the respective offices as published in the proclamation and shall be in substantially the following form: Ballots.

Form.

General (Or Special) District Election,
_____ County Water District.
(Inserting date thereof).

Instructions to Voters: To vote, stamp or write a cross (+) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for questions to be voted upon at municipal water district elections, as provided for under this act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. How printed

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided shall be omitted from the ballot. No candidate omitted

(17) The offices to be filled shall be arranged in the following order: "For director vote for (giving number)." Arrangement

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross. Voting squares.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote. Write-in blanks

(20) The county clerk shall cause to be printed sample ballots, identical with the ballot to be used at the election, and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election. Sample ballots.

Votes necessary to elect.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; provided, however, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

First election considered primary.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; provided, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Second election.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; and provided, also, that the same precincts and polling places shall, if possible, be used.

Failure to qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informality not to invalidate

(26) No informality in conducting district elections shall invalidate the same.

Stats 1927, p 290

SEC. 3. Section 9 of said act, as amended, is hereby amended to read as follows:

Ordinances

Sec. 9. The board of directors shall act only by ordinance, resolution or motion. Except where action shall be taken by the unanimous vote of all directors present and voting, the ayes and noes shall be taken upon the passage of all ordinance, resolutions or motions and entered upon the minutes of the board. No ordinance, resolution or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause

of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of _____ County water district as follows:" All ordinances shall be signed by the president of the board of directors and attested by the secretary. Each director shall receive the sum of ten dollars for each meeting of the board of directors attended by him, not exceeding three meetings in any calendar month, and such additional compensation not exceeding ten dollars per day as shall be fixed and allowed by the board for his services while otherwise employed by authority of the board in the business of the district. He shall also be allowed, with the approval of the board of directors, all traveling and other expenses reasonably incurred by him in such employment.

Compensation of directors

SEC. 4. Section 10 of said act, as amended, is hereby amended to read as follows:

Stats 1913, p. 1049

Sec. 10. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint, by a majority vote, a general manager, a secretary, and an auditor. No director shall be eligible to the office of general manager, secretary or auditor. The general manager, secretary, and auditor shall receive such compensation as the board of directors shall determine, and each shall serve at the pleasure of the board.

General manager, secretary and auditor

The same person may be appointed as general manager and secretary, or as secretary and auditor. The board of directors may at any time also appoint or employ and prescribe the authorities and duties of such other officers and employees, attorneys and engineers as may be necessary or convenient for the business of the district, each of whom shall serve at the pleasure of the board.

Consolidation of offices

SEC. 5. Section 12 of said act, as amended, is hereby amended to read as follows:

Stats 1923 p 312

Sec. 12. Any county water district incorporated as herein provided shall have power:

Powers of district

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

Sue and be sued

3. To adopt a seal and alter it at pleasure;

Adopt seal

4. To take by grant, purchase, gift, devise, or lease; to hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;

Hold property

5. To construct, purchase, lease or otherwise acquire waterworks and other works and machinery, canals, conduits and reservoirs, and to purchase, lease or otherwise acquire water rights, storage sites, watersheds, lands, rights and privileges, useful or necessary to convey, supply, store or otherwise make use of water for irrigation, power or other useful purposes, and to operate and maintain such water rights, waterworks, canals, conduit, reservoirs, storage sites, watersheds, works,

Acquire waterworks

machinery, lands, rights and privileges for the uses aforesaid for the benefit of the district;

Store water

6. To store water for the benefit of the district; to conserve water for future use; to appropriate, acquire and conserve water and water rights for any useful purpose; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or a benefit to any land situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of waters used or useful for any purpose of the district or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;

Lease waterworks

7. To lease of and from any person, firm or public or private corporation, with the privilege of purchase, or otherwise, existing water rights, waterworks, canals, or reservoir systems; and to carry on and maintain the same; also to sell water, or the use thereof, for irrigation, power, or other useful purposes, and whenever there is a surplus, sell, or otherwise dispose of the same, to municipalities, or towns, or to consumers, located within or without the boundaries of the district;

Right of eminent domain

8. To have and exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing water rights, canals, reservoirs, storage sites, watersheds, waterworks or systems, or any portion thereof owned by any person, firm or corporation; provided that property and water rights of municipal corporations shall not be subject to the provisions of this section. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

Cooperate with United States

9. To cooperate and contract with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted, authorizing or permitting such cooperation or contract for purposes of construction of works, whether for irrigation, drainage, flood control or for the development of electric or other power, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have all powers,

rights and privileges possessed by irrigation districts and exercise such powers, rights and privileges in the same manner as irrigation districts, all as provided in that certain act of the Legislature of the State of California entitled, "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payment to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as such act now exists or may hereafter be amended; provided that if any section, subsection, sentence, clause or phrase of said act of May 5, 1917, is for any reason held to be unconstitutional, such decision shall not affect the validity of the adoption by reference herein of the remaining portions of said act of May 5, 1917, and the Legislature hereby declares that it would have referred to and incorporated by reference in this act the provisions of said act of May 5, 1917, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases of said act of May 5, 1917, be declared unconstitutional; and provided further, that in any such contract made between a county water district and the United States, the lands which may be charged with any taxes or assessments under such contract, shall be designated and described, and the contract shall not include any lands which are not susceptible of service with water from the waterworks or system contemplated under such contract. The proceedings for voting at an election upon a proposal to enter into such contract with the United States shall be had in so far as applicable in the manner provided in the case of the ordinary issuance of bonds by county water districts. Notwithstanding any provision of said act of May 5, 1917, as such act now exists or may hereafter be amended, or any other provision of this act or other law, when any district has contracted with the United States under the provisions of this or any other act for the construction of works or for the acquisition, purchase, extension, operation or maintenance of such works or for water supply, then, in the event that the revenues of the district from water rates shall be, or in the judgment of the board of directors are likely to be, inadequate to pay all charges payable to the United States under such contract, and all charges for construction, acquisition, operation and maintenance of any irrigation, drainage, flood control or power system or works acquired or constructed under such contract, any tax or assessment, general or special levied for the payment of any of said charges in any manner pro-

Stats 1917, p 243.

vided by law shall be levied only upon land exclusive of improvements and personal property in the portion of such district to be served with water under such contract as therein described or thereunder modified.

Borrow money.

10. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

Levy taxes

11. To cause taxes to be levied for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided;

Make contracts

12. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers. The board of directors of the district may, but shall not be required to, cause to be performed or carried out construction or other work by contract or by the district, under its own superintendence in any manner authorized as to irrigation districts in section 53 of the California Irrigation District Act, as now existing or as hereafter amended.

New section

SEC. 6. A new section is hereby added to said act, as amended, to be numbered 22a, and to read as follows:

Levy of special assessments

Sec. 22a. Any county water district shall have the power to levy special assessments when authorized by election, or in case of unexpected emergency without such election, in the manner prescribed as to irrigation districts in sections 59 and 60 of the California Irrigation District Act, as now existing or as hereafter amended; such assessment shall be levied on such portion or all of the district as may be designated by resolution of the board as benefited by such assessment.

Stats 1897, p 254.

New section.

SEC. 7. A new section is hereby added to said act, as amended, to be numbered 22b and to read as follows:

Petition re land irrigated from another system.

Sec. 22b. Whenever the board of directors of any county water district shall by ordinance have found and determined that, in view of the circumstances existing in the district, it is just and reasonable that such petitions as are referred to in this section should be heard and determined, then anyone having an interest in any land within the district may file with the secretary of the board of directors a verified petition, alleging that said land, or some described portion thereof, was prior to the acquisition or establishment by the district of any water system or waterworks serving the territory in which said land is situate, irrigated from another system of works than said system of works of the district and has continued ever since to be exclusively so irrigated, and is entitled to a special rate of taxation, and praying the board to determine what percentage of the regular rates of taxation of the district should be used in levying taxes on the land described in the petition. The board shall set a time and place for the hearing of said petition, or of all of the petitions so filed if more than one has been filed, and shall cause notice thereof to be given in a newspaper published in the county wherein the office of the district is located. The notice shall state that a petition has been, or petitions have been

Notice of hearing

presented to the board praying for a determination that certain lands described therein, but which need not be described in the notice, are entitled to a special rate or rates of taxation and giving the names of the petitioner, or petitioners, and the time and place set for the hearing. The board shall meet at the time and place so set and proceed in such order as it may deem proper, to hear the petition or petitions and shall hear all competent and relevant evidence offered in support of any petition or in opposition thereto, and may adjourn the hearing from time to time. A fee of ten dollars must be paid to the secretary before the filing of any such petition, and the money shall be applied to the cost of the publication of the notice and other expenses of the hearing. If there shall be any balance after the conclusion of the hearing, it shall be returned to the petitioner or divided among the petitioners contributing thereto in proportion to the respective areas described in their petitions. After the conclusion of the hearing, if the board shall find that any of the land described in any petition or petitions has been irrigated as alleged and is not and will not be so benefited by the operations of the district as to justify its taxation at the same rate as other lands in the district not so irrigated, which rate may be referred to as the regular rate of taxation, the board shall, in an ordinance or resolution which shall be entered in full upon its minutes, describe the land entitled to a special rate of taxation, or the respective parcels thereof if separate parcels are to be assessed, and shall determine and fix the percentage of the regular rate of taxation which shall be applied in levying district taxes on said land, or on each parcel thereof if various parcels are found to be entitled to different special rates, in order that the taxes to be levied on said land may be in accordance with the benefits which it receives or will receive from the operations of the district. If the board shall determine that any land is entitled to a special rate of taxation, a certified copy of the ordinance or resolution so determining shall be delivered to the assessor, and thereafter, until notified of a change in such determination, he shall enter the land described therein separately on the assessment roll and so designate it and the percentage of the regular rate of taxation to which it is entitled that it may readily be distinguished from other land not entitled to a special rate. Thereafter the officer charged with the duty of entering on the assessment roll the amount of district taxes on the lands in the district shall in making such entry observe and conform to such ordinance or resolution of the board. The determination of the board with respect to any land after a hearing as aforesaid shall not be changed unless the board, on petition of a party affected, shall consent to another hearing, or on its own motion shall cause notice to be served on the owner of the land to show cause why the determination should not be changed, in either of which cases another hearing shall be advertised and held as hereinabove provided.

Hearing

Filing fee.

Ordinance for special rate

Special entry on assessment roll

Change of determination

New section

SEC. 8. A new section is hereby added to said act, as amended, to be numbered 22c, and to read as follows:

Board may order improvement work.

Sec. 22c. Whenever, in the opinion of the board of directors of any county water district, the public interest or convenience may require, said board is hereby authorized and empowered to order to be done in, under or upon the whole or any portion of any one or more of the streets, highways, public ways or public places of such district, or any property or rights of way owned by such district, any work or improvement for (a) wells, pumps, dams, reservoirs, storage tanks, channels, ditches, tunnels, conduits, pipes, hydrants, meters, and other appliances, for supplying or distributing an irrigation, domestic or other water supply, or (b) for pipes, hydrants and appliances for fire protection, and to provide that the cost thereof shall be assessed upon the lots and lands fronting on any such streets, highways, public ways or public places, or upon any district to be assessed therefor, which district need not be composed of lands contiguous to each other. Said work or improvement shall be done and the cost thereof be assessed and collected in accordance with the procedure and in pursuance of the provisions of that certain act of the Legislature of California known as the "Improvement Act of 1911," as heretofore or hereafter amended, and the provisions of said act are hereby adopted by reference for the purposes of this act; provided, that certain words used in said "Improvement Act of 1911" shall, for the purposes of this act, be construed as follows: The words "city" and "municipality" shall be construed as referring to "county water district"; and words "city council" as referring to the "board of directors" of the county water district; the word "mayor" as referring to the "president" of the board of directors of the county water district; the word "clerk" or "city clerk" as referring to the "secretary" of the county water district; the words "council chambers" as referring to the "office of the board of directors" of the county water district; the words "city treasurer" as referring to the "auditor" of the county water district; the words "superintendent of streets" or "street superintendent" and "city engineer" as referring to the "engineer" of the county water district; the term "right of way" shall mean any parcel of land through which a right of way has been granted to the county water district for any purpose; and all words relating to municipal officers and matters, as referring to the corresponding officers of county water districts and matters under this act; provided, that the board of directors of county water districts may appoint officers other than the engineer, without compensation, as the officer to perform any or all of the duties conferring upon the street superintendent or city engineer in said "Improvement Act of 1911"; provided, further, that said board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in said "Improvement Act of 1911" shall be performed by said engineer of work, whose

Stats. 1911, p. 730.

Definitions.

Appointment of additional officers

compensation and expenses shall constitute an incidental expense in the cost of said work. Said board may provide that the work shall be done under his direction and to his satisfaction, and that the materials used shall comply with the specifications of and be to the satisfaction of such engineer of work, and may provide that he shall make and sign the assessment. The contract shall be entered into by the engineer, and the assessment and warrant, when confirmed, shall be recorded in the office of said engineer.

Stats. 1931, p 2511.

SEC. 9. Section 26 of said act, as amended, is hereby amended to read as follows:

Construction of act.

Sec. 26. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof by counties or municipalities within this State, and notwithstanding any of the provisions of this act or of any other act the holder or holders of title or evidence of title of any tract or tracts of land which may be within the boundaries of any county water district formed under the provisions of this act may petition for the inclusion of such land, and such land may be included within an irrigation district formed under the California Irrigation District Act, under the same conditions and in the same manner as if such land was not within the boundaries of such county water district, but such inclusion shall not be made unless it shall appear and the board of directors of the irrigation district within which such lands are about to be included shall find that the county water district within which such lands are situated shall have been in existence for not less than five years immediately preceding the date of the filing of the petition for inclusion with the secretary of the board of directors of the irrigation district and that at the date of the filing of such petition such county water district shall not be delivering and is not prepared to deliver water from the irrigation works owned by such county water district to such lands for irrigation purposes. No lands, however, within such county water district so included within the boundaries of an irrigation district shall be released from any of the burdens, obligations or liabilities of such county water district because of such inclusion within an irrigation district but shall, so far as such inclusion is concerned, continue to be in all respects a part of such county water district. The word "district" shall apply, unless otherwise expressed or used, to a water district formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such district. Any county water district heretofore organized under the provisions of the act of which this act is amendatory shall enjoy all the powers herein granted and the organization of such districts and all proceedings leading to such organization are hereby affirmed and validated and such districts are hereby declared to be duly organized and incorporated.

Inclusion of other lands.

Stats 1897, p 254.

Definitions.

Districts validated

New section

SEC. 10. A new section is hereby added to said act, as amended, to be numbered 29, and to read as follows:

Sections applicable

Sec. 29. Anything in this act to the contrary notwithstanding, the board of directors of any county water district shall at its option have the power by ordinance to declare that the provisions of sections 21 and 22, as amended, of this act shall not thereafter be operative with respect to such district, and that such district shall proceed to assess property and levy and collect taxes in accordance with the provisions of sections 30 to 51 of this act. Thereafter and until the board shall by ordinance declare said provisions of sections 30 to 51, inclusive, inoperative and that the taxes of the district shall be assessed, levied and collected under the provisions of sections 21 and 22 of this act, as amended, said sections 30 to 51, inclusive, shall be effective and control the mode and manner of assessment, levy and collection of taxes of such district.

New section.

SEC. 11. A new section is hereby added to said act, as amended, to be numbered 30, and to read as follows:

Election of assessor and collector.

Sec. 30. The board of directors may elect an assessor and a collector, who shall hold office at the pleasure of the board and receive such compensation as shall be fixed by the board. Each of said officers shall qualify by taking and filing with the secretary of said board the oath of office, and shall give such bond to such district as shall be required by the board; provided the bond of said collector shall be in not less than the sum of $50,000 and shall be executed at the expense of the district by a surety company authorized to do business in this State. Each of said officers shall perform such duties as shall be required by this act and such other duties as shall be prescribed by the board of directors. The board may, in its discretion, appoint the same person to hold the offices of assessor and collector or segregate said offices and appoint a person to fill each office. The same person may hold the office of general manager, secretary, assessor and collector or any of said offices.

Consolidation of offices

New section.

SEC. 12. A new section is hereby added to said act, as amended, to be numbered 31 and to read as follows:

Assessment of property

Sec. 31. The assessor must, between the first Monday in March and the first Monday in June of each year, assess all lands, including all possessory rights to the use or possession of land held under the public land laws of the United States or of the State of California, or otherwise, and all improvements and personal property within the boundaries of the district, to the persons who own, claim or have possession or control thereof, at the full cash value thereof, as follows:

Assessment roll

He must prepare an assessment roll, with appropriate headings, in which must be listed all such property, in which must be specified in separate columns under the appropriate heading:

1. The name of the person to whom the property is assessed, or if the name is not known to the assessor, the property shall be assessed to "unknown owners";

2. Land by township, range, section or fractional section, and when such land is not in any congressional division or subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres and locality;

3. City and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town;

4. The cash value of land other than city or town lots;

5. The cash value of city and town lots;

6. The cash value of improvements;

7. The cash value of personal property;

8. The total value of all property assessed;

9. The total value of all property after equalization by the board of directors:

10. Such other things as the board of directors may require.

Property escaping assessment

Any property which may have escaped assessment for any year shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for in such current year.

New section

SEC. 13. A new section is hereby added to said act, as amended, to be numbered 32, and to read as follows:

Equalization of assessments

Sec. 32. On or before the first Monday in August each year the assessor must complete his assessment roll and show therein in detail all data required in section 31 of this act and any and all other data necessary to enable said board of directors to fix the tax rate and levy taxes upon the taxable property within said district. Said assessor must thereupon deliver said assessment roll to the secretary of the board, who must immediately give notice thereof and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by one publication in a newspaper published in said district, or if there be none, then in the county in which said district is situated. The time fixed for the meeting shall be not less than ten nor more than twenty days from the first publication of the notice and in the meantime the assessment roll must remain in the office of the secretary, for the inspection of all persons interested.

Notice of hearing

New section

SEC. 14. A new section is hereby added to said act, as amended, to be numbered 33, and to read as follows:

Hearings

Sec. 33. Upon the date specified in the notice required by the preceding section for the meeting of the board of directors, which is hereby constituted a board of equalization for that purpose, said board of directors shall meet and continue in session from time to time as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before it; and the board may change the valuation as may be just, whether objection be filed or not.

Duties of secretary

The secretary of the board shall be present during its sessions and note all changes made in the valuation of the property and in the names of persons whose property is assessed,

and within ten days after the close of the session he shall have the total valuations as finally equalized by the board extended into columns and added.

New section.

SEC. 15. A new section is hereby added to said act, as amended, to be numbered 34, and to read as follows:

Levy of additional taxes

SEC. 34. If, from any cause, the revenues of the district shall be, or, in the judgment of the board of directors, are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, then the board of directors must, within fifteen days after the close of its session as a board of equalization, levy a tax sufficient for the payment of principal of and interest upon such bonded indebtedness, to be known as the "bond tax" of the district; a tax sufficient for the payment of all charges and expenditures in connection with construction, acquisition, operation and maintenance of any water system of the district, to be known as the "water tax" of the district, and a tax sufficient for the payment of all other claims and expenses, to be known as the "general tax" of the district. Said bond tax shall be levied upon such portion or all of the district benefited by said bonded debt, as stated by the board in its resolution declaring the necessity of incurring such bonded debt; said water tax shall be levied on such portion or all of the district as is benefited by any such water system and as may be designated by resolution of the board, and said general tax shall be levied on all of the property within the district.

Bond tax.

Water tax.

General tax.

Ascertainment of rate of tax

In ascertaining the rates of taxation to be levied, fifteen per centum shall be deducted for anticipated delinquencies from the aggregate value of property to be levied on in respect of each separate rate, as shown by the assessment roll of the district, and then the sum necessary to be raised shall be divided by the remainder of the proper aggregate assessed value. The secretary must forthwith compute and enter in a separate column of the assessment roll the respective sums in dollars and cents to be paid on the respective properties therein enumerated.

New section

SEC. 16. A new section is hereby added to said act, as amended, to be numbered 35, and to read as follows:

Tax lien

SEC. 35. All district taxes levied on real property and improvements shall be a lien upon the same, which lien attaches as of noon on the first Monday of March in each year, and all taxes levied upon personal property shall be a lien upon the real property of the owner thereof, which lien attaches as of noon, the first Monday in March in each year.

New section

SEC. 17. A new section is hereby added to said act, as amended, to be numbered 36, and to read as follows:

Extension of time to perform acts.

SEC. 36. If, as a result of the neglect or refusal of any officer or officers to perform any duty relating to the assessment, levying and collection of taxes, as in this act provided, it shall be impossible for such duty to be performed within the time required, and such duty shall subsequently be per-

formed, then the time within which all duties consequent upon the performance of such duty shall be performed shall be extended so as to allow the elapsing of the intervals required by this act to elapse after the performance of such duty, and the taxes herein provided for shall not become delinquent for at least thirty days after the first publication of the notice that such taxes are due and payable, as provided in section 39 of this act.

New section.

SEC. 18. A new section is hereby added to said act, as amended, to be numbered 37, and to read as follows:

Powers and duties of assessors

Sec. 37. All the powers and duties respectively of county assessors respecting the collection of taxes on personal property and upon possession of or claim or right to possession of land, as now provided in sections 3820, 3821, 3822, 3823, 3824 and 3825 of the Political Code shall apply so far as applicable to and shall be exercised by the assessor of the district, and the assessor, on the first Monday in each month, must make a settlement with the secretary of the district and pay to the district all moneys collected by him for such taxes during the preceding month.

New section.

SEC. 19. A new section is hereby added to said act, as amended, to be numbered 38, and to read as follows:

Cancellation or modification of assessments.

Sec. 38. In case the board of directors of the district shall find that any property has been assessed in any year more than once, or has been assessed by reason of a clerical error for more than its full cash value, or the assessment computed on an excessive acreage, or that any property assessed was not in the district when so assessed, the board may authorize the collector to cancel or modify any such assessment as may be proper, and, in case of any such change in any assessment, the secretary shall credit the collector with the amount of said assessment, if it is canceled, or the amount by which it is reduced, if it is modified.

Refunds

Any taxes, penalties or costs thereon, or portions thereof, provided for by this act, heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, may, by order of the board of directors, be refunded by the district.

Verified claim.

No order for the refund of taxes, penalties or costs under this section shall be made except on a verified claim therefor, verified by the person who has paid said taxes, penalties or costs, or by his guardian, or, in case of his death, by his executor or administrator, which said claim must be filed within one year after the making of the payment sought to be refunded.

New section.

SEC. 20. A new section is hereby added to said act, as amended, to be numbered 39, and to read as follows:

Notice of delinquency.

Sec. 39. On or before the first Monday in October of each year the secretary must deliver the assessment roll to the collector of the district, who shall within ten days thereafter publish a notice in a newspaper published in said district, or if there be none, in the county in which the district is situate,

that said taxes will be due and payable on the third Monday in October next thereafter, and that the first installment thereof, including all personal property taxes, and one-half of the taxes on lands and improvements, will become delinquent at six o'clock p.m. on the second day of January next thereafter, and that unless paid prior thereto, five per cent will be added to the amount thereof, and that the second installment of said taxes, being the second one-half of taxes on lands and improvements, will become delinquent at six o'clock p.m. on the first day of July next thereafter, and that unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which the payment of said taxes may be made. Said notice shall be published once a week for two weeks. The collector must attend at the time and place specified in the notice to receive taxes, which must be paid in gold and silver coin. He must mark the date of payment of said taxes on the assessment roll opposite the name of the person paying and give a receipt to such person, specifying the amount of the tax and the amount paid, with the description of the property assessed.

Delinquency penalties.

After said first installment of taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of five per cent thereof, and, after the second installment of said taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of five per cent.

New section

SEC. 21. A new section is hereby added to said act, as amended, to be numbered 40, and to read as follows:

Delinquent list.

Sec. 40. On or before the eighth day of August the collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent and the amount of taxes and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that unless the taxes delinquent, together with costs and percentages are paid, the real property upon which such taxes are a lien will be sold to the district. The publication must be made once a week for three successive weeks in a newspaper published in the district, or if there be none, one published in the county in which the district is situate. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication of the notice, and the place must be at some point designated by the collector within the district; provided, however, that if there should occur any error in the publication of the notice of sale of the delinquent property which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder, the collector shall at once republish the notice of sale of the property affected by such error, making such republication conform to the provisions of this act, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the

Publication

Time of sale for delinquency

first republication, and the place of sale must be at some point designated by the collector within the district as stated in such republication.

SEC. 22. A new section is hereby added to said act, as amended, to be numbered 41, and to read as follows: New section

Sec. 41. The collector must collect, in addition to the taxes shown due on the delinquent list, with the percentages hereinbefore specified added, fifty cents on each lot, piece or tract of land separately assessed. The collector may postpone the time of sale, but he must give notice thereof at the time and place fixed for the sale in the publication. He may so postpone the time of sale from day to day, but not for a period of more than three weeks; provided, that if the sale be stayed by legal proceedings, the time of the continuance of such proceedings shall not be part of the time limited for making such sale. Postponement of time of sale

SEC. 23. A new section is hereby added to said act, as amended, to be numbered 42, and to read as follows: New section

Sec. 42. On the day and hour fixed for the sale in accordance with section 39 hereof, all property upon which the taxes, penalties and costs have not been fully paid shall, by operation of law and the declaration of the tax collector, be sold to the district, and the tax collector shall make in appropriate columns on the assessment roll opposite each parcel of land so sold an entry, "Sold to the District," the date of sale and the total amount for which such parcel of land was sold, and he shall be credited with the amount thereof in his settlement with the secretary of the board of directors; provided, that at any time on the day of the sale the owner or person in possession of any property offered for sale for taxes due thereon may pay the taxes, penalties and costs accrued against any such property. Sale of delinquent property to district

Property so sold to the district shall be assessed each subsequent year for district taxes until the deed is made to the district therefor, in the same manner as if it had not been sold to the district, and if such taxes become delinquent, such property shall be included in the delinquent list for each such year, and if such subsequent taxes remain unpaid on the day and hour of the sale in this section referred to, sale shall again be made to the district, in the manner herein specified. Assessment.

SEC. 24. A new section is hereby added to said act, as amended, to be numbered 43, and to read as follows: New section

Sec. 43 The collector must make out in duplicate a certificate dated on the date of the sale, stating, when known, the name of the person taxed, a description of the land sold, that it was sold to the district for taxes, giving the year of the tax and the amount of the tax, penalties and costs, and specifying the time when the district will be entitled to a deed. The certificate must be signed by the collector and one copy delivered to the district and the other filed in the office of the county recorder of the county in which the land is situated. Certificate of sale to district

New section

SEC. 25. A new section is hereby added to said act, as amended, to be numbered 44, and to read as follows:

Record of sale.

Sec. 44. The collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during business hours, when not in actual use. On filing the certificate with such county recorder, the lien of the taxes vests with the district and is only divested by the payment to it of the aggregate of the taxes, penalties and costs, together with one per cent per month thereon from the date of the sale until redemption; provided, that partial redemption may be made in the manner specified in sections 45 and 46 of this act.

New section.

SEC. 26. A new section is hereby added to said act, as amended, to be numbered 45, and to read as follows:

Redemption

Sec. 45. A redemption of the property sold may be made by the owner, or any party in interest, within three years from the date of the sale. Redemption must be made in gold and silver coin.

Record.

On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On presentation of the receipt of the collector of the total amount of the redemption money, the recorder must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the

Deed to district

collector, or his successor, must make to the district a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption.

Title acquired by district

The title acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of directors, or said property may be sold on contract, with deferred payments, similarly executed and acknowledged; provided, that authority so to convey or contract must be conferred by resolution of the board, entered in its minutes, fixing the price and terms at which such sale or contract may be made, and for the purpose of making such sales or contracts the district may employ an agent or agents; and provided, further, that property sold to the district for delinquent taxes may be redeemed as herein provided at any time before the district has disposed of the same.

New section

SEC. 27 A new section is hereby added to said act, as amended, to be numbered 46, and to read as follows:

Partial redemption

Sec. 46. In all cases where a lot, piece or parcel of land contained in any assessment has been sold or may hereafter be sold to the district for delinquent assessments and the time for redemption has not expired, a partial redemption may be made by the owner or any person in interest separately from

the whole assessment of any such lot, piece or parcel of land as follows:

If such lot, piece or parcel of land has a separate valuation shown on the assessment roll, the collector shall estimate the amount due according to the valuation shown on the assessment roll, and the redemption shall be made in the manner provided for in sections 44 and 45 of this act. If such lot, piece or parcel of land or such fractional part of such lot, piece or parcel of land does not have a separate valuation shown on the assessment roll, the collector shall submit the description of the lot, piece or parcel of land, or the fractional part thereof, upon which redemption is requested, to the assessor, who must place a valuation thereon. The collector shall then send a notice by registered mail to the person to whom the land was assessed, to his last known address, giving him notice of the proposed division, and if no protest against said division be filed with the collector within ten days from the date of the mailing of such notice, the collector shall then estimate the amount of such assessments, penalties, costs and interest due on such lot, piece or parcel of land according to such relative or proportionate value, and such redemption shall be made in the manner provided for in sections 44 and 45 of this act; provided, that where written protest to said division is filed by any assessment payer within said ten days, the collector shall withhold such redemption and refer the matter to the board of directors of the district for decision. The board of directors shall set a time for hearing said protest, and cause a notice of the date of said hearing to be mailed by the secretary to the person or persons who have filed written protest, and to the person desiring to make such redemption, at least ten days prior to the date of such hearing, and at the termination of said hearing may confirm the act of the assessor or modify or set aside the same, and its decision in the premises shall be final. In the event of such reference to the board of directors and of their dividing the assessment, the collector shall conform to the action of the board.

Valuation of parcel

Notice.

Protest.

Hearing

SEC. 28. A new section is hereby added to said act, as amended, to be numbered 47, and to read as follows:

New section.

Sec. 47. The matters recited in the certificate of sale must be recited in the deed and such deed duly acknowledged or proved is prima facie evidence that (a) the property was assessed as required by law, (b) the property was equalized as required by law, (c) the taxes were levied in accordance with law, (d) the taxes were not paid, (e) that at a proper time and place the property was sold as prescribed by law and by the proper officer, (f) the property was not redeemed, and (g) the person who executed the deed was the proper officer.

Deed to district.

Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor inclusive up to the execution of the deed. The deed conveys to

Effect of deed.

the district the absolute title to the lands described therein, free of all encumbrances, except when the land is owned by the United States or this State in which case it is prima facie evidence of the right of possession.

New section.

SEC. 29. A new section is hereby added to said act, as amended, to be numbered 48, and to read as follows:

Prima facie evidence of assessment.

Sec. 48. The assessment roll or delinquent list, or a copy thereof, certified by the collector, showing unpaid taxes against any person or property is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

New section.

SEC. 30. A new section is hereby added to said act, as amended, to be numbered 49, and to read as follows:

Mistake does not void.

Sec. 49. When land is sold for taxes correctly imposed as the property of a particular person, no misnomer of the owner or supposed owner or other mistake relating to the ownership thereof affects the sale or renders it void or voidable.

New section.

SEC. 31. A new section is hereby added to said act, as amended, to be numbered 50, and to read as follows:

Improvements on land sold to district.

Sec. 50. When lands have been sold or shall hereafter be sold to the district, by reason of nonpayment of taxes, no owner or claimant of such lands, nor any other person, shall remove or destroy any building, fixture, or other improvement on such lands, or cut or remove any timber or wood, or cause to be done any other act which shall tend permanently to impair the value of the lands or the value of the improvements thereon: provided, the provisions of this section shall not apply when such lands have been redeemed from sale or such lands have been sold and disposed of by the district. Violation of any of the provisions of this paragraph of this section shall constitute a misdemeanor.

Rents, issues and profits

From and after the date of the recording of the deed to the district, as provided herein, the district shall be entitled to receive and collect all rents, issues and profits arising in any manner from the property so conveyed. The board of directors may demand from the former owner of said property, or any person having any interest therein, or any person in possession, actual or constructive, of said property, or of any part thereof, an accounting for said rents, issues and profits, and may, at any time after the recording of said deed to the district, as aforesaid, demand and receive possession of the property so conveyed, and such possession shall be surrendered to any person designated by the board, authority for such designation being hereby granted. For the enforcement of the provisions of this paragraph of this section, the board of directors is authorized to commence and maintain an action or actions in behalf of the district. The superior court of the county in which the district is situate shall have jurisdiction in the matter of such actions. All moneys recovered under the provisions of this section shall be paid to the district,

Action by district

and shall not be considered as a credit on the amount necessary to be paid in redemption of the property from the sale to the district.

SEC. 32. A new section is hereby added to said act, as amended, to be numbered 51, and to read as follows: New section

Sec. 51. On Monday in each week the collector must settle with the secretary of the board for all moneys collected for taxes, and pay the same over to such depositary as shall be designated by the board, and within seven days thereafter he must deliver to and file in the office of the secretary a statement under oath showing (a) an account of all his transactions and receipts since his last settlement, and (b) that all money collected by him as collector has been paid to such depositary, together with the receipts of such depositary for such money so received. Statement of collector.

SEC. 33. A new section is hereby added to said act, as amended, to be numbered 52, and to read as follows: New section.

Sec. 52. Whenever the lands within any county water district or portion thereof shall be included within an irrigation district organized under the California Irrigation District Act, the board of directors of such county water district may, at its option, levy or cause to be levied upon the land, exclusive of improvements and personal property, included within such irrigation district and in said county water district, or such portion thereof as may be designated by resolution of the board as benefited by such inclusion of lands within such irrigation district, a tax for the purpose of raising such amount of money as may from time to time, in the judgment of said board, be required to pay to such irrigation district the total amount of any annual and/or special assessments levied by such irrigation district upon said lands included within such irrigation district, or any installment of such assessments, or any of the several individual assessments or installments thereof, and said board of directors of said county water district is hereby authorized to use any moneys raised by such tax to pay to such irrigation district such assessments levied by such irrigation district, or any installment thereof, or any of the several individual assessments or installments thereof, in any case as the same become due and payable. Lands included in irrigation district

SEC. 34. A new section is hereby added to said act, as amended, to be numbered 53, and to read as follows: New section.

Sec. 53. This act shall be known and may be cited and referred to in any action, proceeding or legislative enactment as, "County Water District Act." Short title

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CHAPTER 874.

An act to provide for the use of matured bonds or matured interest coupons of districts formed under the provisions of the "Acquisition and Improvement Act of 1925" or the

"Road District Improvement Act of 1907" in the payment of assessment taxes levied upon land within said districts.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

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

Payment of assessment taxes

SECTION 1. Payment of all or any portion of any special assessment taxes levied to pay the principal or interest due or to become due on the bonds of any district formed under the provisions of the "Acquisition and Improvement Act of 1925" or the "Road District Improvement Act of 1907" may be made with matured bonds or matured interest coupons of such district. The various officials charged with the collection of such taxes shall accept and treat said bonds and coupons as cash, and when such bonds or coupons are so received they shall be canceled and the interest and sinking fund of such district shall be credited with the face value thereof.

Stats 1925, p 849. Stats. 1907, p. 806

CHAPTER 875.

An act to authorize the investigation of the financial condition of, and granting financial aid to, assessment districts organized under the "Acquisition and Improvement Act of 1925" or the "Road District Improvement Act of 1907."

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Reports on financial condition.

SECTION 1. The governing body of any county, city and county or city, is hereby authorized to provide for the selection of commissions to make reports upon the financial condition of special assessment districts within said county, city and county, or city, organized under the provisions of the "Acquisition and Improvement Act of 1925" or the "Road District Improvement Act of 1907"; a separate commission shall be organized for each such district; and each such commission shall consist of one member of the governing body, one property owner in the district and such other members as shall be determined by the governing body of such county, city and county or city.

Stats 1925, p 849 Stats 1907, p. 806.

Transfer of funds

SEC. 2. After a report has been received for any such district, the governing body of any county, city and county or city, may, in its discretion, transfer from the general fund to a special fund, such sum as it deems fit, for payment of principal or interest, the redemption or purchase of bonds of such assessment district, the proceeds of which bonds have been used for the acquisition of rights of way for the opening, widening, straightening, extending or the construction, maintenance and repair of streets, roads, highways, bridges or

culverts within such county, city and county or city. Before any such sums may be expended for the purposes herein provided, the governing body of any county, city and county or city, shall, by a resolution adopted by a four-fifths vote of the members thereof, determine that the streets, roads, highways, bridges or culverts, for the construction, maintenance or repair of which said bonds were issued, as the case may be, are of general county or city use, or that the said streets, roads, highways, bridges or culverts for which said bonds were issued to acquire the rights of way or easements, as the case may be, are of general county or city use. Resolution

SEC. 3. The governing body of any county, city and county or city, is hereby authorized to issue and sell bonds of such county, city and county or city under such limitations and restrictions as are prescribed by law, and to transfer from the proceeds thereof to a special fund such sums as it deems fit for the payment of principal or interest, the redemption or purchase of bonds of such assessment districts, the proceeds of which bonds have been used for the acquisition of rights of way for the opening, widening, straightening, extending or the construction, maintenance and repair of streets, roads, highways, bridges or culverts within such county, city and county or city. Before any such sums may be expended for the purposes herein provided, the governing body of any county, city and county or city, shall, by a resolution adopted by a four-fifths vote of the members thereof, determine that the streets, roads, highways, bridges or culverts, for the construction, maintenance or repair of which said bonds were issued, as the case may be, are of general county or city use, or that the said streets, roads, highways, bridges or culverts for which said bonds were issued to acquire the rights of way or easements, as the case may be, are of general county or city use. Issuance and sale of bonds

Resolution.

SEC. 4. No funds shall be expended in the purchase of such assessment district bonds unless the same can be purchased at a price of not more than eighty per cent of the par value of the bonds and unless at least eighty per cent of such bonds can be so purchased. The governing body of such county, city and county or city in determining the rate of the annual assessment tax upon the lands in such district shall compute the amount necessary to pay the principal and interest of the bonds so purchased to be an amount no greater than the amount such county, city and county or city has actually expended in the purchase thereof, and in addition thereto an amount sufficient to pay the principal and interest due on any bonds not purchased by such governing body. Limitation on bond purchases

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CHAPTER 876.

An act to add a new section to the Code of Civil Procedure to be numbered 1042, and to repeal "An act making the cost Stats. 1905, p. 477, repealed.

of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate," approved March 20, 1905, relating to the payment of premiums on bonds of executors, administrators and guardians, receivers, assignees and trustees.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

New section.

SECTION 1. A new section is hereby added to Chapter VII of Title XIV of Part II of the Code of Civil Procedure to be numbered 1042, and to read as follows:

Cost of bond

1042. A receiver, assignee or trustee required by law or by the order of court to give a bond as such shall be allowed the cost of such bond, if it be a surety bond, for each year it remains in force.

Repeal.

SEC. 2. The act entitled "An act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate," approved March 20, 1905, is hereby repealed.

CHAPTER 877.

Stats 1929, p. 1645, amended.

An act to amend sections 11, 12 and 13 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to reciprocity, service of notice and process, and penalties.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats. 1931, p. 1901

SECTION 1. Section 11 of the act cited in the title hereof is hereby amended to read as follows:

Reciprocal registration.

Sec. 11. The board may, upon application therefor, and the payment of a fee of ten dollars ($10), to be retained by the board, issue a certificate of registration as a civil engineer to any person who holds a certificate of qualification or registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or possession of the United States, or any country, provided that the requirements for the registration of civil engineers under which said certificate of qualification or registration was issued do not conflict with the provisions of this act and are of a standard not lower than that specified in section 7 of this act.

Stats 1931, p. 1901.

SEC. 2. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 12. (a) It shall be the duty of the board to inquire into the identity of any person not registered as provided in this act and practicing as or claiming to be a civil engineer. The board shall have the power by a two-thirds (⅔) vote to suspend for a period not to exceed two years, or to revoke the certificate of any civil engineer registered hereunder who has been convicted of a felony or who has not a good character or who has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud or gross incompetency in his practice, or guilty of any fraud or deceit in obtaining his certificate. Suspension or revocation of certificate

(b) Proceedings for the suspension or revocation of certificate of registration shall be begun by filing with the secretary of the board written charges against the accused, such charges shall be in detail, and sworn to under oath by the complainant. The board shall designate a time and place for a hearing and shall notify the accused of this action and furnish him a copy of all charges, either by personal service or by registered United States mail, at least thirty (30) days prior to the date of hearing. The accused shall have the right to appear personally or by counsel, to cross-examine witnesses or to produce witnesses in his defense. The board shall have the power to compel the attendance of witnesses and the production of necessary papers and documents. Procedure

The board may reissue a certificate of registration to any person whose certificate has been revoked; provided, two (2) or more members of the board vote in favor of such reissue for reasons the board may deem sufficient. Reissuance of certificate.

Sec. 3. Section 13 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1931, p. 1901.

Sec. 13. (a) Any certificate issued under the provisions of this act shall remain in effect until the thirtieth (30th) day of June following the date of issuance.

(b) Every civil engineer registered under this act who desires to continue the practice of his profession beyond the thirtieth (30th) day of June following the date of issuance of his original certificate shall on or before the thirtieth (30th) day of June of each year pay to the secretary of the board a fee of five dollars ($5) to be retained by the board, for which fee a renewal certificate of registration for the current year shall be issued. Certificates of registration which have expired for failure to pay renewal fee may be reinstated within one year under rules and regulations prescribed by the board, provided that after the thirtieth day of June of each year the application for reinstatement of an expired certificate of registration must be accompanied by one dollar ($1) for each calendar month or fraction thereof applicant is delinquent after June 30th, until the amount aggregates the sum of five dollars ($5) as a penalty for delinquency, in addition to the annual renewal fee of five dollars ($5). An unsuspended, unrevoked or unexpired certificate and endorsement of registry, made as Renewal certificate. Reinstatement.

provided in this act, shall be presumptive evidence in all courts and places that the person named therein is legally registered.

CHAPTER 878.

Stats 1929, p 1645, amended.

An act to amend section 1b of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to fees.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

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

Stats 1931, p. 442.

SECTION 1. Section 1b of the act cited in the title hereof is hereby amended to read as follows:

Structural engineers.

Sec. 1b. No person shall use the title "structural engineer" unless he is a registered civil engineer in this State and, furthermore, unless he has been found qualified as such structural engineer according to the rules and regulations established therefor by the Board of Registration for Civil Engineers. Application for permission to use the title "structural engineer" shall be made to the board and shall be accompanied by a fee of ten dollars ($10); said fee to be retained by the board. Anyone who violates the provisions of this section is guilty of a misdemeanor.

Fee

Penalty.

CHAPTER 879.

An act relating to governmental units known as districts, and providing a procedure for the organization, operation, government, consolidation and dissolution of such districts.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

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

Short title

SECTION 1. This act shall be known as the "District Organization Act."

Purpose of act.

SEC. 2. It is the purpose of this act to make available a procedure for the organization, operation, government, consolidation and dissolution of districts as herein defined.

Effect of act.

SEC. 3. This act does not repeal or otherwise affect any existing statute, nor does it affect any district now existing. Its provisions shall apply and become operative only as and when and to the extent that they are adopted or incorporated by reference in an act providing for a particular district or type of district.

Definitions.

SEC. 4 In this act, unless the context otherwise requires:

(a) "District" means a tax or assessment district in the

nature of a public agency or corporation, or quasi-municipal corporation of special or limited functions and powers;

(b) "Governing body" means that board or body in a district which bears to the district a relation equivalent to a board of directors thereof;

(c) "Principal act" means the act which provides for the creation of a particular district or type of district;

(d) "Supervising authority" means the board of supervisors of the county in which the land, or the greater portion of the land, in a district, is situated; or that body which by law initiates or hears proceedings for the creation of a district;

(e) "Project" means the work, improvement or acquisition, or any combination thereof undertaken by a district;

(f) "Owner" includes joint owner, coowner, guardian, executor, administrator or other person holding property in a trust capacity under appointment of court.

DIVISION I FORMATION OF DISTRICTS.

CHAPTER I. PETITION AND PRELIMINARY HEARING.

Formation of districts

Sec. 101. Districts may be formed in the manner provided by this division.

Petition

Sec. 102. Proceedings for the formation of a district shall be commenced by petition, when a petition is authorized or required by the principal act, addressed to and filed with the supervising authority, and signed by the requisite number of qualified petitioners as prescribed by the principal act.

Petition filed in sections

Sec. 103. The petition may be filed in sections each of which must comply with all the requirements for a petition, except that a section need not contain the total number of signatures required for the petition.

Withdrawal of signatures

Sec. 104. Signatures to the petition may be withdrawn at any time before the publication of the petition, by filing with the clerk of the supervising authority a declaration signed by the petitioner stating that it is the intention of the petitioner to withdraw his signature from the petition.

Contents of petition

Sec. 105. The petition must:

(a) State the proposed name for the district;

(b) Set forth the boundaries of the district or describe the lands situated therein;

(c) Request that the district be formed under the terms of the principal act, citing it by name;

(d) Describe generally the nature of the proposed project; and

(e) Comply with such additional requirements as may be imposed by the principal act.

Preliminary hearing

Sec. 106. Upon presentation and filing of the petition the supervising authority shall fix a time and place for the hearing of the petition. The hearing shall not be less than twenty days nor more than forty days after such presentation and filing.

Continuance

Report.

Sec. 107. The hearing may be continued from time to time, not exceeding three months in all, to enable the project to be investigated and a report made thereon if such investigation and report is required under the provisions of the principal act or of any other act applicable to the formation of the district.

CHAPTER II. FINAL HEARING AND FORMATION.

Final hearing.

Sec. 151. The supervising authority shall fix the time and place for the final hearing on the petition and shall order the clerk of the supervising authority to give notice of such final hearing.

Notice.

Sec. 152. The notice of final hearing shall:

(a) State the name and nature of the district;

(b) State that the petition is available for inspection at the office of the clerk of the supervising authority;

(c) Designate the boundaries of proposed district;

(d) State the time and place for the final hearing;

(e) State that at said hearing protests will be considered by the supervising authority;

(f) State that requests in writing for exclusion from or inclusion of lands in the proposed district will be heard and considered by the supervising authority.

Giving notice.

Sec. 153. Notice of such final hearing shall be given by the clerk of the supervising authority by publication as hereinafter provided.

Error does not invalidate.

Sec. 154. The supervising authority shall not be deprived of jurisdiction to proceed with the hearing, nor shall any action on the petition be invalidated for clerical error in the published notice.

Defective notice.

Sec. 155. If it appears that the notice given has been defective in any material respect, the supervising authority shall set another time for the hearing and cause notice again to be published.

Dismissal.

Finding is final.

Sec. 156. If the supervising authority shall determine that the petition does not comply with the requirements of law, the matter may be dismissed without prejudice to the right to present a new petition covering the same matter. A finding by the supervising authority in favor of genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State of California in a proceeding brought by the Attorney General within one year of the date of the making of the order establishing and describing the boundaries of the district.

Protests.

Sec. 157. At the hearing protest may be made orally or in writing by any person interested in the formation of the proposed district. Any protest pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities and defects to which objection is made. All written protests must be filed with the clerk of the supervising authority on or before the time fixed

for the final hearing. The hearing may be continued from time to time not exceeding sixty days.

Request for exclusion or inclusion of land.

Sec. 158. At the hearing any owner of land in the proposed district may present to the supervising authority a request in writing for exclusion of such land, or any part thereof, and any owner of land outside the proposed district may present to the supervising authority a request in writing for inclusion of such land in the proposed district.

Termination of proceedings

Sec. 159. The proceeding shall terminate, if prior to the time the supervising authority finally determines the district shall be formed, written protests against the formation of the district are filed with the clerk of the supervising authority by the requisite number of qualified protestants as prescribed in the principal act.

No new proceedings for one year

Sec. 160. The supervising authority shall order the proceedings terminated when such protests are received. No petition or other proceedings for the formation of the same district for the same project shall be considered by the supervising authority until after the expiration of one year from the date of the order of termination made pursuant to this section.

To fix district boundaries

Sec. 161. If at the final hearing the supervising authority determines that the project is feasible, economically sound, and for the public interest, it shall fix the boundaries of the proposed district. In so doing it shall exclude from the district any land which it finds will not be benefited by the proposed project; and it may include in the district any land which it finds will be benefited, if it also finds it will be to the interest of the district to include the same. Such inclusion may be upon application of the owner, or, without such application, upon giving him notice thereof and hearing thereon. Notice of inclusion shall be published and shall be mailed, postage prepaid, by the clerk of the supervising authority to the address of the owner of such land as shown by the last equalized county assessment roll, and to any person who has filed with him his name and address and description of land in which he has either a legal or equitable interest. Such notice shall describe the land proposed to be included and shall state the time and place at which objections to such inclusion will be heard.

Notice of inclusion.

Boundaries and name

Sec. 162. The supervising authority, if it determines that the district should be established, shall by resolution fix and describe the boundaries of the district and designate a name therefor, which may be that proposed in the petition or such other name as the supervising authority may select.

Election

Sec. 163. The supervising authority shall, within twenty days after the adoption of such resolution establishing the district boundaries, call and give notice of an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed and for the selection of persons, if any, who shall serve as the elective officers of the district.

Conduct of election.

Sec. 164. The election shall be called and conducted, and candidates, if any, shall be nominated in the manner hereinafter provided in respect to general district elections except that the supervising authority shall establish election precincts and designate the polling place or places for the election, publish notice thereof and appoint the election board or boards, and the returns of such election shall be forwarded to the supervising authority which shall canvass the returns and declare the results of the election at its next regular meeting following the election.

District declared organized

Sec. 165. If it appears that a majority of all the votes cast at the election are in favor of the organization of the district, the supervising authority by resolution entered on its minutes shall declare the district duly organized under the principal act, citing it by name, and shall give the name of the district as theretofore designated, and shall describe the boundaries of such district.

Filing of resolution.

Sec. 166. Immediately after the passing of the resolution declaring the organization of the district, the clerk of the supervising authority shall file for record in the office of the county recorder of each county in which any portion of the lands in the district is situated, a certified copy of such resolution and shall file a certified copy of the same with the Secretary of State. Thereupon the organization of the district shall be complete.

Action to determine legality

Sec. 167. The governing body of the district may institute and maintain a proceeding, in the superior court in and for the county where the greater portion of the land of the district is situated, to determine the legality of the existence of such district.

Complaint

Sec. 168. The complaint in such proceeding shall set forth the name of the district, its boundaries, the date of its organization, and shall contain a prayer that it be adjudged a legal district formed under the provisions of the principal act (citing it).

Summons

Sec. 169. The summons in such proceeding shall be served by publishing a copy thereof for three weeks in a newspaper of general circulation, published in each county where any part of the land of said district is situated

Answer.

Sec. 170. Within thirty days after the last publication of the summons any person who may be interested may appear and answer the complaint. The answer must set forth the facts relied upon to show the asserted invalidity of the district.

Sec. 171. If no answer is filed the court must render judgment as prayed for in the complaint. If an answer is filed the court shall proceed as in any civil case.

Proceeding in rem

Sec. 172. This proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

DIVISION II. NOTICES AND ELECTIONS.

CHAPTER I. NOTICES.

Publication of notice.

Sec. 201. Whenever publication of a notice is required by the provisions of this or the principal act, such publication shall be in a newspaper of general circulation published and circulated within the district, or if there is no such newspaper of general circulation published in the district, then in the newspaper of general circulation published nearest thereto.

Sec. 202. Unless otherwise expressly provided, each notice shall be published three times, to wit, once a week for three successive weeks prior to the date set for the happening of the event of which notice is given.

Proof of publication

Sec. 203. Proof of such publication may be by affidavit of the owner, publisher, printer or clerk of the newspaper. Such affidavit shall be prima facie evidence of the facts therein stated regarding such publication.

Notice by posting

Sec. 204. If a district is situated in a county in which no newspaper of general circulation is published, the notice shall be posted in three public places in the district for the same period and with the same effect as if published. Proof of posting may be by affidavit of the person who posts the notice and such affidavit shall have the same effect as evidence as an affidavit of publication.

CHAPTER II. ELECTIONS.

Provisions governing elections

Sec. 225. All elections in a district for any purpose shall be called and conducted and the results thereof canvassed, returned and declared in the manner herein provided.

Election precincts.

Sec. 226. The governing body of a district shall establish a convenient number of election precincts in the district and define the boundaries thereof, and, whenever it is deemed advisable for the best interests of the district and the convenience of the voters, may at any time, but not less than thirty days before an election is to be held in the district, change the boundaries of any such election precinct, which change when made must be entered on the minutes of the board.

Designation of polling place.

Sec. 227. The governing body must, by order made more than ten days before the time for election designate a convenient place within each precinct as the polling place of such precinct.

General district election

Sec. 228. Where a governing body is required to be elected by the principal act, an election, which shall be known as the general district election, shall be held in the district on the same day as the State general election is held unless otherwise provided in the principal act. At such general district election a successor shall be chosen to each officer whose term is about to expire, and any matters requiring a vote of the people of the district shall be submitted to the electors.

Elective officers.

Sec. 229. The elective officers of a district shall be such as are prescribed by the principal act and the person receiving

the highest number of votes for each office to be filled at such election shall be elected thereto.

Governing body.

Sec. 230. If the principal act makes no provision for a governing body, the supervising authority shall be, ex officio, the governing body of the district.

Qualifications of electors

Sec. 231. Qualifications of electors shall be determined by the provisions of the principal act.

Resolution calling election

Sec. 232. The governing body of the district shall thirty days prior to the time of any district election, by resolution entered on its minutes:

(a) Appoint for each precinct an election board consisting of at least one inspector and two judges selected from the electors of the precinct;

(b) State the time of the election, the hours during which the polls will be open, and the purpose for which the election is held; and

(c) Prescribe the manner of voting and the form of ballot to be used.

Posting of resolution

Sec. 233. Within ten days after the adoption of the resolution the secretary of the governing body shall cause copies of the resolution to be posted in three public places in each election precinct. The posting of the resolution shall be sufficient notice of the election therein called.

Appointment of election board.

Sec. 234. If the governing body fails to appoint a board of election in any precinct or if the members appointed in any precinct do not attend at the opening of the polls on the morning of the election, the voters of such precinct present at that hour may appoint the board or supply the place of any absent member.

General laws applicable

Sec. 235. In all particulars not provided for in this and the principal act, the election shall be held in accordance with the general election laws of this State.

Election board

Sec. 236. The inspector shall be chairman of the election board and may appoint judges if during the progress of the election any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of the election. Before opening the polls each member must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any of the electors of the precinct may administer and certify such oath.

Canvass and certification of returns

Sec. 237. When the polls are closed, the board of election in each precinct shall canvass the votes thereat and make up and certify the returns thereof as near as practicable in accordance with the general election laws of this State. Such certificate shall immediately be delivered to the secretary of the governing body of the district.

Canvass

Sec. 238. The governing body must meet at the usual place of meeting on the first Monday after such election to canvass the returns. If at the time of the meeting the returns from each precinct in the district in which polls were open have been received, the governing body must then and there

proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all returns have been received, or until six postponements have been had. The canvass must be made in public by opening the returns, estimating the vote of the district for each person voted for, and declaring the result thereof.

Nomination petitions.

Sec. 239. Not less than twenty days before the election any ten or more qualified electors, as determined by the principal act, may file with the governing body a petition, requesting that certain persons, specified in such petition, be placed on the ballot as candidates for the office named in the petition. The names proposed by petition so filed, and no others, shall be printed on the ballot, but there shall be sufficient blank spaces provided in which electors may write other names if they so desire.

DIVISION III. ANNEXATION AND EXCLUSION OF TERRITORY.

Annexation and exclusion

Sec. 501. Any tract of land may be annexed to a district if the land will be benefited, and any tract of land within any district may be excluded therefrom if not benefited, in the manner provided by this division.

Petition

Sec. 502. A petition shall be addressed to and filed with the governing body, signed by the requisite number of qualified petitioners as determined by the principal act, praying for annexation to, or exclusion from the district.

Reason to be stated.

Sec. 503. The petition shall state the reason for annexation or exclusion of the tract of land, describe its boundaries and include the assent of the petitioners to such annexation or exclusion.

Notice and hearing.

Sec. 504. Upon filing of the petition, the governing body shall fix a time and place for the hearing thereof and shall cause notice of the filing of the petition and of the time and place of the hearing to be published.

Notice: Contents.

Sec. 505. The notice shall state:

(a) The date of filing of the petition;

(b) The names of the petitioners;

(c) The location and boundaries of land described in the petition;

(d) The prayer of the petition;

(e) The time and place fixed for the hearing thereof; and

(f) That all persons interested in or affected by such change in the boundaries of the district may appear and show cause why such change should not be made.

Hearing. Assent to change.

Sec. 506. At the hearing the governing body shall hear all relevant evidence in support of or in opposition to the petition.

Sec. 507. The failure of any person interested or affected by the change to show cause shall be deemed an assent on his part to such change in the territory of the district as the governing body may make.

Resolution.

Sec. 508. If it shall be deemed for the best interest of the district by the governing body that the boundaries be changed by annexing or excluding such territory, or any part thereof, and if no protest is made against such exclusion or annexation, the governing body shall by resolution annex or exclude the tract of land described in the petition, or any portion thereof, and shall describe the boundaries of the district as so changed.

Election.

Sec. 509. If protests to the annexation or exclusion are made to the governing body by the requisite number of petitioners as prescribed by the principal act, an election shall be called to decide whether or not such proposed annexation to, or exclusion from the district shall take place.

Resolution calling election.

Sec. 510. The resolution calling such election, in addition to all other matters required by this act, shall contain a description of the boundaries of the tract of land proposed to be annexed or excluded.

Declaration of annexation or exclusion.

Sec. 511. If a majority of the votes cast at such election in the district favors annexation, or exclusion, as the case may be, the governing body shall by resolution declare the territory annexed or excluded and shall describe the altered boundaries of the district.

Filing of resolution

Sec. 512. The resolution describing the boundaries as changed shall be entered in the minutes of the governing body and a certified copy thereof shall be filed in the office of the county recorder of each county in which such district or any part thereof is situated.

Liability for debts.

Sec. 513. The exclusion of territory from any district shall not release such territory from debts and obligations for or upon which it was liable or chargeable at the time such exclusion was made. The governing body of a district may require that the owners of any land annexed thereto shall pay a sum equal to the amount of the taxes or assessments which the owners or their grantors would have been required to pay if the annexed land had been included in the district at the time of its formation.

DIVISION IV. CONSOLIDATION AND DISSOLUTION OF DISTRICTS.

CHAPTER I. CONSOLIDATION.

Consolidation.

Sec. 601. Any two or more contiguous districts organized under the same principal act may be consolidated in the manner prescribed by this division.

Resolution

Sec. 602. Whenever in the judgment of the governing body it is for the best interest of a district that it be consolidated with one or more other districts organized under the same principal act, it may pass a resolution reciting such fact and declaring its willingness to consolidate. Whenever a petition for consolidation is filed with the governing body signed by the same number of petitioners required for signature on the peti-

Petition.

tion of organization of the district, the governing body shall adopt a resolution reciting the filing of said petition and indicating its approval or disapproval thereof.

Copy of resolution forwarded.

Sec. 603. A copy of the resolution shall be forwarded to the supervising authority which formed the district, and to the governing body of each of the other districts with which consolidation is proposed.

Special election

Sec. 604. If each of such other governing bodies adopts a resolution declaring its willingness to consolidate or reciting the filing of a petition for consolidation, and forwards a copy to the appropriate supervising authority, the governing body of each district shall make an order calling a special election at which shall be submitted to the qualified electors of such district the question whether or not consolidation shall be effected.

Officers.

Sec. 605. At the election there shall be elected such directors and other officers, if any, of the consolidated district, as may be required by the terms of the principal act.

Certification of election results

Sec. 606. The governing body of each district shall cause the results thereof to be certified to the supervising authority in control of that district and to the supervising authority in control of the greater portion of territory in the proposed consolidated district, if the consolidated district be situated within the jurisdiction of more than one supervising authority.

Resolution of consolidation

Sec. 607. If a majority of votes cast in each district is in favor of consolidation, the supervising authority or the supervising authority in control of the greater portion of territory in the consolidated district shall declare by resolution entered on its minutes that the districts are consolidated into one district, giving it a name. It shall cause a certified copy of said resolution to be recorded in the office of the county recorder of each of the counties in which any portion of the district is situated, and shall file a certified copy of the resolution with the Secretary of State From and after the filing of such resolution the territory within such district shall be deemed consolidated into a single consolidated district with all the rights, privileges and powers of such a district.

CHAPTER II. DISSOLUTION.

Dissolution.

Sec. 625. A district may be dissolved in the manner provided by this chapter.

Petition.

Sec. 626. Upon the filing of a petition with the governing body signed by the number of qualified electors as is required to sign a petition for the formation of the district, the governing body must submit the question of dissolution of the district to the electors thereof.

Special election

Sec. 627. Such question may be submitted at the general district election or at a special election called for that purpose.

Sec. 628. The question of dissolution must be submitted not later than the ninetieth day after filing of the petition with the secretary of the governing body.

Two-thirds vote.

Sec. 629. If two-thirds of those voting vote in favor of dissolution, the governing body shall by resolution dissolve the district.

Recording of resolution.

Sec. 630. The governing body shall cause a certified copy of the resolution to be recorded in the office of the county recorder of each of the counties in which any portion of the district is situated and shall file a certified copy of the same with the Secretary of State. Thereupon the district shall be deemed dissolved for all purposes.

Disposition of district property

Sec. 631. Upon dissolution the right, title and interest to property owned or controlled by the district, situate within the corporate limits of any municipality, shall vest absolutely in such municipality, and if situate without the corporate limits of the municipality, it shall vest in the county in which the property is situated.

Governing body

Sec. 632. The supervising authority is hereby constituted, ex officio, the governing body of any dissolved district, and it may levy such taxes and assessments and perform such other acts as may be necessary to wind up the affairs of the district and to raise money for the payment of any outstanding indebtedness.

CHAPTER 880.

An act to amend section 4189 of the Political Code, relating to service of writs, notices and other process.

[Approved by the Governor June 12, 1933 In effect August 21, 1933]

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

Stats 1925, p. 838.

SECTION 1. Section 4189 of the Political Code is hereby amended to read as follows:

Service of writs, etc.

4189. All writs, notices or other process issued by superior, municipal or justices' courts in civil actions or proceedings may be served by any duly elected, qualified and acting constable, marshal or sheriff of the county in which the same was issued, and by any duly elected, qualified and acting constable, marshal or sheriff of any other county in the State, subject to the provisions of the Code of Civil Procedure.

CHAPTER 881.

An act to amend section 4095a of the Political Code, relating to the duties of county auditors and treasurers.

[Approved by the Governor June 12, 1933. In effect August 21, 1933]

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

Stats 1921, p 342

SECTION 1. Section 4095a of the Political Code is hereby amended to read as follows:

Destruction of county records

4095a. The county auditor and county treasurer may destroy any county claim, salary warrant, school warrant or any other paper or papers issued as a voucher where a permanent record has been made in books covering the items for which the voucher or paper has been issued, and which voucher or paper is more than five years old; provided, however, that nothing herein contained shall be construed to permit or authorize the destruction of any record involving the title to real property, or that has become a record of any court of law.

CHAPTER 882.

An act to amend section 106 of the Penal Code, relating to the penalty for attempting to escape from prison.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1921, p. 77.

SECTION 1. Section 106 of the Penal Code is hereby amended to read as follows:

Penalty for escape from prison

106. Every prisoner committed to a State prison for a term less than for life, who escapes or attempts to escape while being conveyed to or from or while confined within such prison or while at work outside such prison under the surveillance of prison guards is punishable by imprisonment in a State prison for a term of not less than one year and on conviction thereof the term of imprisonment therefor shall commence from the time such convict would otherwise have been discharged from said prison.

CHAPTER 883.

An act to add a new section to the Code of Civil Procedure to be numbered 329, relating to the limitation of the time within which actions for the foreclosure of street improvement assessment liens against real property may be commenced, when the assessments are made payable in installments pursuant to bonds or other written obligations.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

New section.

1. A new section is hereby added to the Code of Civil Procedure to be numbered three hundred twenty-nine (329) and to read as follows:

Foreclosure of street improvement assessment liens.

329. An action for the foreclosure of a lien securing an assessment against real property for street improvements, the

proceedings for which are prescribed by legislation of any political unit other than the State, may, when such assessment is made payable in installments pursuant to a bond or other written agreement executed pursuant to such legislation, be commenced at any time within two years after the date when the last of such installments becomes due.

CHAPTER 884.

Stats. 1925, p. 931, amended.

An act to amend sections 2, 4 and 6 of an act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulations, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, and to add a new section to be numbered 4a, creating the Cannery Inspection Board and relating to the conduct of canneries.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

Stats 1927, p. 1349

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Fees to be collected

Sec. 2. The said State Board of Public Health shall issue to any person, firm, company, organization, association or corporation in the State of California, an annual license on the receipt of fifty dollars per annum, per plant, and such evidence as the board may require to show that the said person, firm, company, organization, association or corporation is properly equipped with a retort or retorts or pressure cooker which are properly equipped with recording thermometers, indicating thermometers and pressure gauges to carry out such rules and regulations as the State Board of Public Health may adopt for the sterilization of such agricultural food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the Bureau of Animal Industry, United States Department of Agriculture or the Division of Animal Industry California State Department of Agriculture. All money received by the State Board of Health for fees shall be deposited at least once each month in the State treasury to the credit of the cannery inspection fund, which fund is hereby created to be used, exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the State Board of Public Health and the State Board of Control in the manner provided for by law. One thousand dollars of the cannery inspection fund may be used as a revolving fund for the purposes of carrying out the provisions of this act.

Disposition of fees

Revolving fund.

No person, firm, company, organization, association or corporation in the State of California shall permit any person, employee, or individual to operate a steam controlled retort or retorts used in the commercial canning industry for the sterilization of agricultural food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the Bureau of Animal Industry, United States Department of Agriculture or the Division of Animal Industry, California State Department of Agriculture, unless said person, employee or individual shall first obtain a permit from the State Board of Public Health which shall have power to pass upon and determine the qualifications of the applicant for the permit with a view to the preservation of the public health, and which permit when granted shall be revocable by the board whenever in its judgment the public health requires such action. Permits.

SEC. 2. Section 4 of the act cited in the title hereof is hereby amended to read as follows: Stats 1925, p. 931

Sec. 4. There is hereby created the Cannery Inspection Board, to consist of five members. The five members shall be: the secretary of the State Board of Health, who shall act as chairman, the Director of the Hooper Foundation for Medical Research, University of California, and three men experienced in, and with substantial investments in, and actively engaged in the canning industry at the time of their appointment, to be appointed by the State Board of Health. The said three appointive members shall hold office for a term of one year or until their successors are appointed. Members of said board shall serve without compensation. It shall be the duty of said board, subject to the approval of the State Board of Health, to estimate the cost of the inspections and examinations required to be made for each product subject to the provisions of this act, prior to the opening of the canning season of each such product having a canning season of less than three consecutive months and prior to each quarter for each such product having a canning season of more than three consecutive months. It shall also estimate the number of cases of each such product to be packed in such season or quarter, as the case may be, and shall determine from these two estimates the cost per thousand cases for such season or quarter of the inspection of each food product to be inspected and examined under the provisions of this act. In addition to the license fee required by section 2 of this act, each person, firm, company, organization, association or corporation in the State of California subject to the provisions of this act shall pay to the State Board of Health at the end of each quarter, or at the close of the canning season, where said canning season does not exceed three consecutive months, its pro rata share of the actual cost of examination and inspection as determined by the Cannery Inspection Board. The State Board of Health prior to the end of each quarter or season may demand from any such person, firm, company, organiza- Cannery inspection board created. Compensation Estimates of cost of inspections. Pro rata inspection cost

Deposit or security

tion, association or corporation a cash deposit, or such other security for the payment of said pro rata share of the cost as the said board may deem necessary. All moneys received by the Board of Health under this section shall be deposited by it at least once each month in the State treasury to the credit of the cannery inspection fund. No food product subject to the inspection or examination provided in this act shall be shipped by the person, firm, company, organization, association or corporation packing the same until said person, firm, company, organization, association or corporation shall have paid its pro rata share of the cost of inspection of said food product or shall have furnished to the Board of Health a cash deposit or other security satisfactory to the Board of Health for the payment of its pro rata share of the cost of inspection. The Board of Health may for the following cause or causes and none other suspend or revoke a license issued under this act:

Suspension or revocation of license

The nonpayment of said pro rata share of the cost, or failure to comply with a demand for a cash deposit or other security by the holder of such a license.

New section

SEC. 3. A new section is hereby added to the act cited in the title hereof to be numbered 4a and to read as follows:

Quarantine

Sec. 4a. Any product packed in violation of this act may be quarantined by the State Board of Health until laboratory examinations have established that said product meets the requirements of this act. It shall be the duty of the person, firm, company, organization, association or corporation who packed any such product to pay to the State Board of Health all reasonable costs of said laboratory examinations.

Stats. 1925, p 931.

SEC. 4. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Penalty.

Sec. 6. Any person, firm, company, organization, association or corporation, which does not obtain a license for the conduct of its plant or plants under the provisions of this act, or who operates after its license has been suspended or revoked, or which violates sections 4, 4a or 5 of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five (25) dollars, or more than five hundred (500) dollars, or shall be imprisoned in the county jail for a term not exceeding six months.

CHAPTER 885.

Stats 1907, p 230, amended

An act to amend sections 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 21 of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to adulteration, mislabeling and misbranding of foods and drugs and

the powers of the State Board of Public Health in relation thereto.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

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

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1913, p. 767.

Sec. 6. Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases: Drugs deemed mislabeled or misbranded.

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package as offered for sale at retail or wholesale, fail to bear a statement on the label of the per cent of volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist, or licensed veterinary surgeon. Original contents displaced

Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false or fraudulent. False statement

Fourth. If in any manner or by any means whatsoever, it, or the ingredients or substances contained therein, or the curative and therapeutic effect of such article or its ingredients or substances are falsely or deceptively advertised, represented or described in the State of California. False advertisement

No such advertisement, representation or description shall be held to constitute misbranding for a greater period than one year after such advertisement, representation or description was made or published.

SEC. 1a. Section 8 of said act is hereby amended to read as follows: Stats. 1907, p. 230.

Sec. 8. (a) The sale or offering for sale of any adulterated, mislabeled or misbranded drugs by any manufacturer, producer, jobber, packer or dealer in drugs or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer shall be prima facie evidence of the violation of this act. Evidence of violation of act

(b) The possession of any adulterated, mislabeled or misbranded drugs by any manufacturer, producer, jobber, packer or dealer in foods, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer or dealer shall be prima facie evidence of the violation of this act.

SEC. 2. Section 9 of the above entitled act is hereby amended to read as follows: Stats 1907, p 230

Laboratory to analyze suspected drugs

Sec. 9. Whenever required by the State Board of Public Health or its secretary, examinations and analysis of drugs on sale in California suspected of being adulterated, mislabeled or misbranded, shall be made by the State Laboratory for the examination and analysis of foods and drugs. Said State Board of Public Health or the secretary may appoint such agent or agents as it may deem necessary for the enforcement of this act, and any agent or sheriff shall have free access at all reasonable hours for the purpose of examining any place when it is suspected that any article of adulterated, mislabeled or misbranded drugs exists therein; the sheriffs of the respective counties of the State are hereby appointed and constituted such agents. Any agent or sheriff upon tendering the market price of said article if a sale be refused, may take from any person, firm or corporation samples of any articles suspected of being adulterated, mislabeled and misbranded, and shall deliver or forward such samples to the State Laboratory for examination and analysis

Enforcement agents

The chief of the bureau of food and drug inspections, and the agent and inspectors of the State Board of Public Health shall have the same powers as are possessed by peace officers in this State.

Stats 1907, p. 230

SEC. 3. Section 10 of the above entitled act is hereby amended to read as follows:

Report to district attorney.

Sec. 10. It shall be the duty of the State Board of Public Health whenever it has satisfactory evidence of the violation of any of the provisions of this act respecting the adulteration, mislabeling or misbranding of drugs, to report such facts to the district attorney of the county where the law is violated.

Stats 1907, p 230

SEC. 4. Section 11 of the above entitled act is hereby amended to read as follows:

Penalty for refusal to sell to sheriff.

Sec. 11. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the State Board of Public Health, any sample of drug upon tender of the market price therefor, or to conceal any such drug from such officer, or to withhold from him information where such drug is kept or stored. Any such person so refusing to sell, or concealing such drug, or withholding such information from said officer shall upon conviction, be punished as provided in section 19 of the Penal Code of the State of California.

Stats 1907, p. 230

SEC. 5. Section 12 of the above entitled act is hereby amended to read as follows:

Report of adulteration, etc.

Sec. 12. Whenever the State Laboratory shall find after examination and analysis that adulterated, mislabeled or misbranded drugs have been on sale in this State, the Chief of the laboratory of the State Department of Public Health shall forthwith report to the secretary of the State Board of Public Health and shall promptly transmit a certificate of the facts so found.

Stats 1907, p 230

SEC. 6. Section 13 of the above entitled act is hereby amended to read as follows:

Sec. 13. Every certificate signed by the Chief of the laboratory of the State Department of Public Health shall be prima facie evidence of the facts therein stated. Certificates as evidence.

SEC. 7. Section 14 of the above entitled act is hereby amended to read as follows: Stats 1907, p. 230

Sec. 14. The Chief of the laboratory of the State Department of Public Health shall make an annual report to the State Board of Public Health, on or before August first of each year, upon adulterated, mislabeled or misbranded drugs, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded and the names of the manufacturers, producers, jobbers and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau. Said reports, or any parts thereof, may, in the discretion of the State Board of Public Health, be included in the report which the State Board of Public Health makes to the Governor. The State Board of Public Health may, in its discretion, publish any part of said report. Annual report of chief of laboratory.

SEC. 8. Section 15 of the above entitled act is hereby amended to read as follows: Stats 1929, p 171.

Sec. 15. When the examination or analysis certified by the Chief of the laboratory of the State Department of Public Health shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the State Board of Public Health at which time said party or parties may be heard before the State Board of Health, a member thereof, or the secretary. Hearings shall be held at such times and places as may be designated by the secretary of the State Board of Public Health or the person or persons conducting same. These hearings shall be private and confined to the consideration of fact. The parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State Laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served as provided herein, the secretary of the State Board of Public Health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded. Notice of violation. Hearings. Findings.

SEC. 9. Section 16 of the above entitled act is hereby amended to read as follows: Stats 1907, p 230

Sec. 16. It is hereby made the duty of the sheriff of any county of this State, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to Duty of sheriff.

obtain by purchase a sample of the adulterated, mislabeled or misbranded drug complained of and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds, or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing said drug. One sample shall be sent to the Chief of the State Laboratory, and the third sample shall be sent to and held under seal by the State Board of Public Health.

Stats 1915, p. 172.

SEC. 10. Section 21 of the above entitled act is hereby amended to read as follows:

Dealer may establish guaranty regarding mislabeled drugs.

Sec. 21. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, such guaranty to be dated prior to the date of sale of said article. Such guaranty may be either general or special. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated within the meaning of this act. A special guaranty shall guarantee in the same manner the particular articles listed in an invoice of the same, and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer. If the guaranty be to the effect that such article is not adulterated or misbranded within the meaning of the National Pure Food Act, approved June 30, 1906, it shall be sufficient for all the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said National Pure Food Act alone shall not be sufficient for the purpose of this act in any case where at any time the standard for the article concerned under this act is higher than the standard for a like article under said National Pure Food Act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this State and it appears from the certificate of the Director of the State Laboratory that such article or articles were adulterated or misbranded, within the meaning of this act or the National Pure Food Act approved June 30, 1906, the district attorney must forthwith notify the Attorney General of the United States of such violation.

General guaranty.

Special guaranty.

When wholesaler outside the State

CHAPTER 886.

An act to amend section 688 of the Political Code, relating to claims against the State of California.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 688 of the Political Code is hereby amended to read as follows: Stats 1931, p 813

688 Any person who has, or shall hereafter have, a claim on express contract or for negligence against the State must present the claim to the State Board of Control in accordance with the provisions of section 667 of this code. Should the claim not be allowed by the State Board of Control, the person having the claim is hereby authorized, subject to the conditions contained in this section, to bring suit against the State on such claim and to prosecute such suit to final judgment. Claims against State

Except as otherwise provided in this section, the rules of practice in civil suits shall apply to all suits brought under this section. No suit shall be maintained under this section unless such claim be presented to the State Board of Control in accordance with the provisions of section 667 of this code within two years after such claim shall have first arisen or accrued, and unless such a suit be brought within six months after such claim is rejected or not allowed in whole or in part by the State Board of Control as provided in section 667 of this code; provided, that, if such claim be rejected or disallowed only in part, suit may be maintained only on that portion of the claim so rejected or not allowed, but the periods of limitation herein prescribed shall not apply to or affect the rights, interests or claims of any minor or insane person or a person imprisoned on a criminal charge or undergoing execution of sentence of a criminal court, or a married woman if her husband be a necessary party with her in commencing such action, or an incompetent person, but in such latter cases the claim may be presented as hereinbefore provided within two years after such disability shall cease, and in case such claim be rejected or not allowed as hereinabove provided, suit may be maintained thereafter as hereinbefore provided, if brought within six months after rejection or nonallowance by said State Board of Control. Prosecution of suits. Allowance by State Board of Control

At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking in such sum, but not less than five hundred dollars, as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court, and conditioned that, in case the plaintiff fails to recover judgment, he shall pay all costs incurred by the State in such suit, including a reasonable counsel fee, to be fixed by the court. Undertaking by plaintiff.

Service of summons in such suits shall be made on the Governor and the Attorney General. It shall be the duty of the Service of summons.

Attorney General to defend all such suits; and upon his written demand made at or before the time of answering, the place of trial of any such suits must be changed to the county of Sacramento.

Judgment. In case judgment be rendered for the plaintiff in any such suit, it shall be for the legal amount actually found due from State to the plaintiff, with legal interest thereon from the time the claim or obligation first arose or accrued, and without costs.

Duty of Governor. It shall be the duty of the Governor to report to the Legislature, at each session, all judgments rendered against the State and not theretofore reported.

Duty of Controller It shall be the duty of the Controller to draw his warrant for the payment of any such judgment, without any presentation to, or approval of such claim by, the State Board of Control, whenever a sufficient appropriation for such payments shall have been made by the Legislature. All claims upon such judgments are hereby expressly exempted from the operation of section 669 of this code.

Exemption.

CHAPTER 887.

Stats 1933, Ch. 189, amended. *An act to amend section 10 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933.*

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1933, Ch. 189. SECTION 1. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Deposit of public funds not held by treasurer Sec. 10. All moneys belonging to any county, city and county, city, town, municipality or other public or municipal corporation within the State under the control of any officer or employee thereof other than the treasurer thereof, and all moneys coming into the possession of any justice of the peace, clerk or other officer of such justice's court, shall be deposited as active deposits in such State or national bank or banks in this State as such officer, employee or justice of the peace may select; and provided, that the bank or banks in which said moneys are deposited may be required to pay interest thereon and shall furnish security for such deposits as herein provided for active deposits.

CHAPTER 888.

An act to amend section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to convict labor. Stats 1923, p 667, amended

[Approved by the Governor June 12, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows: Stats 1923, p. 667.

Section 1. The State Highway Commission of the State of California may employ or cause to be employed, convicts confined in the State prisons in the construction, improvement and maintenance of the State highway system, provided for in the "State Highways Act," approved March 22, 1909, the "State Highways Act of 1915," approved May 20, 1915, and in section 2 of Article XVI of the Constitution, and in the construction, improvement and maintenance of any other State roads in California. Highway Commission may employ convicts. Stats 1909, p 647. Stats 1915, p 650

Upon the requisition of the State Highway Commission, the State Board of Prison Directors shall send to the place and at the time designated the number of convicts requisitioned or such number thereof as are in the judgment of the warden available. All convicts so employed as aforesaid shall receive not to exceed the sum of two dollars fifty cents per day for the number of days which such convict shall actually perform labor upon the construction, improvement and maintenance of the State highway system; provided, however, in no event shall said convict earn more than seventy-five cents net per day; provided, however, that the convicts, when so employed, shall be charged with his or their proportionate share of all expenses for the proper maintenance of the road camp, including the expenses of transportation from the prison to the road camp, clothing, food, medicine, medical attendance, toilet articles, tools and appliances for the performance of such labor, and the pro rata cost of reward for capturing escapes from the road camp, which award is hereby fixed at the sum of two hundred dollars for the capture and return of each escaped prisoner, payable to any individual or peace officer. No convict while engaged in such construction, maintenance and improvement Requisition. Compensation Expenses

of the State highway system or any other State roads shall be engaged as drivers of motor trucks or other vehicle or wagon used in the construction, improvement or maintenance of such highways or State roads or in the transportation of supplies and materials to or from the road camp where the said motor trucks or other vehicle or wagon in the course of such hauling of materials and supplies in such construction, improvement or maintenance of such State highways or State roads, shall be required to travel to places or locations away from the camp limits of the prison road camp. After deducting all such expenses as aforesaid the California Highway Commission shall give two-thirds of the balance of such sums so earned to the dependents of the convict or convicts; provided, that the dependents of the convict or convicts are in need and are obtaining State aid or if the dependents of the convict or convicts are not obtaining State aid then the convict or convicts may direct to which of the dependents of the said convict or convicts the said money herein provided for shall be given and the remaining sum after such deductions as aforesaid, if any, shall be retained until the convict is discharged or paroled from the road camp or returned to the prison for any reason, at which times such balance shall be given over to the custody of the warden of the prison from which such convict was transferred to the road camp, to be paid to the convict at such times and in such amounts as the Board of Prison Directors shall prescribe. Every convict upon his release on parole or release or discharge from prison shall deliver to the California Highway Commission all tools and appliances mentioned herein and for which said convict is charged and shall thereupon be entitled to receive in addition to the amount herein specified the amount so charged against him for the tools and appliances.

Not to drive trucks.

Payment of part of earnings to dependents

Disposition of balance

Return of tools, etc

When any convict shall wilfully violate the terms of his employment, or the rules of the road camp or of the terms of his parole the Board of Prison Directors may in its discretion determine what portion of all moneys earned by the convict shall be forfeited by the said convict and such forfeiture shall be deposited in the State treasury in a fund to be known as the "prisoners fund," which said fund is hereby created. All the money in said fund is hereby appropriated for educational and recreational purposes at the prison road camps as the same shall be established and shall be expended under the direction of the Highway Commission upon warrants drawn upon the State treasury by the State Controller after approval of the claim therefor by the State Board of Control.

Forfeitures go into "prisoners fund"

Appropriation

CHAPTER 889.

An act to amend section 237 of the Political Code, relating to officers and employees of the Senate and Assembly.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 237 of the Political Code is hereby amended to read as follows: Stats 1897, p 24.

237. The Secretary of the Senate, and the Clerk of the Assembly, the minute clerks and sergeant-at-arms of each house, for any session, must, at the next succeeding session of the body, perform the duties of their offices, until their successors are elected and qualify. Said officers and no others shall be allowed mileage. The Secretary of the Senate may appoint a stenographer, one assistant sergeant-at-arms and two pages. The Chief Clerk of the Assembly may appoint a stenographer, one assistant sergeant-at-arms and three pages. There shall be no other officers or employees of either house until the permanent organization is completed. Such officers shall serve only until said permanent organization is completed. Officers of Legislature. Mileage. Appointees.

CHAPTER 890.

An act to repeal "An act relating to senior rights of members of paid police departments of counties, cities and counties, cities, or towns," approved February 23, 1907, as amended. Stats 1907, p 46, repealed.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. The act cited in the title hereof is hereby repealed. Repeal.

CHAPTER 891.

An act to amend sections 737ss, 737uu and 737r of the Political Code, relating to the compensation of the judges of the superior court of Shasta County, Siskiyou County and Lassen County.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 737ss of the Political Code is hereby amended to read as follows: Stats 1931, p. 1357.

Superior judges: Shasta County

737ss. The annual salary of the judge of the superior court in and for the county of Shasta is five thousand five hundred dollars.

Stats. 1931, p. 1357.

SEC. 2. Section 737uu of the Political Code is hereby amended to read as follows:

Siskiyou County.

737uu. The annual salary of the judge of the superior court in and for the county of Siskiyou is five thousand five hundred dollars.

Stats 1931, p. 1408.

SEC. 3. Section 737r of the Political Code is hereby amended to read as follows:

Lassen County.

737r. The annual salary of the judge of the superior court in and for the county of Lassen is five thousand five hundred dollars.

CHAPTER 892.

Stats. 1927, p 1477, amended.

An act to amend section 7 of and to add a new section to be numbered 8½ to "An act to provide that the Department of Natural Resources, through the State Park Commission, shall have control of the State park system; to establish and define the State park system; to define certain powers and duties of the State Park Commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to fees for the use of State park areas.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1927, p. 1477.

SECTION 1. Section 7 of the act cited in the title hereof is amended to read as follows:

State park contingent fund created

Sec. 7. There is hereby created the State park contingent fund. All moneys collected or received from gifts or bequests, or from municipal or county appropriations or donations for the improvement and/or additions to the State park system shall be deposited in the State treasury to the credit of said

Disposition

contingent fund. All moneys so deposited shall be used for the improvement and/or administration of State parks and/or the acquisition of additional lands and properties for the State park system, in accordance with the terms of the gift, bequest or municipal or county appropriation or donation from which the said moneys are derived.

New section.

SEC. 2. A new section is hereby added to said act to be numbered 8½ and to read as follows:

Rentals to be placed in State park maintenance fund

Sec. 8½. The State Park Commission, whenever in its judgment it is practicable to do so, shall collect fees, rentals and other return for the use of all State park areas, the amount of such fees shall be determined by the park commission and shall be paid into the State treasury to the credit of the

"State park maintenance fund" which fund is hereby created. Said fund shall be available for construction, improvements, equipment and maintenance of State parks in such amounts as may be appropriated by the Legislature.

CHAPTER 893.

An act to amend section 2180 of the Political Code, relating to the support of insane persons and inebriates.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 2180 of the Political Code is hereby amended to read as follows: Stats 1929, p 1466

2180. The monthly rate for the care, support, and maintenance of all insane persons at the hospitals for the insane and where there is liability to pay for such care, support and maintenance, shall be determined by the Director of Institutions, with the approval of the Department of Finance, but not to exceed forty dollars per month payable in advance; provided, however, the medical superintendent of a State hospital for the insane shall, on the order of the Director of Institutions, reduce or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any insane person committed thereto and confined therein, on satisfactory proof that said estate or said relatives, as the case may be, are unable to pay the cost of such care, support, and maintenance. If any insane person die at any time, while his estate is liable for his care, support, and maintenance and other expenses at a State hospital, the claim for such amount as may be due, may be presented to the executor or administrator of his estate, and paid in the same manner as are other debts and claims against the estate of a deceased person.

Monthly rate for support of insane at hospitals

Claim against estate

CHAPTER 894.

An act to allow unincorporated territory within a county to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purposes and to create a Board of Police Commissioners.

[Approved by the Governor June 12, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Any unincorporated territory within a county may equip and maintain a police department for the purpose

Unincorporated territory may maintain police department

of protecting and safeguarding life and property, in accordance with the provisions of this act.

Formation of district. Petition and hearing.

SEC. 2. (a) Upon the application by petition of fifty-one per cent or more of the taxpayers and residents within the proposed district presented at a regular meeting of the board of supervisors of the county in which the proposed district is situated praying for the formation of a police district and stating the name and boundaries of the proposed district, the board of supervisors shall set the time for hearing the same and all protests of interested parties. Said hearing shall be not less than twenty-five nor more than thirty days after the date of presentation.

Notice.

(b) The clerk of the board of supervisors shall cause notice to be filed and of the hearing to be posted in three public places within the district. The notice shall state that the petition has been presented requesting the formation of a police protection district and shall give the proposed name of the district and the boundaries thereof. Such notice shall also be published at least once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is situated.

Protests.

(c) At the hearing any person interested may file a written protest to the formation of the district or to the extent of the district or to the inclusion of its property within the district.

Changes in boundaries.

The board of supervisors shall have power to make such changes in the boundaries of the proposed district as it shall deem advisable, but said board shall not extend boundaries nor shall it modify the boundaries so as to exclude from the proposed district any territory which will be benefited by the organization of a district nor shall any territory which will not be benefited be included.

Formation by resolution.

(d) At the hearing, if the board of supervisors determine that it will be for the best interests of the proposed district, it shall form the district by resolution, describing its boundaries and giving it a name.

Tax levy.

SEC 3. The board of supervisors shall be ex officio directors of the district and may levy a tax sufficient to raise a sum not in excess of twenty-four hundred dollars per annum and perform all necessary acts to provide adequate police protection in said district. Such tax shall be levied and collected in the same manner and by the same officers as in the case of county general property taxes.

CHAPTER 895.

An act to amend section 117h of the Code of Civil Procedure, relating to small claims courts.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 117h of the Code of Civil Procedure is hereby amended to read as follows: Stats 1933, Ch. 743.

117h. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. The defendant in any such action may file a verified answer stating any new matter which shall constitute a counterclaim; a copy of such answer shall be delivered to the plaintiff in person not later than forty-eight hours prior to the hour set for the appearance of said defendant in such action. The provisions of this code as to counterclaims are hereby made applicable to small claims courts, so far as included within their jurisdiction. Such answer shall be made on a blank substantially in the following form: Pleadings. Counterclaims.

In the Small Claims Court of ------, county of ------, State of California. Form of counterclaim

----------	
Plaintiff.	
vs.	

Defendant.	

Counterclaim of Defendant.

State of California, }
County of ---------- } ss.

------, being first duly sworn, deposes and says: That said plaintiff is indebted to said defendant in the sum of $------ for ------, which amount defendant prays may be allowed as a counterclaim against the claim of plaintiff herein.

Subscribed and sworn to before me
this ------ day of ------ 193--.

Justice (Clerk or Notary Public)

CHAPTER 896.

An act to add a new section to the Code of Civil Procedure to be numbered 117ha, relating to small claims court.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 117ha, and to read as follows:

Process

117ha. No attachment or garnishment shall issue from the small claims court, but execution may issue in the manner prescribed in Title IX of part 2 of the Code of Civil Procedure of the State of California and upon the payment of the fees allowed by law for such services; provided, that in any city or city and county wherein a municipal court shall have been established, the marshal of the municipal court is charged with the performance of the duties imposed upon the sheriff and constable.

CHAPTER 897.

An act to add a new section to the Political Code to be numbered 597a, relating to the Division of Insurance in the Department of Investment.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 597a and to read as follows:

Disposition of fees collected

597a. All examination expense moneys and appraisal fees collected by the Insurance Commissioner under the provisions of sections 597 and 618 of the Political Code shall be paid into the State treasury in trust, and the procedure for the withdrawal thereof shall be that provided for the disbursement of trust funds by section 453a of the Political Code.

CHAPTER 898.

Stats 1917, p 673, amended

An act to amend sections 2, 4, 5, 6, 7, 10, 16, 22, 23 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18,

1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sale of securities, and the prevention of fraud in the sale of securities.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows: Stats 1931, p 937.

Sec. 2. (a) Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; and the neuter, the masculine and feminine; the singular number includes the plural, and the plural the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings: Definitions.

1. The word "division" means the "Division of Corporations" created by this act. Division.

2. The word "commissioner" means the "Commissioner of Corporations." Commissioner.

3. The word "company" includes all domestic and foreign private corporations, associations, syndicates, joint stock companies, and partnerships of every kind, trustees as hereinafter defined, and also individuals as hereinafter defined Company.

4. The word "trust" includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing the purpose of which is to carry on any business or to secure the payment or repayment of money, but shall not be deemed to include a trust created or declared under or by virtue of a will or a judicial writ, order, decree, or judgment. Trust.

5. The word "trustee" includes only persons or companies executing trusts as hereinbefore defined. Trustee.

6. The word "individual" in so far as it is included in the definition of a "company," includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security of their own issue. Individual

7. The word "security" shall include any stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining title or lease, collateral trust certificate, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings, excepting therefrom any certificate, receipt or other instrument issued to the owner or holder of any stock, bond, debenture, evidence of indebtedness, or other instrument, in exchange for such stock, bond, debenture, evidence of indebtedness, or other instrument, deposited Security.

by such owner or holder with a depositary under an agreement providing for the protection or enforcement of the rights and interests of the depositing owners or holders, or for the collection of and/or enforcement of the lien securing such stock, bond, debenture, evidence of indebtedness, or other instrument, or for the joint action and/or the protection otherwise of such owners or holders.

Sale

8. "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; provided, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; and provided further, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this act.

Agent

9. The word "agent" means and includes every person or company employed or appointed by a company or broker or any other person who shall, within this State, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security.

Broker

10. The word "broker" includes every person or company, other than an agent, who shall, in this State, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security issued by others, (including all securities of the classes listed in paragraphs 1, 2, 3, 4, 5, 6, 7 and 9 of subdivision (b) of this section) or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public. Provided, however, the word broker shall not include the following, or any agent or agency of any of the following: the United States of America or any Territory or insular possession thereof, or the District of Columbia, or any State, Territory, county, or municipality, or taxing district therein.

Mortgage

11. The word "mortgage" shall be deemed to include a deed of trust to secure a debt, and the word "mortgagee" shall be deemed to include a trustee and/or beneficiary under a deed of trust.

12. The words "investment counsel" as used in this act shall include every person or company other than a broker, who in this State, for compensation, engages in the business of advising others either directly or through publications or writings as to the value of securities or as to the advisability of investing in or purchasing of securities, and every person other than a broker or certified public accountant who issues or promulgates analyses or issues reports concerning securities; provided, however, that said term shall not be construed to include any licensed, practicing attorney who renders or performs any of said services in connection with the practice of law. Investment counsel.

(b) Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities: Securities exempted from act.

1. Any security issued or guaranteed by the United States of America, or any Territory or insular possession thereof, or by the District of Columbia, or by any State, Territory, county or municipality or taxing district therein.

2. Any security issued or guaranteed by any foreign government with which the United States of America is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any State, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered or sold in this State as a valid obligation by such foreign government or by such State, province or political subdivision thereof issuing the same.

3. Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any Federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the government of the United States of America pursuant to authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

4 Any security issued by and representing an interest in or a direct obligation of a State bank, trust company or savings institution incorporated under the laws of this State.

5. Any security the issuance of which has been authorized by the Railroad Commission of this State or by the Interstate Commerce Commission.

6. Any security (including shares, stock and investment certificates as defined in the "Building and Loan Association Act") issued by a company organized for the purpose of conducting a building and loan association within this State subject to the supervision of the Building and Loan Commissioner.

7. Any security issued by a company organized for the purpose of transacting an insurance business subject to the jurisdiction of the Insurance Commissioner.

8. Any security (except notes, bonds, debentures, or other evidences of indebtedness) issued by a company organized under the laws of this State exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit and no part of the earnings of which inures to the benefit of any private stockholder or individual.

9. Any security which has been certified as a legal investment for savings banks and trust companies under the laws of this State.

10. Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce.

11. Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale. Provided, however, that brokers shall be subject to the provisions of this act with respect to all transactions involving the foregoing classes of securities enumerated in this subdivision (b), excepting those securities hereinabove specified in paragraphs 8, 10 and 11 of this subdivision (b).

Sales of securities exempted.

(c) Except as herein expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following transactions:

1. At any judicial, executor's, administrator's, or guardian's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

2. By or for the account of a pledgee or mortgagee selling or offering for sale or delivery in the ordinary course of business, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

3. The sale of securities when made by or on behalf of a vendor not the issuer or underwriter thereof who, being a bona fide owner of such securities, disposes of his own property for his own account, and such sale is not made, directly or indirectly, for the benefit of the issuer or an underwriter of such security, or for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this act

Stats 1931, p 937

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Examination of and action on application

Sec. 4. Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the applicant and its affairs. If he finds that the proposed plan of business of the applicant is not unfair, unjust, or inequitable, that it intends to fairly and honestly transact its business, and that the securities that it proposes to issue and the methods to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner

shall issue to the applicant a permit authorizing it to issue and dispose of securities, as therein provided, in this State, in such amounts and for such considerations and upon such terms and conditions as the commissioner may in said permit provide. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or indorsement of the securities permitted to be issued. The commissioner may impose conditions requiring the deposit in escrow of securities, the impoundment of the proceeds from the sale thereof, limiting the expense in connection with the sale thereof and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds of such securities in the manner and for the purposes provided in such permit. The commissioner may act as escrow holder for securities required to be deposited in escrow by his order. He may, from time to time, amend, alter or revoke any permit issued by him, or temporarily suspend the rights of the applicant under such permit.

Issuance of permit

Conditions in permit

Control over permits

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Stats 1931, p 937.

Sec. 5. The commissioner, whenever in his opinion the further sale of any securities by any company would be unfair, unjust or inequitable to the purchasers thereof, may order such company to desist and to refrain from the further sale of its securities. If, after such an order is made, a request for a hearing is filed in writing and no hearing is held within sixty days thereafter, such order shall be deemed to have been rescinded.

Stop order to company.

He shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this act.

Regulations

Every company, subject to the provisions of this act, conducting or carrying on in this State the business of accumulating savings of its shareholders, stockholders, members or investors and of loaning and/or investing such accumulations in the manner similar to building and loan associations as defined in the "Building and Loan Association Act" shall be supervised and regulated by the Commissioner of Corporations in the same manner as is provided in the "Building and Loan Association Act" or any amendments or supplements thereto providing for the supervision and regulation of companies, under the jurisdiction of the Building and Loan Commissioner of this State, doing a similar business.

Building and loan associations

Stats 1931, p 483

SEC. 4. Section 7 of said act is hereby amended to read as follows:

Stats 1931, p 937.

Sec. 7. The commissioner shall examine such application, and shall make such further investigation of the applicant and its affairs as he shall deem advisable. If, from such examination, the commissioner shall be satisfied:

Conditions precedent to issue of certificate.

(a) That the applicant and its officers or members, if any, are of good business reputation;

(b) That the applicant has sufficient financial responsibility to carry out the obligations incident to its operations as such broker;

(c) That the sale of the securities proposed to be sold by it or the manner or method of said sale would not be unfair, unjust or inequitable to the purchasers thereof;

(d) That neither it nor its officers or members have violated any of the provisions of this act or of chapter 226 of the Statutes of 1923; and

Discretion of commissioner

(e) That neither it nor its officers or members have engaged or are about to engage in any fraudulent transaction, he shall issue such certificate. Otherwise, he shall refuse the same and deny the application and notify the applicant of his decision; provided, however, that if the only ground for such denial falls under subdivision (d) or (e) of this section the commissioner may, in his discretion, waive such ground for denial and issue a certificate to the applicant if satisfied that in the particular case the application of either subdivision is purely technical and does not substantially affect applicant's honesty and integrity, and that the inability of applicant to meet either of these requirements will in no way interfere with a proper performance by the applicant of his duties as a broker or agent, as the case may be. All certificates issued hereunder shall be subject to the condition that applicant shall cease and desist from the sale of any security or securities when ordered so to do by the commissioner if he finds, after a hearing upon such notice as he, in his discretion, shall deem reasonable, that the sale thereof or the manner or method of sale is or would be unfair, unjust or inequitable to purchasers thereof. The commissioner must suspend or revoke any broker's or agent's certificate, if, after hearing upon notice, he shall find the existence of any of the grounds, hereinabove enumerated, for the denial of an application for a broker's or agent's license; provided, however, that such suspension or revocation shall be discretionary with the commissioner if the only ground for such revocation falls under subdivision (d) or (e) of this section and he is satisfied that in the particular case the application of either subdivision is purely technical and does not substantially affect applicant's honesty and integrity, and that the inability of applicant to meet either of these requirements will in no way interfere with a proper performance by the applicant of his duties as a broker or agent, as the case may be.

Suspension and revocation.

Stats. 1931, p. 937.

SEC. 5. Section 10 of said act is hereby amended to read as follows:

Regulation of advertisements, etc.

Sec. 10. No person, partnership, association or corporation, other than a broker holding a broker's certificate, then in effect, shall issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular, either written or printed or oral, by mail, telegraph, radio or otherwise, concerning any security offered, issued or sold by any company, that such

person, partnership, association, or corporation desires or proposes to sell, until the company proposing to issue such security shall have first secured from the commissioner a permit authorizing it to issue or sell such security; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security or securities sold or offered for sale by it, unless the name of the company together with the name of the president, a vice president or secretary of such company, or the broker, agent, or person issuing, circulating, or publishing the same shall appear thereon, and a true copy thereof shall have been first filed in the office of the commissioner at least one day prior thereto; provided, however, that the filing of a copy of such advertisement, pamphlet, prospectus or circular, as herein provided, shall not be required in any case in which the commissioner shall have authorized or consented to the issuance, circulation or publication thereof; nor shall any company, broker or agent, or any other person, issue, circulate, or publish any such advertisement, pamphlet, prospectus, or circular after notice in writing given to it by the commissioner that, in his opinion, the same contains any statement that is false or misleading or otherwise likely to deceive a reader thereof.

SEC. 5b. Section 6 of the said act is hereby amended to read as follows: Stats 1931, p 937.

Sec. 6. No person or company shall act as an agent or broker until such person or company shall have first applied for and secured from the commissioner a certificate, then in effect, authorizing such person or company so to do. Every such certificate shall expire on the thirty-first day of December next after its issuance, unless sooner suspended or revoked. To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner: Certificate of agent or broker. Application.

1. The name and address of the applicant, and if it be a corporation, association, or joint stock company, the name and address of each of its managing officers and agents, and, if it be a partnership, the name and address of each of the partners;

2. A succinct statement of facts showing that the applicant, and its managing officers and agents, if it be a corporation, or members, if it be a partnership, have a good business reputation;

3. If the applicant is a broker, the general plan and character of the business of the applicant.

At the time of filing an application for a broker's certificate, the applicant shall file and thereafter maintain with the Commissioner of Corporations a good and sufficient bond in the aggregate penal sum of five thousand dollars, payable to the people of the State of California, for the use and benefit Broker's bond.

of interested persons, executed by said applicant and by sufficient surety or sureties, and to be approved by the Commissioner of Corporations. The total aggregate liability on said bond shall be limited to the payment of five thousand dollars. Said bond shall be conditioned upon the strict compliance with the provisions of this act, and the honest and faithful application of all funds received and the faithful and honest performance of all obligations and undertakings in the purchase or sale of securities, by said broker, his agents and employees.

Term of bond

Said bond shall remain in force and effect until the surety is released from liability by said commissioner, or until said bond is canceled by the surety. The surety may cancel said bond and be relieved of further liability thereunder by delivering thirty days' written notice to the commissioner. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of said thirty-day period.

Action on bond.

Any person who sustains an injury covered by such bond, may in addition to any other remedy that he may have, bring an action in his own name upon said bond for the recovery of any damages sustained by him; provided, however, that no such action may be brought after the expiration of two years from and after the time when the act or default complained of may

New bond

have occurred. Upon such action being commenced the Commissioner of Corporations may in his discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, such broker shall file a new bond, and upon failure to file the same within ten days in either case such failure shall constitute sufficient grounds for the suspension or revocation of such broker's certificate.

Where applicant is foreign corporation or association

For filing such application, the applicant shall pay a fee as hereinafter provided. If the applicant is a corporation or association organized under the laws of any other State, Territory, or government, it shall file with its application a copy of its articles of incorporation or association, together with a certificate executed by the proper officer of such State, Territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such State, Territory, or government, and also in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it, arising out of or founded upon the fraud of such applicant in the sale of securities within this State, or in any action upon any bond provided by this section, may be served, with the same effect as if said corporation or association were organized or created under the laws of this State and had been lawfully served with process therein.

Stats 1931, p 937.

SEC. 5c. Section 16 of said act is hereby amended to read as follows:

Void securities.

Sec. 16. Every security issued by any company, without a permit of the commissioner authorizing the same then in

effect, shall be void, and every security issued by a company with the authorization of the commissioner but which has been sold or issued in nonconformity with the provisions, if any, contained in the permit authorizing the issuance or sale of such security shall be void.

SEC. 5d. Section 22 of said act is hereby amended to read as follows: Stats 1931, p. 937.

Sec. 22. The commissioner shall employ such assistants, clerks and deputies as he may need to discharge in proper manner the duties imposed upon him by law, including stenographic reporters to take and transcribe the testimony in any formal hearing or investigation before the commissioner or authorized by him. The Attorney General shall render to the commissioner opinions upon all questions of law, relating to the construction or interpretation of this act or any other act under his jurisdiction or arising in the administration thereof, that may be submitted to him by the commissioner, and shall act as the attorney for the commissioner in all actions and proceedings brought by or against him under or pursuant to any of the provisions of this act or any other act under his jurisdiction. Neither the commissioner nor any of his assistants, clerks or deputies shall be interested in any company which shall have applied for or secured a permit to sell securities, or in any broker, or agent as a director, stockholder, officer, member, agent, or employee. Such assistants, clerks and deputies shall perform such duties as the commissioner shall assign to them. He shall, with the approval of the Department of Finance, fix the compensation of such assistants, clerks and deputies. Each assistant and deputy shall, within fifteen days after his appointment, take and subscribe to the constitutional oath of office, and file the same in the office of the Secretary of State.

Assistants, clerks and deputies.

Attorney General to render opinions.

SEC. 6. Section 23 of said act is hereby amended to read as follows: Stats 1931, p 937

Sec. 23. The commissioner shall at all times have the power to administer oaths and to make an examination or investigation of the business and the books, records, accounts and other papers pertaining thereto, of any company, broker, investment counsel or agent theretofore permitted or authorized by him to sell securities, or to act as an investment counsel, or to make dividends, to create debts, to divide, withdraw, or pay to the stockholders or any of them, any part of its capital stock, or to increase or reduce its capital stock; or of any company, broker, agent or investment counsel, or any other person who the commissioner has reason to believe has violated or is about to violate any of the provisions of this act. In making any such examination or investigation the commissioner may, for a reasonable time, not exceeding thirty days, take possession of the books, records, accounts and other papers pertaining to the business of any company, broker, agent or investment counsel and place a keeper in exclusive charge and custody of the same in the office or place where the same are

Power of commissioner regarding investigations

Taking possion of books, etc

usually kept. During such possession and custody it shall be unlawful for any person to remove or attempt to remove any of the said books, records, accounts and other papers, or any part thereof, except in compliance with a court order or written consent of the commissioner; provided, however, that the officers, employees, partners, directors and stockholders shall have the right to inspect and examine the same and that employees shall be permitted to make entries therein reflecting current operations or transactions. Such power shall not be terminated by the suspension or revocation of any permit, order or certificate theretofore issued by him.

Testimony and other evidence.

In any examination, audit or investigation made or hearing conducted by him, he shall have the power to take the testimony of any witness and to issue subpenas, requiring the attendance upon such examination, audit, investigation or hearing in any part of the State of witnesses, and the production of books, documents, and other things under their control, and in any such case to take or cause to be taken the deposition of any witness residing within or without this State, the commissioner may pay out of the appropriation for the support of his office to any witness subpenaed by him the necessary and reasonable traveling expenses of such witness from his place of residence to the place of hearing or investigation and return and a per diem of two dollars for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpena.

All the provisions of Chapter II of Title III of Part IV of the Code of Civil Procedure, relating to the means of production of evidence out of court, shall be applicable to any examination, investigation, or hearing under this act.

Refusal to testify.

No person shall be excused from testifying or from producing any book, document, or other thing under his control upon any such examination, audit, investigation, or hearing upon the ground that his testimony, or the book, document or other thing required of him, may tend to incriminate him, or may have a tendency to subject him to punishment for a felony, or to a penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing concerning which he shall have been so compelled to testify under oath; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury if committed by him in his testimony.

Investigation by deputy.

The authority to make or conduct any such examination, audit, investigation or hearing, including the authority to administer oaths, and to subpena witnesses and take their testimony, may be delegated by the commissioner to any deputy or investigator appointed by him for that purpose. Such appointment shall be made by an instrument in writing, signed by the commissioner under his official seal, and upon such examination, audit, investigation or hear-

ing, the same shall be produced by such deputy or investigator at any time upon demand therefor.

SEC. 7. Section 26 of said act is hereby amended to read as follows: Stats 1931, p 937.

Sec. 26. The commissioner shall charge and collect the following fees: Fees.

1. For filing an original or supplemental application for a permit to issue securities, ten dollars, plus—

One-twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One-fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

For the purpose of determining the above fees:

(a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor; provided, however, until a new value shall have been established, that each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Interim or voting trust certificates shall be deemed to have a value equal to the aggregate value of the securities to be represented by said interim or voting trust certificates.

(d) Rights, warrants or other certificates evidencing stockholders' rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(e) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration

Fees.

to be received for the securities containing the conversion or exchange provision.

2. For acting as escrow holder for securities as herein provided, ten dollars for each twelve month period, payable in advance.

3. For filing any application for a broker's or an investment counsel's certificate, twenty-five dollars.

Provided, however, that if after a certificate shall have been issued to any broker operating as a partnership there shall be a change of interest affecting less than twenty-five per cent (25%) of the whole interest therein, no new application need be made, but there shall be filed with the commissioner, accompanied by payment of a fee of ten dollars ($10), written notice of such change, stating the names and addresses of the partners and their respective interests, and any other information which may be required by the commissioner, together with evidence satisfactory to the commissioner that the bond theretofore filed by such broker is and will be maintained in good standing notwithstanding such change. The commissioner may in his discretion require a new application, in which event the procedure and fee shall be the same as upon an original application for a broker's certificate. If the commissioner shall approve such change without a new application, the certificate theretofore issued and in force and any agents' licenses theretofore issued to agents of such partnership and then in force, shall continue in full force and effect.

4. For filing any application for an agent's certificate, five dollars.

5. For any examination, audit, or investigation, the actual amount of the salary or other compensation paid to the person or persons making the examination, audit or investigation plus the actual amount of expenses, reasonably incurred in the performance of such work.

6. For copies of papers and records not required to be certified or otherwise authenticated by the commissioner, ten cents for each folio.

7. For certified copies of official documents, orders and other papers filed in his office; for making and mailing copies of process served upon him under the provisions of section 24 of this act, and for transcript on appeal, fifteen cents for each folio and one dollar for each certificate under seal affixed thereto.

8. For certificate of service and mailing of process served upon the commissioner under the provisions of section 24 of this act, two dollars.

9. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities or requesting the written consent of the commissioner to a proposed instrument amending, supplementing or abrogating any portion of any mortgage, deed of trust, indenture or other instrument under which bonds,

debentures or other evidences of indebtedness are issued or secured, ten dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution; but the commissioner may fix a reasonable charge for the publications issued under his authority.

All fees charged and collected under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "corporation commission fund," which fund is hereby created. Disposition of fees.

CHAPTER 899.

An act to provide for the organization, operation, financing, government and dissolution of placer mining districts.

[Approved by the Governor June 12, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the Placer Mining District Act. Short title

SEC. 2. Districts formed in the manner provided by this act for the purpose of affording facilities for conducting placer mining without injury to property not owned by or included in the district. Purpose

SEC. 3 Proceedings for the formation of a placer mining district shall be commenced by petition addressed to and filed with the board of supervisors of the county in which is located the largest proportion in value of the lands within the proposed district as shown by the last equalized county assessment roll. Such petition shall be signed by twenty-five per cent of the owners of parcels of land subject to assessment for district purposes. Petition

SEC. 4. The petition may be filed in sections, each of which must comply with all the requirements for petitions, except that a single section need not contain the total number of signatures required for the petition. Filed in sections.

SEC. 5. Signatures to the petition may be withdrawn at any time before the publication of the petition, by filing with the clerk of the board of supervisors with whom the petition is filed a declaration signed by the petitioner stating that it is the intention of the petitioner to withdraw his signature from the petition. Withdrawal of signatures

SEC. 6. The petition must:

(a) State the proposed name of the district; Contents

(b) Set forth the boundaries of the district or describe the lands situated therein;

(c) Request that the district be formed under the provisions of this act; and

(d) Describe generally the nature of the proposed project or projects for the construction and operation of which the district is to be formed.

Bond to cover costs.

SEC. 7. If the board of supervisors with whom the petition is filed so demand, the petition must be accompanied by a bond approved by, and in an amount fixed by said board at double the probable cost of organizing the district and conditioned that the sureties will pay all costs in connection with the proposed organization in the event that the district is not organized. An additional bond may be subsequently required by the board of supervisors if, in its judgment, the cost of organization will exceed one-half of the undertaking first approved.

Filing and hearing of petition

SEC. 8. The petition shall be filed with the board of supervisors of the county in which is located the largest amount in value, as shown by the last equalized county assessment rolls, of the land situated within the proposed district. Upon presentation and filing of the petition, and the approval of the bond, if any, the board of supervisors shall fix a time and place for a preliminary hearing of the petition. The hearing shall be not less than fifteen days and not more than thirty-one days after such presentation and filing.

Preliminary hearing notice

SEC. 9. The clerk of the board shall thereupon cause notice of the preliminary hearing to be published.

SEC. 10. The notice for the preliminary hearing shall:

Contents of notice

(a) State the fact of presentation of the petition to the board and the approval and filing of the bond, if any;

(b) Designate the time and place for the preliminary hearing of the petition;

(c) Set forth the text of the petition and

(d) State that all persons interested may appear at the hearing and be heard.

Effect of error.

SEC. 11. The board of supervisors shall not be deprived, by reason of clerical error in the public notice, of jurisdiction to proceed with the hearing, nor shall any action on the petition thereby be invalidated.

Effect of defects.

SEC. 12. If it appears at the preliminary hearing that the notice given has been defective in any material respect, the board shall set another time for the hearing and cause notice again to be published.

Hearing.

SEC. 13. At the preliminary hearing the board of supervisors shall hear the petition and determine whether it complies with the requirements of law and whether the notice has been duly published. The board must hear all competent and relevant testimony offered in support of or in opposition to the petition. The hearing may be adjourned from time to time for the determination of the facts involved, but the determination must be made within sixty days of the filing of the petition.

Findings re petition

SEC. 14. If the board determines that the petition does not comply with the requirements of law, the matter shall be

dismissed without prejudice to the right to present a new petition covering the same matter. A finding by the board in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons, except the State of California in a proceeding brought by the Attorney General within one year of the date of the making of the order establishing and describing the boundaries of the district.

Eligible lands

SEC. 15. All the land proposed to be included in a placer mining district must be so located that all tailings will be drained into a common storage basin.

Boundaries

SEC. 16. If the board of supervisors determine that all of the requirements of law have been complied with, it shall by resolution entered upon its minutes, describe the proposed boundaries of the district or the lands included therein, and the proposed name of the district, and shall order the preparation of the report as required by this act.

Report

SEC. 17. No placer mining district shall be formed until a report has been made and approved as required by this act.

Preparation of report

SEC. 18. Before final action can be taken by a board of supervisors in the formation of any placer mining district, the board of supervisors shall prepare or cause to be prepared by the officer in charge of engineering for the county, and if there be no such officer, by a competent person, a written report upon the proposed district which shall be a comprehensive study of the practicability of the operation of such district.

Contents of report

SEC. 19. In addition to such other matters as may be required by the board of supervisors, the following information must be included in the report:

(a) A map or maps showing the boundaries of the proposed district, the general nature, location and extent of the proposed works and drainage system and storage basins, and the lands to be assessed to pay any part of the cost thereof;

(b) All of the essential data as to the needs of present and estimated future mining operations, in regard to the proposed project;

(c) Economic factors involved in the proposed project;

(d) Preliminary plans showing the nature, type and arrangement of facilities to be constructed, together with general specifications and itemized estimates of cost based upon such plans;

(e) The total estimated itemized cost of any alternative method of procedure for obtaining the same desired facilities for placer mining, showing the advantages and disadvantages of each of such alternatives;

(f) The total assessed valuation of land to be assessed for district purposes, as shown on the last equalized county assessment rolls;

(g) The total assessed value of improvements on such lands, as shown by the last equalized county assessment rolls;

(h) The taxes and assessments last levied on said land;

(i) The land to be assessed which is on the latest delinquent list; and

(j) A brief summary of the essential facts of the report in a concise, understandable form.

Completion of report

SEC. 20. The report shall be completed as soon as practicable, with due regard to accuracy and completeness.

Filing of report

SEC. 21. The report when completed shall be filed with the board of supervisors and shall remain on file at the office of the county clerk for the inspection of all persons interested.

Final hearing Notice

SEC. 22. The board of supervisors, upon filing of the report, shall fix the time and place for the final hearing on the report and petition, and shall order the clerk to give notice of such final hearing.

SEC. 23. The notice of final hearing shall:

Contents of notice.

(a) State the name of the district and the fact that it is to be a placer mining district under the provisions of this act;

(b) State that a report has been filed with the board of supervisors concerning the advisability of forming the proposed district and that said report is available for inspection at the office of the clerk of the board of supervisors;

(c) Designate the boundaries of the proposed district or describe the land included therein;

(d) State the time and place for the final hearing;

(e) State that at said hearing protests will be considered by the board of supervisors;

(f) State that requests in writing for exclusion from or inclusion of lands in the proposed district will be heard and considered by the board of supervisors; and

(g) In mailed notices, a further statement that land in which the person addressed is interested will be assessed for the proposed project or projects;

Publication and mailing

SEC. 24. Notice of such final hearing shall be given by the clerk of the board by publication. Notice shall also be given by first-class mail, postage prepaid, by said clerk, to each person to whom land in the proposed district is assessed in the last equalized county assessment rolls, at his address as shown upon such roll, and to any person who has filed his name and address and a designation of the land in which he has an interest, either legal or equitable, with said clerk. Such notices must be mailed at least seven days prior to the final hearing.

Errors

SEC. 25. In the absence of fraud, no error on the statement concerning such notices or any of them, and no failure on the part of any person to receive the same, shall in any way affect the validity of the proceedings.

Protests

SEC. 26. At the final hearing protests may be made orally or in writing by any person who owns or has an interest in property which might be liable to assessment for the proposed project or for the payment of expenses or obligations of the district, should the district be organized. Any protest pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularity or

defect to which objection is made. All written protests must be filed with the clerk of the board at or before the time fixed for the final hearing. The hearing may be continued from time to time not exceeding sixty days.

Inclusion and exclusion of lands

SEC. 27. At the hearing, or prior thereto, any person who owns or has an interest in land in the proposed district may file with the board of supervisors a request, in writing, for exclusion of such land or any part thereof, and any person owning or having an interest in land outside the proposed district, may present to the board of supervisors a request, in writing, for the inclusion of such land in the proposed district.

SEC. 28. No land may be included in a placer mining district after a request to exclude such land has been filed with the board of supervisors, unless, prior to the making of the order calling the election on the formation of the district, the owner of the interested property as shown by the last equalized county assessment rolls or by a claim of title deriving from the owners shown on the last equalized county assessment roll, certified by a reputable abstract and title company doing business in the county, or by a policy or duplicate copy of a policy of title insurance filed with the county clerk, a written notice of withdrawal of his request for exclusion.

Termination of proceedings.

SEC. 29. The proceedings shall terminate if, prior to the time the board of supervisors finally determines that the district shall be formed, written protests against the formation of the district are filed with the county clerk by a majority of owners of parcels of land, subject to assessment for district purposes.

SEC. 30. The board of supervisors shall by resolution entered on its minutes declare that the proceedings are terminated when such protests are received from a majority of such owners. No petition or other proceedings for the formation of the same district for the same project or projects shall be considered by the board of supervisors until after the expiration of one year from the date of the order of termination made pursuant to this section.

Abandonment of proceedings

SEC. 31. The board of supervisors may, by resolution, abandon the proposed project and the formation of the proposed district at any time prior to the formation of the district. Notice of adoption of any such resolution of abandonment must be given by publication of notice thereof begun within ten days after the adoption of such resolution.

Protest against abandonment.

SEC. 32. If, within thirty days after the completion of the publication of said notice, there be filed with the board of supervisors a protest against such abandonment, signed by at least thirty-five per cent of the owners of parcels of land subject to assessment for district purposes, the board of supervisors shall call an election within the proposed district to be held within sixty days after the filing of the protest to determine whether or not the formation of the district shall be abandoned. Said election shall be called and conducted in the manner prescribed by this act. If at such election a majority

Election

of the votes cast are against abandonment of formation of the district, the final hearing shall proceed as if no resolution for abandonment had been made or adopted; otherwise the proceedings for formation of the district shall forthwith terminate.

Resolution describing district.

SEC. 33. If at the final hearing the board of supervisors determine that the project is feasible, economically sound, and for the public interest, it shall fix the boundaries of, or describe the land in, the proposed district.

SEC. 34. The board of supervisors, if it determines that the district should be established, shall by resolution fix and describe the boundaries of the district or the lands therein; and designate the name therefor, which may be that proposed in the petition or such other name as the board of supervisors may select.

Name of district.

Election on formation Notice

SEC. 35. The board of supervisors, shall, within twenty days after the adoption of such resolution establishing the district boundaries or the lands included therein, file and give notice of an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed and for the election of the directors thereof.

Conduct of election

SEC. 36. The election shall be called and conducted, and candidates, if any, shall be nominated in the manner hereinafter provided in respect to general district elections, except that the board of supervisors shall establish election precincts and designate the polling place or places for the election, publish notice thereof and appoint the election board or boards, and the returns of such election shall be forwarded to the board of supervisors who shall canvass the returns and declare the results of the election at the first regular meeting, after all the returns are received by it.

Resolution organizing district.

SEC. 37. If it appears that a majority of all the votes cast at the election are in favor of the organization of the district, the board of supervisors by resolution entered on its minutes shall declare the district duly organized under this act. The resolution shall also give the name of the district as theretofore designated, and shall describe the boundaries of the district or the lands included therein. Immediately after the passing of the resolution declaring the organization of the district, the county clerk shall file for record in the office of the county recorder of each county in which any portion of the land in the district is situated, a certified copy of such resolution, and shall file a certified copy of the same with the Secretary of State. Thereupon the organization of the district shall be complete.

Publication of notices

SEC. 38. Whenever publication of a notice is required by the provisions of this act, such publication shall be in a newspaper of general circulation published and circulated in the county in which the lands within the district are situated, or in each county in which any of the lands within the districts are situated, if the district includes land within more than one county.

SEC. 39. Unless otherwise expressly provided, each notice shall be published twice. Such publication shall be twice, to wit: once a week for two successive weeks prior to the date set for the happening of the event of which notice is given, and both publications shall be not more than twenty days prior to the date set for the happening of such event.

Proof of publication

SEC. 40. Proof of such publication may be by affidavit of the owner, publisher, printer or clerk of the newspaper. Such affidavit shall be prima facie evidence of the facts therein stated regarding such publication.

Posting notices.

SEC. 41. If no newspaper be published in a county in which under the provisions of this act publication is required, then in lieu of such publication, the notice shall be posted in three public places in the district in such county with the same effect as if published. Proof of posting may be by affidavit of the person who posts the notice and such affidavit shall have the same effect in evidence as an affidavit of publication.

District elections.

SEC. 42. All elections in a district for any purpose shall be called and conducted and the results thereof canvassed, returned and declared in the manner herein provided.

Precincts

SEC. 43. The board of directors of a district shall establish a convenient number of election precincts in the district and define the boundaries thereof, and, whenever it is deemed advisable for the best interests of the district and the convenience of the voters, it may at any time, but not less than thirty days before an election is to be held in the district, change the boundaries of any such election precinct, which change when made must be entered on the minutes of the board.

Polling places

SEC. 44. The board of directors must, by order made more than ten days before the date of the election, designate a convenient place within each precinct as the polling place of such precinct.

General district election

SEC. 45. The general district election shall be held in every placer mining district in the State on the same day as the general State election is held. At such general district election a successor shall be chosen to each member of the board whose term is about to expire, and any matters requiring a vote of the electors of the district shall be submitted to such electors. The board of directors of the district shall consist of five members elected at general district elections and whose terms shall be four years, with the exception of the first board. The first board of directors shall be elected at the election at which the formation of the district is approved by the electors. Upon their election, the first board so elected shall so classify themselves by lot that two members thereof shall go out of office upon the election and qualification of their successors at the first general election after the district is formed, and three members will go out of office upon the election and qualification of their successors at the second general election after the district is formed.

Offices voted on.

SEC. 46. The person receiving the highest number of votes for each office to be filled at the election shall be elected thereto. For the purpose of such voting, each office to be filled at each election shall be numbered by the board at least six months before each such general election, the offices to be filled at the election at which the district is formed being numbered one to five, inclusive, by the board of supervisors.

Voters.

SEC. 47. Only those persons who hold title to land subject to assessment for district purposes shall be entitled to vote at any election held under the provisions of this act.

Number of votes.

SEC. 48. The number of votes cast by an elector at an election held under the provisions of this act shall be the following:

(a) No person shall be permitted to cast more than five votes at any such election;

(b) Within the limitations of subdivision (a) hereof, each such holder of title to land may cast one vote for each five thousand dollars or fraction thereof of assessed valuation, as shown by the last equalized county assessment rolls, of such land.

(c) Within the limitations of subdivision (a) hereof, in the case of land owned by a corporation, the votes shall be cast by a person selected by it, residing in the district, or within the county in which a part of the land included within the district lies, as shown by a resolution of the governing body of the corporation, filed not less than ten days prior to the date of the election, with the board calling said election. In the case of land, the possessory right or title to which is held by a copartnership, the vote to which the ownership of the title entitles such owners, must be cast by a member of the copartnership or a person selected by it residing within the district or within the county in which a portion of the lands located within the district lie, selected for the purpose of casting said vote by a statement in writing, signed by all the members of the copartnership who appear as owners of the property on the county assessment roll, and filed with the board calling the election at least ten days before the date thereof

Posting of electors.

SEC. 49. At least five days before the date of the election, the board calling the election shall post at the courthouse of the county in which the lands having the largest portion of the total assessed valuation, as shown by the last equalized county assessment rolls, of the district, a list of the electors of the district, taken and computed from the last equalized county assessment rolls as provided by this act, and showing the number of votes each elector is entitled to cast.

Resolution providing for election.

SEC. 50. The board of directors of the district shall, thirty days prior to the time of any district election, by resolution entered on its minutes:

(a) Establish polling places and designate the boundaries of voting precincts;

(b) Appoint for each precinct an election board consisting of at least one inspector and two judges selected from the electors of the precinct;

(c) State the time of the election, the hours during which the polls will be open, and the purpose for which the election is held; and

(d) Prescribe the manner of voting and the form of the ballots to be used.

Secret voting.

SEC. 51. To the end that secret voting shall be preserved, a separate ballot shall be given to the elector for each vote cast by him.

Publication of resolution

SEC. 52. The secretary of the board of directors, within seven days after its passage, shall publish the resolution in the manner provided for publication of notices by this act. Publishing of the resolution shall be sufficient notice of the election therein called.

Precinct boards.

SEC. 53. If the board of directors fails to appoint a board of election in any precinct or if the members appointed in any precinct do not attend at the opening of the polls on the morning of the election, the voters of such precinct present at that hour may appoint the board or supply the place of any absent member.

Election law

SEC. 54. In all particulars not recited in the resolution or otherwise provided for in this act, the election shall be held in accordance with the general election laws of this State.

Election officers.

SEC. 55 The inspector shall be chairman of the election board and may appoint judges if during the progress of the election any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of the election. Before opening the polls each member must take and prescribe an oath to faithfully perform the duties imposed upon him by law. Any of the electors of the precinct may administer and certify such oath.

Canvass at polls

SEC 56 When the polls are closed, the board of election in each precinct shall canvass the polls thereat and make up and certify the returns thereof as nearly as practicable in accordance with the general election laws of this State. Such certificate shall immediately be delivered to the secretary of the board of directors of the district.

General canvass.

SEC. 57. The board of directors must meet at the usual place of meeting on the first Monday after such election to canvass the returns. If at the time of the meeting the returns from each precinct in the district in which polls were open have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in

public by opening the returns, estimating the vote of the district for each person voted for, and declaring the result thereof.

Nominating petitions.

SEC. 58. Not less than twenty days before the election any ten or more qualified electors of the district, as determined by the principal act, may file with the governing body a petition, requesting that certain persons, specified in such petition, be placed on the ballot as candidates for the office named in the petition. The names proposed by petition so filed, and no others, shall be printed on the ballot, but there shall be sufficient blank spaces provided in which electors may write other names if they so desire.

Financing of district.

SEC. 59. Any district formed hereunder may be financed by assessment on real and personal property within the district.

Fiscal functions

SEC. 60. The asssessment of property and the levy and collection of district assessments shall be done by the boards of supervisors and the county officers charged with similar duties in regard to the counties in which the lands within the district are situated.

Equalization.

SEC. 61. The board of directors of the district shall sit as a board of equalization for the equalizing of all district assessments at the same time and in the same manner as the county board of supervisors sits as a board of equalization for the general county taxes.

Budget.

SEC. 62. The board of directors of the district shall, ten days before the time at which the county board of supervisors must set the county tax rate, file with the board of supervisors of each county in which the lands within the district are situated, an itemized budget of expenditures and income for the next fiscal year.

Setting tax rate

SEC. 63. In order to determine the tax rate for the district, each board of supervisors receiving the district budget shall add fifteen per cent for anticipated delinquencies, and shall levy, in addition to other taxes on land situated in the district, a tax sufficient in amount to raise the sum accorded in the district budget as necessary to be raised from assessments on lands in the county for the ensuing fiscal year.

Equalizing taxes to true value of property.

SEC. 64. If the district is situated in more than one county, the board of directors of the district, by resolution, shall apportion the total estimated amount of expenditures for the next ensuing fiscal year ratably among the several counties in proportion to the true value, as determined in the manner prescribed in the "Special Assessment, Investigation, Limitation, and Majority Protest Act of 1931," of property in the district within each county subject to assessment for district purposes, so that substantially the same proportion of the estimate shall be paid by the owners of the property of the same actual value in each county.

Stats 1931, p. 1372

Collection of taxes

SEC. 65. All district assessments shall, on collection, be paid to the district treasurer for the use of the district in which the assessment was levied and collected.

Organization of directors

SEC. 66. The directors of any placer mining district shall, on the first Tuesday after they have been elected and have qualified, meet and classify themselves by lot to determine the expiration of their terms as provided in section 45 of this act. After such classification, the directors shall organize as a board, elect a president from their number, and appoint a secretary, who shall hold office during the pleasure of the board.

Secretary

SEC. 67. The salary of the secretary, if any, and the amount of the bond to be given by him for the faithful performance of his duties, shall be fixed by the board of directors.

Meetings of directors

SEC. 68. The board of directors shall hold a regular meeting on the first Tuesday of each month at the place selected as the office of the board, unless the board, by resolution, duly entered upon its minutes fixed another time for such regular monthly meeting. In case of the fixing of another time than that stated herein, before the change in time can be made, the resolution proposing such change must be published in the manner of publication of a notice under the provisions of this act.

Special meetings

SEC. 69. Special meetings of the board of directors may be held as required for proper transaction of the district's business, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days' notice thereof must be given by the secretary to each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting unless all the members present consent to the consideration of such business.

Quorum

SEC. 70. All meetings of the board must be public and three members shall constitute a quorum for the transaction of business. A smaller number of directors than a quorum may adjourn from day to day.

Boards of directors

SEC. 71. All records of the board shall be open to the public inspection during business hours.

Financial statement.

SEC. 72. The board of directors at their regular monthly meeting at the close of the fiscal year of the district shall render and immediately thereafter cause to be published in the manner of publication of a notice under the provisions of this act, a verified statement of the financial condition of the district. Such statement shall show particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. The powers of the district shall be vested in the board of directors, and all acts of the district shall be performed by and through such board.

Powers of district General

SEC. 73. Acting through such board, the district shall have power:

SEC. 73.1. To manage and conduct its business and affairs.

SEC. 73.2. To make and execute all necessary contracts.

SEC. 73.3. To employ and appoint such agents, officers, and employees as may be required, and to prescribe their duties.

SEC. 73.4. To enter upon any land and make surveys, locate the necessary works and the lines for canals, and the necessary branches for the same on any land which may be best for such location; lay out the necessary canals or other means of conducting tailings to storage basins or reservoirs and to lay out such storage basins or reservoirs.

Condemnation.

SEC. 73.5. To acquire by purchase, lease, contract, condemnation, or other legal means, all lands, waters, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvement of such canals or other means used for the conduct of water and tailings and for the supply of water, and for such purpose to acquire and hold the stock of corporations, domestic or foreign, owning water, water rights, canals, water works, franchises, concessions or rights.

Contracts

SEC. 73.6. To make and perform agreements with any government or governmental authority, political subdivision, public or municipal corporation, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might lawfully be acquired or owned by a placer mining district.

Acquire rights.

SEC. 73.7. To acquire the right to store water in any basin or reservoir or to carry water through any canal, ditch or conduit not owned or controlled by the district.

Grant rights.

SEC. 73.8. To grant to any owner or lessee of the right to the use of any water, the right to store such water in any reservoir of the district or to carry such water through any canal, ditch or conduit of the district.

Exchange rights

SEC. 73.9. To exchange property or rights of the district for property or rights of any person, firm, corporation, district, or other public or municipal corporation, political subdivision, or the State.

In general

SEC. 73.10. To make all agreements and do all acts necessary to make available to land in the district the facilities for placer mining operations and the storage of tailings therefrom.

Construct works

SEC. 73.11. To construct dams, canals, ditches, or other means for the conducting of water and tailings from any property in the district to a storage basin.

SEC. 73.12. To make any agreements or conveyances, sue and be sued, and expend the moneys of the district for the purpose of the exercise of any of the powers granted by this act.

Rules and regulations

SEC. 73.13. To establish equitable by-laws, rules and regulations and to make charges for the distribution and use of water and the facilities of the district among the owners of the land. Such by-laws, rules and regulations must be printed in convenient form and distributed to such owners To establish the general fund and any desirable or necessary special funds

of the district, prescribe the keeping of accounts thereof and to require a report to the board of directors at such periods as the board may consider convenient of the finances of the district.

District use is public

SEC. 74. The use of all water or other facilities required for the working of the mines in the lands of any district formed under the provisions of this act, together with the facilities auxiliary thereto and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the State in the manner prescribed by law.

Apportionment of district facilities.

SEC. 75. In any case where it is necessary to apportion the use of any waters or other facilities of the district, such apportionment shall be ratably to each landowner on the basis of the ratio which the last assessment of such owner for district purposes within the district bears to the whole sum assessed upon the district. Any landowner may assign the right to the whole or any portion of the water or facilities so apportioned to him. The board of directors of the district may, if they deem it for the best interest of the district, enter into a contract for the lease or sale of any surplus water or other facilities, or the use of such water or facilities, not then necessary for use within the district for any lawful purposes, and such contracts may be for use within or without the district. No right in such water or facilities owned by the district shall thereby be acquired by such user, except as expressly set forth in and stated by such contract.

Property vesting in district

SEC. 76. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such placer mining district, and shall be held by such district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act.

Conveyance of district property.

SEC. 77. The board of directors may determine by resolution duly entered upon their minutes that any property, real or personal, held by such district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell such property. A conveyance of any property held by a placer mining district, executed by the president and secretary thereof, in accordance with a resolution of the board of directors of such district, when sold for a valuable consideration, shall convey the entire title to the property so conveyed.

Limitations on indebtedness and expenditures

SEC. 78. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, whether by issuing bonds or otherwise, in excess of the amount set forth in this section, and any debt or liability incurred in excess of such express provision shall be and remain absolutely void.

After the organization of the district, the board of directors may, before the levying of the first assessment, incur indebtedness in a sum not exceeding two thousand dollars. For such indebtedness it may direct warrants of the district to be issued, bearing interest at not more than seven per cent per annum, the

rate of such interest to be fixed by the board. Each such warrant shall be made payable on a date not later than the first day of July next after the first assessment in the district is levied. If not paid on that date, such warrant shall continue to draw interest at the same rate as prior thereto, but must be presented on or before the tenth day of every fourth month thereafter for payment. It shall continue to draw interest only while regularly so presented, and at such presentment the date thereof must be endorsed on the warrant by the treasurer of the district. The board may also enter into any contract or lease for any lands, waters, water rights, or other property but not in excess of the total sum of five thousand dollars, of which not more than one thousand dollars may be paid out in any one year.

The board shall not in any one year make expenditures, nor agree to make expenditures, in a total amount for the entire year which is more than ten per cent of the assessed valuation, as shown by the last equalized county assessment rolls, of all the lands in the district the previous year. The limitations of this section do not apply to expenditures authorized by vote of the electors of the district at an election held under the provisions of this act and at which two-thirds of the votes are cast in favor of the expenditures.

District warrants.

SEC. 79. Except as provided in section 78 of this act, whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at the rate to be determined by resolution by the board of directors, but such rate shall not exceed seven per centum per annum, it shall draw interest until notice is given by the board that funds are available for the payment thereof. Upon the presentation of any such warrant for payment, other than warrants issued under the provisions of the preceding section, when funds of the district are not available to pay the same, the treasurer of the district shall endorse thereon the words "funds not available for payment" with the date of presentation and shall specify the interest that such warrant thereafter bears, and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment.

Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date be made and there is sufficient money available for such payment, the treasurer shall publish notice as provided in this act. Such notice shall state that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case

may be, and no further description of the warrant entitled to payment need be made in such notice.

Thereafter, upon the presentation of any warrant specified in the notice, the treasurer shall pay it, together with interest thereon at the rate specified by his endorsement thereon, from the date of its original presentation for payment to the date of the first publication of said notice, and all such warrants shall cease to draw interest at the time of the first publication of said notice.

The treasurer shall enter in the record hereinbefore required to be kept, the date of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

Special assessments for improvements.

SEC. 80. Whenever it is desired that expenditures be made by the district for the acquisition, construction, maintenance or alteration of work for the purpose of facilitating the carrying out of the purposes of this act in any district, the board of directors thereof may submit to the electors of the district the question of whether or not the additional expenditure shall be made out of the proceeds of a special assessment to be levied in like manner and on the same basis as the regular annual assessment made by the district.

An election shall be held to authorize such assessment and may be called by the board of directors of the district in its discretion. Such an election must be called upon presentation to the board of directors of a petition requesting the levy of the assessment and specifying the object and purposes for which the proceeds thereof shall be expended. Such petition must be signed by electors entitled to cast a number of votes at district elections equal to at least twenty-five per cent vote of the number of votes cast at the last district election.

The resolution of the governing body calling an election to decide whether such a special assessment shall be levied, in addition to all other matters required by this act for a resolution calling an election, shall state the amount of the proposed expenditure for which assessment is to be levied, the amount of the assessment which will be levied to raise such amount for expenditure, allowing for a delinquency of fifteen per cent, and the rate of the assessment necessary to raise such amount.

If two-thirds of the votes cast at the election are in favor of the special assessment, the board of directors shall cause the assessment to be levied in like manner as a regular assessment to pay the regular annual expenses of the district.

Bonds for improvements.

SEC. 81. Bonds may be issued by a district for the purpose of acquiring, maintaining, constructing or altering work, when, in the opinion of the directors, a special assessment would be inadvisable, and the expenses of such operations will be in excess of an amount which can reasonably be raised by the regular annual assessment for the running expenses of the district.

Bond elections

SEC. 82. An election shall be held to authorize the issuance of any bonds of a district. The board of directors of a district may call such election at its discretion, and it must call such election upon presentation to it of a petition requesting the issuance of bonds, specifying the purpose to which the proceeds are to be applied, and signed by electors of the district entitled to cast votes equal in number to at least twenty-five per cent of the total number of votes of all the electors of the district. The resolution of the board of directors calling a bond election, in addition to all of the matters required by this act for a resolution calling an election, shall state the amount of the proposed bond issue, the rate of interest thereon, and the maximum date of maturity of the bonds. If two-thirds of the votes cast at the bond election are in favor of the issuance of the bonds, the board of directors shall cause bonds to be issued.

Terms of bonds

SEC. 83. The board of directors of any district issuing bonds shall, prior to the issuance of such bonds, determine by resolution entered on its minutes:

(a) The denomination or denominations of the bonds;

(b) The aggregate par value of the bond issued;

(c) The date or dates of issuance of the bond;

(d) The date or dates of the maturity of the bond; but no bond shall mature more than twenty years after the date of issuance;

(e) The number and numerical sequence of the bonds maturing at each date of maturity;

(f) The annual rate of interest which the bonds shall bear;

(g) The number, numerical sequence, amount and dates of maturity of interest coupons to be attached to the bonds;

(h) The technical form and language of the bonds and of the interest coupons attached thereto.

Maturity

SEC. 84. Bonds first to mature in each issue shall mature not later than five years from the date of issuance thereof; and those last to mature of each issue shall mature not later than twenty years from the date of issuance thereof.

Interest.

SEC. 85. The rate of interest to be borne by bonds issued under the authority of this act shall be uniform for all bonds of the same issue, and shall be fixed by the governing body issuing the bonds according to the then prevailing market conditions. The rate of interest shall not exceed a rate of eight per cent per annum. The determination by the governing body of the rate of interest shall be conclusive as to the then prevailing market conditions.

Denomination

SEC. 86. Bonds issued under the authority of this act shall be of a denomination not less than one hundred dollars, nor more than one thousand dollars.

Signatures

SEC. 87. All bonds issued pursuant to this act shall be signed by the presiding officer and attested by the secretary of the board of directors of the district, and shall be valid as to future sale thereafter, regardless of whether at the time of sale the officer so signing is still the incumbent of such office.

Legal investments

SEC. 88. Bonds of any placer mining district the total of the principal amounts of the bonds authorized to be issued but which do not exceed ten per cent of the assessed valuation of all the property in the district as shown by the last equalized county assessment rolls of the county in which the property is located, are legal investments which savings banks, may lawfully be purchased or received in pledge for loans by banks and trust companies, and whenever any money or funds may be invested in bonds of any county, city and county, city or other municipal or corporate body, such money or funds may be invested in bonds of such districts which are such legal investments for savings banks.

Sale of bonds

SEC. 89. After the bonds have been issued, the governing body may, from time to time, sell bonds in such quantities as may be necessary and most advantageous to raise money for the purposes for which the bonds were issued.

Call for bids

SEC. 90. Such bonds shall be sold at least at par value. Before making any sales, the board of directors of the district shall, by resolution entered on its minutes, declare its intention to sell a specified amount of bonds, and the day, hour, and place of such sale. Notice of the sale shall be given by publication, and shall state that sealed proposals for the purchase of bonds will be received by the governing body at its office until the day and hour named in the resolution.

Opening of bids

SEC. 91. At the time appointed, the board of directors shall open the proposals, and may sell the bonds or any portion or portions thereof to the highest responsible bidder or bidders. Any and all bids may be rejected and no proposal shall be accepted unless accompanied by a certified check or such reasonable percentage of the amount of the bid as shall be determined by the board of directors to apply on the purchase price of the bonds. The amount of such check shall be forfeited if, after the acceptance of the proposal the bidder refuses to accept the bond and to complete his purchase thereof on conditions stated in his bid. In case no award is made the board thereafter may again advertise said bonds or any part thereof for sale.

Payment of bonds.

SEC. 92. Bonds and the interest thereon shall be paid from revenues derived from assessments, as authorized by this act.

Assessments

SEC. 93. The board of directors of every district the bonds of which are issued, shall include in the annual assessment to pay the expenses of operation of the district a sum sufficient to pay the interest for the period covered by the assessments on all bonds outstanding and in addition a sum which, together with approximately equal amounts each year thereafter until the maturity of the last issue, will be sufficient to make available sufficient moneys to pay the principal of each issue at maturity.

Construction.

SEC. 94. Before the construction of any work by the district, to be paid for with the proceeds of the sale of bonds or of a special assessment levied after proper approval by the

electors of the district, or when the costs thereof will amount to fifty thousand dollars or more, the board of directors shall give notice, by publication in the manner provided in this act for publication of notices, calling for bids for the construction of such work, or of any portion thereof. If less than the whole work is advertised, then the portion so advertised must be particularly described in the notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor and that the contract will be let to the lowest responsible bidder or bidders, but that any and all bids may be rejected. Said notice shall also state the time and place for opening the proposal.

Call for bids

Opening of bids

SEC. 95. The proposal shall be opened at the time and place appointed and thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder or bidders, but the board may reject any bid or bids or may reject all bids and readvertise for proposals or may proceed to construct the work under its own superintendent.

Awarding contracts

SEC. 96. Contracts for the purchase of material to be furnished or used by the district in any such work shall be awarded to the lowest responsible bidder or bidders after such notice as the board of directors deems proper. Any person to whom a contract is awarded shall enter into a bond, with good and sufficient sureties, approved by the board, payable to said district for its use, for at least twenty-five per cent of the amount of the estimated contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of an engineer of the district, appointed for that purpose by the board.

Construction over property dedicated to public use

SEC. 97. The district shall have power to construct any of its work across any stream of water, water course, street, avenue, highway, road, railway, canal, ditch, boom or other property subject to or devoted to public use, in such manner as to afford security to life and property. In the case of any such construction the board shall restore the property so crossed or intersected, to its former state or as near as it may be, or to a sufficient extent as not to have impaired unnecessarily its usefulness.

Condemnation of rights of way

SEC. 98. If the owner or owners of any land, easement or franchise so to be crossed can not agree with the district as to the amount to be paid therefor, or the location of such crossing, or any of the matters in connection therewith, the same shall be determined and ascertained in all respects as is the case where land or water rights are taken by the district.

Relocation of public rights of way

SEC. 99. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use becomes subject to flooding or other interference by reason of the construction or proposed construction of any works of the district, the board of directors of the district may acquire by agreement or condemnation the right so to flood

or otherwise interfere with property, whether it be publicly or privately owned. If such right is acquired by condemnation, the judgment may, if the court finds that public necessity or convenience so requires, direct the district to relocate such property so flooded or interfered with, in accordance with plans prescribed by the court.

In the execution of any such relocation plan, the district shall have power to acquire in its name, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment requiring such relocation, and thereafter to make such conveyances of such relocated property as may be proper to comply with such agreement or judgment. The right of way is hereby given, dedicated and set apart, to locate, construct and maintain any of the works of the district over and through any of the lands which are or may hereafter become the property of this State. There is also given, dedicated and set apart, for the uses and purposes as aforesaid, in so far as the same does not interfere with any plans of use by the State, all waters and water rights belonging to this State within the district.

Directors

SEC. 100. The directors of the district shall serve without compensation but shall receive their actual and necessary expenses incurred in attending meetings of the board or carrying out the orders thereof.

Directors and officers Fiduciary duty

SEC. 101 No director or any officer of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom. Any violation of this section shall constitute a misdemeanor on the part of the person so interested, and he shall be punishable therefor by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Funds

SEC. 102. The county treasurer of the county in which that portion of the lands in the district having the largest assessed valuation on the last equalized county assessment rolls is located shall be the treasurer of the district and shall have custody of all the district's funds. Such funds shall be paid out, except as provided in the next section, only upon warrants signed by the presiding officer of the board of directors of the district, and by a member of the board or another officer of the district designated for that purpose by a resolution of the board duly passed at a regular meeting thereof and a certified copy of which must be filed with said county treasurer.

Disbursing officer

SEC. 103. For the purpose of paying current expenses of the district, the board may, by resolution duly passed at a regular meeting thereof, designate a disbursing officer to whom warrants not in excess of two thousand dollars may be paid for the purpose of setting up a revolving fund for such expenses. Such officer may draw warrants without other sig-

natures than his own thereon which shall be honored by the county treasurer and payments made thereon in the following manner and under the following conditions: (a) The district may draw a warrant payable to said disbursing officer and specifying on the face thereof that the proceeds of the warrant are to be credited to the district disbursing officer's fund which shall thereupon be created in the county treasury. (b) Said disbursing officer may thereupon draw warrants on such fund to the extent, at any time, of the unexpended balance thereof, for the payment of any such current expenses, but the county treasurer shall not be liable in any manner for the disposition of the proceeds of said warrants drawn on such fund

General fund

SEC. 104. The county treasurer shall create in the county treasury a general fund for the district, and such special funds as he may be directed to create therein for the district by resolution of the board of directors thereof duly passed at a regular meeting, specifying the fund therein directed to be created.

Dissolution

SEC. 105. Any placer mining district may be dissolved whenever two-thirds of the votes held by electors of such district, voting at an election at which the question of dissolution is presented as herein provided, vote in favor of such dissolution.

Election on dissolution

SEC. 106. The board of directors may submit the question of dissolution of any district to the electors thereof, and must submit such question whenever there is filed with it a petition signed by electors of the district entitled to cast a number of votes at district elections equal to twenty-five per cent of the total number of votes entitled to be cast at such election. Such question may be submitted at the general district election, or at a special election called for that purpose.

Time of election

SEC. 107. If the electors petition the board of directors, the question of dissolution must be submitted not later than the ninetieth day after the filing of the petition with the board of directors. Such petition shall be filed with the board at a regular meeting of such board.

Two-thirds vote required

SEC. 108. If two-thirds of the votes cast at such election are cast in favor of dissolution, the board of directors shall by resolution dissolve the district.

Filing of resolution

SEC. 109. A certified copy of the resolution of dissolution shall be sent by the board of directors of the district to the county recorder of every county wherein the district is situated, and to the Secretary of State. From and after the filing of the resolution by the Secretary of State the district shall be deemed dissolved for all purposes except that of winding up its affairs.

Disposition of property on dissolution.

SEC. 110. Upon dissolution, the property owned by the district shall vest absolutely in the board of supervisors of the county in which the largest proportion in value of the lands located within the district, as shown by the last equalized

county assessment rolls, is located, and shall be held by said board of supervisors.

SEC. 111. Said board of supervisors is hereby constituted, ex officio, the governing body of any dissolved district, and it may levy such taxes and assessments and perform such other acts as were within the power of the dissolved district, so far as may be necessary in order to wind up the affairs of the district and to raise money for the payment of any indebtedness and the interest thereon. Devolution of powers.

CHAPTER 900.

An act to amend section 1861a of the Civil Code, relating to liens of keepers of furnished apartment houses or furnished bungalow courts.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 1861a of the Civil Code is hereby amended to read as follows: Stats 1917, p 1662.

1861a. Keepers of furnished apartment houses or furnished bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such furnished apartment house, or furnished bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such moneys are repaid. Unless such charges shall be paid and unless such moneys shall be repaid within sixty days from the time when such charges and moneys, respectively, become due, said keeper of a furnished apartment house, of furnished bungalow court, may sell said baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor the amount due, a brief description of the property to be sold, and the time and place of such sale, once every week for four successive weeks, prior to the date of sale, in a newspaper of general circulation in the county in which said furnished apartment house or furnished bungalow court is situated, and also by mailing, at least fifteen days prior to the date of sale, a copy of such notice addressed to such tenant or guest at his post-office address, if known, and if not known, such notice shall be addressed to such tenant or guest at the place where such furnished apartment house or furnished Liens of keepers of furnished apartment houses or bungalow courts.

bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid by said keeper of a furnished apartment house or furnished bungalow court to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if any, shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representative, within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper of a furnished apartment house or furnished bungalow court for the recovery of such baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

CHAPTER 901.

An act to amend sections 4.360, 4.362, 4.365, 4.366, 4.383, and 2.1427 of the School Code, and to repeal sections 4.363 and 4.364 thereof, relating to school district budgets and the estimate of State apportionments.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p 2492

SECTION 1. Section 4.360 of the School Code is hereby amended to read as follows:

School budget

4.360. The governing board of every school district of any kind or class shall have power and it shall be its duty to submit annually on or before the first day of July to the county superintendent of schools a school budget, showing all the purposes for which the school district will need money and the amount of money that will be needed for each of said purposes for the next ensuing school year.

Stats 1931, p 2492

SEC. 2. Section 4.362 of the School Code is hereby amended to read as follows:

Examination

4.362. The county superintendent of schools shall examine the budget and after indicating thereon such changes and corrections as he deems desirable or necessary, shall return the budget to the governing board on or before the fifteenth day of July.

Stats 1931, p 2492

SEC. 3. Section 4.365 of the School Code is hereby amended to read as follows:

Changes

4.365. The governing board shall make such changes in the budget as it may deem desirable or necessary and not later than the twentieth day of July shall return the budget to the county superintendent of schools.

SEC. 4. Section 4.383 of the School Code is hereby amended to read as follows: Stats. 1931, p. 2070

4.383. Except in districts where no district tax is levied, and elementary districts having but one teacher employed, the proposed budget for the ensuing school year as prepared by the trustees under the provisions of this code, or a summary thereof containing such items as may be applicable to the particular district, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no newspaper in said district, then in a newspaper published nearest to said district, prior to its adoption. The cost of such publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Such publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in some schoolhouse in said district, or in some other place conveniently assessible to the residents of the district, during the first week of August of said year, at which time and place such hearing shall be held and any taxpayer in the district may appear and object to said proposed budget or any item thereof, and said budget shall not be finally adopted by said trustees until after said public hearing has been held. Publication of proposed budget

SEC. 5. Sections 4.363 and 4.364 of the School Code are hereby repealed. Repeals

SEC. 6. Section 4.366 of the School Code is hereby amended to read as follows: Stats. 1931, p. 2492

4.366. The governing board of each school district in which a public hearing on the budget is required by the provisions of this code shall resubmit its budget as finally adopted subsequent to said public hearing not later than the tenth day of August. The county superintendent of schools shall approve the budget of each school district as officially adopted and submitted by the governing board thereof and, not later than the fifteenth day of August, shall file one copy of the approved budget of each school district with the board of supervisors and one copy with the auditor of his county, together with a statement showing the amount of school district taxes required by each school district of the county. Approval and filing

Section 2.1427 of the School Code is hereby amended to read as follows: Stats. 1931, p. 2428.

2.1427. Not later than the twenty-fifth day of July in each year to prepare an estimate of the amount of State school money that will be apportioned to each county or city and county during the current school year and to furnish a certified copy of the estimate to each county or city and county superintendent of schools. Estimate of apportionment of moneys

CHAPTER 902.

An act to amend sections 4.270, 4.271, 4.274 and 4.275 of the School Code, relating to the establishment, government, maintenance and operation of the public school system.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p. 2569 See Stats 1933, ch 1050 Estimate for junior colleges

SECTION 1. Section 4.270 of the School Code is hereby amended to read as follows:

4.270. Not later than the twentieth day of July of each year the superintendent of schools of each county in which there is not a county junior college shall certify to the board of supervisors and to the county auditor of such county the total cost of education during the next preceding school year of all junior college pupils residing in such county and not in any junior college district, nor in any high school district maintaining junior college courses, and the estimated amount needed for that purpose for the current year.

The said total cost shall not include outlays for permanent construction or improvements, nor moneys received from State apportionment, but shall include sixty-five dollars per unit of average daily attendance for the use of buildings and equipment.

Stats 1931, p. 2569

SEC. 2. Section 4.271 of the School Code is hereby amended to read as follows:

Junior college tax

4.271. The board of supervisors with whom such certificate is filed must, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any junior college district nor in any high school district maintaining junior college courses, sufficient in amount to defray the costs, during the preceding school year, of educating all junior college students residing in such county and not in any junior college district nor in any high school district maintaining junior college courses.

Stats 1931, p 2569

SEC. 3. Section 4.274 of the School Code is hereby amended to read as follows:

Fund Apportionment

4.274. The auditor shall not later than the last Monday in December and the last Monday in May of each year notify the superintendent of schools of the amount in such funds, and the superintendent of schools shall thereupon apportion the same to the several junior college districts, and high school districts maintaining junior college courses, in his county or in other counties as provided above, in proportion to the total cost to each of said districts of educating junior college students who reside in his county but not in any junior college district nor in any high school district maintaining junior college courses, as shown in his report for the preceding school

year compiled as directed by law, and certify such apportionment to the auditor.

SEC. 4. Section 4.275 of the School Code is hereby amended to read as follows: Stats 1931, p 2569.

4.275. The amount so apportioned to each junior college district or high school district maintaining junior college courses shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such junior college district or high school district maintaining junior college courses to the credit of the special fund thereof, and shall be paid out in the same manner as other junior college and high school funds. Apportioned funds Disposition.

CHAPTER 903.

An act to amend sections 4.161, 4.181 and 4.190 of the School Code, and to add a new section to said code, to be numbered 4.162, all relating to county school funds.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 4.161 of the School Code is hereby amended to read as follows: Stats 1931, p 2569 See Stats 1933, ch. 1050.

4.161. The county superintendent of schools must compute the amount as follows: Determination of amount

He shall calculate the amount required to be raised at thirty dollars per pupil in average daily attendance in the public day and evening elementary schools of the county or city and county for the next preceding school year, including therein the average daily attendance of handicapped pupils. To the amount so determined he shall add an amount equal to one-half of the excess cost of educating physically handicapped pupils in elementary school districts during the next preceding school year as computed by him as provided by this code. Such added amount shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during said year.

He shall compare the amount thus determined with the estimated amount to be received from the State school fund for the support of the public day and evening elementary schools of the county, or city and county, for the current school year as shown by the report and estimate of the State Superintendent of Public Instruction made to him not later than July twentieth of the current year. Comparison.

To the larger of the two amounts he shall add an amount not to exceed five per cent thereof and such other additional amounts as shall be so necessary to meet the expenses charged elsewhere in this code against the unapportioned county elementary school fund. Additional amounts

Amount of county tax

The total amount so computed shall be reported in writing by the county superintendent of schools to the county board of supervisors and shall constitute the minimum amount of county, or city and county, school money required to be raised by a county, or city and county, elementary school tax for the current school year; except that any balance or surplus transferred to or remaining in the county elementary school fund, or the unapportioned county elementary school fund, shall be deducted by the county superintendent of schools from the amount to be raised by such county, or city and county, elementary school tax.

New section

SEC. 2. A new section is hereby added to the School Code, to be numbered 4.162, and to read as follows:

Transfer of surplus

4.162. During July or August of each year the county superintendent of schools shall transfer to the county elementary school fund, or to the unapportioned county elementary school fund, eighty per cent of any excessive balance or unnecessary surplus in any school fund of any elementary school district; and also eighty per cent of any excessive balance or unnecessary surplus in the county elementary school supervision fund, after the salary and expenses of the school supervisor or school supervisors for the preceding school year have been paid; except that funds raised by school district taxes shall not be so transferred.

Exception

Stats 1931, p 2569.

SEC. 3. Section 4.181 of the School Code is hereby amended to read as follows:

County elementary school supervision fund How expended.

4.181. The county elementary school supervision fund shall be expended by the county superintendent of schools, except as otherwise provided by this code, for the payment of salaries and necessary expenses of supervisors to supervise instruction in the elementary school districts of the county having less than three hundred units of average daily attendance therein during the next preceding school year.

Stats 1931, p 2569 See Stats. 1933 ch 1050

SEC. 4. Section 4.190 of the School Code is hereby amended to read as follows:

Unapportioned county elementary school fund

4.190. From the moneys derived from the county elementary school tax there shall be paid into the treasury of the county to the credit of a special school fund to be known as the unapportioned county elementary school fund an amount equal to the amounts estimated as necessary to meet the expenses charged against the unapportioned county elementary school fund for the current school year together with an amount not to exceed five per cent of the larger of the two amounts determined as provided in section 4.161 of this code.

CHAPTER 905.

Stats 1903, p 291, amended

An act to amend section 53 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than

swamp or overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, and relating to compensation of directors.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows.

SECTION 1. Section 53 of the act cited in the title hereof is hereby amended to read as follows: Stats 1903, p. 291.

Sec. 53. Each member of the board of directors shall receive three dollars and his actual and necessary expenses for each meeting of the board of directors attended by him. The board may employ the services of one of its members in the conduct of the business and affairs of the district and for such services fix and prescribe additional compensation payable to such member not exceeding a rate of eight dollars per day while he is so employed. Compensation of directors

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CHAPTER 905.

An act to amend section 1027 of the Penal Code, relating to alienists.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 1027 of the Penal Code is hereby amended to read as follows: Stats 1929, p 702.

1027. When a defendant pleads not guilty by reason of insanity the court must select and appoint two alienists, at least one of whom must be from the medical staffs of the State hospitals, and may select and appoint three alienists, at least one of whom must be selected from such staffs, to examine the defendant and investigate his sanity. It is the duty of the alienists so selected and appointed to examine the defendant and investigate his sanity, and to testify, whenever summoned, in any proceeding in which the sanity of the defendant is in question. Said alienists so appointed by the court shall be allowed such fees as in the discretion of the court seem just and reasonable, having regard to the services rendered by the witnesses, but in no event shall such fees exceed the sum of forty dollars per day in addition to actual traveling expenses. The fees allowed shall be paid by the county where the indictment was found or in which the defendant was held for trial. Appointment of alienists upon plea of insanity.

Nothing contained in this section shall be deemed or construed to prevent any party to any criminal action from producing any other expert evidence as to the sanity of the Construction.

defendant; where such expert witnesses are called by the district attorney in such action, they shall only be entitled to such witness fees as may be allowed by the court.

Examination of alienists

Any alienist so appointed by the court may be called by either party to the action or by the court itself and when so called shall be subject to all legal objections as to competency and bias and as to qualification as an expert. When called by the court, or by either party, to the action, the court may examine the alienist, as deemed necessary, but either party shall have the same right to object to the questions asked by the court and the evidence adduced as though the alienist were a witness for the adverse party. When the alienist is called and examined by the court the parties may cross-examine him in the order directed by the court. When called by either party to the action the adverse party may examine him the same as in the case of any other witness called by such party.

CHAPTER 906.

Stats. 1931, p. 2045, amended

An act to amend an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of chapter 156 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," (chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improvement districts within water conservation districts.

Stats. 1929, p. 307.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1931, p. 2045

SECTION 1. Section 36 of said act is hereby amended to read as follows:

Bonded indebtedness

Sec. 36. The district may incur a bonded indebtedness for any purpose for which the board of directors is authorized to expend the funds of the district in the manner in this act set forth.

Report.

The board of directors, whenever the interest of the district shall require, may cause a report to be made to the effect that the acquisition of certain property or works or the construction of such works is convenient or necessary to serve or fulfill the purpose for which the district exists and that the cost of such property or works can not be paid for out of the annual

revenue of the district. Such report shall be in such detail and be accompanied by such exhibits as will disclose the purpose sought to be accomplished and the means to be employed therefor. Such report shall be printed in convenient form for distribution to the electors of the district.

Election.

After the printing of said report the board of directors by resolution adopted by a majority of the members of the board may call an election to be held in the district for the purpose of authorizing the incurring of a bonded indebtedness by the district. Such resolution shall specify the purpose for which the indebtedness is to be incurred, the amount of bonds which it is proposed shall be issued, the maximum rate of interest such bonds shall bear, and the number of years, not exceeding twenty-five, the whole or any part of said bonds are to run until maturity. It shall further provide for submitting the question of the incurring of such indebtedness to the qualified electors of the district at an election called for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several propositions may be submitted at the same election. None but qualified electors of the district shall be permitted to vote at such election.

Notice of election.

A notice shall be given of such election by publication in a newspaper of general circulation published in the district once a week for at least three weeks if published in a weekly or semiweekly newspaper or for at least ten days if published in a daily newspaper and the first publication shall be at least thirty days prior to the day fixed for the election.

Such notice shall state the time and place for holding the election, the names or numbers of the election precincts, which may be the general election precincts established by the board of supervisors for general State or county elections, or a consolidation of such precincts, or such other special precincts for the purpose of such bond election as the board of directors of such water conservation district may designate and establish, the location of the polling places and the names of the election officers appointed to conduct such election. Such notice shall also state the amount of the debt that it is proposed to incur, a brief statement of the purpose thereof and refer to the report hereinbefore provided to be made for further particulars, the number of years the bonds or any part thereof are to run before the maturity thereof and the maximum rate of interest such bonds shall bear.

Conduct of election

The manner of holding and conducting such election, the selection of officers to conduct the same, the designation of precincts and polling places, the preparation of ballots and the receipt, counting and return of the same, and the canvassing and determining the results thereof shall be as provided for the election of directors as provided in this act as nearly as practicable, and in particulars not so provided shall be in accordance with the general laws of the State relative to elec-

tions whereat propositions are submitted and voted upon. In the event that such election has been fairly held and conducted, no informality nor omission to perform a prescribed duty shall be held to invalidate or affect the legality of any bonded debt authorized to be incurred.

Votes necessary

If two-thirds of the votes cast upon the proposition shall have been marked and counted "Bonds—Yes" or appear to favor the proposition submitted, then such proposition shall be deemed to have been accepted by the voters and to authorize the incurring of a bonded debt and the issuance of bonds therefor to the amount of and for the purpose stated in the proposition.

Issuance of bonds

Thereafter the board of directors of the district may issue the bonds of the district for the whole or for any part of the amount of the indebtedness so authorized, and may, from time to time, provide for the issuance of such amounts as the necessity therefor shall appear, until the full amount of such bonds authorized shall have been issued. Each separate issue shall be given a serial number or letter.

Form and provisions of bonds

The board of directors shall, by a resolution adopted by a majority of its members, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment may be deferred for a period not longer than five years from the date of the bond, and not less than four per cent of the principal sum shall be paid each year at and following the date when the first installment becomes due and payable. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred nor more than one thousand dollars. The principal and interest shall be payable in gold coin of the United States at the office of the treasurer of the county or such other place as may be designated or at either place at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president of the district and attested by the secretary with the official seal of the district. The interest coupons shall bear the actual or facsimile signature of the president of the district.

Sale of bonds

The bonds as the same shall be issued may be sold at such times and in such amounts as the board of directors shall deem expedient, after a notice inviting bids therefor shall have been given by publication in a newspaper of general circulation published in the district for a period of at least ten days prior to such sale. A certified check payable to the district for at least five per cent of the amount of the bonds offered shall accompany each bid conditioned that the bidder will accept and pay for the bonds bid for if awarded to him, otherwise such check shall be forfeited to the district and the amount

thereof paid into the treasury. In case no bids are received the bonds offered may be sold at private sale.

Disposition of proceeds

The proceeds arising from the sale of bonds shall be paid into the treasury of the district and placed to the credit of a special fund and expended only for the purpose for which the indebtedness was created.

Tax levy.

It shall be the duty of the board of supervisors of the county or counties within which the district is situated to provide for the levy and collection of an assessment tax upon the lands within the district as in this act provided sufficient and in season to pay any installment of principal and all interest on the bonds that may become due during the year following the levy of such assessment tax.

Approval of bonds

At any time the board of directors may apply to the commission authorized by law to approve bonds of irrigation and other districts for certification as legal investments for savings banks or for other purposes specified in the act creating such commission and when such certification shall have been given, the bonds of the district shall be acceptable for investment and surety purposes to the same extent as are county or municipal bonds.

Repeals

SEC. 2. Sections 51, 52, 53 and 54 of the Water Conservation Act of 1929 as revised by chapter 1020, Statutes of 1931, are hereby repealed.

New sections

SEC. 3 Thirty new sections to be numbered 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79 and 80 are hereby added to the Water Conservation Act of 1929, as revised by chapter 1020, Statutes of 1931, and to read as follows:

Change of district boundaries

Sec. 51. The boundaries of any water conservation district now organized or hereafter organized under the provisions of this act, may be changed, and tracts of land which were included within the boundaries of such district at its organization under the provisions of said act, may be excluded therefrom, in the manner and within the time herein prescribed; but neither such change of the boundaries of the district nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon which said district was or may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district.

Petition for exclusion of lands

Sec. 52. The owner or owners in fee of one or more tracts of land which constitute a portion of a water conservation district and which severally or in their entirety are contiguous to the exterior boundaries of the district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which

it is claimed that such lands should be excluded and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Notice of filing of petition

Sec. 53. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least once a week for two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory asked to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. In the case of water conservation districts heretofore organized under the provisions of this act, said petition or petitions shall be filed within three months after the taking effect of the provisions herein for the exclusion of lands, and in the case of water conservation districts hereafter to be organized under this act within one year after the organization of such districts.

Contents of notice

Time limitation

Hearing

Sec. 54. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show

Assent to exclusion

cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceedings shall be paid by the person or persons filing such petition.

Order of board.

Sec. 55. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then the board shall have power by unanimous vote of all seven directors, to make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; provided, that it shall be the duty of said board to order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which in the judgment of all seven members of the board will not be benefited by the operations of the district.

Assent of bondholders.

Sec. 56. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Acknowledgment

Filing and recordation

Entry of new boundaries

Sec. 57. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain a water conservation district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Vacancy and appointment of director.

Sec. 58. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the board of supervisors of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Election precincts

Sec. 59. In case land is excluded from any district, the board of directors thereof, if they deem it desirable, but not less than thirty days before any election in such district, may reestablish the boundaries of the divisions and election precincts within such district.

Personal representative may sign petition, etc

Sec. 60. A guardian or executor, or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

Excluded lands not released from liens

Sec. 61. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon of, any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such

exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said water conservation district the same as though said petition for its exclusion had never been filed or said decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of their quota or portion of said outstanding obligations. had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of their quota and portion of said outstanding obligations of said water conservation district for which it is liable, as herein provided. But said land so included shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; provided, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

Creation of improvement district within water conservation district.

Sec. 62. Whenever one thousand or more of the holders of title or evidence of title of land within a water conservation district, as shown by the records of the county assessor, shall desire to create an improvement district within a water conservation district, they may propose the organization of such an improvement district under the provisions of this act by filing a petition with the board of directors of the water conservation district. Said petition shall contain a statement of the plan of the proposed improvement district and a description of the boundaries of such proposed improvement district.

Petition.

Survey and report.

Sec. 63. Upon receipt of such petition the board of directors of such district shall cause a survey to be made of such proposed improvement, and if upon such survey it is found that such plan of improvement is feasible, said board shall cause to be prepared plans and specifications of such improvement and an estimate of the cost thereof. Such report shall be in such detail and be accompanied by such exhibits as will disclose the purpose sought to be accomplished and the means to be employed therefor. Said report shall be filed in the office of said district and shall be subject to the inspection of all parties interested.

Notice of hearing

Sec. 64. After the filing of such report said board of directors shall give notice of a hearing upon said petition, notice of which hearing shall be given by posting a notice thereof in three public places within said proposed improvement district and the publication of such notice once a week for two weeks in some newspaper published in the county in which the office of said water conservation district is situated. Such notice shall be posted not later than twenty days prior to the date set for said hearing.

Hearing.

Sec. 65. At said hearing said board of directors shall hear such objections to said petition and to the formation of said improvement district and its boundaries and to said plans, specifications and estimates as may come before them, and at such hearing shall make such changes in reference thereto as they may consider proper.

Boundaries of improvement district.

At said hearing said board of directors may make such changes in the boundaries of the proposed improvement district as they may deem advisable and shall define and establish the boundaries, but said board shall not modify the boundaries so as to exclude from the proposed improvement district any territory which may be benefited by the improvement district, or include within such proposed improvement district any land which will not in their judgment be benefited by the organization of said improvement district; provided, however, that if any additional lands are included therein the hearing of said petition shall be continued and the owners of said added lands be given not less than twenty days' personal notice of the addition of such lands to said improvement district.

Validity of petition

At said hearing the board of directors shall determine whether the petition complies with the requirements of this act and for that purpose must hear all competent and relevant testimony in support or in opposition thereto. No defect in the form or contents of the petition or any proceeding therein shall invalidate any proceeding, providing the petition or petitions have a sufficient number of qualified signatures attached thereto.

Objections

If more than one-third in number of the holders of title or evidence of title of lands within said proposed improvement district shall in writing object at said hearing to the formation of said proposed improvement district, said board of directors shall deny said petition and no further proceedings shall be had thereon.

Final order

At said hearing said board of directors shall make a final order to be entered in the minutes of said board and a copy thereof recorded in the office of the county recorder of the county in which any of said lands of said improvement district may be located, approving said petition creating said improvement district.

Election

Sec. 66. If the board of directors make such final order approving said petition creating said improvement district, then said board, by resolution adopted by a majority of the members of the board, may call an election for the purpose of authorizing the incurring of a bonded indebtedness by the improvement district. Such resolution shall specify the purpose for which it is proposed bonds shall be issued, the maximum rate of interest such bonds shall bear and the number of years, not exceeding twenty-five, the whole or any part of said bonds are to run until maturity. It shall further provide for submitting the question of the incurring of such indebtedness to the qualified electors of the improvement dis-

trict at an election called for that purpose and the words to appear upon the ballot shall be, "Improvement District Bonds—Yes" and "Improvement District Bonds—No" or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several propositions may be submitted at the same election. None but qualified electors of the improvement district shall be permitted to vote at such election.

Notice of election.

Notice shall be given of such election by publication in a newspaper published in the county or in each of the counties in which the proposed improvement district is situate, if there be one, at least once a week for three weeks previous to such election, and by posting notice thereof in three public places in the improvement district, and also by posting a copy in the office of such water conservation district. Said notice shall designate a name for such improvement district and describe the boundaries thereof, and designate the respective election precincts and the polling place in each, and the election officers and the time of the election and the hours during which the polls will be kept open, provided that the polls must be open not later than eight o'clock a.m. and kept open until seven o'clock p.m.

Electors

All electors residing within the improvement district, whose names appear on the register of voters of the last general election and at any time within forty days preceding said election shall be qualified electors of said improvement district.

Conduct of election

The election shall be conducted in accordance with the general election laws of the State as far as applicable and except as herein otherwise provided. The election officers shall publicly count the votes immediately after the election and make and immediately transmit a report of the result of the election to the board of directors. In the event that such election has been fairly held and conducted, no informality or omission to perform a prescribed duty shall be held to invalidate or affect the legality of any bonded debt authorized to be incurred.

Votes necessary.

If two-thirds of the votes cast upon the proposition shall have been marked and counted "Improvement District Bonds —Yes" or appear to favor the proposition submitted, then such proposition shall have been deemed to have been accepted by the voters and to authorize the incurring of a bonded indebtedness and the issuance of bonds therefor to the amount and for the purpose stated in the proposition.

Powers and duties of board.

Sec. 67. Whenever such an improvement district is organized within a water conservation district, such improvement district shall be under the supervision, direction and control of the board of directors of the water conservation district and such directors of the water conservation district shall have the same power, authority and jurisdiction over and with reference to the improvement district that the board possesses over and with reference to the water conservation district and improvements made within and chargeable to the entire water

conservation district, provided that any obligation created in behalf of an improvement district shall be a charge against only the property situated within such improvement district.

Provisions applicable.

All provisions of this act, in so far as they are applicable, including provisions for bonds and assessments, shall apply to and govern the improvement districts within water conservation districts as herein provided.

Creation of improvement district, alternative method

Sec. 68. As an additional and alternative method of creating improvement districts of parts of the area within water conservation districts two-thirds of the holders of title or evidence of title of any tract or contiguous tracts of land, situated within any water conservation district organized under this act, susceptible of conservation of water, or capable of development separate and apart from the main project or the development of the water resources of the entire water conservation district, provided by section 1 of this act, may petition the board of directors of the water conservation district to create and organize an improvement district within the water conservation district for the purpose of conserving and developing the water resources of such improvement district and for the levying of assessments to pay the costs thereof.

Petition

Contents of petition.

Sec. 69. Said petition shall contain a statement of the plan of the proposed improvement, a description of the boundaries of such proposed improvement district, the names of the owners of all lands within such improvement district with their last known addresses and a description of the lands owned thereby, and which petition shall be signed and acknowledged by the requisite number of land owners. Such petition and all proceedings in reference thereto, and the lands affected thereby, shall be designated by number, and the description of the parcels of land shall be according to the last duly equalized assessment book of the county assessor.

Survey and proposed assessment

Sec. 70. Upon receipt of such petition the board of directors of said district shall cause a survey to be made of said proposed improvement and if, upon such survey, it is found that such plan of improvement is feasible, said board shall cause to be prepared plans and specifications of such improvement and an estimate of the cost thereof, together with a statement and assessment of the amount of such costs apportioned to each tract of land in said improvement district, as said tracts of land are shown upon the last equalized assessment book of the county assessor, according to the benefits that will accrue to each of said tracts of land in said improvement district respectively, by reason of the expenditures of said sums of money for said improvements. Said board of directors of said district are hereby designated and constituted a board of assessment commissioners to levy and apportion said assessment. Said petition, plans, specifications and proposed assessment shall be filed in the office of said district and shall be subject to the inspection of all parties interested.

Notice.

Sec. 71. After the filing of such plans, specifications, estimate, statement and assessment, said board shall give notice

of a hearing upon said petition and whether a special assessment shall be levied upon the lands within said improvement district for the purpose of raising money to pay for such improvements, as set forth in such petition, plans, specifications, statement and assessment, notice of which hearing shall be given by posting a notice thereof in three public places within said proposed improvement district, and by publishing such notice once a week for two weeks in some newspaper published in the county in which the office of said water conservation district is situated, and by mailing a copy thereof to the last known address of all the owners of said lands in said improvement district, as such addresses appear in said petition. Such notice shall be posted and mailed not less than twenty days prior to the date set for said hearing.

Hearing.

Sec. 72. At said hearing said board shall hear such objections to the said petition and to the formation of said improvement district and its boundaries, and to the said plans, specifications and estimates, and to said proposed assessment and the apportionment thereof as may come before them and at such hearing shall make such changes in reference thereto as they may consider proper. The board may exclude any part or portion of the lands described in said petition from said improvement district, and may include additional lands; provided, however, that if any additional lands are included therein, the hearing of said petition shall be continued and the owners of said added lands be given not less than twenty days' personal notice of the addition of such lands to said improvement district. If more than one-third in number of the holders of title or evidence of title of lands within said improvement district shall object, at said hearing, to the formation of said improvement district and the levy of said proposed assessment, said board of directors shall deny said petition and no further proceeding shall be had thereon.

Final order.

At said hearing said board of directors shall make a final order to be entered in the minutes of said board and a copy thereof recorded in the office of the county recorder in which any of said lands of said improvement district may be located, approving said petition creating said improvement district, levying said assessment for said purposes and apportioning the same to the said lands according to benefits, and which said assessment shall include a sum that shall equal interest on any deferred payments at a rate not to exceed seven per cent per annum, and ten per cent addtional for anticipated delinquencies. Said assessment may be made payable in not to exceed ten annual installments and the board of directors of said water conservation district shall, at the time of the levy of the annual assessments of said district, if any, add to the amount of the annual assessment levied upon said lands within said improvement district, such amount for which they may be liable by reason of the levying of said improvement district assessment, and if said annual district assessment is made payable in two installments then said improvement district assess-

Payment of assessment.

ment or installment thereof shall likewise be made payable in two installments. Said improvement district assessment, or any installment thereof shall be and remain a lien on said lands in the same manner as and be a part of the annual assessment of said water conservation district.

Lien

Warrants

Sec. 73. Said water conservation district shall issue warrants for the amount of said assessment which warrants shall be made payable in amounts and at the times corresponding substantially to the payment of the installments of said improvement district assessment and shall bear interest at such rate of interest as may have been fixed on the levy of said improvement district assessment. Said warrants shall be payable only out of funds derived from the levy and collection of said improvement district assessment on said lands.

Improvement work.

Sec. 74. The said work of improvement provided for in this act and the purchase of all necessary supplies, material and equipment therefor, shall be performed and done by said water conservation district or in the discretion of the board of directors bids may be received for said work and material and proceedings had and taken in reference thereto as provided for in the Water Conservation Act of 1929 as revised by chapter 1020, Statutes of 1931; provided, however, that the cost thereof shall be paid only out of said assessments levied upon and collected from the said lands in said improvement district.

Supplemental assessment.

Sec. 75. Should the assessments levied upon said lands in such improvement district be insufficient to pay in full the cost of such improvements or pay the warrants issued for said improvements, an additional and supplemental assessment shall be made and levied upon all of said lands sufficient to pay said cost or said warrants in full, and the procedure followed in making such additional and supplemental levy of assessment shall be substantially the same as the levy of the original assessment, but without the necessity of a petition. If the proceeds from said assessment so levied shall exceed the final amount necessary for such purposes, said lands so paying said assessment shall be entitled to a credit in said excess amount upon the next succeeding district annual assessment levied upon such land.

Powers of board

Sec. 76. Said board of directors and all other officers of said water conservation district shall have all the rights, powers and privileges concerning said improvement district, and lands thereof and the proceedings herein provided for, as such board may have concerning the water conservation district, of which it is a part, and including the right of said district to condemn lands and to acquire, own and hold property within said improvement districts.

Construction.

Sec. 77. This act shall be liberally construed to carry out the purposes and intent hereof.

Constitutionality

Sec. 78. In case any section or sections, or a part of any section, of this act shall be found to be unconstitutional, the remainder of the act shall not be invalidated thereby, but shall remain in full force and effect.

Sec. 79. This act shall not be construed as repealing the existing conservancy act of California, approved May 16, 1919, or any part thereof or any other existing law of this State, but shall be treated as, and shall be in effect, an alternative act thereto. Stats 1919, p 559, not repealed

Sec. 80. It is hereby declared that this act is a reenactment of chapter 166 of the Statutes of 1929, and known as the "Water Conservation Act of 1929," and is to be construed as a continuation of said act. Stats 1929, p 307, reenacted

All water conservation districts that have been organized after an election has been held pursuant to said statute and declared to have been organized in accordance with its provisions are hereby declared to have been duly and legally organized and all proceedings relative thereto are hereby validated and confirmed. Such districts shall continue to exist and exercise and enjoy all the powers, rights and privileges conferred by this act. Validation.

CHAPTER 907.

An act to add section 6.470-3 to the School Code, relating to the abolition of the school supply revolving fund.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 6.470-3, is hereby added to the School Code and to read as follows: New section.

6.470-3. The superintendent of schools may at his discretion determine to abolish the "School supply revolving fund" in his county by serving notice in writing therefore upon the auditor and treasurer of the county. Upon filing said notice of discontinuing said fund, the superintendent of schools shall immediately arrange for the sale of supplies in his possession at their market price at the time of the sale plus any handling charges that may be charged against them. The said sums secured from the sale herein shall be deposited by the superintendent of schools in said revolving fund which revolving fund shall then be returned by the auditor to the respective districts from which it was created. A determination upon the part of the superintendent of schools to dispose of said "School revolving fund" as provided herein shall not prejudice the right of the superintendent of schools at a future time to recreate said fund as provided in section 6.470-1 of this code. Abolition of school supply revolving fund

CHAPTER 908.

An act to add a new section to the Probate Code, to be numbered section 1027, relating to distribution of an estate where no heirs appear in the course of administration and claim the estate or some part thereof.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Probate Code to be numbered 1027, and to read as follows:

Final distribution, when

1027. Executors or administrators, public or otherwise, must apply for distribution of an estate at the time of filing a final account. Notice of such application must be given in the manner provided in section 1200 of the Probate Code. If the court, at the time set for the hearing of the final account, or such time thereafter to which the matter may be continued, does not distribute the estate to known heirs or persons entitled to succeed thereto, it must distribute the estate or the proper portion thereof to the State of California. The property so distributed shall be held by the State Treasurer for a period of five years from the date of the decree making such distribution, within which time any person may appear in the superior court for the county of Sacramento and claim the estate or any part thereof. Such court shall have full and exclusive jurisdiction to determine the title to said property and all claims thereto.

Distribution to State.

Escheat.

Any person who does not appear and claim, as herein required, shall be forever barred, and such property, or so much thereof as is not claimed, shall vest absolutely in the State.

Repeal

All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 909.

An act authorizing counties, cities and counties, and cities to relinquish jurisdiction over roads and highways in State parks to the authority charged by law with the management and control of such parks and providing for the construction, reconstruction, and maintenance of such roads and highways by the Department of Public Works.

[Approved by the Governor June 12, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Relinquishment of jurisdiction over roads in State parks.

SECTION 1. The board of supervisors or governing body of any county, city and county, or city within which any State park forming a part of the State park system has been or

may hereafter be established, is authorized to relinquish any road, highway, or trail, or portion thereof, or rights of way therefor, existing within any such park, and under the jurisdiction of such county, city and county, or city, to the authority charged by law with the management and control of such park, and thereupon jurisdiction over any such road, highway, or trail shall vest in said park authority, upon the acceptance by it of such road, highway, or trail, or such rights of way.

Resolution.

SEC. 2. Relinquishment to the park authority of any road, highway, or trail, or rights of way, as herein provided, shall be by resolution of the board or governing body having jurisdiction spread upon its minutes, after such notice and hearing as it shall determine. A certified copy of such resolution, with the acceptance of the park authority endorsed thereon, may be recorded in the office of the county recorder in which such road, highway, or trail is located and shall be filed with the park authority.

Maintenance of roads

SEC. 3. Whenever jurisdiction over any road or highway within a State park has been relinquished to the park authority, the Department of Public Works is authorized to construct, reconstruct, and maintain such road or highway and to expend therefor any funds provided by law for such purposes; provided, that any construction, reconstruction, or maintenance of roads or highways within State parks shall be subject to the approval of the park authority. Nothing in this section shall be construed to limit the general authority of the Department of Public Works to construct, reconstruct, and maintain roads and highways in State parks, subject to the approval of the official or officials charged with the management and control of such parks, which authority is hereby specifically conferred upon said department.

Construction of act

SEC. 4. This act shall not affect nor shall it be construed as a limitation in any respect of the jurisdiction, possession, and control of the Department of Public Works over any road or highway which has been or which may hereafter be designated a State highway and made a part of the State highway system, irrespective of the fact that such road or highway, or portion thereof, may be located within a State park.

CHAPTER 910.

An act to add section 7½ to the State Civil Service Act, relating to the acceptance by county fire protection districts or any fire districts of civil service provisions.

Stats 1913, p 1035, amended.

[Approved by the Governor June 12, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section.

SECTION 1. Section 7½ is hereby added to the State Civil Service Act of 1913, to read as follows:

Fire districts may adopt provisions of act

Sec. 7½. Any county fire protection district or any fire district which does not have in operation a civil service system governing its officers and employees may elect by ordinance to accept any of the provisions of this act so far as applicable to such positions as may be specified in an ordinance thereof, except that elective officers may not be included, and the chief deputy officer may be included only on the written consent of the principal in office, filed with the county clerk. It shall be the duty of the Civil Service Commission to serve any county fire protection district or any fire district so accepting, and for that purpose it shall have powers similar to those which it has in relation to State employees and employments, to the extent necessary to carry out the provisions of this section. The Civil Service Commission shall ascertain the cost of services rendered hereunder, and such cost shall be a charge on the district accepting the provisions hereof.

CHAPTER 911.

An act to amend sections 702 and 703 of the Code of Civil Procedure, relating to redemption from sales under execution.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1897, p. 41

SECTION 1. Section 702 of the Code of Civil Procedure is hereby amended to read as follows:

Redemption of property

702. The judgment debtor, or redemptioner, may redeem the property from the purchaser any time within twelve months after the sale on paying the purchaser the amount of his purchase, with one per cent per month thereon in addition, up to the time of redemption, together with the amount of any assessment or taxes, and any reasonable sum for fire insurance, maintenance, upkeep, or repair of any improvements upon the property which the purchaser may have paid thereon after purchase, and interest on such amounts. And if the purchaser be also a creditor, having a prior lien to that of the redemptioner, other than the judgment under which said purchase was made, the amount of such lien with interest. In the event there shall be a disagreement between the purchaser and redemptioner as to whether any sum demanded for fire insurance, maintenance, upkeep, or repair, is a reasonable charge to be added to the amount required for redemption, the proposed redemptioner shall thereupon pay to the clerk of the court out of which execution, or order authorizing the sale, was issued the amount necessary for redemption, less the amount in dispute, and shall at the same time file with said clerk a petition in writing setting forth specifically the item or

Disagreement as to amount

Petition.

items demanded to which he objects, together with his reason for such objections, and asking that such amount be determined by the court; said clerk shall thereupon fix a day, not less than five nor more than ten days from the date of such filing, for the hearing of said objections; a copy of said petition, together with a notice of hearing giving the time and place thereof, shall be served by the person seeking redemption, or his attorney, upon the purchaser not less than two days before the day of hearing; upon the day fixed the court in which the order of sale or execution was originally issued shall determine, by order duly entered in the minutes of said court, the amount required for redemption, either upon affidavit or evidence satisfactory to the court; and when the amount has been so determined, in the event the amount theretofore deposited with the clerk shall be sufficient the same shall be forthwith paid to the purchaser upon his execution of a proper certificate of redemption; in the event an additional amount to that theretofore paid to the clerk is requisite, the redemptioner shall forthwith pay such additional amount to the clerk who shall then pay the whole amount necessary to the purchaser upon his execution of a proper certificate of redemption; the certificate of redemption so issued may be deposited with the clerk for delivery to the redemptioner, or given to the redemptioner at the time of payment.

Notice.

Hearing

SEC. 2. Section 703 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1897, p 41.

703. If property be so redeemed by a redemptioner, another redemptioner may, within sixty days after the last redemption, again redeem it from the last redemptioner on paying the sum paid on such last redemption, with two per cent thereon in addition, and the amount of any assessment or taxes, and any reasonable sum for fire insurance, maintenance, upkeep, or repair of any improvements upon the property, which the last redemptioner may have paid thereon after the redemption by him, with interest on such amount, and, in addition, the amount of any liens held by such redemptioner prior to his own, with interest; but the judgment under which the property was sold need not be so paid as a lien. In the event there shall be a dispute or disagreement as to whether any sum demanded for fire insurance, maintenance, upkeep, or repair, is a reasonable charge to be added to the amount required to be paid by the subsequent redemptioner, the amount to be paid shall be determined in a like manner as provided in section 702 for the determination of such amount in the event of disagreement between the original redemptioner and purchaser.

Another redemptioner may redeem

Disagreement as to amount

The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty days after the last redemption, on paying the sum paid on the past previous redemption, with two per cent thereon in addition, and the amounts of any assessments or taxes, and any reasonable sum for fire insurance,

Redemption from previous redemption

maintenance, upkeep, or repair of any improvements upon the property, which the last previous redemptioner paid after the redemption by him, with interest thereon, and the amount of any liens, other than the judgment under which the property was sold, held by the last redemptioner previous to his own with interest. In the event there shall be a dispute or disagreement as to whether any sum demanded for fire insurance, maintenance, upkeep, or repair, is a reasonable charge to be added to the amount required to be paid by the subsequent redemptioner, the amount to be paid shall be determined in a like manner as provided in section 702 for the determination of such amount in the event of disagreement between the original redemptioner and purchaser.

Notice of redemption

Written notice of redemption must be given to the sheriff and a duplicate filed with the recorder of the county, and if any taxes or assessments are paid by the redemptioner, or if any sum for fire insurance, maintenance, upkeep, or repair of any improvement upon the property, is paid by the redemptioner, or if he has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and filed with the recorder; and if such notice be not filed, the property may be redeemed without paying such tax, assessment, sum, or lien.

Sheriff's deed

If no redemption be made within twelve months after the sale, the purchaser, or his assignee, is entitled to a conveyance; or if so redeemed, whenever sixty days have elapsed, and no other redemption has been made, and notice thereof given and the time for redemption has expired, the last redemptioner, or his assignee, is entitled to a sheriff's deed; but, in all cases, the judgment debtor shall have the entire period of twelve months from the date of the sale to redeem the property.

If the judgment debtor redeem, he must make the same payments as are required to effect a redemption by a redemptioner. If the debtor redeem, the effect of the sale is terminated, and he is restored to his estate.

Certificate of redemption

Upon a redemption by the debtor, the person to whom the payment is made must execute and deliver to him a certificate of redemption, acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the recorder of the county in which the property is situated, and the recorder must note the record thereof in the margin of the record of the certificate of sale.

CHAPTER 912.

An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof,

authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City and County of San Francisco, a municipal corporation of the State of California, and to its successors, all right, title and interest of the State of California, held by said State by virtue of its sovereignty in and to all those tidelands and submerged lands in the present City and County of San Francisco, lying to the north of Yerba Buena Island and more particularly bounded and described as follows, to wit: Certain State lands granted to City and County of San Francisco

Beginning at a monument established near the westerly end of Yerba Buena Island by the United States Coast and Geodetic Survey about 75 feet above high tide, known and designated by said survey as Station Goat, located at latitude 37° 48′ 40.387″ north, longitude 122° 22′ 17.657″ west (values as determined by the United States Coast and Geodetic Survey as of the year 1930), and running thence N. 28° W a distance of 8,000 feet, thence N. 62° E. a distance of 4,500 ft., thence S. 28° E. a distance of 8,000 feet, thence S. 62° W., a distance of 4,500 ft. to the point of beginning; all bearings being referred to the true meridian through said Station Goat, excepting from said grant however all that portion of the lands above particularly described now lying above high water mark, and also excepting from said grant that portion of the lands above particularly described, lying northerly of Yerba Buena Island and adjacent thereto, extending from high water mark to 900 feet beyond low water mark, the latter portion so excepted being a part of the lands granted and ceded by the State of California to the United States of America by that certain act of the Legislature of the State of California entitled "An act relinquishing to the United States of America the title of this State to certain lands," approved March 9, 1897, to be forever held by said city and county and its successors, in trust for the uses and purposes and upon the expressed conditions following, to wit: Description

Stats 1897, p 74

Express conditions

(a) That said lands shall and will be used by said city and county and its successors, only for the establishment, improvement and conduct of a public airport for the use of aircraft and for wharfage and dock facilities in connection therewith and generally for the promotion and accommodation of air navigation and to that end, that said city and county shall and it is hereby authorized to reclaim, fill and raise such portion of said lands as may be suitable to a convenient and appropriate base or level and surround the same with an adequate bulkhead or retaining wall. Use for public airport

(b) That said city and county shall and it is hereby authorized to construct, maintain and operate on the lands hereby granted to said city and county a public airport and such structures, appliances, facilities thereon and wharves, piers, docks and basins in connection therewith as may be necessary or convenient for the promotion and accommodation of air navigation, civil, military and naval, provided that no such wharf, pier, dock or basin shall extend beyond or outside the boundaries of the lands hereby granted to said city and county.

Toll free public bridge.

(c) That to provide convenient access to said lands, or the portion thereof reclaimed and improved, as aforesaid, said city and county shall, and it is hereby authorized to construct a toll free public bridge or causeway between said lands and a point on Yerba Buena Island, approved by the Secretary of the Navy before construction is commenced.

May collect tolls

(d) That said city and county may charge and collect tolls for the use of said airport, or its structures, appliances, facilities, wharves, piers, docks and basins, and may fix the rate of the tolls so to be charged, or for any service rendered, and may, as it may elect, exempt military or naval aircraft or vessels of the United States of America, or aircraft or vessels owned and operated by the State of California, or by the said city and county from such tolls, in whole or in part, but, except as hereinabove otherwise provided or authorized, no discrimination in tolls for any use or service shall ever be made, authorized or permitted by said city and county, or its successors.

Restriction on conveyance

(e) That neither said city and county, nor its successors shall at any time grant, convey, or alien said lands, or said bridge, or causeway, or any part thereof, to any individual, firm or corporation, for any purpose whatsoever; provided that said city and county, or its successors, may grant franchises thereon for limited periods, for public uses and purposes.

Reclamation, filling, etc.

(f) That said lands shall be reclaimed, filled, and raised and surrounded by a bulkhead or retaining wall, and improved and connected with Yerba Buena Island with a bridge or causeway, as aforesaid, and said wharves, piers, docks and basins shall be provided by said city and county, or its lessee or lessees, without expense to the State of California.

Use of wharves and piers.

(g) That said wharves and piers may be used for the loading and unloading of aircraft or supplies and equipment for the service of said airport and its personnel, or for the service of aircraft using said airport, or freight delivered or to be carried by aircraft using said airport, but they may not be otherwise used for purposes of general commerce, and that said docks and basins may be used by aircraft, by aircraft carriers of the United States of America, or by vessels concerned with the loading and unloading of aircraft, supplies, equipment, and freight, as aforesaid.

Dredge lands.

(h) That for the purpose of obtaining material to reclaim and fill the lands hereby granted to said city and county, it

may dredge said lands and the submerged lands surrounding the same.

(i) That no bulkhead, retaining wall, fill, dredging, bridge or causeway hereby authorized shall be constructed or commenced, by said city and county unless the location thereof and the plans therefor are first submitted to and approved by the appropriate officers of the United States of America in all cases where their approval is or may be required by any law of said United States

Approval by Federal officers

SEC. 2. There is hereby reserved, however, in the people of the State of California, the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands, when improved, as aforesaid, and over the bridge or causeway connecting the same with Yerba Buena Island hereby authorized.

Reservations right to fish

SEC. 3. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the land granted by this act.

Mineral deposits.

CHAPTER 913.

An act to amend sections 1358, 1359, 1361 and 1362 of the Political Code, relating to elections and absent voting.

[Approved by the Governor June 13, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 1358 of the Political Code is hereby amended to read as follows:

Stats 1931, p 1628

1358. The identification envelope and return envelope provided for herein shall be of such form, size and weight as may be necessary and convenient as prescribed by the county clerk or registrar of voters of such county or city and county, or the city clerk or clerk of such municipality wherein any of the elections herein referred to are being conducted.

Identification and return envelope

The identification envelope shall have printed on its face an affidavit substantially in the following form:

IDENTIFICATION ENVELOPE.

Affidavit

State of_____ }
County of_____ } ss.

_____ deposes and says: I am a resident of and a registered qualified elector in _____, Precinct _____, in the City or Town of _____, County of _____, State of California, and I herein enclose my ballot in compliance with the California Absent Voters Law.

_____
(Seal) (Signature)

_____
(Residence Address)

Subscribed and sworn to before me this _____ day of _____, 19__. I hereby certify that in my presence the above affiant enclosed said ballot and handed me this envelope sealed, that I have signed this affidavit and I acknowledge the same all in accordance with law.

_____
(Official's signature)

_____
(Title of officer)

NOTICE—After receiving this sealed envelope from the person taking your affidavit, when voting outside the county in which this ballot was issued, you must immediately return it by mail, postage prepaid, to the officer from whom it was received.

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING BOARD.

Sec. 1357, Subd. 1 Political Code, State of California—No officer shall make any charge for services rendered to a voter under this law.

Stats. 1931, p. 1628

Sec. 2. Section 1359 of the Political Code is hereby amended to read as follows:

Voting prior to election day

1359. (a) Any voter applying for and receiving a ballot as herein provided may, on any day prior to the day of election for which such ballot is to be voted, appear at the office of the county clerk or registrar of voters of the county or city and county, or in case of a municipal election at the office of the clerk of such municipality in which such voter resides and is a qualified elector, and stamp and seal his ballot under the scrutiny of such officer and in the following manner: The voter shall first display the ballot to such officer as evidence that the same is not marked, and shall then proceed to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is being marked, and shall then fold said ballot and enclose the same in the identification envelope. The voter shall then make out or cause to be made out and sworn to the affidavit printed on the face of such envelope and deliver the same properly sealed to the officer before whom the ballot is marked. Said officer shall then certify to the affidavit printed on the identification envelope and after affixing or stamping his name across said seal shall deposit said envelope in a safe place in his office, to be kept by him and thereafter delivered to the proper canvassing board as hereinafter provided.

Absent or disabled voters.

(b) In case said voter is absent from his election precinct in the county, or city and county, of his residence, at the time of a State or county election or other election conducted by the county clerk or registrar of voters of the county or city and county, or in case he is absent from the city of his residence at the time of a municipal election, or in either instance

on account of physical disability, the said voter is unable to go to his polling place, he may appear before the clerk or any registrar of voters or any notary public or any officer of the district, county, or county or city and county, or territory or other federal district, authorized to administer oaths within the city, city and county, county, or town, within the State of California or in any other State, Territory or district within the United States or of the District of Columbia, in which he may be at the time of receiving his ballot, or at any time on or before the date of election, but not thereafter, and stamp and seal his ballot under the scrutiny of such officer, in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned to the office of the county clerk or registrar of voters of the county or city and county of his residence, or in case of a municipal election to the clerk of the municipality of his residence, conducting said election, as the case may be.

Stats. 1931, p. 1628

SEC. 3. Section 1361 of the Political Code is hereby amended to read as follows:

Ballots to be canvassed

1361. As soon as all absent voter ballots issued have been received or returned and accounted for, and in no case later than seven days after any election mentioned herein, it shall be the duty of each board of supervisors, election commissioners, or legislative body of such county, city and county, or municipality to canvass all of the ballots and count the same personally, or by a canvassing board or boards, consisting of five electors on each of said boards appointed by them for that purpose; provided, however, that when the number of absent voter ballots shall not exceed three hundred such canvass thereof shall be made by the board of supervisors, election commissioners, or legislative body of such county, city and county, or municipality, conducting said election, and that where such number of absent voter ballots exceed three hundred then, and in that event, said board of supervisors, election commissioners or legislative body authorized to canvass election returns in any county, city and county, or municipality, wherein such election is held, shall appoint a special canvassing board or boards, to consist of five electors for each of said canvassing boards, to canvass each three hundred fifty ballots in excess of said three hundred absent voter ballots; and, it is further provided that the board of supervisors or election commissioners of the county or city and county authorized to canvass election returns or the legislative body of the municipality authorized to canvass election returns for the territory in which such election is held and for which absent voter ballots have been voted, shall, and they are authorized to provide a reasonable compensation to be paid to each member of said canvassing board for their services rendered in such canvass of the absent voter ballots made by

Compensation

them, payable out of the treasury of such county, city and county, or municipality, as other claims against the county, city and county, or municipality, are paid. In the canvass of the absent voter ballots said canvass must be continued daily, Sundays and holidays excepted, and for not less than six hours of each and every day until completed.

At the August primary election or the May presidential primary election, the canvass shall be made in the manner prescribed by section 21 of the Direct Primary Law, except as hereinafter provided, and the canvass of votes for any general election or other election shall be according to the laws now in force pertaining to such general or other election, except as hereinafter provided.

Stats 1913, p 1379

Stats 1931, p 1628

SEC. 4. Section 1362 of the Political Code is hereby amended to read as follows:

Counting and disposition of absentee ballots

1362. (a) The board of supervisors, election commissioners, or legislative body of the municipality, or the canvassing board appointed by them as hereinbefore provided, shall proceed to count said absent voter ballots in the following manner: They shall take up such return envelopes containing such ballots separately in the presence of a majority of the members of the canvassing board, election commissioners, board of supervisors or legislative board of the municipality, and of the public who may be present, and compare the signature of the voter on each of such envelopes with that on the registration affidavit of such voter and the board being satisfied that the signature on the voter's identification envelope is the signature of such voter, shall announce in an audible voice the name of such voter, whereupon a challenge may be interposed against the counting or deposit of such absent voter ballot for counting, upon either or all of the grounds set forth in section 1230 of the Political Code, and such challenge shall be heard and determined in the manner provided in sections 1231, 1232, 1233, 1234, 1235, 1236, 1237 and 1239 of the Political Code. If such challenge be allowed the canvassing board shall endorse on the face of the identification envelope the cause of such challenge and the action thereon. If such challenge be overruled the canvassing board shall then open such identification envelope without defacing the affidavit printed thereon or mutilating the enclosed ballot, and without unfolding said ballot, remove the number therefrom, destroy such numbered slip and deposit such ballot in the ballot box provided for such purpose. After all the ballots are deposited in said box, the box shall be thoroughly shaken. They shall then be taken out, one at a time, and the votes counted in the usual manner by the county clerk, registrar of voters or canvassing board appointed for that purpose, or the board of supervisors, election commissioners or legislative body conducting such canvass, and the result of such count for each candidate voted for, and for and against each proposition voted upon, in such ballots, shall be tabulated by the board having charge of said election under the heading "absentee

Challenge.

Tabulation of returns

vote," regardless of the precincts within which such absentee voters are registered. The total of the votes cast in each precinct for each of the candidates, and for and against each proposition voted upon shall be added to the total for each candidate, and for and against each proposition tabulated under the heading "absentee vote."

Identification envelopes

The identification envelopes shall be preserved and returned to the county clerk or registrar of voters, or clerk of the municipality, to be retained in his office as a record for the period of one year and the ballots so counted shall be preserved in the same manner as other ballots cast at such election.

Rejection of absent voter's ballot

If in any case a majority of the board find that the signature on any identification envelope is not the same as that appearing on the original affidavit of registration of said voter, said board shall refuse to open such envelope or count such ballot; and shall endorse the cause of such rejection on the face of the said identification envelope and must be signed by a majority of said canvassing board; but no ballot shall be rejected for such cause after the envelope containing same shall have been opened.

Record of absent voters' ballots.

It shall be the duty of the county clerk or registrar of voters to keep an accurate list of all voters who have received and voted an absent voter ballot and said list and envelope shall be examined with the roster of voters provided for in subdivision 6 of section 1106 of the Political Code.

CHAPTER 914.

An act to amend section 690.10 of the Political Code, relating to rights in and to, and structures on, or partly on, swamp, overflowed, marsh, tide- or submerged lands.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p 925

SECTION 1. Section 690.10 of the Political Code is hereby amended to read as follows:

Grant of authority to construct groins, etc

690.10. (1) The Department of Finance, through the Chief of the Division of State Lands, is hereby authorized, upon written application of the littoral owner, to grant authority to any owner of the littoral lands, to construct, alter or maintain, groins, jetties, sea walls, breakwaters, and/or bulkheads upon, across or over any of the swamp, overflowed, marsh, tide- or submerged lands of this State bordering upon such littoral lands if at the time of construction or alteration the same do not unreasonably interfere with the uses and purposes reserved to the people of the State and is hereby authorized, empowered and directed to make and establish reasonable rules and regulations with reference to such applications and the location,

type, character, design, size and manner under which said structures may be constructed, altered or maintained, and to take suitable measures to enforce such rules and regulations and to fix and collect reasonable [illegible] exceeding the actual cost thereof for [illegible] and [illegible] application therefor, and for the performance of such other duties as may be required under the provisions of this act. Said department shall also in a similar manner, have power to remove, require to be removed, repaired or altered and to regulate the type, character, design, size, and maintenance of structures mentioned herein and existing at the time this section goes into effect, and to make reasonable rules and regulations in reference thereto. Should any accretions be caused or occasioned by any such structure authorized hereunder, no fence, building or other structure of any kind other than the structure herein authorized and appliances for the protection of life shall be permitted or suffered to be erected or maintained either by the State, any political subdivision thereof or municipality or by any one claiming under or through them upon any such accretions, belonging to others than the littoral owner to the end that all such accretions shall at all times be and remain unobstructed and open beach except as provided in subsection 4. If by reason of any grant to any municipality, political subdivision or district, or by reason of any charter of any city, city and county, or county, any of the powers and duties which are granted to or imposed upon the Department of Finance in relation to lands described in this section, can not be exercised by said department within any municipality, political subdivision or district, or any portion thereof, then such powers and duties are to that extent granted to and imposed upon such municipality, political subdivision or district, to be exercised and performed by or under the authority of the legislative or other governing body of such municipality, political subdivision or district, but where any such lands have been granted to any municipality or other governmental agency in [illegible] or for limited purposes or upon conditions, nothing herein contained shall be deemed to affect such trusts or purposes or to extend such trusts or purposes or to modify or affect such conditions. The authority to be granted under this section shall not obviate the necessity of the obtaining by the applicant of permission from the War Department of the Government of the United States of America to construct, alter or maintain the structures herein authorized.

Remove, etc., existing structures

Tidelands held by municipality, etc.

Construction of section

(2) Nothing in this section shall be construed as abridging any right of the State to erect, maintain or remove the protective structures herein mentioned, upon, across or over any of the swamp, overflowed, marsh, tide- or submerged lands of this State.

Highwater mark

(3) The Department of Finance through the Chief of the Division of State Lands, may establish the ordinary highwater mark of such lands, either by arbitration or action to quiet title, whenever it is deemed expedient or necessary.

(4) In any case where after the establishment of such high-[illegible] [illegible] found that any structures other than those mentioned in subsections 1, 2 and 3 are on or partly on such lands owned by the State, and such structures have been erected prior to August 11, 1931, the person who has erected such structure or structures or his successor in interest may, within one year of such determination, apply to the Chief of the Division of State Lands of the Department of Finance for a lease of so much of such lands as is necessary to the purpose of such structure or structures. During such year, and thereafter during the pendency of such application, no proceedings shall be commenced or carried on for the purpose of removing any such structure or structures or interfering with the use thereof.

(5) Such application shall be in writing and verified by the applicant, or if it be a corporation, by an officer thereof, and shall set forth the name and address of the applicant and shall contain the description of the land which the applicant desires to lease, accompanied by a plat of survey thereof, and a statement of the term for which a lease is desired by the applicant. Said application must be accompanied by a filing fee of $10. If, upon an examination of the description of the land sought to be leased or the plat of survey thereof accompanying said application, it shall appear to the Chief of the Division of State Lands that said description or plat of survey is insufficient, he shall forthwith, at the expense of the applicant, survey or cause to be surveyed the land so sought to be leased. Within thirty days after the filing of any such application, or within thirty days after the completion of a survey made pursuant to this section, the Chief of the Division of State Lands shall forthwith appraise said land and determine and establish a reasonable annual rental for such land as unimproved, and in the determination of which rental the Chief of the Division of State Lands shall be controlled and guided by the values or rentals of lands of like character and similarly situated. The Chief of the Division of State Lands shall then prepare, in duplicate, a lease of such land from the State of California to the applicant. Such lease shall be granted for a period not to exceed five years from and after the date of such application and shall contain such other terms and conditions as in the opinion of the Chief of the Division of State Lands are for the best interests of the State. Such lease when so prepared shall be forthwith signed in duplicate in the name and on the behalf of the State of California by the Director of Finance, and when the same shall have been so signed the Chief of the Division of State Lands shall give notice by registered mail to the applicant at his, or its, address as stated in the application, that such lease is ready in the office of the Division of State Lands for execution by and delivery to the applicant. Within thirty days after the mailing of such notice the applicant shall sign such lease, in duplicate, as lessee, and pay to the State of California the installment of rental which by the

Application

Fee

Annual rental

Other terms

terms of such lease is to be paid on or before its delivery, and the Chief of the Division of State Lands shall deliver one of such executed copies to the applicant and file the other thereof in the Division of State Lands. If the applicant shall fail to sign such lease, in duplicate, and make such annual payment of rental within thirty days after the mailing to the applicant of the notice herein provided for that such lease is ready for signature by and delivery to the applicant, the applicant shall be deemed to have waived the privilege to obtain a lease under the provisions of this act, and the Chief of the Division of State Lands shall forthwith report all the facts in connection with the applicant's occupation, as well as the occupation by other persons in such cases, of such lands to the Attorney General who is authorized to commence an action in a court of competent jurisdiction in the county wherein such lands or any portion thereof are located to eject the applicant, or applicant's assignee or successor, or such other persons, from such land.

Deposit or removal of material

(6) The Department of Finance through the Chief of the Division of State Lands, may grant the privilege of depositing material upon or removing or extracting material from such lands owned by the State, upon such terms and conditions and for such consideration which in the opinion of the Director of Finance will be for the best interests of the State.

(7) The powers herein granted to the Department of Finance as to leasing or granting of rights or privileges with relation to such lands owned by the State are hereby conferred upon the counties and cities to which such lands have been granted.

Cooperation with Federal agency

(8) The Department of Finance through the Chief of the Division of State Lands is hereby authorized to cooperate with the Beach Erosion Board of the United States Government, and out of any appropriation for the purposes of this section to expend such moneys as are necessary for cooperative work with such board.

CHAPTER 915.

An act to add a new section to the Political Code to be numbered 3444, relating to the administration of ungranted tide and submerged lands, beds of navigable channels, streams, rivers, creeks, lakes, bays and inlets, of the State of California, by the Division of State Lands, and empowering and authorizing the Director of Finance, through the Division of State Lands, to eject trespassers from such lands by appropriate action in the courts of this State.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section

SECTION 1. There is hereby added to the Political Code a new section to be numbered 3444, as follows:

Administration of certain State lands

3444. The ungranted tide and submerged lands, the beds of all navigable channels, streams, rivers, creeks, lakes, bays and inlets, of the State of California, are hereby placed under the administration of the Division of State Lands of the Department of Finance. The Director of Finance, through the Chief of the Division of State Lands, is hereby empowered and authorized to eject from any such tide and submerged lands, beds of navigable channels, streams, rivers, creeks, lakes, bays and inlets of the State of California, any person, firm or corporation, trespassing upon any such lands, through appropriate action in the courts of this State.

CHAPTER 916.

An act to add a new section to the Code of Civil Procedure, to be numbered 117r, relating to consolidation of small claims actions with actions pending in other courts.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 117r, and to read as follows:

Consolidation of small claims actions with other pending actions

117r. If a defendant in a small claims action shall have a claim against the plaintiff in such action and such claim be for an amount over $50, but of a nature which would be subject to counterclaim or cross-complaint in such action under the rules of pleading and practice governing the superior court, then defendant may commence an action against said plaintiff in a court of competent jurisdiction and file with the justice of said small claims court wherein said plaintiff has commenced his action, at or before the time set for the trial of said small claims action, an affidavit setting forth the facts of the commencement of such action by such defendant. He shall attach to such affidavit a true copy of the complaint so filed by said defendant against plaintiff, and pay to said justice the sum of one dollar for a transmittal fee, and shall deliver to said plaintiff in person a copy of said affidavit and complaint at or before the time above stated. Thereupon the justice of said small claims court shall order that said small claims court action shall be transferred to said court set forth in said affidavit, and he shall transmit all files and papers in his court in such action to such other court, and said actions shall then be tried together in such other court.

CHAPTER 917.

Stats. 1911, p. 730, amended.

An act to amend sections 25, 27, 28, 60, 62, 63, 65a, 66, and 68 of and to add three new sections to be numbered sections 76b, 76c and 84 respectively, to an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of article one of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, relating to assessments and bonds

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1931, p. 1567

SECTION 1. Section 25 of the act cited in the title hereof is hereby amended to read as follows:

Contractor's return of warrant

Sec. 25. The warrant shall be returned to the superintendent of streets on or after thirty (30) days after the date of recording same, with the written statement of all payments received upon the assessment, signed by the contractor or his assigns. Thereupon, the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the same book and immediately following the record of the assessment. Upon such filing, the warrant shall be redelivered to the contractor or his assigns.

Payment to superintendent of streets

The said superintendent of streets is authorized at any time to receive the amount due upon any assessment and warrant issued by him and giving good and sufficient discharge therefor; provided, a bond has not issued to represent said assessment; provided, further, that when suit shall have been brought to collect the amount due upon any assessment as herein provided, the plaintiff shall file with the superintendent of streets a written notice of the pendency of said action showing the particular assessments affected by said action or actions; and after the filing of said notice, the said superintendent of streets shall not receive any money on account of said assessment, and thereafter he shall have no authority to cancel said assessment or give discharge thereof without the written consent of the owner of said assessment until judgment has been rendered in said action or the same has been dismissed and the street superintendent shall omit from the

list of properties provided to be sent to the tax collector in section 27 hereof, any property upon which the assessment described in said notice is a lien. In case any warrant is lost, upon proof of such loss, a duplicate can be issued upon which collections may be made with the same effect as on the original. After the filing of the written statement of payments as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent (1%) per month until paid, said interest to be computed from the date of the filing of the contractor's statement.

Notice requiring payment to superintendent of streets

Notwithstanding the provisions of sections 23 and 24 and the preceding provisions of this section of this act relative to the collection of the assessments by the contractor or his assigns, the city council may, by ordinance, provide that all payments made upon any assessment and warrant within thirty (30) days from the recordation thereof, shall be made to the superintendent of streets, who shall mail a statement to each owner of real property within the assessment district whose name appears on the last equalized assessment roll, at the address appearing on said roll or on file in the office of the city clerk, or to both such addresses, if they are not the same, and that such statement shall contain a designation of the property assessed by street number, or some other description sufficient to enable the property owner to identify the property, a statement of the amount of the assessment, and the time and place of payment, the effect of failure to pay within such time and that, if bonds are to be issued, a statement of that fact, designating the act pursuant to which such bonds are to be issued; provided, that if the superintendent of streets be so authorized by ordinance to collect said assessments, said ordinance shall also provide that said superintendent of streets shall furnish to the contractor or his assigns a good and sufficient surety bond conditioned for the full and prompt payment by the superintendent of streets to the contractor or his assigns of all assessments so collected by said superintendent of streets, said bond shall be in an amount not less than ten (10) per cent of the total amount of the assessment shown on the assessment roll if such total amount does not exceed two hundred fifty thousand dollars ($250,000) and shall be in the amount of twenty-five thousand dollars ($25,000) if the total amount of the assessments shown on the assessment roll exceeds the sum of two hundred fifty thousand dollars ($250,000). The premium on such bond shall be payable as a part of the incidental expenses of the proceeding.

Stats. 1929, p. 1652

SEC. 2. Section 27 of said act is hereby amended to read as follows:

List of delinquent properties.

SEC. 27. It shall be the duty of the superintendent of streets on or before the fourth Monday of September of each year to certify to the city tax collector, or in case the city taxes are collected by the county, to the county tax collector, a list of the properties within said city upon which there is

a lien for delinquent assessments, as shown by the records of the street superintendent.

Notice of assessments

In cases where the county collects city taxes the notice herein provided to be attached to or pasted to or printed or stamped upon the tax bill shall, if the county tax collector so requires, be prepared by the superintendent of streets and shall be forwarded to the county tax collector on or before the dates herein provided for forwarding said list. Such tax collector shall cause to be pasted or attached to or printed or stamped upon the tax bill or tax receipt, a notice which shall, in substance be as follows:

"Notice of Assessments.

"There is an assessment lien on this property which must be paid to city street superintendent (or bureau of assessments in cities where such bureau exists) to avoid foreclosure."

Contractor may sue

At any time after the first day of July next succeeding nine months following the date of recording of such assessment, the contractor or his assignee may sue in his own name the owner of the land, lots or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, and recover the amount of any assessment remaining unpaid together with interest and any penalties allowed hereunder; provided, that if any State, county or municipal taxes or other special assessment or assessments be delinquent on said property then such action may be brought at any time after ninety days after the recording of such assessment.

Attorney's fees.

When suit has been brought in accordance with the provisions of this section, the plaintiff shall be entitled to have and recover attorney fees on each assessment sued on in the event that said suit be settled or a tender made prior to the trial of said action, or in the event that judgment be taken on default, said attorney's fees shall be five dollars plus one dollar additional for each lot, piece, or parcel of land included in one action if said suit proceeds to trial then in that event the court having jurisdiction of said cause shall fix and allow a reasonable attorney fee, which in no event shall exceed fifteen dollars plus one dollar additional for each lot, piece, or parcel of land included in one action, for the prosecution of said suit which fee in either case shall be in addition to all taxable costs and the plaintiff may have judgment therefor; provided, that if the court finds an unnecessary number of actions have been brought, where the parties are identical, it may allow the costs of one action only. Suit may be brought in the superior court within whose jurisdiction the city is, in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the service of process may be had in said action, in such manner as is prescribed in the codes and laws of this State.

Service of process

It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment and diagram, with proof of nonpayment shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets, and city council upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The plaintiff in such action may recover the cost of any abstract or report of search of title procured in good faith in order to determine ownership, such search to be by a reputable abstractor or title company and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action. The provisions hereof shall not be applicable to assessments represented by the issuance of bonds nor to assessments collected on the tax rolls but shall be applicable only to cash assessments levied pursuant to part one of this act.

Consolidation of actions

Evidence

In a complaint in any such action it shall be held sufficient to allege briefly that the city council ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and the making of said diagram; that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has not been made. Upon the entry of judgment or dismissal of said suit the county clerk shall forthwith mail to the street superintendent of the city having jurisdiction over the proceeding in which said assessment was levied, a certified copy of said judgment or evidence sufficient to advise the street superintendent of the judgment of the court in said action.

Complaint.

In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty (50) cents.

Description of lots

If the contractor or his agent or any person acting in behalf of the contractor shall, prior to the filing of a complaint for the recovery of any assessment as herein provided or subsequent to the filing of suit and prior to the allowance of attorney fees and costs as herein provided, make any written demand upon or present any bill or notice in writing to such owner, demanding, requesting or notifying such owner to pay or that there is due, attorney's fees or court costs in connection with

Unlawfully demanding attorney's fees

the collection of such assessment, then, the superintendent of streets is authorized, upon written demand of such owner, accompanied by the affidavit of such owner, that such written demand, bill or notice for the payment of attorney's fees and costs, or either thereof, was made upon or presented to such owner prior to the commencement of suit, or subsequent to the filing of suit and prior to the allowance of attorney's fees and costs, together with such written demand, bill or notice to mark said assessment "paid" and such assessment shall thereby be deemed to be paid and the lien thereof released; provided, that this clause shall not be held to apply to the service of summons and complaint in a civil action.

Premature suits.

Should suit be brought for the recovery of any assessment prior to the time permitted for bringing same as herein provided, then in such action, so brought, the plaintiff shall not recover and defendant shall be entitled to have and recover such attorney's fees as the court may deem reasonable in addition to all taxable costs and he may have judgment therefor.

Stats 1927, p 540

SEC. 3. Section 28 of said act is hereby amended to read as follows:

Reassessments.

SEC. 28. Whenever any assessment heretofore made or issued or filed or which may be hereafter made, issued or filed in the office of the clerk is or shall be void, or unenforceable, for any cause or if bonds shall have been, or shall be, issued to represent or be secured by any assessments and such issuance shall not have been, or shall not be effective through the curative provisions in relation thereto, or any curative act that may be passed by the Legislature in relation thereto to make them valid and enforceable, then, in any of such events a reassessment therefor may be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.

Such power of reassessing embraces both a full and partial reassessment, and is not exhausted by a single attempted exercise thereof.

When to be ordered

A reassessment shall be ordered under any one of four circumstances:

First—Where the owner or holder of any assessments, or bonds issued under this act to represent or be secured by assessments, or the person who would own or hold any such assessment or bonds if the same were issued, request the legislative body of the city in which the assessment has been or shall be made, filed or issued to order a reassessment. In such event if said legislative body be of the opinion that the assessments or bonds in question are not enforceable, it shall order the making and issuing of a reassessment covering only the assessments owned or held by the petitioner, or the assessments represented or secured by the bonds owned or held by

such petitioner, or which would be owned or held by petitioner if issued.

Second—Whenever any court of competent jurisdiction in any suit to foreclose the lien of any assessment or to enforce the obligation of any bond issued to represent or be secured by any assessments issued under this act, has for any reason held such lien unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Third—Whenever any court of competent jurisdiction in any suit to set aside the lien of any assessment or of any bond representing any assessment, or in any suit to quiet title against the lien of any such assessment, or bond, or in any suit to enjoin the making, filing, confirmation or issuance of any assessment or bond to pay for the cost and expenses of any work done hereunder, shall in its judgment decree such assessments or bonds to be void, or unenforceable, or shall enjoin the making, filing or issuance or confirmation of any such assessment or bond, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Fourth—Whenever any contractor or assignee of a contractor shall have done or performed any work or improvements pursuant to proceedings had and taken in attempted compliance with the provisions of this act, and whenever prior to the issuance of any assessment, any court of competent jurisdiction in any suit to invalidate the contract or any of such proceedings shall for any reason declare said contract or other proceedings to be invalid, then such court shall in and by its decree direct the making of a reassessment for the reasonable value of the work and improvement actually done and performed in good faith by the contractor, or such portion thereof as was of a kind that could lawfully have been ordered under the provisions of this act.

Manner of making reassessment

The manner of making, issuing and enforcing the reassessments shall be as follows:

The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, proceed to make a reassessment in the following manner:

If the reassessment be a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment. If it be a full reassessment, however, then it shall be upon the lots fronting on said work if the original assessment was one made on the front-foot plan; if the original assessment was one made against a district, then the superintendent of streets shall prepare and file with the reassessment a diagram showing the lots, pieces or parcels of land deemed by him to have been benefited by the work or improvement. The reassessment

shall assess upon and against each of the lots, pieces or parcels of land contained therein an amount arrived at as follows:

The benefits derived, or to be derived by each of said lots, pieces or parcels of land from the work or improvement estimated as of the date of the filing in the clerk's office of the original assessment shall first be listed. Then there shall be added thereto interest thereon from thirty days after the date of such filing of the original assessment at the rate of seven per cent per annum, and the total sum shall constitute and be the amount of the proposed several assessments in such reassessment. The total of such reassessment, however, exclusive of interest, shall not exceed the cost and expenses of the work or improvement. Such assessment need not be in any prescribed form, but shall refer to the original assessment filed, give the date of filing of said original assessment and state that it is made pursuant to the order of the legislative body of the city or decree of the court, as the case may be, and shall be accompanied by a diagram showing the lots to be reassessed and their relation to the work. It shall then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the notice of award of contract for the improvement for which the assessment was made, was published unless the legislative body directs publication in some other paper. If the reassessment is to be against the lots fronting the improvement, this fact shall be stated in the notice. If the reassessment is to be against the property in a district, then this fact shall be stated in the notice and a description of the district shall be set forth and the assessment diagram referred to for particulars. Such notice shall be published for five insertions, if the paper be a daily, or by two insertions if the paper be published less frequently. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable to apportion to each lot, piece or parcel of land thereby benefited the amount of the actual benefits derived from said improvement. When such reassessment shall have been revised, or corrected or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent shall thereupon record the reassessment with a certificate at the end thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment all

Interest

Notice of hearing

Hearing

Recording reassessment

payments theretofore made upon the original assessment, or upon the bonds issued to represent the same, together with interest on such payments at the rate of seven per cent per annum from and after the date of such payments. Such reassessment shall be collectible and payable in the same manner as an original assessment and shall be enforceable by suit in the same manner provided in this act for enforcing an original assessment, and shall have the same weight in evidence. In the event that bonds issued under or upon the security of the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lots, pieces or parcels of land covered thereby. When the reassessment is recorded the original assessment shall be canceled by the street superintendent so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the city treasurer, who shall cancel the same. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of filing of the original assessment.

Collection

In the event such work or improvement made in attempted compliance with this act, is fully completed to the satisfaction of the street superintendent or city engineer as the case may be, then it shall be the duty nevertheless of the proper officer to make and file an assessment for the costs and expenses thereof, so as to form the basis of a reassessment in the event such assessment should be unenforceable

Assessment for costs and expenses.

SEC. 4. Section 60 of said act is hereby amended to read as follows:

Stats 1931, p. 1567.

Sec. 60. Said serial bonds shall extend over a period not to exceed fourteen years from the second day of January next succeeding the next October fifteenth following their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon on the second day of January every year after the next October fifteenth following their date, until the whole is paid. The interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after their date, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest is paid; provided, however, that the first interest coupon on said bonds shall become due and payable on the second day of January next succeeding the October fifteenth or the second day of July next succeeding the April fifteenth, as the case may be, following their date.

Life of bonds.

Interest

Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall place all sums paid him for the principal of said bonds and the interest thereon, together with all penalties thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which

Bonds Where paid.

shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him and shall cancel and file each coupon so paid.

Bonds Payment in advance

The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale pay off such bond and discharge the land described in the bond from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at the rate named in the bond, and all penalties accrued and unpaid. Upon such payment being made to the city treasurer he shall report the same to the street superintendent, who shall forthwith mark paid on the margin of the record of the assessment, the assessment to represent which such bond was issued, and thereupon the lien of said assessment shall cease and the city treasurer shall forthwith notify the holder of the bond and call in the same. The city treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the assessment being extinguished as aforesaid, shall cancel said bond and file it in his office.

Interest payments

The city treasurer is hereby authorized to accept payments of interest unaccompanied by payments of principal installments due; provided, however, the acceptance of such interest payments shall not affect the delinquent status of any installments of principal.

Stats 1927, p. 1406

SEC. 5. Section 62 of said act is hereby amended to read as follows:

Unpaid assessments and interest

After the full expiration of thirty days from the date of the warrant, the street superintendent shall make and certify the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment, or diagram number; the principal of said unpaid assessment shall thereafter become due and payable to said treasurer in equal annual payments on the fifteenth day of each November succeeding the October fifteenth following the filing of said list until fully paid; the number of said annual payments shall correspond to the number of serial payments provided to be made on the principal of the bonds issued to represent said unpaid assessments; the interest of said unpaid assessments shall be payable on each fifteenth day of May next succeeding the April fifteenth or the fifteenth day of November next succeeding the October fifteenth, as the case may be, following the filing of such list of unpaid assessments, the last interest payment coming due forty-five days before the last annual payment of the principal of the bonds issued to represent said unpaid assessments; the first payment of the installment of interest shall be paid as set forth in section 60 hereof; the following shall each be for six months' interest. Should any

payment of principal of said unpaid assessments or of interest thereon be not paid on the date upon which the coupon or coupons representing it are payable, the city treasurer shall after the close of business on said due date add to the amount of principal or interest so delinquent a penalty of one per cent of the total amount of such delinquency, and at the beginning of the business on the first day of each succeeding month until such delinquent payment and all penalties thereon be fully paid, he shall add an additional penalty of one per cent of the amount of such delinquency, and said treasurer shall collect such penalties with and as a part of such delinquent payments.

Notice to owners

The city treasurer shall at least fifteen days before each respective fifteenth day of May and November, until said assessment be paid in full, mail, postage prepaid, to each owner of property described in said assessment, at his last known address, as appears upon the tax rolls of said city, a postal card notifying him of the amount due and the date when payment is due from him on said assessment and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons. Provided, that the failure of the city treasurer to mail said cards or the failure of the property owner to receive the same shall in nowise affect the validity of any penalty or invalidate any act or proceeding.

Stats 1923, p. 276. See Stats 1933, ch 1032

SEC. 6. Section 63 of said act is hereby amended to read as follows:

Street improvement bonds.

Sec. 63. The city treasurer shall upon the filing of said list, make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessment against the same, as thereon shown, where the unpaid assessment or the unpaid remainder thereof amounts to twenty-five dollars or over. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form:

Form of bond

Street Improvement Bond.

Series (designating it), in the city (or other form of the municipality) of (naming it).

$_____/100

Under and by virtue of an act of the Legislature of the State of California (title of this act), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____, or order, the sum of _____ dollars ($_____), with interest at the rate of _____ per cent per annum, all as is hereinafter specified, and at the office of the

Form of bond.

_____ treasurer of the _____ of _____, State of California.

This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____ issued by the street superintendent of said _____, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, but until paid, with accrued interest, is a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____, county of _____, State of California, _____.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next October fifteenth following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next October fifteenth after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale, upon payment to the city treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said act. In case of such default, there shall be immediately added to such defaulted amount, five per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of one per cent of such defaulted

amount. The one per cent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said ------ of ------, this ------ day of ------, in the year one thousand ------ hundred and ------.

City treasurer of the ------ of ------.

SEC. 7. Section 65a of said act is hereby amended to read as follows: Stats 1931, p 1567.

Sec. 65a. In the event of the division of any lot or parcel of land for which a bond has been issued pursuant to section 63 hereof into two or more separate lots or parcels of land, such bond may be surrendered and new bonds issued to the holder of the original bond in the manner hereinafter prescribed. When it is desired that such new bonds shall be issued, an application in writing signed by the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided shall be filed with the street superintendent. Such application shall indicate how the original lot or parcel has been divided, and request the street superintendent to apportion the amount remaining unpaid on said assessment in accordance with such division, and be accompanied by a fee of five dollars ($5) for each separate part or parcel of said original lot or parcel, which sums shall be deposited by said street superintendent in the city treasury. The street superintendent thereupon shall apportion to each separate part of said original lot or parcel of land the proportionate part of the amount remaining unpaid on said assessment that would have been levied thereon had such lot or parcel of land been so divided at the time the original assessment was made. When such determination has been made an application signed by all persons owning an interest in the original lot or parcel of land and the holder of the original bond on such lot or parcel of land, may be filed with the city treasurer requesting that new bonds be issued for the amounts shown by the apportioned assessment in accordance with this section. Such application shall be accompanied by evidence satisfactory to said city treasurer that it is signed by every person owning any interest in said original lot or parcel of land and the holder of the original bond. When the city treasurer shall have ascertained that the application is signed by all the necessary persons he shall so advise the street superintendent who shall thereupon amend the recorded diagram and assessment to conform to such division and apportionment and assign new assessment numbers to each separate part of the original lot or parcel of land. The city treasurer shall add to each such apportioned amount a sum equal to five per cent thereof but in no event more than the sum of ten dollars ($10) and shall make and sign a new bond of the same form as the original bond, to represent each such apportioned amount. The amount of such bond shall be equal to the sum of such apportioned amount and the amount

Division of land for which bond issued

New bonds.

Fee.

Change in diagram.

added thereto by the city treasurer as herein prescribed, and payable in installments at the respective dates of the payment of principal and interest of the original bond, the number of such installments to be equal to the number of unpaid installments on the original bond. Provided, however, that no new bond shall be issued when such apportioned amount shall be less than twenty-five dollars, in which event the said amount shall be paid to the city treasurer in cash for the benefit of the holder of the original bond at or prior to the time of filing the application last hereinabove mentioned. Upon the surrender of the original bond the city treasurer shall deliver to such bondholder or his agent or assigns the bonds issued for such apportioned assessments together with all payments of cash which may have been made pursuant hereto.

Stats. 1923, p. 276

SEC. 8. Section 66 of said act is hereby amended to read as follows:

To whom payable

SEC. 66. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January of every year after the next October fifteenth following the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semiannual interest coupons thereto attached, as set forth in section 60 hereof. The city treasurer shall, in addition to his other duties in the premises, keep a record of all bonds issued by him, of all payments on said bonds with the dates thereof and of all penalties accruing thereon; and he shall report all payments of coupons or penalties upon said bonds, with the dates thereof, to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same are paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof, and the accrued interest thereon and the penalties, if any, shall be fully paid according to the terms thereof. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under this act.

Coupons

Record of bonds

Stats 1923, p. 276

SEC. 9. Section 68 of said act is hereby amended to read as follows:

Notice of sale for nonpayment

The treasurer shall mail, postage prepaid, to the owner of any property to be sold for nonpayment of either principal or interest upon any delinquent bond at his last known address as shown upon the tax rolls of said city, or as filed in the office of the city clerk, a notice of sale. Said notice shall be substantially in the following form:

"Notice of Sale of Property Delinquent for Nonpayment of Street Improvement Bond.

You are hereby notified that Bond _____, Series _____, for an improvement in the city of _____, is delinquent. Unless the amount of the unpaid principal on said bond, together with interest and penalties, is paid to the city treasurer on or before six months after the mailing of this notice, the date of which being this _____ day of _____, 19__, the undersigned will institute proceedings to foreclose the lien of said bond in the manner prescribed by law."

provided that the failure of the property owner to receive such notice shall in no way affect the validity of such sale or invalidate any act or proceeding.

Publication of notice.

After the expiration of six months from the time of mailing such notice, the treasurer shall publish by two insertions in a newspaper of general circulation, published in the city in which said bond was issued, or if no newspaper is published in said city, then in some newspaper having general circulation therein, a notice which shall be substantially (filling in all blanks) as indicated following, to wit:

"Notice of Sale of Proper Delinquent for Nonpayment of Bond No. _____, series No. _____, Issued for the Improvement of _____. Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the city treasurer of the city of _____ proceed to advertise and sell the lot or parcel of land mentioned in the said bond. Now, therefore, I give notice that I will on the _____ day of _____, 19___, at the hour of _____ o'clock _____ m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice are paid, and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay the full amount of unpaid principal and interest on said bond, together with costs of publication. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, $_____ dollars; due on account of interest $_____ dollars (here set forth the interest calculated and compounded semiannually up to the date on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid) due on account of penalties $_____ dollars.

Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above named will be required together with the cost of publications made before such payment and the additional interest accruing up to the date of payment. Bond may be reinstated upon payment of amounts due, interest, penalties, and fees, in the manner provided by law.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar for the issuing of certificate of sale. The _____ (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated _____

_____

Treasurer of the city of _____

The day named in the notice shall not be less than fifteen (15) days from the date of the first publication of the notice.

New section

SEC. 10 A new section to be numbered 76b is hereby added to said act to read as follows:

Decree of foreclosure.

Sec. 76b. Whenever a bond shall be foreclosed through the superior court, the decree of foreclosure shall direct the county clerk to deliver the bond sued upon to the plaintiff or his attorney together with a memorandum setting forth the title and number of the action and the fact that said bond has been foreclosed. Thereupon it shall be the duty of the plaintiff or his attorney to deliver said bond and memorandum to the treasurer of the city which issued said bonds and he shall also pay to said treasurer the penalties due said city as set forth in section 63 hereof. It shall be the duty of the city treasurer to cancel said bond upon his records and deliver to the plaintiff or his attorney a receipt substantially in the following form:

Certificate of cancellation

"Certificate of Cancellation of Street Improvement Bond. Series (designating it), in the city of (naming it).

$ _____/100 No. _____

I. _____, treasurer of the city of _____ do hereby certify that I have received the above bond from _____ (plaintiff or attorney for plaintiff) in that certain foreclosure action entitled _____ vs. _____, No. _____ superior court of _____ County; together with the city's share of the penalties accrued by reason of the delinquency of said bond in the amount of $ _____; and I have this date canceled said bond on my records pursuant to the order of court made in said case.

Dated at _____, this _____ day of _____, 19___.

_____

Treasurer of the city of _____

By _____

Deputy."

The county clerk shall not enter the judgment or decree of foreclosure in said action until the plaintiff or his attorney

shall have delivered to him the certificate of cancellation hereinabove set forth.

SEC. 11. A new section to be numbered 76c is hereby added to said act to read as follows: New section

Sec. 76c. Notwithstanding any other provisions of this act, any owner of property or having an interest therein, at any time before sale of said property to enforce the lien thereon by reason of failure to make any payment upon the principal or of the interest upon any bond which has become delinquent and the cancellation of such bond, may apply to the treasurer for reinstatement of said bond. The treasurer shall reinstate any delinquent bond upon which suit has been commenced, or proceedings instituted to foreclose, upon the payment to him of all principal and interest coupons delinquent at the time of such reinstatement together with all penalties, cost of publication and notice of sale, costs of suit, cost of abstract or report of search of title, attorney fees as authorized by this act, and a reinstatement fee to be determined as follows: Five dollars if suit was commenced or proceedings instituted to foreclose less than six months from the time permitted by law, $10 after six months or less than one year, and if suit was not commenced or proceedings to foreclose instituted until one year or more from the time in which such suit could have been commenced or such proceedings could have been instituted under the provisions of this act, a fee of $15 on bonds the face value of which do not exceed $100 and a fee of $25 on bonds of over $100. Reinstatement of bond. Fees.

The holder of any bond so reinstated shall be entitled to such reinstatement fees herein provided. Upon such payments the treasurer shall enter on the record of the bond the word "reinstated," giving the date thereof. Any bond so reinstatement shall have the same affect and status as the original bond, with the same rights as to lien, payments, and foreclosure.

SEC. 12 A new section to be numbered 84 is hereby added to said act to read as follows: New section.

Sec. 84. The true intent and meaning of the provisions of this act is that when the proposed work or improvement is in the opinion of the city council of any municipality initiating it of such scope that it directly and peculiarly affects property within two or more cities or of one or more cities and outside unincorporated territory and in such a way that the purpose sought to be accomplished can be effected only by a single comprehensive scheme of construction, the legislative body initiating such proceedings shall have full power to take each and every step required for or suitable for the consummation of such work or improvement extending outside the limits of the municipality, and the levying, collecting and enforcement of the assessments to cover the expenses thereof and the issuance and enforcement of bonds to represent unpaid assessments, whenever the city council or board of supervisors, as the case may be, having any jurisdiction over any portion or portions of the territory proposed to be included in the assessment district for the said improvement Improvement affecting outside property.

shall by resolution order the formation of such assessment district and the assumption of jurisdiction thereover for the purpose aforesaid by the governing body so initiating the proceedings.

CHAPTER 918.

Stats. 1917, p. 273 amended

An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as amended, by amending the title and section 1 thereof and adding a new section to be designated section 11, to authorize the borrowing or procuring of money by irrigation districts from the United States or any agency thereof.

[Approved by the Governor June 13, 1923. In effect August 21, 1923.]

The people of the State of California do enact as follows:

Title

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract, and to provide for construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and/or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof.

Stats. 1917, p. 243.

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Irrigation districts may cooperate with U. S.

Stats. 1897, p. 254.

New section

May borrow money from U. S.

Stats. 1897, p. 254.

Contract with U. S.

Bonds.

Stats. 1897, p. 254.

Section 1. In addition to the powers with which irrigation districts have been vested under the act approved March 31, 1897, designated the California Irrigation District Act, and acts amendatory thereof or supplementary thereto, and acts of or to which said act is amendatory or supplementary, irrigation districts heretofore or hereafter organized and existing under said acts shall have the following powers: To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation, for the purposes of construction of works, whether for irrigation or drainage, or both, or for the acquisition, purchase, extension, operation or maintenance of constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States on account of district lands, also to borrow or procure money from the United States or any agency thereof for the purpose of financing or refinancing of the obligations of the district or the funding or refunding or purchase of the bonds of the district or for any of the purposes of the district authorized by law.

SEC. 3. A new section is hereby added to said act, to be numbered 11 and to read as follows:

SEC. 11. In addition to other powers in this act conferred, irrigation districts shall have authority to borrow or procure money from the United States or any agency thereof, for the purpose of financing or refinancing of the obligations of the district or the funding or refunding or purchase of the bonds of the district, or for any of the other purposes of the district authorized by the California Irrigation District Act, or acts amendatory thereof or supplementary thereto. As evidence of such loan or loans and the obligations of such district to repay the same to the United States or any agency thereof, any irrigation district, upon being authorized so to do as provided by section 3 of this act as hereinafter in this section modified, may make and enter into contract or contracts with the United States or any agency thereof, as a condition or requirement to the making of such loan or loans. Such district may issue bonds of such district as may be required by the contract last above provided for or without such contract, containing such terms and conditions and payable in such manner and from such source or sources of income and/or revenue as may be agreed upon between the district and the United States or agency and may obligate and bind the district for the payment of such bonds according to the terms thereof. Such bonds may be serial or sinking fund bonds and may be made callable either by number or by lot and may be made payable to bearer or to the United States or any agency thereof and shall be in the form and authorized and issued in the manner substantially as provided for in the California Irrigation District Act, for the form and issuance of funding and refunding

bonds of irrigation districts. Notwithstanding any provision of this act, a proposal to enter into and execute any contract with the United States or any agency thereof as provided for by this section need not be submitted to the State Engineer and a majority vote shall be sufficient to authorize the execution thereof, and the notice of election and ballot need contain only the information required in the case of ordinary bond election and that a proposal to enter into such contract and to issue bonds, if any, may be voted upon together as a single proposition.

CHAPTER 919.

An act to amend section 681 of the Penal Code relating to punishment and treatment of persons in State, county and city institutions.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1915, p 1010.

SECTION 1. Section 681 of the Penal Code is hereby amended to read as follows:

Penalty for cruel punishment

681. It shall be unlawful to use in the prisons, reformatory institutions, jails, State hospitals or any other State, county, or city institution any cruel, corporal or unusual punishment or to inflict any treatment or allow any lack of care whatever which would injure or impair the health of the prisoner, inmate or person confined; and punishment by the use of the straight-jacket, gag, thumb-screw, shower bath or the tricing up of prisoners, inmates or persons confined is hereby prohibited. Any person who violates the provisions of this section or who aids, abets, or attempts in any way to contribute to the violation of this section shall be guilty of a misdemeanor.

CHAPTER 920.

An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of contiguous territory thereto owned by the incorporated town or city desiring the annexation of the same, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of the annexed territory.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

City boundaries may be altered.

SECTION 1. The boundaries of any incorporated town or city may be altered and new contiguous territory owned by

said town or city annexed thereto, incorporated and included therein, upon proceedings being taken as in this act provided.

Petition. SEC 2. The legislative body of any such municipal corporation may file a written petition therefor, containing a description of the new territory asked to be included in such corporation and owned by said corporation, with the board of supervisors of the county in which said town or city and the land sought to be annexed is located, requesting the annexation of said territory to said municipality.

Publication of notice. SEC. 3. Upon the receipt of such notification, it shall be the duty of said board of supervisors to cause notice to be published in a newspaper of general circulation for a period of five consecutive days in a daily newspaper or for two consecutive issues of a weekly newspaper, setting forth by general description the land sought to be annexed to the said municipality, and announcing the time and place when and where objections to said annexation will be heard. Any taxpayer in said county or said town or city may object to said annexation by filing a written remonstrance with the said board of supervisors. At the time specified in said notice, or at such other time as may be fixed by postponement, the said board of supervisors shall hear the said protestations, and the decision of said board of supervisors upon said protestations shall be final and conclusive. The said board of supervisors of said county shall thereupon vote upon the question of the annexation of said territory to said municipality and a majority vote of said board of supervisors shall be final and conclusive upon the question of annexation of said territory.

Objections

Vote.

Approval of annexation. SEC. 4. In event the board of supervisors, by resolution, approves the annexation of said territory to said town or city, the clerk, or other officer performing the duties of clerk of the board of supervisors, shall make and certify and transmit to the Secretary of State and to the legislative body of said town or city, a certified copy of said resolution approving said annexation so entered upon its minutes, together with the date of said resolution, which document shall be filed by the Secretary of State and the clerk of said board of supervisors.

Completion of annexation. SEC. 5. From and after the date of the filing of said document in the office of the Secretary of State, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be a part of such municipal corporation for all intents and purposes, except only that no part of such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation.

Incorporated territory may not be annexed SEC. 6. No territory which at the time the said petition for proposed annexation is presented to said legislative body forms any part of any incorporated city or town shall be included under the provisions of this act.

Boundaries of wards SEC. 7. The legislative body of any incorporated city or town which is or shall be divided into wards, and which terri-

tory has been heretofore or shall be hereafter annexed must by ordinance so alter the boundaries of the wards of said municipal corporation as to include such annexed territory, in one or more wards adjoining such annexed territory, or may form such annexed territory into one or more additional wards; provided, that the number of wards shall not be so increased as to exceed the number which said municipal corporation may, according to law, have

District not affected

SEC. 8. Nothing in this act provided for shall alter or affect the boundaries of any senatorial or assembly district.

Construction of act

SEC. 9. Nothing in this act shall be deemed to repeal the provisions of any act now providing for the annexation of inhabited or uninhabited territory

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CHAPTER 921.

Stats 1909, p 437, amended.

An act to amend sections 27 and 34 of an act entitled "An act to make uniform the law of warehouse receipts," approved March 19, 1909, relating to duty of warehouseman in regard to stored goods.

[Approved by the Governor June 13, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1931, p 1501

SECTION 1. Section 27 of the act cited in the title hereof is hereby amended to read as follows.

Warehouseman's lien

SEC. 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited by the owner or by the legal possessor of the property or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods, also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Stats 1931, p 1501

SEC. 2 Section 34 of said act is hereby amended to read as follows.

Perishable goods

SEC. 34 If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature will be liable to injure other property the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of a failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose

Sale

of them in any lawful manner, and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

CHAPTER 922.

An act making an appropriation to pay the claim of Robert D. Duke against the State of California.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of Robert D. Duke against the State of California. Special appropriation

CHAPTER 923.

An act to add a new section to the Political Code to be numbered 695, relating to services furnished to State agencies.

[Approved by the Governor June 13, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered 695 and to read as follows: New section.

695. Whenever an agency or officer supported by the general fund of the State renders services for, or furnishes materials to, an agency or officer not supported by the general fund the cost of such services or materials shall be a charge against the fund out of which is derived the support of the agency or officer receiving the services or materials. The State Board of Control shall determine monthly the amounts expended by the State Controller, State Treasurer, Attorney General and the Department of Finance for the supervision or administration of the State government or service to the various departments, divisions, bureaus, boards, commissions, offices, institutions or other agencies thereof. Each department, division, bureau, board, commission, office, institution or other agency which is supported in whole or in part otherwise than by appropriations from the general fund in the State treasury shall pay monthly to the State Controller, to be by him deposited in the State treasury to the credit of the general fund, that proportion of the amount determined by the Board of Control to have been expended for such supervision, administration or Services furnished to State agencies

Pro rata supervision cost

service which the amount expended by such department, division, bureau, board, commission, office, institution or other agency from any funds made available for its use by appropriations from other than the general fund bears to the total expenditures of all State departments, divisions, bureaus, boards, commissions, offices, institutions or other agencies exclusive of amounts expended for such supervision, administration or service.

CHAPTER 924.

An act creating a district to be called "Orange County Water District" for the purpose of providing for importation of water into said district and preventing waste of water in or exportation of water from said district and providing for reclamation of drainage, storm, flood and other water for beneficial use in said district and for the conservation and control of storm and flood water flowing into said district; providing for the organization and management of said district and establishing the boundaries and divisions thereof and defining the powers of the district, including the right of the district to sue and to be sued, and the powers and duties of the officers thereof; providing for the construction of works and acquisition of property by the district to carry out the purposes of this act; authorizing the incurring of indebtedness and the voting, issuing and selling of bonds and the levying and collecting of assessments by said district; and providing for the inclusion of additional lands therein and exclusion of lands therefrom.

[Approved by the Governor June 14, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Orange county water district created

SECTION 1. A district is hereby created to be known and designated as "Orange County Water District," located entirely within Orange County, California, including and comprising all of the land within the exterior boundaries of said district, excepting and excluding therefrom the area included within the boundaries of the municipal corporations known as city of Santa Ana and city of Anaheim as said boundaries are described at the date of enactment hereof, and said exterior boundaries of said district are described as follows:

Description

Beginning at the intersection of the easterly boundary line of the city of Seal Beach as said boundary line exists of the date of the enactment hereof, with the high-tide line of the Pacific Ocean, said point being in the north and south one-quarter section line of section twenty-four (24), township five (5) south, range twelve (12) west, San Bernardino base and meridian; running thence northerly along the said easterly

boundary line of the city of Seal Beach, to the northeast corner of said city boundary, said corner being the center of section twelve (12), township five (5) south, range twelve (12) west, San Bernardino base and meridian; thence continuing northerly one and one-half mile to the north one-quarter section corner of section one (1), township five (5) south, range twelve (12) west, San Bernardino base and meridian; thence easterly along township line to the southwest corner of section thirty-one (31), township four (4) south, range eleven (11) west, San Bernardino base and meridian; thence northerly one mile to northwest corner of said section thirty-one (31), thence easterly one-half mile to the south one-quarter section corner of section thirty (30) said township four (4) south, range eleven (11) west, thence northerly one mile to the north one-quarter section corner of said section thirty (30); thence easterly one-half mile to the southwest corner of section twenty (20) of said township four (4) south, range eleven (11) west; thence northerly one and one-half mile to the west one-quarter section corner of section seventeen (17) of said township four (4) south, range eleven (11) west; thence easterly one-half mile to center of said section seventeen (17); thence northerly one mile to the center of section eight (8), said township four (4) south, range eleven (11) west; thence easterly one mile to the center of section nine (9), said township four (4) south, range eleven (11) west; thence northerly one-half mile to the north one-quarter section corner of said section nine (9); thence easterly one-half mile to the southwest corner of fractional section three (3), said township four (4) south, range eleven (11) west; thence northerly to the northwest corner of said fractional section three (3); thence easterly three miles along township line to the southwest corner of section thirty-one (31), township three (3) south, range ten (10) west, San Bernardino base and meridian; thence northerly to the most southwesterly corner of the boundary of the city of Fullerton, as said boundary line exists on the date of the enactment hereof; thence easterly along the southerly line of said boundary to the most southeasterly corner thereof; thence northerly along the easterly line of said boundary, to the center of section twenty-four (24), township three (3) south, range ten (10) west, San Bernardino base and meridian; thence north one-eighth of a mile to the northwest corner of the south one-half of the southwest one-quarter of the northeast one-quarter of said section twenty-four (24); thence east one-eighth mile to the southwest corner of the northeast one-quarter, of the southwest one-quarter, of the northeast one-quarter, of said section twenty-four (24); thence north three-eighths mile to the northwest corner of the east one-half of the northwest one-quarter of the northeast one-quarter, of said section twenty-four (24); thence east one-eighth mile to the northeast corner of the northwest one-quarter, of the northeast one-quarter, of said section twenty-four (24); thence south one-quarter mile to the northwest cor- Description.

Description. ner of the southeast one-quarter, of the northeast one-quarter, of said section twenty-four (24); thence east one-quarter mile to the southwest corner of lot five (5) Tuffree's Subdivision, as recorded in book 3, pages 1 and 2 of miscellaneous maps, records of Orange County, California; thence north one-quarter mile to the northwest corner of lot four (4) of said Tuffree's Subdivision; thence east one-quarter mile to the northwest corner of lot three (3) of said Tuffree's Subdivision; thence southeasterly and northeasterly along the southerly line of that certain parcel of land described as parcel 2 in deed recorded in book 780, page 97 of deeds, records of Orange County, California, to a point in the north line of said lot three (3); lot lines of Tuffree's Subdivision being considered as in the center line of adjacent streets; thence east to the northeast corner of said lot three (3); thence northerly one-quarter mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of section eighteen (18), township three (3) south, range nine (9) west, San Bernardino base and meridian; thence east one-quarter mile to the northeast corner of said southwest one-quarter of the southeast one-quarter of said section eighteen (18); thence south one-quarter mile to the southeast corner of said southwest one-quarter of the southeast one-quarter; thence east one-eighth mile to the southwest corner of the east one-half of the southeast one-quarter, of the southeast one-quarter, of said section eighteen (18); thence north one-quarter mile to the northwest corner of said east one-half; thence east one eighth mile to the northeast corner of said east one-half; thence south one-eighth mile to the northwest corner of the south one-half, of the south one-half of the south one-half of fractional section seventeen (17), township three (3) south, range nine (9) west, San Bernardino base and meridian; thence east along the north line of the said south one-half of the south one-half of the south one-half of said fractional section seventeen (17) to the west line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said west rancho line to the northwest corner of block one (1) of Yorba Linda tract as per map recorded in book 5, pages 17 and 18 of miscellaneous maps, records of Orange County, California; thence easterly along the northerly boundary of said Yorba Linda tract to the northeast corner of lot one (1) in block (2) of said tract; thence southerly to the southeast corner of said lot one (1) in block two (2); thence westerly to the southwest corner of said lot one (1) in block two (2); thence southerly to the southeast corner of lot two (2) in block two (2) of said Yorba Linda tract; thence westerly to the southwest corner of said lot two (2) in block two (2); thence southerly to the northwest corner of lot three (3) of said block two (2); thence easterly to the northeast corner of said lot three (3) in block two (2); thence southerly along lot lines to the northwest corner of lot five (5) of said block two (2); thence easterly along the north line of said lot five (5) to the center line of Fifth

Street, as shown on the map of Carlton recorded in book 29, pages 9 and 10 of miscellaneous records of Los Angeles County, California; thence south along said center line of Fifth Street to the center line of Pacific Avenue as shown on said map of Carlton; thence east along said center line of Pacific Avenue to the center line of Fourth Street as shown on said map of Carlton; thence north along the said center line of Fourth Street to the center line of Orange Street as shown on said map of Carlton; thence east along the said center line of Orange Street to the west line of Second Street as shown on said map of Carlton; thence north along the said west line of Second Street to the center line of Walnut Street as shown on said map of Carlton; thence west along the said center line of Walnut Street to the center line of Third Street as shown on said map of Carlton; thence north along the said center line of Third Street to the center line of Chicago Avenue as shown on said map of Carlton; thence east along the said center line of Chicago Avenue to the center line of said Second Street; thence south along the said center line of Second Street to the said center line of Pacific Avenue; thence east along the said center line of Pacific Avenue to the west line of block six (6) of said Yorba Linda tract; thence northerly, easterly, southerly, easterly, southerly, easterly, southerly, westerly, and southerly along the exterior boundary lines of said Yorba Linda tract to the southeast corner of lot three (3) in block twenty-four (24) of said Yorba Linda tract; thence west along the south line of said lot three (3) to the southwest corner of said lot three (3); thence southerly along the westerly line of lot four (4) of said block twenty-four (24) and its southwesterly extension to the northerly corner of lot five (5) in block thirty-four (34) of said Yorba Linda tract; thence southerly along the westerly line of said lot five (5) to its intersection with the center line of the Anaheim ditch, of the Anaheim Union Water Company; thence easterly along center line of said ditch to corner number three of allotment of first class land to Wolf Kalisher and Henry Wartenberg in partition of Rancho Canon de Santa Ana being the southwest corner of that certain 1.26 acre parcel as described in deed recorded in book 357, page 102 of deeds, records of Orange County, California; thence following the westerly, northerly and easterly line of said 1.26 acre parcel to a point in the north line of said allotment of first class land to Kalisher and Wartenberg, in partition of Rancho Canon de Santa Ana; thence following said northerly line of said allotment to its intersection with southerly line of right of way of Atchison, Topeka, and Santa Fe Railway Company; thence following said southerly right of way line to its intersection with west line of the allotment of second class land to V. Yorba in partition of said Rancho Canon de Santa Ana; thence northerly, westerly and northerly along said allotment line to the center line of Anaheim Union Water Company's canon canal; thence easterly follow-

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Description. ing center line of said canon canal to the east line of said allotment to V. Yorba; thence northerly along said east line of allotment to V. Yorba, to a point 2800 feet northerly measured along said east line from its intersection with the center line of the Atchison, Topeka, and Santa Fe Railway Company's main track; thence easterly to a point in the east line of the allotment of second class land to W. McKee in partition of said Rancho Canon de Santa Ana, said point being 2500 feet northerly measured along said east line of allotment to W. McKee, from its intersection with the center line of the Atchison, Topeka, and Santa Fe Railway Company's main track; thence southerly along the said east line of allotment to W. McKee and its southerly extension to an intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the center line of said canal westerly to its intersection by the northerly extension of the east line of tract 117 as per map recorded in book 11, page 15 of miscellaneous maps, records of Orange County, California; thence southerly 660 feet measured along the said easterly line to a point; thence southwesterly in a direct line to a point in the west line of lot twenty-two (22) of said tract 117, said point being 500 feet southeasterly measured along said west line from the intersection of said west line of lot twenty-two (22) with the center line of the Santa Ana Valley Irrigation Company's main canal; thence northwesterly along said southwesterly line of lot twenty-two (22) to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly along said center line of canal to its intersection with the center line of the State highway known as the Santa Ana Canyon Road; thence southwesterly along center line of said highway to its intersection with the north line of lot twenty (20) of said tract 117; thence along the northerly and easterly lines of lots twenty (20) and nineteen (19) of said tract 117, to the southeast corner of said lot nineteen (19); thence in a direct line to a point in the south line of said tract 117, said point being 600 feet westerly measured along said south line from the southeast corner of said tract 117 and also being in the north line of section six (6), township four (4) south, range eight (8) west, San Bernardino base and meridian; thence westerly along section line to the northwest corner of said section six (6); thence southerly along the west line of said section six (6), 1446.14 feet; thence southwesterly in a direct line to the most easterly corner of that certain 2.50 acre parcel as described in deed recorded in book 262, page 73 of deeds, records of Orange County, California; thence southwesterly and northwesterly following the boundary line of said 2.50 acre parcel to the most westerly corner thereof; thence north to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly along said center line of canal to the northeast corner of that 22.78 acre parcel described in deed recorded in book 220, page 220 of

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deeds, records of Orange County, California; thence southerly along the easterly line of said 22.78 acre parcel to the northeast corner of that certain 5.75 acre parcel described in deed recorded in book 261, page 208 of deeds, records of Orange County, California; thence southerly to the north corner of that certain 1.298 acre parcel described in deed recorded in book 486, page 205 of deeds, records of Orange County, California; thence southerly and westerly along the easterly and southerly boundaries of said 1.298 acre parcel to the southeast corner of said 5.75 acre parcel; thence westerly to the southeast corner of that certain 12 12 acre parcel as described in deed recorded in book 261, page 206 of deeds, records of Orange County, California; thence westerly along the south line of said 12.12 acre parcel to the southeast corner of Domingues estate as shown on map filed in records of survey book 2, page 15, records of Orange County, California; thence westerly along the south line of said Domingues estate and south line of tract 936 as per map recorded in book 30, pages 1 and 2, miscellaneous maps, records of Orange County, California, to the most southwesterly corner of lot seven (7) of said tract 936; thence northerly and westerly along the westerly and southerly boundaries of said lot seven (7) to the most northerly corner of lot six (6) of said tract 936; thence following the boundary of said lot six (6) southerly 113.94 feet, southwesterly 45.90 feet, southwesterly 242.05 feet to a corner in the easterly boundary of lot five (5) of said tract 936; thence northwesterly in a direct line to a corner in the westerly boundary of said lot five (5), said corner being the northern terminus of a course in said westerly boundary of lot five (5) whose length is 1623.87 feet; thence following the said westerly boundary of lot five (5), northwesterly 158.18 feet and northerly 494.72 feet to the northwest corner of said lot five (5); thence north to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly following the center line of said Santa Ana Valley Irrigation Company's main canal to its intersection with the northerly extension of the most northerly course on the easterly boundary of tract 59 as per map recorded in book 10, page 18 of miscellaneous maps, records of Orange County, California; thence southerly following the said northerly extension of said easterly boundary and the easterly and southerly boundary lines of said tract 59 to the most southwesterly corner thereof; thence along the southerly boundary of tract 58 as per map recorded in book 10, page 6 of miscellaneous maps, records of Orange County, California, to the most easterly corner of that certain 1.19 acre parcel as described in deed recorded in book 311, page 213 of deeds, records of Orange County, California; thence following the southerly and westerly boundaries of said 1.19 acre parcel to the most northwesterly corner thereof; thence following the southerly boundary of said tract 58 to the most westerly corner of said tract 58, said corner being considered in the center line of

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the State highway known as the Santa Ana Canyon Road; thence following the center line of said State highway to its intersection with the northerly line of Olive Heights as per map thereof recorded in book 19, page 18 of miscellaneous records of Los Angeles County, California; thence easterly along the northerly boundary of said Olive Heights to its intersection with the center line of the Santa Ana Valley Irrigation Company's main canal; thence following the said center line of main canal to the most northwesterly corner of that certain district described in that certain agreement by Villa Park Mutual Water Company as recorded in book 359, page 473 of official records of Orange County, California; thence easterly following the northerly boundary of said district to the westerly line of lot two (2) of tract 166 as per map recorded in book 12, pages 9, 10 and 11 of miscellaneous maps, records of Orange County, California; thence following the westerly, northerly, and easterly boundary lines of said tract 166 to station 52 as described in deed recorded in book 355, page 98 of deeds, records of Orange County, California, said station being in the northerly boundary line of Serrano Irrigation District as described in book 76, page 60 of official records of Orange County, California; thence in a general easterly direction following the boundary of said Serrano Irrigation District to its most easterly corner, being a common corner with the most northerly corner of the Carpenter Irrigation District as described in book 74, page 223 of official records of Orange County, California; thence southeasterly, southerly and easterly following the boundary line of said Carpenter Irrigation District to its intersection with the north line of tract 944 as per map recorded in book 29, page 41 of miscellaneous maps, records of Orange County, California; thence easterly, southerly and westerly following the northerly, easterly and southerly boundaries of said tract 944, to the northeast corner of tract 918 as per map recorded in book 28, pages 41, 42 and 43 of miscellaneous maps, records of Orange County, California; thence southerly, westerly, southerly and easterly following the boundary of said tract 918 to the northwest corner of tract 931 as per map recorded in book 29, page 27 of miscellaneous maps, records of Orange County, California; thence easterly, southerly, and westerly following the northerly, easterly and southerly boundary of said tract 931, to the southwest corner of lot eleven (11) of said tract 931; thence southerly parallel to the east line of said tract 918 one-half mile more or less to an intersection with the center line of the County Park Road; thence westerly along said center line of County Park Road to the said east line of said tract 918; thence southerly, southwesterly, northwesterly, northerly, westerly, northwesterly, northeasterly, and northwesterly, following the exterior boundary of said tract 918, to an intersection with the exterior boundary of the said Carpenter Irrigation District, said point being 90 feet southeasterly of the northwest corner of lot seventy (70) of said tract 918; thence

following the exterior boundary of said Carpenter Irrigation District southwesterly and southerly, to the west corner of lot one (1) of El Modena Citrus Lands, as per map thereof recorded in book 6, page 32 of miscellaneous maps, records of Orange County, California, said point being northeast corner of lot two (2) of said El Modena Citrus Lands; thence along the east line of said lot two (2) and lots four (4) and five (5), the center line of adjacent road being considered as lot line, to the most northerly corner of lot six (6) of said El Modena Citrus lands; thence southeasterly along the northeasterly line of lots six (6), seven (7), eight (8) and nine (9) of said El Modena Citrus Lands, to the most westerly corner of that certain 2.75 acres parcel as described in deed recorded in book 209, page 184 of official records of Orange County, California; thence northeasterly and southeasterly along the boundary of said 2.75 acre parcel to the most easterly corner of said parcel; thence northeasterly along the northwesterly line of lot eleven (11) of said El Modena Citrus Lands, to the most northerly corner of said lot eleven (11); thence southeasterly along the northeasterly line of lots eleven (11) and twelve (12) of said El Modena Citrus Lands, to the most easterly corner of said lot twelve (12); thence northeasterly along the northwesterly boundary of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago and Flint and Bixby's allotment in Rancho Santiago de Santa Ana, as per map recorded in book 1, page 88 of miscellaneous maps, records of Orange County, State of California, to a point on said boundary line and located southwesterly a distance of one and one-half miles from the westerly corner of block twenty (20) of said Irvine's Subdivision; thence within said Irvine's Subdivision southeasterly to the most easterly corner of the northerly one-quarter of the westerly one-quarter of block sixteen (16) of said Irvine's Subdivision; thence southwesterly along the southeasterly line of said northerly one-quarter of the westerly one-quarter of said block sixteen (16) to the most southerly corner thereof; thence southeasterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of said block sixteen (16) to the southeasterly line of said block; thence southwesterly to the most southerly corner of said block sixteen (16); thence southeasterly along the northeasterly line of block forty-one (41) a distance of one-quarter mile; thence southwesterly one and one-half miles to the southerly corner of the northwesterly one-half of the northerly one-quarter of block forty-two (42); thence southeasterly one-half mile to the westerly corner of the southerly one-quarter of the easterly one-quarter of said block forty-two (42); thence northeasterly one-quarter mile to the northerly corner of said southerly one-quarter of the easterly one-quarter of said block forty-two; thence southeasterly three-fourths of a mile to the easterly corner of the southwesterly one-half of the northerly one-quarter of block sixty-six (66); thence southwesterly one-half mile to the northerly corner of the southwesterly one-half of

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Description. the southerly one-quarter of said block sixty-six (66); thence southeasterly one-half mile to the easterly corner of said southwesterly one-half of the southerly one-quarter of said block sixty-six (66); thence southwesterly one-quarter mile to the southerly corner of said block sixty-six (66); thence southeasterly two miles to the easterly corner of block one hundred six (106); thence southwesterly one-half mile to the southerly corner of the easterly one-quarter of said block one hundred six (106); thence southeasterly one and one-quarter mile to the westerly corner of southeasterly one-half of the northerly one-quarter of block one hundred forty-two (142); thence northeasterly three-fourths mile to the northerly corner of the southerly one-quarter of the westerly one-quarter of block one hundred forty-three (143); thence southeasterly one-quarter mile to the easterly corner of said southerly one-quarter of the westerly one-quarter of block one hundred forty-three (143); thence southwesterly one-quarter mile to the southerly corner of said southerly one-quarter of the westerly one-quarter of block one hundred forty-three (143); thence southeasterly one-quarter mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of said block one hundred forty-two (142); thence southwesterly one-half mile to the southerly corner of said northwesterly one-half of the easterly one-quarter of block one hundred forty-two (142); thence southeasterly one-quarter mile to the easterly corner of the southerly one-quarter of said block one hundred forty-two (142); thence southwesterly one mile to the southerly corner of the easterly one-quarter of block one hundred forty-one (141); thence southeasterly one-half mile to the center of block one hundred fifty-four (154); thence southwesterly three miles to the center of block one hundred fifty-seven (157); thence northwesterly one-half mile to the westerly corner of the northerly one-quarter of said block one hundred fifty-seven (157); thence northeasterly one-quarter mile to the southerly corner of the easterly one-quarter of the easterly one-quarter of block one hundred thirty-eight (138); thence northwesterly one-quarter mile to the westerly corner of said easterly one-quarter of the easterly one-quarter of block one hundred thirty-eight (138); thence southwesterly one-half mile to the southerly corner of the northerly one-quarter of the southerly one-quarter of said block one hundred thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the easterly one-quarter of the westerly one-quarter of said block one hundred thirty-eight (138); thence northeasterly one-eighth mile to the southerly corner of the northeasterly one-half of the northerly one-quarter of the westerly one-quarter of said block one hundred thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the northeasterly one-half of the easterly one-quarter of the southerly one-quarter of block one hundred twenty-four (124); thence southwesterly three-eighths mile to the south-

erly corner of the northwesterly one-half of the said southerly one-quarter of block one hundred twenty-four (124); thence northwesterly one and one-quarter mile to the westerly corner of the southerly one-quarter of block one hundred two (102); thence southwesterly three-fourths mile to the southerly corner of the northeasterly one-half of the westerly one-quarter of block one hundred one (101); thence northwesterly one-half mile to the westerly corner of said northeasterly one-half of the westerly one-quarter of block one hundred one (101); thence southwesterly one-quarter mile to the southerly corner of block eighty-eight (88); thence northwesterly one-quarter mile to the easterly corner of the northerly one-quarter of the easterly one-quarter of block eighty-nine (89); thence southwesterly one-quarter mile to the southerly corner of the said northerly one-quarter of the easterly one-quarter of block eighty-nine (89); thence northwesterly one mile to the center of the easterly one-quarter of block fifty-nine (59); thence northeasterly one-quarter mile to the northerly corner of the easterly one-quarter of said easterly one-quarter of block fifty-nine (59); thence northwesterly one mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of block forty-nine (49); thence southwesterly one mile to the southerly corner of the northwesterly one-half of the southerly one-quarter of said block forty-nine (49); thence northwesterly one and three-fourths miles to the westerly corner of block seven (7) on the northwesterly boundary of said Irvine's Subdivision; thence southwesterly along said northwesterly boundary to a point 1259.6 feet northeasterly from the westerly corner of block six (6) of said Irvine's Subdivision; thence southeasterly to the most northerly corner of tract 456 as shown on a map recorded in book 17, page 9 of miscellaneous maps, records of Orange County, California; thence following the courses by distances and bearings along the easterly exterior boundary of said tract 456 to an intersection with the center line of Santa Ana Avenue as shown on said map; thence northeasterly to the westerly corner of the southerly one-quarter of said block six (6); thence three-fourths mile southeasterly to the easterly corner of the northwesterly one-half of the northerly one-quarter of block fifty-one (51) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of the northwesterly one-half of the northwesterly one-half of said block fifty-one (51) to an intersection with the mean high-tide line as established by decree of the superior court of Orange County in Case No. 20436 as recorded in book of judgments No. 19, page 309; thence westerly and southwesterly following the courses by distances and bearings along said mean high-tide line to an intersection with the southeasterly boundary line of block four (4) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of blocks four (4), three (3) and two (2) of said Irvine's Subdivision to the southerly corner of the easterly one-quarter of said block two (2); thence southeasterly

Description.

Description. one-half mile along the southwesterly line of lot one hundred sixty-six (166) in block fifty-four (54) of said Irvine's Subdivision; thence northeasterly five-eighths mile to a point on the southeasterly line of lot one hundred sixty-four (164) in block fifty-three (53) of said Irvine's Subdivision, which point is northeasterly one-eighth mile from the southerly corner of said lot one hundred sixty-four (164) in block fifty-three (53); thence southeasterly three miles along a line drawn parallel to and one-eighth mile northeasterly from the southwesterly boundary line of blocks fifty-three (53), fifty-five (55), ninety-three (93) and ninety-six (96) of said Irvine's Subdivision to a point in the southeasterly boundary line of the westerly one-quarter of said block ninety-six (96); thence southwesterly three-eighths mile along the southeasterly boundary line of the said westerly one-quarter of block ninety-six (96) and its southwesterly extension; thence southeasterly four miles parallel to and one-quarter mile southwesterly from the northeasterly boundary lines of blocks ninety-five (95), one hundred thirty-one (131) and one hundred sixty-four (164) of said Irvine's Subdivision to an intersection with the most northwesterly boundary line of the Laguna Beach County Water District, as described in an order of the board of supervisors of Orange County, California, recorded in book 26, page 129 of miscellaneous records of Orange County, California; thence northeasterly, and easterly following the northwesterly and northeasterly exterior boundary of said Laguna Beach County Water District across a portion of said Irvine's Subdivision to the westerly corner of the southerly quarter of the southerly quarter of block 165 of said Irvine's Subdivision, thence northeasterly to the northerly corner of said southerly quarter of the southerly quarter of said block 165; thence southeasterly along the northeasterly line of said southerly quarter of the southerly quarter of said block 165 and the extension thereof to a point on the exterior boundary of said Laguna Beach County Water District; thence southeasterly, northeasterly, southeasterly and easterly along the northerly exterior boundary of said Laguna Beach County Water District across a portion of said Irvine's Subdivision to intersection with the center line of Laguna Canyon Road, as said road exists on the date of enactment hereof; thence northeasterly along the said center line of Laguna Canyon Road to a point on the westerly extension of the northerly line of the south one-half of the northwest one-quarter of section eighteen (18), township seven (7) south, range eight (8) west, San Bernardino base and meridian; thence easterly along said westerly extension of and along the northerly line of the south one-half of the northwest one-quarter of said section eighteen (18) to the center line of said section eighteen (18), thence south along said center line of section eighteen (18) and along the center line of section nineteen (19), said township and range, to the southwest corner of the northwest one-quarter of the northeast one-quarter of said section nineteen (19), thence

easterly along the south line of the said northwest one-quarter of the northeast one-quarter of section nineteen (19) to the west boundary of Rancho Niguel, thence southerly along said boundary of Rancho Niguel to the south line of section thirty (30), said township and range, thence westerly along the said south line of section thirty (30) to the center line of section thirty-one (31), said township and range, thence south along said center line of section thirty-one (31) and its southerly extension to a point in the high-tide line of the Pacific Ocean, thence northwesterly along the high-tide line of said Pacific Ocean to the point of junction of the said high-tide line with the high-tide line of Newport Bay on the southeasterly side of the entrance to said Newport Bay; thence northwesterly across said entrance to the point of junction of the said high-tide lines of Newport Bay and the Pacific Ocean on the northwesterly side of said entrance; thence northwesterly along the said high-tide line of the Pacific Ocean to the point of beginning.

Seven divisions.

Said district is hereby divided into seven divisions which shall be numbered first, second, third, fourth, fifth, sixth and seventh, and one director shall be elected as hereinafter provided from each division. Each director shall be a resident of the district, and an owner of land in the division from which he is elected Said seven divisions are more particularly bounded and described as follows, to wit:

First division.

First Division. Division No. 1 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, excepting therefrom the area within the corporate limits of the city of Santa Ana as said limits exist on the date of enactment hereof, that is located within the boundaries of the following named school districts as said districts are described in the official records of the board of supervisors of Orange County on the date of enactment hereof: Loara, Katella, Garden Grove, Diamond, Greenville, Paularino, and Santa Ana school districts.

Second division

Second Division. Division No. 2 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the board of supervisors of Orange County on the date of the enactment hereof: Peralta, Olive, Villa Park, Orange, and El Modena school districts, excepting therefrom that portion of said El Modena school district that lies within Division No. 5, as hereinafter described.

Third division.

Third Division. Division No. 3 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, excepting therefrom the area within the corporate limits of the city of Anaheim as said limits exist on the date of enactment hereof, that is located within the boundaries of the following named school districts as said districts are described in the official records of the board of supervisors of Orange County on the date of enactment hereof:

Yorba Linda, Yorba, Placentia-Richfield, Fullerton, and Anaheim school districts.

Fourth division

Fourth Division. Division No. 4 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the board of supervisors of Orange County on the date of enactment hereof: Buena Park, Orangethorpe, Centralia, Magnolia, Savanna, Cypress, Laurel, Alamitos, Westminster, and Seal Beach school districts.

Fifth division

Fifth Division. Division No. 5 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the board of supervisors of Orange County on the date of enactment hereof: Tustin and San Joaquin school districts, excepting therefrom that portion of the San Joaquin school district bordering upon the Pacific Ocean and lying within Division No. 7 as hereinafter described, and that is located within the boundary of that portion of the El Modena school district as said district is described in the official records of the board of supervisors of Orange County on the date of enactment hereof, lying in blocks 16 and 17 as shown on the map of Irvine Subdivision recorded in book 1, page 88 of miscellaneous record maps, Orange County, California.

Sixth division.

Sixth Division. Division No. 6 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the board of supervisors of Orange County on the date of enactment hereof: Springdale, Ocean View, Fountain Valley, and Huntington Beach school districts.

Seventh division

Seventh Division. Division No. 7 shall comprise all that area, included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the board of supervisors of Orange County on the date of enactment hereof: Costa Mesa, Newport Beach, and Laguna school districts, and that is located within the boundary of that portion of the San Joaquin school district as said district is described in the official records of the board of supervisors of Orange County on the date of enactment hereof, lying in blocks 95 and 131 as shown on map of Irvine Subdivision recorded in book 1, page 88 of miscellaneous record maps, Orange County, California.

Powers of district.

SEC. 2. The "Orange County Water District" shall have power:

General powers

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers;

Acquire waterworks.

5. Within or outside of the district to construct, purchase, lease or otherwise acquire necessary waterworks and other works and machinery, canals, conduits, dams and reservoirs, and to purchase, lease or otherwise acquire waters, water rights, storage sites, spreading grounds, watersheds, lands, rights and privileges useful or necessary to replenish, supply, convey, store, or reclaim water for irrigation, domestic, municipal or other useful purposes within said district, or for the control of flood or storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and the flood waters of other streams in which said district has acquired water and/or water rights, and to operate and maintain such water rights, waterworks, canals, conduits, dams, reservoirs, storage sites, spreading grounds, watersheds, works, machinery, lands, rights and privileges for the uses or purposes aforesaid for the common benefit of the district and of the inhabitants thereof;

Store water.

6 To store water in surface and underground reservoirs within or outside of the district for the common benefit of the district; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district, and to conserve within or outside of the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface waters used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may

endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district;

Flood control projects

7. To control the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by spreading, storing, retaining and causing said waters to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters, the harbors, waterways, public highways, and property in said district;

Eminent domain

8. To have and exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers herein granted except water, water rights, reservoirs, pipe lines, water distributing systems and waterworks, already devoted to beneficial use, and power plants devoted to public use; and provided that water, water rights, dams, reservoirs, pipe lines, water distributing systems, and other works situated within or without said district, and owned and used by municipal corporations, individuals or corporations or scientific institutions established and/or maintained for the propagation or study of plant life, for domestic use, irrigation and other beneficial purposes within said district, shall not be subject to condemnation by the district as in this section provided. Subject to the express limitations hereinbefore set out, in any proceeding relative to the exercise of such right of eminent domain, the district shall have the same rights, powers and privileges as a municipal corporation;

Cooperate with State and Federal governments

9. To cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of property therein, or any of the channels, waterways, roads or highways in said district, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose;

Borrow money

10. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund

or retire the same or any indebtedness that may exist against the district or property thereof;

11. To cause assessments to be levied for the purpose of paying any obligation of the district or to accomplish any of the purposes of this act; Levy assessments

12. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers; Make contracts

13. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analysis, studies and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district. Investigations

SEC. 3. The powers herein enumerated shall, except as herein otherwise provided, be exercised by the board of directors elected or appointed as provided herein. Powers vested in board.

SEC. 4. The government of the said district shall be vested in said board of directors to consist of seven members to be elected as hereinafter provided; a secretary, who shall be appointed and hold office at the pleasure of the said board of directors; the county treasurer, county assessor, county tax collector and county auditor of said Orange County and their successors in office and all their deputies, assistants, clerks and employees, which county officers shall perform the same respective duties for said district as they perform for said Orange County, without additional compensation, in order to carry out the provisions of this act. Board of directors.

Said board of directors may appoint and employ an attorney or attorneys, and an engineer or engineers for said district and such other officers and employees for said district as in their judgment may be deemed necessary, and prescribe their duties and powers and compensation, which officers and employees shall hold office or be employed during the pleasure of the said board of directors. May employ experts.

SEC. 5. The president shall sign all contracts on behalf of the district, and perform such other duties as may be imposed on him by the board of directors or by this act. Duties of officers

The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed on him by the board of directors or by this act.

The board of directors may by resolution adopt reasonable rules and regulations not inconsistent with this act for the administration and government of the affairs of the district, and alter them from time to time as conditions may require, they may also appoint appropriate officers or agents to represent them as directed in administering the affairs of the district, which officers or agents shall receive the compensation established by the board from time to time, and serve at the pleasure of the board Said board may require any of said officers or agents to furnish bond in the form and amount fixed by it.

Board to act by resolution.

SEC. 6. The board of directors shall act only by resolution. The ayes and noes shall be taken upon the passage of all resolutions and entered upon the minutes of the proceedings of the board of directors. No resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board, and after the expiration of eight (8) years from the date this act becomes effective, no new project which requires the issuance of bonds or the voting of a special assessment under the provisions of this act shall be authorized by the board of directors if more than one director votes against any resolution providing for the same. All resolutions shall be signed by the president of the board of directors and attested by the secretary. Each director shall receive the sum of five dollars for each meeting of the board of directors attended by him, not exceeding three meetings in any calendar month, and such additional compensation not exceeding five dollars per day as shall be fixed and allowed by the board for his services while otherwise employed by authority of the board in the business of the district. He shall also be allowed, with the approval of the board of directors, all traveling and other expenses reasonably incurred by him in such employment.

Compensation.

Property held by district.

SEC. 7. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of directors may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property.

Calling of election.

SEC. 8. Within sixty days after this act shall take effect, the board of supervisors of the county of Orange shall call and cause notice to be given of an election to be held in said district for the purpose of electing the first board of directors of said district. Said notice shall specify the purpose of said election and shall be posted and published at the times and in the manner provided in section 14 of this act previous to said election. For the purposes of said election, the board of supervisors must establish a convenient number of election precincts in said district and define the boundaries of the same. Election officers of said election shall be appointed, candidates for said board of directors of said district shall be nominated, ballots and other supplies shall be provided, the qualification of voters shall be determined and such election shall be conducted, the votes canvassed, the result declared and certificates of election issued, as nearly as practicable in accordance with the provisions of this act governing the election of directors of said district, excepting, however, that

the board of supervisors shall act in place of the board of directors and the clerk of the board of supervisors shall act in place of the secretary of the board of directors. No informalities in the conduct of said election or in any matters relating thereto shall invalidate said election or the result thereof, if notice thereof shall have been given substantially as herein provided, and said election shall have been fairly conducted and the result not changed by the informality.

Qualifications for electors.

SEC. 9. Only the holders of title to lands situated within the district or to assessable rights in said lands, or to improvements on said lands, shall be entitled to vote at any election held under the provisions of this act, and every such holder of title shall be entitled to vote in person or by proxy as hereinafter provided in each division of the district in which any of the lands, including assessable rights therein or improvements thereon, owned by him are situated, and to cast one vote for each one hundred dollars or fraction thereof worth of land including assessable rights therein or improvements thereon, in each said division so owned by him. Such ownership and value shall be determined from the last equalized assessment roll of said Orange County, and the board of supervisors of said county, prior to each election held under the provisions of this act, at the expense of the district, shall cause to be prepared and certified and furnished to the board of election at each voting place, a true and correct copy of the entries upon the last equalized assessment rolls of said county, so far as such assessment rolls apply to the lands within said district, to the extent of showing the names of each owner, and the assessed value of the land owned by each in each division in said district, which said certified entries from said rolls shall be used by said boards of election in determining the number of votes each voter is entitled to cast.

List of electors.

Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners or any one other than the true owner, any person producing a certificate of a title insurance or abstract company certifying the true ownership of such land at the date of the election, or at any time within five days previous thereto, accompanied by an affidavit of the person certified to be the owner that he is the owner of the property at the time of the election, said person so certified to be the owner shall be entitled to vote in like manner as if his name appeared upon the assessment rolls as above mentioned. Where corporations or partnerships appear as the owners of property, the votes of such owners shall be cast by any person holding a proxy from such corporation or firm. Executors, administrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the board of election a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at such election unless authority to cast such

Certified owners.

Corporations and partnerships.

vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

Plural voters

If any qualified voter under this act owns land in more than one voting precinct in any division of the district, he shall cast all of the votes which he is entitled to cast in said division at one voting precinct therein in which he owns land.

Conduct of election

Said election shall be conducted in accordance with the general election laws of this State so far as applicable, and except as herein otherwise provided. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated, but only the number which the voter was entitled to cast shall be counted. The election officers shall publicly count the votes immediately after the close of the election, and forthwith make a report of the result of said election to the board of directors of the district.

Nomination of candidates

SEC 10. Not less than fifteen, nor more than thirty days before any election held for the purpose of electing directors for the district twenty-five or more qualified voters under this act residing in a division of the district may file with the secretary of the district, a petition, requesting that the name of a certain person, specified in said petition, be placed on the ballot as candidate for the office of director from said division of the district. Any number of candidates may be so nominated. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots, but there shall be a blank space left in which voters may at the election write in other names if they so desire. The petitions shall be preserved at least one year after they are filed in the office of the secretary of the district.

Directors to classify selves by lot

SEC. 11. The directors of said district who shall be elected at the first election of directors on the first Tuesday after their election, and after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire on the first Tuesday in March after the next general February election provided for in this act; and the term of office of the class having the lesser number shall terminate on the first Tuesday in March after the second general February election provided for in this act.

Organization of board

After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The secretary need not be one of the directors. The salary of the secretary and amount of the bond to be given for the faithful performance of his duties shall be fixed by the board of directors. The bond of the secretary of the district

shall be recorded in the office of the recorder of said Orange County and then filed with the president of the board.

Subsequent elections

SEC. 12. After the first election hereinbefore provided for, an election shall be held on the first Tuesday in February of each odd numbered year, after the organization of said district, commencing with the year 1935, at which directors for the district shall be elected to fill the offices of the directors whose terms of office shall expire on the first Tuesday in March thereafter, in accordance with the provisions of this act. Vacancies occurring in the board of directors by reason of death, resignation or otherwise, shall be filled by appointment by the remaining directors in office, and in case of their failure to appoint within ten days after such vacancy occurs then same shall be filled by appointment by the board of supervisors of Orange County. A director so appointed shall hold office for the unexpired term of his predecessor. The person receiving the highest number of votes for the office of director in a district is elected director from that district. Within ten days after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath of office and filing the same with the secretary of the district. Each director shall execute an official bond in the sum of one thousand dollars which shall be approved by a judge of the superior court of the county of Orange, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Vacancies.

Directors' bonds.

Organization of board

SEC. 13. On the first Tuesday in March next following their election, the directors elected shall meet and organize as a board, elect a president and appoint a secretary who shall each hold office during the pleasure of the board. Each director appointed or elected shall hold office until his successor is elected and has qualified. The term of office of directors is hereby fixed at four years except as herein otherwise provided. The office of the board of directors shall be established by said board at some proper and convenient place within the district, but after the office is once established, it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice at least once a week for two weeks in some newspaper of general circulation published in said Orange County

Office of board

Calling subsequent elections

SEC. 14. At a meeting of the board of directors of the district to be held not less than twenty days before the time for a biennial election of the directors, the board, by resolution duly adopted, shall call an election to be held in the division or divisions of said district where directors are to be elected for the purpose of electing directors thereof, and in said resolution shall designate the day of said election, and the polling places in the several divisions, and shall divide each division

into convenient election precincts, appoint election boards for each precinct consisting of one inspector, one judge and one clerk, and shall prescribe the hours during which the polls shall be open on the day of the election which shall not be less than eight hours, and said board shall cause notice of said election to be given by posting notices thereof in three public places in each of the said divisions from which a director is to be elected, said notices to be posted at least twenty days prior to said election, and by publication of said election notice for at least three successive weeks previous to the day of election in a newspaper published in said district. Said election shall be conducted as nearly as practicable in accordance with the general election laws of the State, but no particular form of ballot shall be required, and no sample ballots need be mailed. The directors shall provide ballots and election supplies for each precinct.

Canvass of votes

SEC. 15. The board of directors shall meet on the first Monday succeeding said election and canvass the votes cast thereat and shall declare the persons receiving respectively the highest number of votes in each division at said election to be duly elected directors of said district from the respective divisions, and in the event of a tie vote, in the same manner and with like notice, shall call another election in any division where the vote is tied and so proceed until a director is elected from said division.

Statement of financial condition

SEC. 16. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be filed with the secretary and posted conspicuously in the office of the district a verified statement of the financial condition of the district, showing in detail the receipts and disbursements during the last preceding year, together with the sources of said receipts and purposes of said disbursements. A summary of said statement shall be published at least once a week for two weeks in some newspaper published in said district, and shall refer to the itemized statement filed and posted in the office of the district for further particulars.

District budget

SEC. 17. The board of directors, on or before the time of the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year. This amount, together with available moneys on hand, must be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year; to pay the estimated cost of maintenance, operation and repairs of works and projects of the district, the incidental expenses of the district, and the estimated amount necessary for the payment

of the costs of any action or proceeding which may be taken or assumed by the district, including the cost of employment of attorneys and engineers; and if bonds have been voted by the district, said estimate shall include an amount sufficient to raise the interest and principal on the outstanding bonds accruing during the current fiscal year and/or to provide for a sinking fund from which to pay the principal of said bonds when due; and if said district shall have voted a special assessment as provided in section 35 hereof, said estimate shall also include the amount of any installment of said special assessment, to be levied during said year; provided, however, that if at the time of making said estimates the district shall not have voted a special assessment as provided in section 35 hereof, and said district shall not have voted bonds as in this act provided, then the amount of the assessment levied during any year for the raising of funds shall not exceed five cents for each one hundred dollars or fraction thereof of assessed valuation of assessable property in the district, according to the last assessment rolls of said Orange County; provided, however, that after the expiration of five (5) years next succeeding the date when this act shall become effective, the amount of said assessment during any year shall not exceed two cents for each one hundred dollars or fraction thereof of assessed valuation of property in said district; but if a special assessment and/or if bonds have been voted by the district, then there shall be assessed an additional amount sufficient to pay the installment of said special assessment for the current fiscal year and/or the principal and interest on said bonds accruing during said year and/or said annual sinking fund for said year, but no more. Fiscal year as herein used means from July first of any year to July first of the next succeeding year.

Limitation on assessments.

SEC. 18. The board of supervisors of said Orange County at the time of the levying county taxes annually must levy an assessment sufficient to raise the amount or amounts specified in said estimates of said directors, as herein provided. Said board of supervisors must determine the rate of such assessment by deducting fifteen per cent for anticipated delinquencies from the assessed value of the assessable real property in the district on which an assessment is to be levied, as it appears on the assessment roll of the county, and then dividing the sum or sums reported by the board of directors as required to be raised by the remainder of such total assessed value. All assessments levied and/or collected under the terms of this act shall be levied and collected on real property including assessable rights therein and improvements thereon, but not on personal property.

Levy of assessment.

SEC. 19. The assessment so levied by said district shall be computed and entered on the assessment roll by the county auditor, and if the board of supervisors fail to levy the assessment as provided in the preceding section, then the auditor must do so. Said assessments shall be collected at the same

Collection of assessments.

time and in the same manner as State and county taxes, and when collected, shall be paid into the treasury of said Orange County for the use of said district.

Creation of district funds

SEC. 20. The following funds are hereby created and established for said district to which the moneys of the district shall be apportioned by the treasurer in accordance with the aforesaid estimate by the board of directors, to wit, bond fund, construction fund and general fund. Whenever an object for which money has been specifically provided has been accomplished and any money provided therefor remains unexpended the same shall, in the discretion of the board of directors, be transferred to any of said funds, provided that all surplus moneys received from the sale of bonds shall be transferred only to the bond fund.

Survey and estimated cost of proposed project.

SEC. 21. For the purpose of constructing, purchasing, leasing or otherwise acquiring necessary waterworks or other works or machinery, canals, conduits, dams and reservoirs; and of purchasing, leasing or otherwise acquiring water, water rights, storage sites, spreading grounds, watersheds, lands, rights and privileges useful or necessary for the purposes of said district, and otherwise carrying out the provisions of this act, and before any such purposes or projects are instituted and carried out, the board of directors of said district shall determine whether any such purpose or project is feasible and necessary and of general benefit to the lands in the district, and shall also estimate and determine the amount of money necessary to be raised for each or any of said purposes or projects. For the purpose of ascertaining the feasibility, necessity and general benefit of any such purposes or projects and the amount of money necessary to be raised for the same or any of them, said board shall cause such engineering investigations, surveys, examinations, drawings, plans and reports to be made as shall furnish the proper basis for said purposes or projects, and said estimates of the cost thereof. Said engineering investigations, drawings, plans and reports, and the estimates based thereon may provide that the works necessary for a completed purpose or project shall be constructed progressively during a period of years. In the estimate of the amount of money necessary to be raised by any issue of bonds, the board of directors may include a sum sufficient to pay the interest on all of said bonds for one year. All engineering investigations, examinations, drawings, plans and reports shall be made under the direction of a competent engineer or engineers selected by the directors, and shall be certified by him or them. All data obtained by Orange County Flood Control District and all other available engineering data shall be made use of in all of said engineering investigations.

Board to institute project.

SEC. 22. If it shall appear from said engineer's report or reports that any such purpose or project is feasible and of necessity and of general benefit to the lands in the district, the board of directors by resolution entered in its minutes shall so find and shall declare the purpose or project duly

instituted; and if bonds are to be issued for said purpose or project, said board in said resolution shall determine and declare the respective amounts of bonds that should be issued in order to raise the amount of money necessary for each purpose or project and the denomination and rate of interest of said bonds. Said board shall cause a copy of said resolution duly certified by the secretary, to be filed for record in the office of the recorder of Orange County within five days after its issuance. From and after said filing the institution of said purpose or project included in said resolution shall be complete.

Special bond election.

SEC. 23. After the filing for record of the resolution specified in section 22 of this act, providing said resolution calls for the issuance of bonds, said board of directors shall call a special election at which shall be submitted to the owners of assessable property in said district, the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual assessments levied upon the property assessable by this district situated within the district, and all such assessable property shall be and remain liable to be assessed for such payments as provided in this act.

Notice of bond election.

SEC. 24. Notice of a bond election called under the provisions of this act must be given by posting notices in three public places in each division in said district, at least twenty days before the election and by publication of said notice in some newspaper of general circulation published within the district, once a week for at least three successive weeks prior to the election. Said notices must specify the time of holding the election and the amount of and the purposes for which the bonds are proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of directors; provided, that no informalities in conducting such an election shall invalidate the same if the election shall have been fairly conducted and the result not changed by the informality.

Submission of question

SEC. 25. At said election questions as to the issuance of bonds may be submitted separately on the same ballot if estimates of the cost of the respective purposes or projects have been made, and the respective propositions have been stated in the notices of the election. At said election the ballots shall contain a general statement of the proposition or propositions to be voted upon, including the amount of bonds proposed to be issued for each purpose or project, but no informality in said statement shall vitiate the election. Each proposition shall be followed by the words "Yes" and "No" on separate lines, with a small inclosed space after each of said words. The voters shall vote for or against any proposition by stamping a cross (+) in the voting space after the

word "Yes" or "No" respectively. On the ballot shall be printed the following under the heading "Instructions to voters": "To vote for a proposition, stamp a cross (+) in the voting space after the word 'Yes' following the proposition. To vote against a proposition, stamp a cross (+) in the voting space after the word 'No' following the proposition." If not less than two-thirds of the votes cast for and against any proposition are "Yes," the board of directors shall declare the bonds carried and shall cause bonds in the amount specified in such proposition to be issued. If the number of votes for any proposition is less than two-thirds of the votes cast, the bonds shall be declared defeated and the result of the vote on said proposition shall be entered in the minutes of the board, but said proposition may be again submitted to the electors of the district at a special election at any time subsequent to twelve months after the date of said bond election.

Necessary votes.

Bonds.

SEC. 26. Subject to the provisions of this act, the board of directors shall prescribe the form of the bonds issued by the district and of the interest coupons to be attached thereto. An issue of bonds is hereby defined to be all the bonds issued in accordance with a proposal approved by the voters of the district. The bonds of each issue shall be numbered consecutively. The board of directors shall fix the date of said bonds, or may divide any issue into two or more divisions and fix different dates for the bonds of each respective division. The date of any bond must be subsequent to the election at which its issuance was authorized and prior to its delivery to a purchaser from the district. The date of issue of any bond authorized under this act and issued in pursuance of this act shall be deemed to be the apparent date of the said bond appearing on the face thereof. Each bond shall be signed by the president and secretary of the board of directors of the district who shall be in office at the date of said bond or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, and the seal of the district shall be impressed on each bond. The interest coupons shall also bear the signature of the secretary of the board of directors, who shall be in office at the date of said bond or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, or a facsimile of such signature. The board of directors shall fix the denominations of said bonds, which shall not be less than one hundred dollars nor more than one thousand dollars. Said bonds shall bear interest at a rate to be fixed by the board of directors, but the rate shall not exceed five per centum per annum. The interest shall be payable on the first day of January and the first day of July of each year at the office of the treasurer of the county of Orange. Said bonds shall be payable in lawful money of the United States at the office of said treasurer of said county of Orange. Bonds shall be made payable on the first day of January or the first day of July of the years designated

by the board of directors but in no case shall the maturity of any bond be more than fifty years from the date thereof. Each bond shall be made payable at a given time for its full face value and not for a percentage thereof. The board of directors may provide for the call and redemption of any of said bonds in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest, in which event a statement to that effect shall be set forth in the face of the bond. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the said county of Orange, the first publication of which shall be at least thirty days prior to the date fixed for such redemption. On or after the date fixed for such redemption, when the district shall have provided funds available for the payment of the principal and interest of the bonds so called, interest on said bonds thereupon shall cease. The board of directors prior or subsequent to the issuance of bonds may provide for the creation of an annual sinking fund for the payment of said bonds in such amounts as may be determined by the board of directors, provided that the amount of said sinking fund payments may be modified from time to time by the board of directors. Whenever said sinking funds shall contain at least ten thousand dollars, the board of directors may by notice published at least once a week for three successive weeks in some newspaper published in the said county of Orange, and, in its discretion, in any other newspaper or newspapers, invite sealed proposals for the sale to the district of any of its outstanding bonds, for the payment of which such sinking fund was created. Said notice shall state the amount available for the redemption of such bonds and shall specify the time and place when such proposals will be opened. All such proposals shall be opened by the board of directors in open meeting at the time specified in said notice, or at some subsequent time to which said meeting shall be adjourned. Any or all of said proposals may be rejected, in the discretion of the board of directors. If no bids are received, or if the bids received and accepted are not sufficient to exhaust the moneys so on hand and available for the purpose, the board of directors may purchase at private sale with any available money in the sinking fund, any of said bonds for the payment of which said sinking fund was created. No proposal to sell bonds to the district at a price in excess of the par value thereof shall be accepted. All bonds so purchased from sinking fund moneys shall be forthwith canceled. The board of directors may invest any money in the sinking funds in bonds of the United States or of the State of California and shall hold the bonds so purchased together with the income therefrom, as part of the sinking fund until such time as the board of directors may determine that it is for the best interests of the district that said bonds or any of them be sold. The pro-

Call and redemption.

Notice of redemption.

Sinking fund.

Sale of outstanding bonds to district.

Investment of sinking fund

ceeds of sale of any bonds in which any part of said sinking fund shall be invested shall be deposited in the sinking fund.

Sale of bonds, procedure

SEC. 27. The board may sell said bonds from time to time but at no time at less than ninety-eight and one-half per cent and in such quantities as may be necessary and most advantageous to raise money for the construction of said works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to carry out any of the objects and purposes of this act. Before making any sale of bonds the board by resolution regularly adopted, shall declare its intention to sell a specified amount of the bonds, and the day and hour and place of the sale, and shall cause said resolution to be entered in the minutes, and notice of the sale to be given by publication thereof at least once a week for three weeks prior to the date of sale in some newspaper published in the district and in any other newspaper at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds or any portion or portions thereof to the highest responsible bidder or bidders; provided, however, that they may reject any or all bids; and provided further, that no proposal shall be accepted which is not accompanied by a certified check for such reasonable percentage of the amount of the bid as shall be determined by the board of directors, but in no event less than two per cent of the amount thereof to apply on the purchase price of the bonds, the amount of which check shall be forfeited if after the acceptance of the proposal the bidder shall refuse to accept said bonds and complete his purchase thereof on the conditions stated in his proposal. In case no award is made, the board thereafter may readvertise said bonds or any part thereof for sale.

Notice

Awarding of purchase

Funding or refunding bonds, issuance

SEC. 28. The board of directors may as hereinafter provided cause funding or refunding bonds to be issued for the purpose of funding or refunding any or all outstanding bonds of the district. Such funding or refunding bonds shall except as otherwise provided herein, be issued in substantially the manner and form prescribed by this act for the issuance of other bonds. The board of directors shall call an election for the purpose of authorizing the issuance of such funding or refunding bonds. Said election shall be called and held and the result thereof determined and declared substantially in the same manner as provided by this act for the issuance of other bonds, and a two-thirds vote at said election shall be required for the authorization of such funding or refunding bonds; except that if the amount of said funding or refunding bonds is no greater than the amount of the outstanding bonds to be refunded, then only a majority vote shall be required for the authorization of such funding or refunding bonds.

Election

Sale

SEC. 29. Any funding or refunding bonds herein provided for may be sold from time to time, but at no time for less than ninety-eight and one-half per cent, in the same manner as other bonds of the district, and the proceeds therefrom shall be used exclusively for the repurchase of the bonds for which same were issued, or any such funding or refunding bonds may be exchanged for such other bonds of the district for which said bonds were issued, upon such terms and conditions as may be approved by the board of directors. Any such outstanding bonds so funded or refunded or exchanged shall be immediately canceled by the treasurer.

Payment of funding or refunding bonds

SEC. 30. Said funding or refunding bonds and the interest thereon shall be paid from revenue derived from annual assessments levied upon the property within the district, assessable by the district, and all such assessable property shall be and remain liable to be assessed for such payments as herein provided.

Payment of matured bonds

SEC. 31. Upon presentation of any matured bond of the district the treasurer shall pay the same from the bond fund, and upon presentation of any matured interest coupon of any bond of the district the treasurer shall pay the same from the bond fund. If money is not available in the fund designated for the payment of any such matured bond or interest coupon, it shall draw interest at the rate of seven per cent per annum from the date of its presentation for payment until notice is given that funds are available for its payment, and it shall be stamped and provision made for its payment as in the case of a warrant for the payment of which funds are not available on its presentation.

Whenever there is in any fund of the district money in excess of that required for the purposes of such fund up to the time when any part of the next annual assessment levied in the district will become delinquent, the board of directors of the district may purchase with such surplus money, or any part thereof, any of its bonds not then due, and may cancel the bonds so purchased or hold the same as a part of its assets until such time as the board may determine that it is for the best interests of the district that said bonds or any of them be sold, or shall cancel the same at their date of maturity.

Bonds are legal investments.

SEC. 32. The bonds of said district issued pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds, and whenever any money or funds by law now or hereafter enacted may be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, said money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, by any law now or hereafter enacted may be used as security

for the performance of any act, said bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment of the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

Bonds exempt from taxation.

SEC. 33. All bonds issued by said district under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality in this State, and shall be free and exempt from all taxation within the State of California.

Provisions applicable

SEC. 34. The provisions of the Political Code of this State, prescribing the manner of levying, assessing, equalizing and collecting taxes, including the sale of property for delinquency, and the redemption from said sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Board may call special election

SEC. 35. The board of directors at any time may call a special election and submit to the qualified voters of the district, the question whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of this act or of any act supplementary hereto. Said election must be called upon the notice prescribed herein for bond elections, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 25 of this act. The notice must specify the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used, and it may state that said assessment shall be levied in two or more annual installments and specify the amount of the installment to be levied in each year. At the special election the ballots shall contain the words "Assessment—Yes" or "Assessment—No," or words equivalent thereto. If two-thirds of the votes cast at said election are "Assessment—Yes," the board of directors at the time of the annual levy hereunder shall cause to be levied a sum sufficient to raise the amount voted, or if the notice of election shall have provided for levying said assessment in annual levy in each of the years specified in said notice, said board shall cause to be levied such assessments as shall raise the amount of the installment provided in said notice to be raised in said year.

Publication of notice

SEC. 36. Before the construction of any work to be paid for from the proceeds of the sale of bonds, or of a special assessment levied in accordance with section 35 of this act, the board of directors shall give notice, by publication thereof once a week for three successive weeks, in a newspaper published in the district calling for bids for the construction of said work, or of any portion thereof; if less than the whole

work is advertised, then the portion so advertised must be particularly described in said notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor and that the contract will be let to the lowest responsible bidder or bidders, but that any or all bids may be rejected, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter, the board shall let said work, either in portions or as a whole, to the lowest responsible bidder or bidders; but the board may reject any bid or bids or may reject all bids and readvertise for proposals or may proceed to construct the work under its own superintendence; provided, that in case of emergency or urgent necessity for any such work, the board of directors, by unanimous vote of those present at any regular or special meeting at which a quorum is present, may award contracts therefor without advertising for bids, but the cost of such work shall not exceed five hundred dollars and such additional amount as shall not exceed a sum equal to five mills for each one hundred dollars assessed valuation of land in the district. No contract for the purchase of material to be furnished or used by the district in any such work shall be awarded in excess of five hundred dollars, except it be awarded to the lowest responsible bidder or bidders after notice by the board of directors in the same manner as above provided in letting contracts for construction work. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for at least twenty-five per cent of the amount of the estimated contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer of the district, and be subject to approval by the board.

Contractor's bond.

SEC. 37. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president, and countersigned by the secretary. The said county treasurer shall report, in writing immediately after January first of each year and at such other times as the board of directors shall request, the amount of money of said district in the county treasury. The amount of receipts and the amount or amounts paid out of the district funds since the last preceding report; said report shall be verified and filed with the secretary of the board.

Payment of claims.

Financial report.

SEC. 38. For any of the purposes of this act, the board of directors may, in lieu (either in whole or in part) of levying assessments as herein provided, fix and collect rates or tolls or charges for the use of water owned and controlled by the district which may include a stand-by or carrying charge notwithstanding the water is not actually used; or for any other public use of which the district is in charge, under such reasonable rules and regulations as the board may prescribe.

Rates for use of water.

Construction of works.

SEC. 39. The board of directors shall have power to construct works across any stream of water, watercourse, street, avenue, highway, road, railway, canal, ditch, flume or other property subject to or devoted to public use, in such manner as to afford security to life and property; but said board shall restore said property when so crossed or intersected, to its former state as near as may be, and in such manner as not to have impaired unnecessarily its usefulness. If the owner or owners of any land, easement or franchise so to be crossed can not agree with the district as to the amount to be paid therefor or the location of such crossing or any other matters in connection therewith, the same shall be determined and ascertained in all respects as is in this act provided in respect to the taking of land. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project the board of directors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court and if by such judgment or by agreement the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyances of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. The right of way is hereby given, dedicated and set apart to locate, construct and maintain any of the works of the district over and through any of the lands which are now, or may become the property of this State and also there is given, dedicated and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this State within the district.

State property.

Interest in contracts prohibited

SEC. 40. No director or any other officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and the violation by any officer or employee of this provision shall work a forfeiture of his office.

Debt limitation

SEC. 41. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability

incurred in excess of such express provisions shall be and remain absolutely void, except that for any of the purposes of this act, the board of directors may, before the levying of the first assessment, incur indebtedness in such sum or sums as shall not exceed an amount equal to five cents for each one hundred dollars or fraction thereof of the assessed valuation of property in the district, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors. Each such warrant shall be made payable on a date not later than the first day of January, next after the warrant is issued, and if not paid when presented on the due date or thereafter shall be registered and the amount due thereon shall draw interest as provided in section 42 of this act. Nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property as elsewhere in this act authorized and by said lease or contract to bind the district for the payment of the consideration specified in said lease or contract, but if the smallest payment to be made under said lease or contract in any year exceeds an amount equal to one cent for each one hundred dollars or fraction thereof of the assessed valuation of property in the district assessable by said district, said lease or contract shall not be valid unless an assessment or assessments sufficient to meet all the payments to become due under said lease or contract shall have been or shall be authorized for that purpose by the qualified voters of said district in accordance with the provisions of this act.

Registration and payment of warrants

SEC. 42. Whenever any warrant of the district payable on demand is presented to the county treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, when funds of the district are not available to pay the same, the county treasurer shall endorse thereon the words "funds not available for payment," with the date of presentation and shall note thereon the rate of interest that such warrant shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that payment shall be made of all such warrants presented for payment prior to a certain date, and there is sufficient money available for such payments, the county treasurer shall give notice by publication in some newspaper published in the district, stating that he is prepared to pay all warrants of

the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment need be made in said notice. Upon the presentation of any warrant entitled to payment under the terms of said notice, the county treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication of said notice. The county treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

Works exempt from taxes

SEC. 43. The rights of way, ditches, flumes, pipe lines, dams, water rights, reservoirs, and other property of like character, belonging to the district shall not be taxed for State and county or municipal purposes.

Action to determine validity of bonds

SEC. 44. The board of directors may, at any time after the voting of any bonds or the levy of any assessment herein provided for, bring an action in the superior court of Orange County to determine the validity of any said bonds or said levy of assessments; said action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of said summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of said bonds or assessments. Said action shall be speedily tried and judgment rendered declaring the matter so contested either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within thirty days after the rendition of said judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Commencement of action.

SEC. 45. If no such proceedings shall have been brought by the board of directors, then, at any time within thirty days after the levy of any assessment or voting of any bonds under the provisions of this act, any district assessment payer may bring an action in the superior court of Orange County to determine the validity of said assessment or said bonds. The board of directors shall be made parties defendant, and service of summons shall be made on the members of the board personally. Said board shall have the right to appear and contest said action. Said action shall be speedily tried,

and either party shall have the right to appeal within the time and manner herein provided in the case of actions brought by the board to determine such matters, and any such appeal shall be heard and determined in the manner and within the time herein provided in the case of appeals in such actions brought by the board.

Consolidation of actions

SEC. 46. If more than one action shall be pending at the same time concerning similar contests in this action provided for, they shall be consolidated and tried together.

Provisions applicable.

SEC. 47. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. Any motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention to move for a new trial. The costs of any hearing or contest herein provided for may be allowed and apportioned between the parties, or taxed to the losing party in the discretion of the court.

Limitation of actions

SEC. 48. No contest of any thing or matter herein provided for shall be made other than within the time and manner herein specified, and in any such contest the findings of facts or conclusions of said board of directors, upon all matters, shall be conclusive, unless the action be instituted within six months after such finding or conclusion was made.

Penalty for violation of duty.

SEC. 49. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of Orange County by any assessment payer of the district; but no officer of said district shall be personally liable for any damage resulting from the operations of the district or from the negligence or misconduct of any of its officers or employees unless the damage was proximately caused by the officer's own negligence or misconduct or by his wilful violation of official duty.

Boundary changes

SEC. 50. The boundaries of the district may be changed to include in the district additional land as hereinafter in this act provided, and the inclusion within the district of any land not contiguous thereto shall be deemed to effect a change of the boundaries of said district; but no change in the boundaries of the district shall impair or affect its organization or its right in or to property, or any of its right or privileges of whatever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Petition for inclusion of land

SEC. 51. The holder or holders of title, or a majority of the holders of title, of any tract or parcel of land contiguous and adjacent to the boundaries of the district may file in the office of the board of directors of the district, a petition praying that said tract or parcel of land be included within said district; provided, that if there is more than one holder of title of said land, the petitioners must include the holders of title of at least one-half of the area of said land. If any petitioner is the owner of an undivided interest in any land described in the petition, he shall be deemed to be the owner of such proportion of the area of the land in which he has an interest as his interest bears to the whole of such land. Each signature to such petition shall be acknowledged as provided by law for signatures to an instrument to entitle it to be recorded.

Notice of filing of petition

SEC. 52. The secretary of the board of directors shall cause a notice of the filing of said petition to be given and published in the same manner and for the same time as notices of special elections for the issuance of bonds are required in this act to be given and published. The notice shall state the purpose of the petition and describe the boundaries of the tract of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of said land within the district to appear at the office of said board at a time named in said notice for the hearing of said petition, and objections thereto and show cause in writing, if any they have, why said land or any of it should not be included as proposed in said petition. The time to be specified in the notice for the hearing of said petition and any objections thereto shall be the regular meeting of the board next after the expiration of the time for the publication of said notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of said notice, otherwise the secretary shall refuse to publish the same.

Hearing

SEC. 53. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they will include the whole or any portion of the lands described in said petition.

Condition precedent.

SEC. 54. The board of directors to whom said petition is presented may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to the district, such respective sums, as nearly as the same can be estimated (the several amount to be determined by the board), as said petitioners or their grantors would have paid in the aggregate to said district had said lands been included in such district at the time the same was originally formed.

Inclusion of land, order.

SEC. 55. If the board of directors, after the hearing provided for in section 53 hereof, then shall determine that said petition complies with the requirements of section 51 hereof, and that the inclusion within the district of the tract of land described in said petition, or some portion or portions thereof, will be for the best interests of the district, and if no protest against the inclusion of such land is made as provided in section 53 hereof, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order the boundaries of the district to be changed so that said tract of land, or such portion or portions thereof as the board shall deem it for the best interests of the district to include, shall be included within the district, but no land shall be so included in said district unless the board, after the hearing aforesaid, shall determine that it can be benefited by means of some of the works of the district, and if the board determines that only a portion or certain portions of the tract of land described in said petition should be included, said petition shall be dismissed unless the petitioners include a majority of the holders of title of said portion, or of each of said portions, of said tract, representing also at least one-half the area of said portion, or of each of said portions, or unless, within sixty days from the time such determination is made, there shall be filed with the board the consent in writing, acknowledged or proved as required in section 51 hereof, of a majority of the holders of title of said portion, or of each of said portions of said tract of land, representing also at least one-half of the area of said portion or of each of said portions. The order shall describe the boundaries of the land so included within the district, and if said land adjoins any portion of the district, the order shall also describe that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey to be made of such portions of said boundaries as may be deemed necessary. If more than one petition for the inclusion of land has been presented, the board may in one order include within the district any number of separate tracts of land. When the board finds that the inclusion of any land within the district without condition, would work an injury to the land already within the district, the board may prescribe conditions upon such inclusion of land either by providing for priority of right for the land already in the district, or for the payment of an additional annual charge upon the land included or such other

Separate tracts of land

Conditional inclusion

conditions as the board may deem just. If any such conditions are prescribed by the board all the owners of the land subject to such conditions must, before any order for its inclusion is made, sign an agreement with the district and project, describing the land so to be included and specifying such conditions. The signatures to said agreement must be acknowledged or proved as provided by law for the signatures of instrument to be recorded, and said agreement must be recorded in the office of the county recorder of the county in which such lands are situated, and thereupon and upon the recording of a copy of the order including said lands as hereinafter provided, said lands shall become a part of the district, subject to the conditions of said agreement.

Notice of hearing

Or in lieu of the execution and recording of said agreement signed and acknowledged by the owners of land to be included subject to said conditions, the board of directors may adjourn said hearing for not less than thirty days nor more than sixty days and shall give notice of the time and place of such adjourned hearing by publication in a newspaper of general circulation published in said county not less than once a week for three consecutive weeks; said notice so published shall set out at length the conditions proposed to be imposed and direct all persons interested to appear at the time and place specified in said notice and show cause, if any they have, why said conditions should not be imposed. At said hearing, or at any adjournment thereof duly entered upon the minutes, the board of directors by resolution may adopt, reject, or modify said conditions as may be just and make the order hereinabove provided for containing such of said conditions as may have been adopted and said order shall be final and conclusive upon a copy thereof duly certified by the secretary of the board being recorded in the office of the county recorder of said Orange County; provided, that said certified copy of said order shall not be recorded for a period of thirty days from and after the making of said order, during which thirty days a majority of the holders of title of the land described in the petition for inclusion and representing also more than one-half of the area of said tract or tracts of land, may file with the secretary of the board of directors a statement or statements in writing signed and acknowledged in the form required for the conveyance of real property, objecting to the inclusion of said lands with the conditions imposed thereon, whereupon said objections shall be laid before the board of directors and if the board finds the same to be in the form required by this section and signed by a majority of the holders of title of the tract or tracts of land described in said petition for inclusion, and representing more than one-half of the area of land described in said petition, then the board of directors shall enter in its minutes an order dismissing said petition for inclusion and no further proceedings shall be had thereon, but said order of dismissal shall be without prejudice to the filing of another

Order.

Objections.

petition or other petitions for inclusion of the same land or any part thereof.

Protest against inclusion of lands.

SEC. 56. If a protest against the inclusion of said lands, signed by not less than three per cent of the holders of title or evidence of title to lands already within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, shall have been presented to the board of directors drawn, or after the withdrawal therefrom of any signatures it shall still be signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, or if the board of directors deem it not for the best interests of the district to include therein the lands described in said petition for inclusion, or any of them, the board shall adopt a resolution stating the facts and describing the boundary of the tract of land proposed to be included in the district; but before calling the election provided for in the next section, the board may require an undertaking with sufficient sureties, from the petitioners for the inclusion of said land conditioned that the petitioners or the sureties will pay all the costs of holding said election in case such inclusion shall be denied.

Election

SEC. 57. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which said election shall be held, and cause notice thereof to be given and published. Said notice shall be given and published, and said election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act in case of a special election to determine whether bonds of the district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Order for boundary change.

SEC 58. If a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board

Boundary change

may cause a survey of all such portions thereof to be made as the board may deem necessary

After protest

SEC. 59. If a sufficient protest against the inclusion of any lands shall have been presented to the board of directors and maintained as provided in section 56, and the board of directors nevertheless finds and declares that the inclusion of said lands or a portion thereof with certain conditions imposed will be for the best interests of the district, the board shall proceed the same as if no protest had been filed until the conditions imposed shall become final as provided by section 55 except that the order changing the boundaries of the district, with such conditions upon the lands to be included as may have been imposed shall not be recorded in the office of the county recorder and said order shall not be effective for any purpose until, as the result of an election thereon, which the board shall thereupon order as provided by section 57 it is found and declared by the board that a majority of all the votes cast at said election were in favor of said change in boundaries with the conditions named. Thereupon a certified copy of the order changing the boundaries with the conditions imposed set out therein, together with a certified copy of the order declaring the result of said election, shall be recorded as provided by section 55 and become final. The same procedure regarding such election shall be followed as provided by section 57, except that the ballot cast at said election shall contain the words "For change of boundaries with conditions" or "Against change of boundaries with conditions" and the notice of election in addition to other requirements, shall contain a brief statement of the conditions imposed. If a majority of all the votes cast at said election shall be against such change of boundaries with conditions, the board shall order that the petition be denied.

Recording of order.

SEC. 60. Upon a change of the boundaries of a district, a copy of the order of the board of directors ordering said change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of said Orange County, and thereupon the district shall be and remain a district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Evidence

SEC. 61. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Personal representative may petition.

SEC. 62. A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents on behalf of his ward, or of the

estate which he represents, upon being thereunto authorized by the proper court, may sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Liability of included land

SEC. 63. Any land added to the district as hereinabove provided shall become liable for all the obligations of the district existing at the time of the inclusion of said land therein.

Reestablishment of divisions and precincts

SEC. 64. In case land is included within the district as aforesaid, the board of directors thereof, not less than thirty days before any election in said district thereafter, shall reestablish the boundaries of the divisions and election precincts within said district, so as to include said land therein and so as to make said divisions as nearly equal in area as may be practicable. In case of the inclusion of any land less than thirty days before an election within said district, the inhabitants of the land so included shall not be entitled to vote at said election.

Effect of boundary change

SEC. 65. The boundaries of the district may be changed, and tracts of land which were included within the boundaries of the district at or after its organization under the provisions of this act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the district nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was and may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district.

Petition for exclusion of lands

SEC. 66. The owners or owners in fee of one or more tracts of land which constitute a portion of the district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Notice of filing of petition

SEC. 67. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the district where the office of the board of directors is situated; or if no newspaper be published therein, then by posting such notice

for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Hearing.

SEC. 68. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

Order.

SEC. 69. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the

lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; provided, that it shall be the duty of said board to order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which in the judgment of the board will not be benefited by the operations of the district. Whenever lands included in any municipal corporation use water from a source or sources outside the watershed of the Santa Ana River or outside the underground water basin or basins fed by the Santa Ana River, the board of directors may consider such use as grounds for excluding said lands from the district in a proceeding for exclusion instituted in accordance with section 66 hereof.

Assent of bondholders

SEC 70. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Exclusion of lands.

SEC. 71. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain a district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Reestablishment of boundaries.

SEC. 72. In case land is excluded from the district as aforesaid, the board of directors thereof not less than thirty days

before any election in such district thereafter, shall reestablish the boundaries of the divisions and election precincts within said district, so as to make said divisions as nearly equal in area as may be practicable.

Personal representative may petition

SEC. 73. A guardian and executor, or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

Liability for debts of district.

SEC. 74. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of the district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of the district the same as though said petition for its exclusion had never been filed or said decree of execution never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of the district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of the district of the petition for the exclusion of said lands from the district; provided, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from the district, as hereinbefore provided. Provided, further, that if within ten days of the time of any order excluding any lands from the district, other lands of equal or greater assessable value, have been included within the district, such excluded lands shall no longer be subject to further assessment by the district, except in the event of proceedings on behalf of the bondholders to enforce the payment of said excluded lands of their pro rata share of any principal or interest due and unpaid on the district's bonded indebted-

ness incurred while such excluded lands were part of the district.

Construction of act.

SEC. 75. Construction of Act. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Constitutionality

SEC. 76. Constitutionality. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not be invalidated thereby, but shall remain in full force and effect.

Vested rights.

SEC. 77. Nothing in this act contained shall be so construed as to affect or impair the vested right of any person, association or corporation to the use of water.

Short title

SEC. 78. Title. This act may be designated and referred to as the "Orange County Water District Act," and any reference thereto by such designation shall be deemed sufficient for all purposes.

CHAPTER 925.

An act to add a new section to the Penal Code, to be numbered 537f, relating to the sale and offering for sale of rebuilt storage batteries.

[Approved by the Governor June 14, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 537f, and to read as follows:

Penalty for selling unlabeled rebuilt storage batteries

537f. No storage battery composed in whole or in part of a used container, or used plate or plates and intended for use in the starting, lighting or ignition of automobiles, shall be sold or offered for sale in this State unless: the word "Rebuilt" together with the rebuilder's name and address is labeled on one side of the battery in letters not less than one-half inch in height with a one-eighth inch stroke.

Any person selling or offering for sale such a battery in violation of this section shall be guilty of a misdemeanor, punishable by a fine not exceeding two hundred fifty dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment

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CHAPTER 926.

Stats 1927, p 1119, amended

An act to add a new section, to be numbered 1a, to an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the Judicial Coun-

cil, and fo· the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, as amended, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

[Approved by the Governor June 14, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section.

SECTION 1. A new section is hereby added to the act cited in the title hereof to be numbered section 1a and to read as follows:

Expenses of judges under assignment

Sec. 1a. The county, other than his own, in which any judge or justice of the peace is sitting under assignment from the Judicial Council, may pay the full amount of the expenses of such judge or justice of the peace whenever the chairman of the Judicial Council certifies that there is not available sufficient money to pay the State's share of such expenses, in the amount provided in section 1 of this act, of any such judge or justice of the peace. When the board of supervisors of any such county allows a claim for such expenses the latter shall become a county charge and the auditor is hereby authorized and directed to draw his warrant therefor and such expenses shall be audited and paid in the manner provided in section 1 of this act. In no case shall the expenses paid by the county under the provisions of this section exceed the sum of six dollars per diem. This section shall not apply to any county or city and county having a population of five hundred thousand, or over.

Exemptions

CHAPTER 927.

An act to add section 4014a to the Political Code, relating to township officers.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 4014a and to read as follows:

Township officers: Santa Barbara, Sonoma and Kings counties.

4014a. In counties of the sixteenth, seventeenth, and thirtieth classes, the officers of the township are, one justice of the peace, one constable, and such subordinate officers as are provided by law. Subject to the above limitations, in counties of these classes where in the opinion of the board of supervisors the public convenience hereafter requires it, the said board may hereafter by order provide that two justices courts may be established in any township, designating the same in

such order; and in such case a justice of the peace and constable for said additional justice court shall be appointed by the board of supervisors to fill said additional offices until the next succeeding gubernatorial election, following the creation of said additional offices; and provided, further, that in such case, one justice of the peace and one constable must be elected at the next succeeding gubernatorial election following the creation of such additional offices for each of said courts.

Construction of act.

SEC. 2. The provisions of this act so far as they are substantially the same as existing statutes must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such existing statutes.

CHAPTER 928.

An act to amend section 331 of the Civil Code, relating to corporations.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1933, ch 533.

SECTION 1. Section 331 of the Civil Code is hereby amended to read as follows:

Assessments, how levied

331. Assessments, how levied. (1) Shares issued by stock corporations are not assessable except as provided in this article. If the articles expressly confer such authority upon the corporation or the board of directors, and subject to any limitations therein contained, the directors may in their discretion, levy and collect assessments upon all shares of any or all classes made subject to assessment by the articles. This authority is additional to that of making calls for the unpaid subscription price of shares.

Nonstock corporations.

(2) Nonstock corporations may levy dues or assessments or both upon their members, if such authority is conferred either by the articles or by their by-laws, and subject to any limitations therein contained. Such dues or assessments or both may be levied upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership and memberships of one or more classes may be made exempt from either dues or assessments or both, in the manner and to the extent provided either in the articles or the by-laws.

Amount of levy.

The amount of the levy and method of collection of such dues or assessments or both may be fixed in the articles or by-laws, or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods of collection as the directors

may prescribe. They may be made enforceable by action or by forfeiture of membership, or both, upon reasonable notice.

Water distributing corporations.

(3) Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or domestic use, and not as a public utility, may levy assessments upon its shares, whether or not fully paid, unless otherwise provided in its articles or by-laws. If any shares of any such corporation which have been made appurtenant to any land as provided in this code, become delinquent in the payment of assessments, the right to receive water or dividends thereon may be denied, and they may be sold and transferred without said lands as if not appurtenant thereto, and the purchaser shall acquire the right to receive water as provided in the articles or by-laws of the corporation, or they may be forfeited to the corporation.

Section heading

SEC. 2. The section heading of the section amended by this act shall not govern, limit, nor otherwise affect the provisions of the section.

CHAPTER 928.

An act to amend sections 2322x28 and 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p 903

SECTION 1. Section 2322x28 of the Political Code is hereby amended to read as follows:

San Luis Obispo County· Agricultural commissioner.

2322x28. In counties of the twenty-eighth class, the commissioner shall receive the sum of two thousand six hundred seventy-five dollars per annum; provided that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerk to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector who shall receive a salary not to exceed one hundred fifty dollars per month;

(b) One inspector who shall receive a salary not to exceed one hundred twenty-five dollars per month;

(c) One inspector who shall receive a salary not to exceed one hundred twenty dollars per month;

(d) One clerk who shall receive a salary not to exceed eighty-five dollars per month.

Stats 1931, p 1228

SEC. 2. Section 4257 of the Political Code is hereby amended to read as follows:

San Luis Obispo County· Salaries.

4257. In counties of the twenty-eighth class, the officers shall receive as compensation for the services required of

them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk, three thousand one hundred eighty-five dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law for issuing hunting and fishing licenses and for naturalization of citizens; and provided, that in counties of this class, there shall be and is hereby allowed to the county clerk one deputy to be appointed by said county clerk who shall be paid a salary of two thousand one hundred sixty dollars per annum, one deputy to be appointed by said county clerk who shall be paid a salary of one thousand six hundred twenty dollars per annum; provided, further, that the clerk shall be allowed such additional assistants as he may require whose salary, in the aggregate, shall not exceed the sum of one thousand five hundred dollars in any one fiscal year, and one deputy to be appointed by said county clerk who shall be paid a salary of one thousand three hundred fifty dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; provided, further, that in any year when a new and complete registration of voters, or a supplemental registration of voters, is required by law the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents for each elector registered by such deputy, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk; provided, further, that in any year when a general election, primary election, special State election, special county election, or special district election ordered by the board of supervisors, is held, there shall be allowed to said county clerk such number of assistants as is necessary to properly prepare for and conduct any of said elections and which said assistants shall be paid out of the general fund of the county on the presentation and filing with the board of supervisors duly verified claims therefor approved by said county clerk.

Sheriff

2. The sheriff, three thousand one hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law, and his actual traveling expenses; and, provided, that in counties of this class there shall be and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of one thousand eight hundred dollars per annum; also three deputy sheriffs at a salary of one thousand six hundred twenty dollars each per annum, which salaries of said undersheriff and said deputy sheriffs herein provided for, shall be paid out of the

same fund and in the same manner and at the same time as the salaries of other county officers are paid.

Recorder. 3. The recorder shall receive as compensation two thousand six hundred seventy-five dollars per annum; and provided, that in counties of this class there shall be and there is hereby allowed the recorder a deputy whose compensation shall be one thousand six hundred twenty dollars per annum; and one deputy whose salary shall be one thousand three hundred fifty dollars per annum, and provided further, the recorder shall be allowed such additional assistants for copying as may be required and whose compensation shall be five cents per folio but shall not in the aggregate exceed three thousand dollars in any one fiscal year, and that all commissions and fees heretofore or now allowed by law to the recorder shall be paid by him to the county treasurer.

Auditor. 4. The auditor shall receive as compensation two thousand six hundred seventy-five dollars per annum; and provided, that in counties of this class there shall be and there is hereby allowed the auditor a deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand six hundred twenty dollars per annum and also one deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand three hundred fifty dollars per annum, which salaries of said deputies hereir provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; provided, further, that in counties of this class there shall be, and there is hereby allowed the auditor such additional assistants as may be required and whose compensation in the aggregate shall not exceed three thousand dollars in any one fiscal year.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the auditor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbents.

Treasurer. 5. The treasurer, two thousand four hundred twenty dollars per annum; and such fees and such commissions as are now or may hereafter be allowed by law for all inheritance and transfer taxes collected by him, and provided that in counties of this class, the treasurer shall be allowed such additional assistants as may be required whose compensation in the aggregate shall not exceed the sum of five hundred dollars in any one fiscal year.

Tax collector 6. The tax collector shall receive as compensation for the services required of him by law, or by virtue of his office, two thousand six hundred seventy-five dollars per annum. The tax collector may appoint one deputy, which office of deputy tax collector is hereby created, who shall receive a salary of one thousand three hundred fifty dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid;

and provided, further, that in counties of this class there shall be and hereby is allowed to the tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed two thousand one hundred dollars in any one fiscal year. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the tax collector by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Assessor. 7. The assessor, three thousand five hundred twenty-five dollars per annum; providing, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand one hundred sixty dollars per annum, one assistant deputy at a salary of one thousand three hundred fifty dollars per annum, and three deputies for four months at one hundred twelve and fifty-hundredths dollars each per month, during each fiscal year payable in monthly installments at the same time and in the same manner and out of the same funds as other county officers are paid, and such field deputies as the assessor may require, whose compensation shall not in the aggregate exceed the sum of four thousand one hundred dollars per annum. Such field deputies shall be allowed a compensation of seven dollars per diem. The assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid, said field deputies to be paid for their services on the presentation and filing with the board of supervisors of said county duly verified claim or claims therefor. The assessor shall be allowed his actual and necessary traveling expenses, including the expenses of operating and maintaining an automobile, incurred in the discharge of his official duties, not to exceed the sum of eight hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All fees as are now or may be hereafter allowed by law to the assessor shall be paid by him into the county treasury.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the assessor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

District attorney 8. The district attorney, two thousand nine hundred thirty dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be two thousand one hundred sixty dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office clerk to the district attorney is

hereby created, whose salary shall be one thousand three hundred fifty dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools shall receive as compensation for the services required of him by law, or by virtue of his office, two thousand six hundred seventy-five dollars per annum. The superintendent of schools shall be allowed his actual traveling expenses when visiting the schools of his county; and provided, that in counties of this class there shall be and there is hereby allowed the superintendent of schools a deputy superintendent, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand five hundred twelve dollars per annum and also one clerk, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand three hundred fifty dollars per annum, which salaries of said deputies herein provided for shall be paid out of the same fund, at the same time and in the same manner as the salaries of other county officers are paid.

Surveyor

12. The surveyor, one thousand three hundred fifty dollars per annum for all work performed for the county; provided, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be eight hundred ten dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses, incurred in connection with field work; provided, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same.

Justices of the peace

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than five thousand, one hundred eighty dollars per month; in townships having a population of more than three thousand and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than two thousand and less than three thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than two thousand, fifty dollars per month; in townships having a population of less than one thousand, thirty dollars per month. The board of supervisors of such counties shall furnish and maintain

for the use of justices of the peace in townships having a population of three thousand or more, an office suitable for use as a courtroom, equipped with the necessary furniture for the proper and convenient conduct of business therein The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this State and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

Constables.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred forty dollars per month; in townships having a population of more than three thousand and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than two thousand and less than three thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than two thousand, fifty dollars per month; in townships having a population of less than one thousand, thirty dollars per month; provided, that each constable shall be allowed and paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, ten cents per mile; and shall also be allowed and paid mileage at the rate of ten cents per mile for every mile actually traveled within his county, both going and returning, in making an arrest or conveying prisoners to prison or to court, and also all other necessary expenses incurred in the performance of any of his duties other than in civil cases; said mileage and other expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law, and shall also be allowed mileage at the rate of ten cents per mile for every mile actually traveled within his county.

Supervisors.

15. Each member of the board of supervisors, one thousand sixty dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed and paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county; also his actual necessary expenses in attending the annual State convention of members of county boards of supervisors; provided, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor shall be allowed and paid his traveling expenses, while super-

vising the roads of his district, at the rate of sixteen cents per mile for each mile so traveled; provided, that the amount so allowed and paid shall not exceed the sum of eighty dollars in any one month and while attending board meetings and attending to any other county business at the rate of sixteen cents per mile.

Reporter. The official reporter of the superior court shall receive a salary of three thousand six hundred dollars per annum, payable monthly in equal installments out of the salary fund for reporting all criminal proceedings and trials, civil cases, juvenile court proceedings, and all probate and guardianship proceedings and also he shall receive for transcribing for his own use such fees as are now or may hereafter be allowed by law; provided, however, that the fees for reporting all civil cases, as provided by section 274 of the Code of Civil Procedure, wherein a reporter is demanded by the parties or ordered by the court, shall be deposited by the parties litigant in advance on each day of trial with the clerk of said court in such proportions as shall be fixed by the court and thereafter the said fees shall on the first Monday of each month be paid into the county treasury by said clerk. For transcribing in civil cases, the said reporter shall receive for his own use such fees as are now or may hereafter be allowed by law.

Jurors 17. Grand and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil cases the jurors sworn to try the cases shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from their residence to the place of service the sum of fifteen cents per mile; provided, that in the justices' courts mileage shall be allowed only to those sworn to try the case.

Witnesses 18. Witnesses subpenaed in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day and ten cents per mile for every mile actually traveled. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpenaed.

Sealer. 19. Sealer of weights and measures, one thousand eight hundred dollars per annum; provided, that the salary of the sealer of weights and measures herein provided for shall be paid at the same time and in the same manner as the salary of other county officers are paid; and provided, further, that the sealer of weights and measures shall be allowed the necessary expenses incurred in the discharge of his official duties.

Probation officer. 20. The probation officer, one thousand five hundred dollars per annum.

Librarian. 21. The librarian, one thousand eight hundred dollars per annum.

Incumbents SEC. 2. This act shall apply to incumbents.

CHAPTER 930.

An act to amend an act entitled, "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for violation thereof," approved May 14, 1927, as amended, by amending sections 2, 3, 4, 5, 6, 7, 9, 11, 10, 14 and by adding a new section to be numbered 15, relating to collection agencies.

Stats 1927, p 822, amended.

[Approved by the Governor June 14, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1927, p 822.

Sec. 2. The following terms as used in this article shall be taken to have the meaning expressed in this section. The term "collection agency" shall mean and include all persons, firms, corporations and voluntary associations engaging directly or indirectly and as a primary or secondary object, business or pursuit, in soliciting claims for collection or in the collection of claims owed or due or asserted to be owed or due to another, and any person, firm, corporation or voluntary association, when engaged in collecting accounts for another, where the employment is for one or more persons, firms, corporations, or voluntary associations, shall be deemed to be engaged in the collection business within the meaning of this act. Any house agency, firm, person, corporation, or voluntary association, using a fictitious name in collecting its own accounts receivable with the intention of conveying to the debtor that a third party has been employed, is engaging in the collection business as contemplated by this act and shall be subject to the provisions hereof. The term "collection agency" shall not include attorneys at law, individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any one person, one firm, one corporation or one voluntary association not engaged in the business of a collection agency, banks, abstract companies doing an escrow business, duly licensed real estate brokers or agents doing a real estate business, nor a merchant-owned nonprofit credit association unless they are conducting a collection agency. The term "claim" shall mean any obligation for the payment of money or its equivalent arising in the usual course of any business or professional occupation. The term "customer" shall mean any person, firm, corporation or voluntary association authorizing or employing a collection agency for any of the purposes permitted or authorized by this act.

Definitions "Collection agency"

"Claim."

"Customer."

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Stats 1929, p 1162.

Sec. 3. Application for such license shall be made in writing to the Secretary of State and shall state the name of the

Application for license.

applicant together with the name under which the applicant expects to do business, with full residence address of the applicant, if an individual, including street and number, city and State, the location by street and number, city and State of the main office of the business for which such license is sought, and of any branch thereof, and in the case of a firm the full names and residence addresses of all partners; and in the case of a corporation or voluntary association the name and residence address of each of the directors and officers thereof. Such application shall be subscribed and acknowledged by the applicant and shall be filed with the Secretary of State.

Stats 1931, p. 1531.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Surety bond

Sec. 4. The applicant shall file with the application a bond in the sum of one thousand dollars which shall run to the people of the State of California. Such bond shall be executed and acknowledged by the applicant as principal, and by a corporation which is licensed by the Insurance Commissioner of this State to transact the business of fidelity and surety insurance, as surety. The bond shall be conditioned that the principal, who shall be the applicant, shall and will, upon demand in writing, pay and turn over to or for the use of any customer from whom any claim is taken or received for collection the proceeds of such collection, in accordance with the terms of the agreement made between the said principal and the said customer, and conditioned that the principal will comply with all requirements of this or any other statute now in force or hereafter enacted with respect to the duties, obligations and liabilities of collection agencies. Such bond shall cover all matters placed with said licensee during the term of said license so applied for, or renewal thereof, and liability thereunder shall continue in accordance with the provisions of section 10. Such bonds may be enforced in the manner provided for the enforcement of bonds and undertakings in actions or special proceedings. The aggregate liability of the surety for any and all claims which may arise under such bond shall in no event exceed the amount of the penalty of such bond.

New bond

Any licensee may at any time file with the Secretary of State a new bond and any surety company may file with the Secretary of State notice of its withdrawal as surety of any licensee, and upon the filing of such new bond or such notice, the liability of the former surety for all future acts of the licensee shall terminate except as provided in section 10 hereof. The Secretary of State shall forthwith cancel the bond of any surety company upon being advised that its license to transact the business of fidelity and surety insurance has been revoked by the Insurance Commissioner.

Withdrawal of surety.

Upon the filing with the Secretary of State of notice by any surety company of its withdrawal as the surety of any licensee or upon the cancellation by the Secretary of State of the bond of any surety company, as hereinabove provided for, the Sec-

retary of State shall forthwith give notice to the licensee of such withdrawal or cancellation, which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee, at the main office thereof, as shown by the records of the Secretary of State. Upon the mailing of such notice the authority of the licensee to conduct a collection agency shall forthwith terminate, subject to the right of such licensee, within thirty days thereafter, to file with the Secretary of State the bond hereinabove provided for, and upon the filing of such new bond the right of such licensee to conduct a collection agency shall forthwith be restored.

SEC. 4. Section 5 of said act is hereby amended to read as follows: Stats 1929, p 1162

Sec. 5. Upon receiving and filing such application and bond, the Secretary of State shall grant and issue a license to the applicant which shall state the name of the licensee and the location by street and number, city, county and State where the licensee is authorized to carry on business, together with the number and the date of such license, and shall further state that it is issued pursuant to this act, and that the licensee is duly authorized hereunder. The license issued for any branch office of the licensee shall bear on its face in conspicuous type the words "branch office certificate" and shall bear the business address of the branch office only but in all other respects shall be the same as the license issued for the main office of the licensee. Upon receipt of such license the licensee shall have the right to conduct the business of a collection agency, with all the powers and privileges contained in and to be subject to all the provisions of this act. A licensee under this act shall not commingle the money of his customers with his own. License

SEC. 5. Section 6 of said act is hereby amended to read as follows: Stats 1931, p 1086

Sec. 6. The Secretary of State shall charge and collect a fee of twenty-five dollars for each original license, a fee of fifteen dollars for each renewal license, and a fee of two dollars for each branch office certificate issued hereunder. All moneys so received by the Secretary of State shall be turned into the State treasury to the credit of the "collection agency fund," which fund is hereby created and from which fund all expenses of carrying out the provisions of this act shall be defrayed. All moneys heretofore so received and turned in to the State treasury by the Secretary of State to defray the expenses of carrying out the provisions of this act, and now in the State treasury and designated by the Controller as the "collection agencies' license fund" are hereby transferred to the "collection agency fund" and made a part thereof, and any appropriations heretofore payable from said "collection agencies' license fund" shall be payable from the said "collection agency fund." License fee. Transfer of funds.

SEC. 6. Section 7 of said act is hereby amended to read as follows: Stats 1929, p 1162

Change of location.

Sec. 7. Upon removal from any location as stated in any license issued hereunder, the licensee shall, within thirty days thereafter, deposit said license with the Secretary of State, accompanying same with written notification of such removal, and the Secretary of State shall note said removal under the face of the license, and shall enter in his records, in an appropriate place therefor, a notation of such removal and shall thereupon return said license.

Change of name or personnel

Upon a change in the name or the ownership personnel of any collection agency, other than a corporation, the license issued to it shall forthwith become void and its right to conduct business thereunder shall terminate

Branch offices

If any branch office or branch offices are opened after a license has been issued, a license certificate may be secured for such branch office or branch offices from the Secretary of State upon application in writing and payment of the fee specified for branch office certificates as provided in section 6 of this act.

Stats 1927, p. 822

SEC. 7. Section 9 of said act is hereby amended to read as follows:

Renewal application and license.

Sec. 9. On or before the first day of June in each year any licensee desiring a renewal of the expiring license shall file with the Secretary of State an application which shall contain the statements required by section 3 and a statement of the date and number of the earliest license issued to such licensee, and shall be executed and acknowledged by such licensee, whereupon the Secretary of State shall issue to such applicant a renewal license, which shall be dated the first day of July next ensuing the date of application and shall contain the statements required by section 5 and a statement of the date and number of the earliest license issued to the licensee and shall bear across its face the word "renewal" in conspicuous letters. All requirements of this act with respect to original licenses and bonds apply with like force to all renewal licenses and bonds except as otherwise specified in this section.

Stats 1929, p. 1162.

SEC. 8. Section 10 of said act is hereby amended to read as follows:

Limitation of actions

Sec. 10. No action shall be brought upon any bond hereinbefore required to be given and filed, after the expiration of one year from the revocation or expiration of the license issued thereunder. From and after the expiration of said period of one year, all liability of the surety upon the said bond shall cease; provided, no action shall have been commenced upon said bond before the expiration of the said period.

Stats 1929, p. 1162

SEC. 9. Section 11 of said act is hereby amended to read as follows:

Superintendent of collection agencies.

Sec. 11. The Secretary of State shall appoint one Superintendent of Collection Agencies whose duties are hereinafter defined and which position is hereby declared to be exempt from the provisions of the Civil Service Law, with such salary as may be fixed by the Secretary of State with the approval of the Director of Finance.

Qualifications. The qualifications of the Superintendent of Collection Agencies shall be as follows: He must be a resident of the State of California for a period of not less than three years immediately preceding the date of appointment, he must have had at least three years actual collection agency experience in this State immediately preceding the date of appointment.

Complaints against licensees. Whenever any verified complaint against any licensee, alleging fraud or misrepresentation or any act or omission inconsistent with the faithful discharge of its duties and obligations, or in violation of any provision of this act, is filed with the Secretary of State, accompanied by an affidavit showing service of copy of said complaint upon the licensee personally or by registered mail at the address shown in the records of the Secretary of State, the licensee shall file with the Secretary of State within twenty days after such service, a verified answer to the complaint; upon proper cause shown, time for filing the answer may be extended by the Secretary of State for a period not exceeding thirty days. Thereupon the Secretary of State shall designate a time and place of hearing and give notice thereof to the complainant, the licensee and the Superintendent of Collection Agencies.

Hearing. It shall be the duty of the Superintendent of Collection Agencies, upon receiving such notice, to conduct a hearing on such complaint and to file with the Secretary of State written findings within ten days after the conclusion of the hearing. It shall be the duty of the Secretary of State within ten days after the filing of the written findings to file his order either revoking the license or dismissing the complaint and to mail a copy thereof to the complainant and to send a copy thereof by registered mail to the licensee at the address shown in the records of the Secretary of State. If the Secretary of State shall find the licensee guilty of fraud or misrepresentation or of any act or omission inconsistent with the faithful discharge of its duties and obligations or in violation of any provision of this act, the license shall be revoked and all the rights of the licensee under this act shall forthwith terminate and no application shall be received hereunder from any person, firm, corporation or voluntary association whose license has once been revoked. The order of the Secretary of State revoking any license shall be subject to review by writ of certiorari within thirty days after the date of filing the order of revocation.

Revocation of license.

Powers of superintendent. The Superintendent of Collection Agencies shall have authority and power to administer oaths and to take testimony of any witnesses and to issue subpoenas requiring the attendance of witnesses upon any hearing in any part of the State and the production of books and documents and other records under their control.

Investigations. It shall be the duty of the Superintendent of Collection Agencies, for the purpose of discovering violations of this act, to investigate the business and examine the books, accounts, records and files used therein by the licensee and for such purpose the Superintendent of Collection Agencies shall have

free access to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all such persons, firms, voluntary associations and corporations.

Enforcement of act.

It shall be the duty of the Superintendent of Collection Agencies to discover violations of this act by persons engaged in the collection business as herein defined who fail to obtain licenses therefor as in this act required and to gather evidence of violations and to furnish the same to prosecuting officers of any city, city and county, or county for the purpose of prosecuting all violations of the provisions of this act occurring within their jurisdiction.

Stats 1929, p 1162

SEC. 10. Section 14 of said act is hereby amended to read as follows:

Regulations.

Sec. 14. The Secretary of State shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the provisions of this act.

New section

SEC. 11. A new section is hereby added to said act to be numbered 15 and to read as follows:

Practice of law prohibited

Nothing in this act shall be construed as authorizing or empowering a collection agency, as herein defined, to practice law either directly or indirectly.

CHAPTER 931.

Stats 1927, p 1711, amended

An act to amend sections 2, 6, 7, 9, 14 and 18 of the "Act concerning cosmetology."

[Approved by the Governor June 14, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1931, p. 2403

SECTION 1. Section 2 of the "Act concerning cosmetology" is hereby amended to read as follows:

Definitions

Sec. 2. (a) Wherever in this act the word "board" is used it shall be construed to mean the State Board of Cosmetology.

(b) The word "cosmetology," as used in this act, is defined as the following practices, namely: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means, the hair of any person; massaging, cleaning, or stimulating the scalp, face, neck, arms, bust, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions or creams; beautifying the face, neck, arms, bust, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions or creams. Removing superfluous hair from the body of any person by the use of electrolysis, or by the use of depilatories or by the use of tweezers, chemicals, preparations, or by the use of devices or appliances of any kind or

description, except by the use of light waves, commonly known as rays; cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person, and massaging, cleansing, treating, or beautifying the hands of any person.

(c) The words "hairdresser and cosmetician or cosmetologist" are defined as follows: A person who engages in the practice of cosmetology or in a majority of the branches thereof, except the branch of electrolysis.

(d) The word "electrologist" is defined as follows: A person who removes from or destroys hair on the human body by the use of an electric needle only.

(e) The word "manicurist" is defined as follows: A person who engages in the occupation of cutting, trimming, polishing, coloring, tinting, cleansing or manicuring the nails of any person, and massaging, cleansing, treating, or beautifying the hands of any person.

(f) The words "permanent waver" are defined as follows: Any person who engages in the occupation of waving the hair by the use of permanent waving machines, with the cleansing and dressing of the hair necessary thereto.

(g) The words "cosmetological establishment" are defined as follows: Any premises, building, or part of a building, whereon or wherein any branch or any combination of branches of cosmetology, or the occupation of a hairdresser and cosmetician or cosmetologist, except the branch of manicuring as practiced in barber shops, are practiced.

(h) The words "junior operator" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the occupations of a hairdresser and cosmetician, or cosmetologist, in a licensed cosmetological establishment, under a licensed hairdresser and cosmetician or cosmetologist.

(i) The words "junior manicurist" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the practice of manicuring in a licensed cosmetological establishment under a licensed hairdresser and cosmetician or cosmetologist, or licensed manicurist.

(j) The words "junior electrologist" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the practice of electrolysis in a licensed cosmetological establishment under a licensed electrologist.

(k) The words "junior permanent waver" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the practice of permanent waving in a licensed cosmetological establishment under a licensed hairdresser and cosmetician or cosmetologist, or a licensed permanent waver.

SEC. 2. Section 6 of said act is hereby amended to read as follows: Stats. 1931, p. 2403

Preliminary qualifications of hairdresser and cosmetician applicants.

Sec. 6. On and after the first day of October, 1927, the board shall admit to examination for a certificate of registration and license as a hairdresser and cosmetician, at any meeting of the board duly held for the purpose of conduct-

ing examinations, any person who shall have made application to the board in proper form, and paid the required fee, as provided in this act, and who shall be qualified as follows: (a) who is not less than eighteen years of age; (b) who is of good moral character and temperate habits; (c) who shall have had an education equivalent to the completion of the ninth grade in the public schools of this State; (d) who has been actually engaged in the practice of the occupations of a hairdresser and cosmetician for a period of one year prior to the date of application, or, (e) who has had training of at least one thousand five hundred hours, extending over a school term of eight months, in a school of cosmetology approved by the board, or (f) who has served at least one year as a junior operator in a cosmetological establishment in which a majority of the occupations of a hairdresser and cosmetician are practiced; provided, however, that on and after the first day of October, 1927, no person shall be admitted to examination for a certificate of registration as a hairdresser and cosmetician, or cosmetologist, (g) who has not been actually engaged in the practice of the occupations of a hairdresser and cosmetician, or cosmetologist, for a period of three years, or, (h) who has not had training in a licensed school of cosmetology as outlined in paragraph (e) of this section, or, (i) who has served less than two years as a licensed junior operator in a licensed cosmetological establishment in which a majority of the occupations of a hairdresser and cosmetician, or cosmetologist are practiced.

Electrologist applicants.

On and after the first day of October, 1927, any applicant for admission to examination as an electrologist, who shall have made application to the board, in proper form, and paid the required fee, as provided in this act, and who is not less than eighteen years of age, and is of good moral character and temperate habits, and who shall have completed the ninth grade in the public schools of this State or its equivalent, and who shall have had a practical training of five hundred hours, extending over a period of four consecutive months, under the immediate supervision of a licensed electrologist, in a licensed school in which such practice is taught, or who shall have studied such practice as a licensed junior electrologist, for a period of six consecutive months, in a licensed cosmetological establishment, under an electrologist licensed under this act, or who was actually engaged in the practice of electrology, for a period of one year, shall be admitted to examination for the practice of electrolysis.

Manicurist applicants

On and after the first day of October, 1927, any applicant for admission to examination as a manicurist, who shall have made application to the board in proper form, and paid the required fee, as provided in this act, and who is not less than eighteen years of age, and is of good moral character and temperate habits, and who shall have completed the ninth grade in the public schools of this State or its equivalent, and who shall have had a practical training of at least one

hundred fifty hours, extending over a period of two consecutive months, under the immediate supervision of a licensed hairdresser and cosmetician, or cosmetologist, or a licensed manicurist, in a licensed school in which such practice is taught; or who shall have studied such practice as a licensed junior manicurist, for a period of three consecutive months, in a licensed cosmetological establishment, under a manicurist licensed under this act or a hairdresser and cosmetician, or cosmetologist, so licensed; or who has been actually engaged in the practice of manicuring, for a period of one year; shall be admitted to examination for the practice of manicuring.

Permanent waver applicants.

On and after the first day of October, 1927, any applicant for admission to examination as a permanent waver, who shall have made application to the board, in the proper form, and paid the required fee, as provided in this act, and who is not less than eighteen years of age, and is of good moral character and temperate habits, and who shall have had a practical training of at least two hundred hours, extending over a period of two consecutive months, under the immediate supervision of a licensed hairdresser and cosmetician, or cosmetologist, or a licensed permanent waver, and who shall have had an education equivalent to the completion of the ninth grade in the public schools of this State, or who shall have studied such practice as a licensed junior permanent waver, for a period of six consecutive months, in a licensed cosmetological establishment, under a permanent waver licensed under this act, or a hairdresser and cosmetician, or cosmetologist, so licensed; or who was actually engaged in the practice of permanent waving, for a period of one year; shall be admitted to examination for the practice of permanent waving.

Stats 1931, p 2403.

SEC. 3. Section 7 of said act is hereby amended to read as follows:

Applications

SEC 7. Every application for admission to examination, and every application for license as a hairdresser and cosmetician, or cosmetologist, or in any branch of cosmetology, shall be in writing, on blanks prepared and furnished by the board. Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination for registration and license as provided herein, and shall be verified by the oath of the applicant, and shall also be accompanied by two photographs of the applicant, taken within thirty days prior to date of application, size of photograph to be five inches (5 in.) by three inches (3 in.).

Junior operator.

Every person who makes application to the board in the proper form accompanied by two photographs size 3 by 3 inches, and who is of good moral character and temperate habits, over the age of sixteen years, and who shall have had an education equivalent to the completion of the ninth grade in the public schools of this State, shall upon the payment of a fee of one dollar ($1.00), be issued a license as a junior operator.

Junior electrologist.

Every person who makes application to the board in the proper form accompanied by two photographs size 3 by 3 inches, and who is of good moral character and temperate habits, over the age of seventeen years and six months, and who shall have had an education equivalent to the completion of the ninth grade in the public schools of this State, shall upon the payment of a fee of one dollar ($1.00), be issued a license as a junior electrologist.

Junior manicurist

Every person who makes application to the board in the proper form accompanied by two photographs size 3 by 3 inches, and who is of good moral character and temperate habits, over the age of seventeen years and nine months, and who shall have had an education equivalent to the completion of the ninth grade in the public schools of this State, shall upon the payment of a fee of one dollar ($1.00), be issued a license as a junior manicurist.

Junior permanent waver

Every person who makes application to the board in the proper form accompanied by two photographs size 3 by 3 inches, and who is of good moral character and temperate habits, over the age of seventeen years and six months, and who shall have had an education equivalent to the completion of the ninth grade in the public schools of this State, shall upon the payment of a fee of one dollar ($1.00) be issued a license as a junior permanent waver.

Stats 1931, p. 2403

SEC. 4. Section 9 of said act is hereby amended to read as follows:

Certificate of registration and license

Sec. 9. Every applicant who shall pass a satisfactory examination, conducted by the board to determine his or her fitness in the practice of the occupations of a hairdresser and cosmetician, or cosmetologist, shall receive from the board a certificate of registration and license as a hairdresser and cosmetician, or cosmetologist, which license shall entitle the holder thereof, without additional cost, to engage in the practice of the occupations of a hairdresser and cosmetician or cosmetologist, up to and including the thirtieth day of September following the date of issue.

Every applicant for registration to engage in the practice of permanent waving, in electrolysis, or manicuring, who shall pass a satisfactory examination, conducted by the board to determine his or her fitness in the practice of permanent waving, electrolysis, or manicuring, shall receive from the board a certificate of registration and license to engage in the practice of permanent waving, or as an electrologist, or manicurist, as the case may be, in like manner for a like period.

Every certificate of registration, and every license, issued by the board shall specify the occupation or occupations which said certificate and license entitle the holder thereof to practice.

Stats 1931, p. 2403

SEC. 5. Section 14 of said act is hereby amended to read as follows:

Renewal of licenses

Sec. 14. Every licensed hairdresser and cosmetician, or cosmetologist, every licensed electrologist, every licensed mani-

curist, and every licensed permanent waver who continues in actual practice, shall, annually, on the first day of October, have his or her license renewed by the board, upon payment of his required renewal fee. Applications for renewal for licenses may be made to the board at any time during the month of September.

Renewal fee

The annual renewal fee for each license shall be one dollar; and every license which has not been renewed on the first day of October in each year shall expire on said last mentioned date, and if not so paid on or before said date, a delinquency fee of one dollar shall be added for renewal.

Delinquency fee

A licensed hairdresser and cosmetician, or cosmetologist, electrologist, manicurist, or permanent waver, whose license has expired, may have the same renewed, only, upon payment of the renewal fee together with a delinquency fee of two dollars provided for in this section. Any registered hairdresser and cosmetician, or cosmetologist, electrologist, manicurist, or permanent waver, who retires from practice for more than one year, may have his or her license restored, only, upon payment of all lapsed renewal and delinquency fees; provided, however, that no hairdresser and cosmetician, or cosmetologist, electrologist, manicurist, or permanent waver, who has retired from practice for more than three years, may have his or her license restored, without examination, unless the board, in its discretion, sees fit to examine such applicant.

Stats 1931, p 2403.

SEC. 6. Section 18 of said act is hereby amended to read as follows:

Application for shop, school certificates and licenses

SEC. 18. Cosmetological establishments, other than those referred to in section 17 hereof, may be operated as follows: Any person, firm, or corporation, desiring to operate a cosmetological establishment shall make application to the board for a certificate of registration and license so to do, said application to be accompanied by the annual registration fee of one dollar. Said cosmetological establishment shall, at all times, be in charge of and under the immediate supervision of a licensed hairdresser and cosmetician or cosmetologist.

Schools.

Schools of cosmetology, other than those referred to in section 17 hereof, shall be conducted as follows: Any person, firm, or corporation desiring to conduct a school of cosmetology, shall make application to the board for a certificate of registration and license so to do, said application to be accompanied by the annual registration fee of one hundred twenty-five dollars ($125); provided, however, that when said application is made between the first day of October and the thirtieth day of September following, there shall be paid to said board of cosmetology that portion of the registration fee specified in this section which the unexpired number of months in such year bears to the entire year including the month in which said application is made and in such cases said board of cosmetology shall issue a license for such fractional part of said year; provided further, that nothing in this section contained shall be construed as authorization or permission to conduct a

school of cosmetology without a valid, existing, and unexpired certificate of registration. Each and every school shall, at all times, be in charge of, and under the immediate supervision of a licensed hairdresser and cosmetician or cosmetologist, who has had at least three years practical experience in the practice of a majority of the branches of cosmetology in an established place of business, and shall fulfill the following requirements: (a) It shall maintain a school term of not less than one thousand five hundred hours extending over a period of not less than eight consecutive months, and shall maintain a course of practical training and technical instruction, equal to the requirements for examination for a certificate of registration and license as a hairdresser and cosmetician or cosmetologist as set forth in section 8 hereof; and so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by said schools: (b) it shall possess sufficient apparatus and equipment necessary for the ready and full teaching of all the subjects or practices of cosmetology; (c) it shall attach to its staff of instructors a regularly licensed physician and surgeon, and shall maintain licensed hairdressers and cosmeticians or cosmetologists competent to impart instruction in all the branches or practices of cosmetology; (d) it shall keep a daily record of the attendance of each student, and the time devoted by each student to the various practices or branches of cosmetology; (e) it shall establish grades, and hold examinations before issuing diplomas.

Surety bond.

(f) It shall post with the board a good and sufficient surety bond executed by the applicant as principal and by a surety company as surety in an amount equivalent to one hundred dollars per each student regularly enrolled and regularly attending said school, but in no event shall said bond be in an amount of more than five thousand dollars or less than two thousand dollars. Said bond shall be in the form approved by the board and shall be conditioned upon compliance with the provisions of this act and upon faithful compliance with the terms and conditions of any and all contracts verbal or written made by the school to furnish instruction to any person. Said bond shall be to the State of California in favor of every person who pays or deposits any money with the school as payment for any instruction. Every such bond shall continue in force and effect until notice of termination thereof is given by registered mail to the board and every such bond shall set forth such fact. Any person claiming to be injured or damaged by any act of the school may maintain an action on said bond against the school and the surety named therein, or either of them, for refund of tuition paid and any judgment against the dealer or surety in any such action shall include the costs thereof and those incident to the bringing of the action including a reasonable attorney fee.

What are schools.

Every cosmetological establishment exacting a fee for the teaching of any branch of cosmetology shall be classed as a

school of cosmetology within the meaning of this section and shall be required to comply with all of its provisions. Certificates of registration for cosmetological establishments and schools of cosmetology shall be renewed and the registration fees herein provided for shall be due and payable to said board during the month of September of each and every year. If such certificates of registration be not so renewed and said fees be not so paid on or before the thirtieth day of September of each year, said certificates shall expire on said last mentioned date and may thereafter be renewed only upon the payment of a delinquency fee as provided for in section 14 of this act.

Scope of certificate, etc

The certificate of registration or license herein provided for authorizes the school of cosmetology holding the same to transact operations in this State during the year or fraction thereof for which such license is issued, subject to the rules and regulations of the board. "Year" within the meaning of this act means from and including the first day of October to and including the thirtieth day of September next thereafter.

CHAPTER 932.

Stats 1915, p 1141, amended

An act to amend sections 10 and 15 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities and upon property and rights of way owned by municipalities and for the laying out, opening, extending, widening, straightening or acquiring in whole or in part of public streets, squares, lanes, alleys, easements, courts and places within municipalities, to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915, as amended, relating to bonds.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1915, p 1141

SECTION 1. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Registration of bonds

Sec. 10. (a) Said bonds may be surrendered by the holder to the treasurer for registration in accordance with the provisions of any law applicable to the registration of the municipal bonds of the city, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

Duty to withhold payment

(b) In the event that it shall appear to the treasurer that there is danger of an ultimate loss accruing to the bond

holders for any reason, then it shall be the duty of the treasurer to withhold payment on any due bonds and coupons and to report the facts to the city council so that proper action may be taken by the council to equitably protect all bond holders.

Notice and hearing

On receipt of said report, the council shall fix a date for hearing thereon, notice of which hearing shall be given by the clerk by posting such notice on or near the council chamber door for ten days. At such hearing the council shall determine whether in its judgment there will ultimately be a shortage in the redemption fund with which to discharge the unpaid bonds and interest coupons. If it determines that in its judgment there will be no such shortage, it shall direct the treasurer to pay matured bonds and coupons as presented so long as available moneys be in the redemption fund. If, however, the council shall determine that in its judgment there will be such a shortage, then it will direct the treasurer to pay to the holders of all outstanding and unpaid bonds and coupons such proportion thereof as the amount of funds on hand bears to the total amount of the unpaid principal of said bonds and of the interest thereon accrued and to accrue. Similar proportionate payments shall thereafter be made periodically as moneys come into such redemption fund. In order to facilitate such payments, the holders of such outstanding bonds and coupons shall surrender the same to the treasurer for registration and cancelation. Upon such cancellation the respective holders thereof shall be credited, severally and respectively, with the amounts of same. Thereupon the treasurer shall by warrant pay to such holders such proportionate amount of principal and accrued interest due on said bonds as may be available from time to time out of the moneys in said redemption fund. Interest shall cease on payments made on account of principal from date of payment, but interest shall continue to run on the unpaid principal at the rate specified in such bonds until payment thereof be made. No premiums shall be paid on payments made in advance of the due date. If bonds or coupons be not so surrendered for registration and payment the treasurer shall give notice to the holder thereof by registered mail, at the holder's address as last known to the treasurer, of the amount available for payment. Thereupon interest shall cease as to the amount so available ten days from the date of mailing such notice. Supplemental hearings on like notice may be had by the council and such other and supplemental orders be made from time to time as may be equitable and proper.

Proportionate payment

Deficiency in redemption fund

(c) In the event of a deficiency occurring in the redemption fund with which to pay past due bonds or past due coupons or bonds or coupons which may come due during the current tax collecting year, but it does not appear to the treasurer that there will be an ultimate loss to the bond holders for any reason, then it shall be the duty of the treasurer to pay matured bonds and coupons as presented so long as

available funds be in the redemption fund. If, in such event, any matured bond or coupon be presented and not paid for lack of funds, then the treasurer shall note that fact on the bond or coupon or on a slip affixed to same and shall give the bond or coupon a serial number and keep a record of the same and of the name and address of the holder thereof. Thereafter such bonds and coupons shall be first paid in order according to such serial numbers when funds therefor become available before other bonds or coupons be paid, so long as it still appears that there will be no ultimate loss to the bond or coupon holders. Bonds and coupons so given serial numbers shall bear interest until paid, provided, that interest shall not be compounded. When funds shall become available for payment of any such bonds or coupons, the treasurer shall notify the holder thereof according to the address given, or as known to him, by registered mail and thereupon it shall be the duty of such holder to forthwith present his bond or coupon for payment. After mailing of such notice interest shall cease to run on the bond or coupon therein described ten days after such mailing if it be not presented on or prior to the expiration of such time.

SEC. 2. Section 15 of the said act is hereby amended to read as follows: Stats 1923, p 301

Sec. 15. Any interested owner may release and pay any such unpaid assessment by depositing with the city treasurer the total unpaid balance of any such assessment together with the total interest which would become due on such assessment were it paid in the regular way; provided, that if the amount of same be sufficient to provide surplus moneys with which to redeem any bond outstanding and not due the next second day of July, then such person so releasing such assessment may direct the treasurer to redeem such bond, and the treasurer shall then give the proper notice for redeeming such bond, by advancing its maturity as hereinbefore provided upon which redemption the person releasing such assessment shall be entitled to credit and reimbursement for the par value of any coupons thereon which shall be canceled but not paid less any accrued interest paid thereon and less the premium paid on said bond as hereinbefore provided, and less any costs incurred for publishing or serving any notice of redemption. Any interested owner shall have the right to tender to the treasurer in payment or part payment of any installment of his assessment or interest or penalties thereon which may be due or payable, any bond or coupon secured thereby, the said bond to be taken at par and the said coupons to be credited for the accrued interest shown thereby computed to date of such tender. The treasurer shall thereupon cancel such bond and all coupons so produced or which may have been attached thereto, and shall cause proper credit therefor to be entered on the records of such assessment, in the office of the auditor and tax collector. Release of assessments

CHAPTER 933.

Stats 1897, p 254, amended

An act to amend section 18a of the California Irrigation District Act, relating to powers, duties and jurisdiction of boards of directors of irrigation districts.

[Approved by the Governor June 14, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1931, p 325

SECTION 1. Section 48a of the act cited in the title hereof is hereby amended to read as follows:

Releases to district property

Sec. 48a. The board of directors may, on such terms as it deems for the best interests of the district, take a deed or release from any claimant, including any other taxing agency, to an interest in any property owned or claimed by the district. This shall include the right to purchase under and pursuant to section 3897 of the Political Code any land on which the district has a claim, lien or deed for unpaid assessments or taxes or any other right, title, interest or claim.

CHAPTER 934.

Stats 1897, p 254, amended

An act to amend the California Irrigation District Act, as amended, by adding a new section thereto to be numbered 54a, relating to mileage and expenses of officers and employees of irrigation districts.

[Approved by the Governor June 14, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

New section

SECTION 1. The California Irrigation District Act is hereby amended by adding a new section thereto to be numbered section 54a and to read as follows:

Claims for mileage or expense

Sec. 54a. All claims or demands against any irrigation district presented by any member of the board of directors or by any other officer or employee thereof, for mileage, personal expenses, or for money expended by the claimant for and on behalf of the irrigation district, must be filed with the board of directors of such irrigation district upon form of demand or claim to be furnished by the district. Such claims or demands shall be itemized in detail showing dates of, place where and purpose for which any money claimed was expended and the miles traveled and purposes of trips for which mileage is claimed and such other matters as the board may require. All such claims or demands must be sworn to by the director, officer, or employee presenting the same, before the secretary of the board of directors, who is hereby authorized to administer such oath, or before any other officer duly authorized to administer oaths, which such verification must

state in substance that the money therein claimed was actually expended or the mileage therein stated was actually traveled for and on behalf of the irrigation district and in pursuance of the duties of the director, officer, or employee, presenting the claim; that said claim or demand is presented in good faith and has not theretofore been paid.

CHAPTER 935.

An act to amend section 1106 of the Political Code, relating to registration of electors and conduct of elections.

[Approved by the Governor June 14, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 1106 of the Political Code is hereby amended to read as follows: Stats 1931, p 2323

1106. The registration of the elector provided for in this section shall be permanent for all purposes during the life of such elector, unless and until said affidavit of registration is canceled by said county clerk or registrar of voters for any of the causes herein specified. The county clerk or registrar of voters must cancel the registration in the following cases: Permanent registration Cancellation

1. At the request of the person registered, or on receipt of an affidavit of cancellation as required by section 1104 of this code.

2. When the insanity of the person registered is legally established.

3. Upon the production of a certified copy of a judgment of the conviction of any elector of any infamous crime, or of the embezzlement or misappropriation of any public money, in full force against the person registered, upon information of such conviction, obtained as hereinafter provided.

4. Upon the production of a certified copy of a judgment directing the cancellation to be made.

5. He also shall cancel upon the great register every name found thereon which is found upon the register of deaths, an abstract of which official record, for the previous month, of all decedents twenty-one years of age and over compiled from the death certificates registered, showing the name, sex, age, nativity, and place of residence of the decedent, and also the month, day, year and place of death of each decedent, shall be furnished to the county clerk or registrar of voters not later than the fifteenth day of each month by the county recorder, and the county health officer of a county where a county unit is in operation, and also by the local registrar, or registrar of vital statistics in an incorporated city.

6. On completion of the canvass of the returns of the November general election, but not later than the first day of January of every odd-numbered year, the county clerk, or Failure to vote

registrar of voters, shall examine the absent voters list, and the roster of voters that was kept by the election officers in each and every precinct in the county or city and county used at the primary or the general election held in August and November of the next preceding even numbered year, and shall cancel from each precinct the original and duplicate affidavits of registration and remove the original affidavit of registration of all those electors who did not vote at either of the aforesaid elections. Said elector shall not be again permitted to vote until he or she shall have registered according to law. When the county clerk or registrar of voters cancels the registration of any person for failure to vote as herein provided, he shall mail a notice to said person at the address given on said registration or the address given upon the last application for transfer which shall have been submitted by said person as provided by section 1097 of the Political Code, stating that "your registration has been canceled this day for the reason you did not vote at either the last August primary or November general election and that you will be required to register as provided by law before you shall again be entitled to vote."

Additional help

The county clerk, or registrar of voters, shall be allowed to employ such help, as is necessary to enable him to comply with the provisions of this section, at a salary of five dollars per day for each clerk so employed. The total amount to be expended for this work in any one county shall not exceed the sum of three cents per name for the total number of names appearing on the great register for said county at the last general election.

Insane persons

7. Every judge before whom proceedings were had which result in any person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is accordingly appointed, or which result in such person being committed to a State insane asylum as an insane person, shall file with the county clerk, or registrar of voters, a certificate of that fact, and thereupon the county clerk, or registrar of voters, shall cancel the name of such person upon the great register if found thereon.

County clerk to examine records

8. The county clerk shall also, in the first week of September in each year, examine the records of the courts having jurisdiction in case of infamous crimes and the embezzlement or misappropriation of public money within his county, and the county clerk shall cancel upon the great register the names of all electors appearing thereon who shall have been convicted of an infamous crime or of the embezzlement or misappropriation of public money in such court and which conviction shall have been carried into effect; provided, further, that in counties having a registrar of voters the county clerk of said county shall furnish a copy of such record to said registrar of voters and said registrar of voters shall cancel upon the great register the names of all persons appearing thereon.

CHAPTER 936.

An act to amend section 1083 of and to add section 1083a to the Political Code, relating to qualifications of electors.

[Approved by the Governor June 14, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 1083 of the Political Code is hereby amended to read as follows: Stats 1913, p 220

1083. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the Treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct forty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides. Qualifications of electors

SEC. 2. Section 1083a of the Political Code is hereby amended to read as follows: Stats 1931, p 805

1083a Wherever, by the Constitution or laws of this State any initiative, referendum, recall or nominating petition or paper, or any other petition or paper, is required to be signed by qualified electors, only an elector who is a registered qualified elector at the time he signs such petition or paper, shall be entitled to sign the same. Each signer must at the time of so signing such petition or paper himself affix thereto his place of residence, giving street and number if either exists, and if no street or number exists, then such designation of the place of residence as will enable the location to be readily ascertained, also the date of such signing. Qualifications for signing initiative petitions, etc

Wherever, by the Constitution or laws of this State, the county clerk or registrar of voters is required to determine what number of registered qualified electors have signed any such petition or paper, the said petition or paper, when filed with said officer must have designated therein the name or number of the respective precinct in which each of said signers reside, and the said officer shall determine that fact with respect to the purported signature of any elector from his original affidavit of registration in the precinct so designated current and in effect on the date he signed such petition or paper. Signing petitions

CHAPTER 937.

An act to amend section 963 of the Code of Civil Procedure, relating to appeals.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1931, p. 1924

SECTION 1. Section 963 of the Code of Civil Procedure is hereby amended to read as follows:

When appeal may be taken

963. An appeal may be taken from a superior court in the following case:

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, or brought into a superior court from another court;

2. From an order granting a new trial or denying a motion for judgment notwithstanding the verdict in an action or proceeding where a trial by jury is a matter of right, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, from any special order made after final judgment, from any interlocutory judgment, order, or decree, hereafter made or entered in actions to redeem real or personal property from a mortgage thereof, or a lien thereon, determining such right to redeem and directing an accounting; and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties and directs partition to be made, and interlocutory decrees of divorce.

3. From such probate orders and decrees as are made appealable by the provisions of the Probate Code.

CHAPTER 938.

An act to repeal section 2633 of the Political Code, relating to the beautification of highways.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 2633 of the Political Code is hereby repealed.

CHAPTER 939.

An act to amend section 630 of the Probate Code, relating to summary probate proceedings.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 630 of the Probate Code is hereby amended to read as follows: Stats 1931, p 2239

630. When a decedent leaves no real property in this State, and no personal property in the State other than money in bank, property in boxes and vaults of banks and safe deposit companies, shares of the capital stock of corporations, money due from building and loan associations in this State, including money invested in or represented by shares of stock, membership shares, investment certificates, promissory notes and other evidences of indebtedness standing in his name on the books and records of such associations at the time of his death, money due the decedent as wages, money due the decedent as an heir or legatee of a person whose estate is in probate, and disability benefits and the total value of the decedent's property in this State does not exceed one thousand dollars, the surviving spouse, the children, the parent, the brother or sister of the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect such money and receive such property from such bank, company, corporation, association, employer, or the executor or administrator of the estate in probate, and have such capital stock transferred to him by such corporation, upon furnishing such bank, company, corporation, association, employer, or executor or administrator, with an affidavit showing the right of the affiant or affiants to receive such money or property or to have such capital stock transferred. Summary probate proceedings

Affidavit of right

CHAPTER 940.

An act to declare a moratorium on the collection of judgments rendered pursuant to the provisions of sections 25 to 36f, both inclusive, of the Water Commission Act for costs or for unpaid assessments taxed as costs in such judgments, and suspending the accrual of interest upon such judgments during the period of such moratorium. Stats 1913, p 1012

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. No writ of execution shall issue for a period of two years from the date this act becomes effective upon any Moratorium on executions under Water Commission Act.

judgment heretofore or hereafter rendered pursuant to the provisions of sections 25 to 36f, both inclusive, of the Water Commission Act for costs or for unpaid assessments taxed as costs in any such judgment, and no interest shall accrue upon any such judgment during a period of two years from the date this act becomes effective.

CHAPTER 941.

Stats 1873-4, p 511, amended

An act to amend section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and the payment of indebtedness of Levee District Number One of Sutter County," approved March 20, 1874, as amended.

[Approved by the Governor June 14, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1923, p 775

SECTION 1. Section 11 of the act cited in the title hereof is hereby amended to read as follows:

Salaries

Sec. 11. The directors shall each receive an annual salary of five hundred dollars, payable in quarterly installments of one hundred twenty-five dollars each on the first Monday in March, June September and December of each year which sum shall be in full compensation for all services of every nature or kind rendered by said directors. During the years that an assessment is made in said district, the ex officio assessor of the district and the ex officio treasurer and tax collector of the district shall each receive a combined annual salary of five hundred dollars, payable quarterly on the first Monday in March, June, September and December of each year. During the years that no assessment is made in said district, the ex officio assessor of said district shall each receive an annual salary of one hundred dollars ($100) per year, payable quarterly on the first Monday in March, June, September and December of each year. The auditor of Sutter County shall receive an annual salary of two hundred fifty dollars ($250) for his services to said district payable in equal installments on the first Monday in June and December of each year. Election officers at any and all elections held in the district shall receive for their services such sum as the board of directors shall deem just and reasonable.

CHAPTER 942.

An act to add a new section to the Political Code, to be numbered 4041.7a, relating to powers and duties of boards of supervisors.

[Approved by the Governor June 14, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered 4041.7a, to read as follows: New section

4041.7a. No agreement entered into by the board of supervisors for the purchase, hire or rental of any apparatus used in the construction, maintenance or repair of roads shall create a charge against the county, unless such agreement is in writing. Such an agreement must be signed by three members of the board of supervisors and a copy thereof certified by and filed with the county clerk. Such agreements are public documents. Agreements for road apparatus

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CHAPTER 943.

An act to provide for the establishment of the coast line of the State of California.

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. The coast line of the State of California from the boundary line between it and Mexico on the south, to the boundary line between it and Oregon on the north, shall be such as now defined and determined by the United States Coast and Geodetic Survey, and the names of the islands, rocks, headlands, bays, bodies of water and other geographic features shall be in accordance with nomenclature adopted by the United States Coast and Geodetic Survey and as shown on its charts. Declaring coast line of State

SEC. 2. This act shall not be construed as defining or affecting property rights or property boundaries. Construction

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CHAPTER 944.

An act to amend section 802 of the Agricultural Code, relating to the standardization of grapes.

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 945.

An act defining the operation and effect of full pardons and restoring the rights, privileges and franchises of persons granted such full pardons.

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Effect of full pardons.

SECTION 1. In all cases in which a full pardon has been granted by the Governor of this State or will hereafter be granted by said Governor to a person convicted of an offense to which said pardon applies, it shall operate to restore to such convicted person, all the rights, privileges, and franchises of which he has been deprived in consequence of said conviction or by reason of any matter involved therein; provided, that nothing herein contained shall abridge or impair the power or authority conferred by law on any board or tribunal to revoke or suspend any such right, privilege or franchise for any act or omission not involved in said conviction; provided, further, that nothing in this act shall affect any of the provisions of the Medical Practice Act or the power or authority conferred by law on the Board of Medical Examiners therein, or the power or authority conferred by law upon any board that issues a certificate which permits any person or persons to apply his or their art or profession on the person of another.

Stats 1913, p 722

CHAPTER 946.

An act to amend section 81 of the Code of Civil Procedure, relating to justices' courts

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1933, Ch 743

SECTION 1. Section 81 of the Code of Civil Procedure is hereby amended to read as follows:

Justices' courts classified

81. Justices' courts in cities, towns and judicial townships, having a population of 30,000 or more, shall be known, and may be designated, as "Justices' courts of Class A."

Justices' courts in cities, towns and judicial townships having a population of less than 30,000 shall be known, and may be designated, as "Justices' courts of Class B."

Determination of population

For the purpose of determining the jurisdiction of any justice's court therein, the population of a judicial township shall be deemed to be above or below thirty thousand as may have been found by the Supreme Court of this State to be the fact in any proceeding in mandamus, prior to January 1, 1931, to compel the justices of such townships to exercise

original jurisdiction in certain causes; otherwise such population shall be deemed to be as shown by the last preceding census taken under the direction of the Congress of the United States.

CHAPTER 947.

An act to add a new section to the Political Code, to be numbered 363l, relating to the Division of Architecture revolving fund.

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered 363*l* and to read as follows: New section

363*l*. There shall be transferred to the "Division of Architecture revolving fund," which fund is hereby created, all such moneys as are appropriated for new construction, major construction and equipment, minor construction, improvements and equipment, and other building and improvement projects, as may be authorized by any State department, division, bureau, board, commission, office, or institution, for which such appropriation has been made, with the approval of the Department of Finance. Division of Architecture revolving fund created.

The Division of Architecture shall file against the Division of Architecture revolving fund all claims covering expenditures incurred in connection with the construction, improvements, or equipment of buildings, and improvement projects, and the State Controller shall draw his warrant therefor against said Division of Architecture's revolving fund. Claims.

The Division of Architecture shall keep a record of all expenditures chargeable against each specific appropriation, and any unused balance of moneys from such appropriations shall be withdrawn from said revolving fund and paid into the State treasury to the credit of the appropriation from which such moneys were transferred. Record.

CHAPTER 948.

An act declining on the part of the State of California to accept money from the estate of Emma Hotfilter for the purpose of erecting a fountain within the State Capitol grounds.

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. The State of California hereby declines to accept the bequest or any part thereof made to the State by Declining bequest to State.

Emma Hotfilter, by will, for use in acquiring, erecting and constructing a fountain in the State Capitol grounds at Sacramento, California, in honor of her deceased husband, Herman C. Hotfilter.

CHAPTER 949.

An act to amend sections 3.330 and 3.331 of the School Code relating to the attendance of high school pupils residing in California upon high schools in adjoining States.

[Approved by the Governor June 15, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Sch Code 1929, p 120

SECTION 1. Section 3.330 of the School Code is hereby amended to read as follows:

Report of average daily attendance

3.330. The average daily attendance of pupils residing in any county of this State and attending high school in an adjoining State shall be reported by the county superintendent of schools in his annual report to the Superintendent of Public Instruction, who shall include such average daily attendance in the average daily attendance in all the duly established high schools of the State for the last preceding school year certified by him to the State Controller as provided in this code.

Apportionment of high school funds

The Superintendent of Public Instruction, in making the apportionments of the State high school fund, shall apportion to each county on account of the average daily attendance of pupils residing in such county and attending high school in an adjoining State an amount equal to that apportioned to the high school districts of this State on account of the average daily attendance in such districts during the preceding school year. The amounts apportioned to a county under the provisions of this section shall be deposited in the county treasury to the credit of the county high school tuition fund.

Stats 1931, p 2283

SEC. 2. Section 3.331 of the School Code is hereby amended to read as follows:

County high school tuition tax

3.331. The board of supervisors of counties in which high school students reside who are attending high school in an adjoining State, on the approval of the county superintendent of schools of the county in which they live, shall levy a tax on the taxable property of the county to be known as the county high school tuition tax. The minimum of the tax to be raised shall be an amount which, when added to the amount apportioned to the county from the State high school fund on account of the average daily attendance of pupils residing therein who attended high school in a high school district in an adjoining State during the preceding school year will produce a fund large enough to pay the tuition and also the transportation not to exceed ten dollars per pupil per month, of any

pupil or pupils in the county who attended high school for the previous school year in a high school district in any adjoining State.

CHAPTER 950.

An act relating to the use and furnishing of stamps, coupons, tickets, can covers, bottle caps or other similar devices, for or with the sale of goods, wares or merchandise and the giving of gifts, premiums or bonuses in connection with or as part of the sale of goods, wares or merchandise and providing a penalty for violation thereof.

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Certain uses of stamps, coupons, etc., declared unlawful

SECTION 1. It shall be unlawful for any person, firm or corporation to issue, use, distribute, give away, sell or furnish coupons, certificates, cards, package labels, wrappers, can covers, bottle caps or other or similar devices which shall entitle the person holding or delivering or surrendering the same to have the same exchanged for or redeemed in goods, wares or merchandise free of charge or for less than the retail market price of said goods, wares or merchandise unless there shall be specified in or upon such coupon, certificate, card, package, label, wrapper, can cover, bottle cap or other or similar device, specifically or by class, the person or persons, firm or firms, corporation or corporations by whom or with whom such coupon, certificate, card, package label, wrapper, can cover, bottle cap or other or similar device is exchangeable or redeemable, and unless such persons, firm or corporation or persons, firms or corporations so specified shall be either

Exceptions

(a) The person, firm or corporation or persons, firms or corporations issuing, using, distributing, giving away, selling or furnishing such coupon, certificate, card, package label, wrapper, can cover, bottle cap or other or similar device; or

(b) A member or members of an association issuing, distributing, using, giving away, selling or furnishing such coupon, certificate, card, package label, wrapper, can cover, bottle cap or other or similar device; or

(c) A person, firm or corporation engaged in the business of issuing coupons, certificates, cards, package labels, wrappers, can covers, bottle caps or other or similar devices for use or distribution by itself or by other persons, firms or corporations.

Penalty

SEC. 2. Any person, firm or corporation violating any of the provisions of this act shall for each single offense be deemed guilty of a misdemeanor.

Repeal

SEC. 3. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

CHAPTER 951.

Stats 1913, p 84, amended

An act to amend section 2 of an act entitled "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913, as amended.

[Approved by the Governor June 15 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1913, p 84.

SECTION 1 Section 2 of an act entitled "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913, as amended, is hereby amended to read as follows

Water company not a public utility

Sec. 2. Whenever any private corporation or association is organized for the purpose solely of delivering water to its stockholders or members at cost, and delivers water to no one except its stockholders or members at cost, such private corporation or association is not a public utility, and is not subject to the jurisdiction, control or regulation of the Railroad Commission of the State of California.

No person, firm or private corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, selling or delivering water exclusively to a water conservation district organized under the laws of the State of California or leasing or otherwise permitting the use of ditches or other water transmission facilities exclusively by such district shall be held to be a public utility within the meaning of this act. No portion of the works, property or water rights of any such parties shall be deemed dedicated to a public use by reason of selling or delivering water to a water conservation district.

CHAPTER 952.

An act to amend section 654a of the Penal Code prohibiting false advertising and the misleading use of comparative prices

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1915, p 1252

SECTION 1. Section 654a of the Penal Code is hereby amended to read as follows:

False advertising prohibited.

654a. Any person, firm, corporation or association, or any employee thereof, who, with intent to sell, furnish, perform, or in any way dispose of real or personal property, choses in action, merchandise, service, professional or otherwise, or anything of any nature whatsoever offered by such person, firm, corporation or association, or any employee thereof, directly or indirectly, to the public for sale or distribution, or to induce the public, in any manner, to enter into any obligation relating thereto, or to acquire title thereto or any interest therein, shall make, publish, disseminate, circulate, or cause to be made, published, disseminated or circulated, or, in any manner, place, or cause to be placed, before the public in the State of California, in any newspaper, magazine, book, pamphlet, circular, letter, notice, handbill, poster or other publication, or on any billboard, sign, card, label, or other advertising medium, or by means of any electric sign, window sign, showcase or window display, or by any other advertising device, or by public outcry or proclamation, or in any other manner or means whatever, an advertisement of any sort regarding such real or personal property, choses in action, merchandise, service, or anything so offered to the public, which advertisement shall contain any statement, representation or assertion concerning such real or personal property, choses in action, merchandise, service or anything so offered to the public, or concerning any circumstance or matter of fact connected in any way, directly or indirectly, with the proposed sale, performance or disposition thereof, which statement, representation or assertion is false or untrue, in any respect, or which is deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be false or untrue, deceptive or misleading, by the person, firm, corporation or association making, publishing, disseminating, circulating or placing before the public said advertisement, shall be guilty of a misdemeanor.

Value defined.

For the purpose of this section the worth or value of any thing advertised shall be taken to be the prevailing market price, wholesale if the offer is at wholesale, retail if the offer is at retail, at the time of publication of such advertisement in the locality wherein the advertisement is published.

Former price defined

No price shall be advertised as a former price of any advertised thing unless said former price was the prevailing market price as above defined within three months next immediately preceding the publication of said advertisement or unless the date when said former price prevailed shall be clearly, exactly and conspicuously stated in said advertisement.

Exemptions.

Provided, however, that this act shall not apply to any publisher of a newspaper, magazine, or other publication, who publishes said advertisement in good faith, without knowledge of its false, deceptive, or misleading character.

CHAPTER 953.

An act to amend section 3369 of the Civil Code, relating to specific and preventive relief.

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 3369 of the Civil Code is hereby amended to read as follows: Civ. C. 1872

3369. 1. Neither specific nor preventive relief can be granted to enforce a penalty or forfeiture in any case, nor to enforce a penal law, except in a case of nuisance or unfair competition. Specific or preventive relief

2. Any person performing or proposing to perform an act of unfair competition within this State may be enjoined in any court of competent jurisdiction. Unfair competition

3. As used in this section, unfair competition shall mean and include unfair or fraudulent business practice and unfair, untrue or misleading advertising and any act denounced by Penal Code sections 654a, 654b or 654c. Same—defined

4. As used in this section, the term person shall mean and include natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons. Person defined

5. Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney in this State in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public. Enforcement

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CHAPTER 954.

An act to repeal an act entitled "An act creating a Tax Research Bureau in the office of the State Board of Equalization, under the joint supervision of the Governor, Director of Finance and members of said board, for investigation of matters relating to revenue, taxation and public finance; prescribing the powers and duties of said officials in relation to such bureau, providing for reports and recommendations relating to revenue, taxation and public finance and making an appropriation therefor," approved June 5, 1931. Stats. 1931, p. 1348, repealed

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. The act cited above is hereby repealed. Repeal

CHAPTER 955.

An act making an appropriation to pay the claim of V. Earl Roberts against the State of California.

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of $985 is hereby appropriated out of any money in the highway maintenance fund, or whatever fund may hereafter be provided by law as successor to such fund, not otherwise appropriated to pay the claim of V. Earl Roberts against the State of California.

CHAPTER 956.

An act to provide for the establishment, maintenance and operation of unemployment relief camps.

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Unemployment relief camps—establishment.

SECTION 1. Whenever he deems it necessary, the Governor may establish unemployment relief camps at such points in the State as he deems advisable.

Purpose

SEC. 2. Such camps shall be used to furnish housing, food, clothing, medical and dental care, hospitalization and other services necessary to the welfare of unemployed persons, in exchange for the labor of the persons maintained therein.

Regulations and conduct

SEC. 3. The Governor may designate the agency of the State Government to be in charge of such camps, and such agency, with the approval of the Governor, may promulgate and enforce rules and regulations applicable to such camps, and the conduct of the persons maintained therein.

Work to be done

SEC. 4. The Governor may specify what work shall be done for the benefit of the State by the persons maintained in such camps and may direct State officers familiar with similar work to take charge thereof.

Expenses

SEC. 5. The expenses of establishing, maintaining and operating such camps shall be paid from any appropriation made for the support of the State agency whose functions are aided by the work performed by the persons maintained in such camps, upon presentation of claim signed by the officer conducting the camp. In the event work which aids the functions of two or more State agencies is performed, such expenses shall be prorated in proportion to the amount of work done in aid of the functions of each State agency as determined by the State Controller, and shall be paid in such proportions from any appropriations for the support of such State agencies.

CHAPTER 957.

An act making an appropriation to pay the claim of the Bay Point Wharf and Yacht Harbor Co., Ltd., against the State of California.

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of one hundred eighty-two and 10/100 dollars is hereby appropriated out of any money in the motor vehicle fuel fund in the State treasury to pay the claim of the Bay Point Wharf and Yacht Harbor Co., Ltd., against the State of California.

CHAPTER 958.

An act making an appropriation to pay the claim of the Oilfields Trucking Company against the State of California.

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. The sum of four thousand five hundred sixty-one and 24/100 dollars is hereby appropriated out of any money in the motor vehicle fuel fund in the State treasury to pay the claim of the Oilfields Trucking Company against the State of California.

CHAPTER 959.

An act appropriating money to pay a claim of the county of Fresno against the State of California.

[Approved by the Governor June 15, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of seven hundred eighty-three dollars ($783) is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the claim of the county of Fresno against the State of California.

CHAPTER 960.

An act to add a new section to the California Direct Primary Law, Statutes 1913, p. 1379, to be known as section 28a, relating to contested primary elections.

Stats 1913, p 1379, amended.

[Approved by the Governor June 15, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to be known as section 28a to read as follows:

New section

Any candidate at a primary election may contest the right of another candidate for the same office by filing an affidavit within five days after the completion of the official canvass by the board of supervisors of the county last making such declaration, in the office of the clerk of the superior court of the county in which he desires to contest the right of the candidate to such nomination. Such affidavit contesting the right may contain any of the following causes:

Contest of nomination.

1. Eligibility of the person whose right to the nomination is contested.

Causes

2. When the person whose right is contested has committed any offense against the elective franchise defined in title four, part one of the Penal Code

3. On account of illegal, fraudulent, forged, or otherwise improper votes.

The affidavit must specify separately each precinct in which the irregularity or improper conduct took place, and no irregularity or improper conduct shall annul and set aside a nomination unless it appears that illegal votes in the precinct or precincts have been given to the candidate whose right to the nomination for the office is contested, which if taken from him, would reduce the number of his legal votes below the number of votes given to the candidate filing the affidavit of contest, and thereby nominating the candidate filing the contesting affidavit. The affidavit must further show the name of the candidate whose right to the nomination for the office is contested, the office, the particular and specific grounds of such contest, and be verified by the contesting candidate. After such affidavit is filed with the clerk of the superior court, a copy of the affidavit must be personally served upon the contestee or sent to him by registered mail in a sealed envelope with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and the contestant shall make an affidavit of such mailing and file the same with the county clerk the same day, to the effect that he has sent a copy of affidavit to the contestee The contestee, after receipt of the copy of affidavit, may file an answer and a cross-contest affidavit within five days. The county clerk must, within twelve days from the time the first affidavit is filed, present the affidavit or affidavits to the judge of the superior court, or the presiding

Contents of affidavit

Answer.

judge of the superior court of a county or city and county where there is more than one superior judge. The superior judge shall forthwith designate a time and place where the contest shall be tried, and before what judge, by a proper order, at a time not more than five days from the time the county clerk presents the affidavit or affidavits. The county clerk shall thereupon issue a citation to both parties containing a copy of the order of the superior judge, and deliver to the sheriff and served either upon the parties, or left at the residences of the parties named in the affidavits of registration of such parties. The court must meet at the time and place designated and shall have all powers necessary to determine the issues. No special appearance, demurrer or objection can be taken, other than by the affidavits which are to be considered a general appearance in the contest. After the court has heard the proofs and allegations of the parties it must file its findings of fact and conclusions of law and immediately pronounce judgment either confirming or setting aside such nomination and decreeing contestant nominated. A right of appeal is given to either party to the District Court of Appeal of the district where the contest is brought, if the appeal is perfected by the appellant within ten days after judgment of the superior court is pronounced. The appeal shall have precedence over all other appeals and shall be acted upon by the District Court of Appeal within ten days after the appeal is filed. If the nomination contested is for an office including a political subdivision of more than one county, the superior court of any county within the political subdivision shall have jurisdiction, and the contestant may file in any county within the political subdivision. There shall be no change of venue therefrom to any other county within the political subdivision. The provisions of section 1125 of the Code of Civil Procedure relating to costs shall apply herein.

Citation

Hearing

Appeal

Costs.

CHAPTER 961.

An act making an appropriation to pay the claim of the county of Marin against the State of California

[Approved by the Governor June 15, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. The sum of seven hundred thirty-one and eighty-five one-hundredths dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of the county of Marin against the State of California.

CHAPTER 962.

An act to appropriate the sum of twelve thousand dollars to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, and to provide for the manner of expending such appropriation.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Appropriation Control of debris, Yuba River

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of twelve thousand dollars to be used in the construction, renewal, and repair of works for restraining, impounding, and control of debris resulting from mining operations, natural erosion, and other causes along the Yuba River.

Supervision of work

SEC. 2. All work to be paid for from this appropriation shall be executed by or under the direction of the California Debris Commission, according to the plans approved by the Department of Public Works.

Appropriation available

SEC. 3. The moneys hereby appropriated shall become available to the California Debris Commission at the time and in the event any sum is appropriated by the Government of the United States for the same work, and only in amounts equal to the sums so appropriated or allotted by the Government of the United States.

Warrants

SEC. 4. The Controller of the State of California is hereby authorized and directed, upon the request of the California Debris Commission, approved by the Department of Public Works and the State Board of Control, to draw his warrants on the State treasury from time to time in such amounts as the said California Debris Commission may require, and the State Treasurer is authorized and directed to pay such warrants

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CHAPTER 963.

An act to provide for the construction and completion of a causeway across the Tisdale by-pass in Sutter County, State of California, and to make an appropriation therefor.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Completion of causeway over Tisdale by-pass

SECTION 1. The Department of Public Works is authorized and directed to immediately take such steps as may be necessary to complete the construction of the causeway, with approaches, across the Tisdale by-pass, the site of which bridge

has been located and the construction of which has been partially completed by the Department of Public Works.

Appropriation

SEC. 2. The sum of fifteen thousand dollars, out of any money in the highway maintenance fund available for the widening, resurfacing and reconstruction of State highways for the group of counties designated as Group No. 1 in section 4 of that certain act of the Legislature classifying the highways of the State into primary and secondary highways, approved May 26, 1927, being Chapter 794 Laws of 1927 in the State treasury, or so much thereof as may be necessary, is hereby appropriated for the completion of the construction of said causeway.

Stats 1927, p. 1562

CHAPTER 964

An act making an appropriation to pay the claim of William J. Bost against the State of California.

[Approved by the Governor June 16, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the claim of William J. Bost against the State of California.

CHAPTER 965.

Stats 1929, p 819, amended

An act to amend section 1 of an act entitled "An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments," approved May 24, 1929, relating to the powers of supervisors to declare the existence of a public nuisance.

[Approved by the Governor June 16, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1929, p 819

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Weeds may be abated

Section 1. All weeds growing upon the streets or sidewalks or upon private property in counties, which bear seeds of a wingy or downy nature, or attain such a large growth

as to become a fire menace when dry, or which are otherwise noxious or dangerous may be declared to be a public nuisance by the board of supervisors of any such county, and thereafter abated as in this act provided. The term "weeds" whenever used in this act shall be deemed and construed to include poison oak and poison ivy and the supervisors are hereby authorized to declare such poison oak and poison ivy a public nuisance whenever the conditions of the growth of the same are such as to constitute a menace to the public health, and thereafter such nuisance may be abated as in this act provided. "Weeds" defined

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CHAPTER 966.

An act making an appropriation to pay the claim of Bekins Van & Storage Company, a corporation, against Charles G. Johnson as Treasurer of the State of California.

[Approved by the Governor June 16, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Out of the "net receipts" of the motor vehicle fund (as said term is used in section 159 of the California Vehicle Act and in section 778 of the proposed Vehicle Code) there is hereby appropriated the sum of four thousand four hundred ninety three and 06/100ths dollars ($4,493.06) to pay the claim of Bekins Van & Storage Company, a corporation, against Charles G. Johnson, as Treasurer of the State of California. The sum hereby appropriated shall be paid only from that portion of the said motor vehicle fund not otherwise appropriated for the support of the Department of Motor Vehicles, and shall be paid one-half out of the portion of said motor vehicle fund appropriated by subdivision (c) of said section 159 of the California Vehicle Act to the counties of this State and one-half out of the portion of said motor vehicle fund payable under subdivision (f) of said section 159 into the State highway maintenance fund, and the State Controller is hereby instructed to set up the appropriation hereby made accordingly for the purpose of apportioning the said net receipts In the event of the enactment of the proposed Vehicle Code the reference herein to sections 159 (c), and 159 (f) of the California Vehicle Act shall be construed to mean sections 779 and 783, respectively, of the said Vehicle Code. In the event the percentages of the said motor vehicle fund appropriated to the counties and to be paid into the State highway maintenance fund is changed, then the appropriation hereby made shall, nevertheless, be paid out of the balance of the said motor vehicle fund after the payment of any appropriations heretofore or hereafter made for the support of the Department of Motor Vehicles. Special appropriation. Apportionment.

CHAPTER 967.

An act making an appropriation to pay the claim of B. W. Belyea doing business under the fictitious name and style of Belyea Truck Company against Charles G. Johnson as Treasurer of the State of California.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. Out of the "net receipts" of the motor vehicle fund (as said term is used in section 159 of the California Vehicle Act and in section 778 of the proposed Vehicle Code) there is hereby appropriated the sum of four thousand seven hundred forty-nine and 63/100ths dollars ($4,749.63) to pay the claim of B. W. Belyea, doing business under the fictitious name and style of Belyea Truck Company, against Charles G. Johnson, as Treasurer of the State of California. The sum hereby appropriated shall be paid only from that portion of the said motor vehicle fund not otherwise appropriated for the support of the Department of Motor Vehicles, and shall be paid one-half out of the portion of said motor vehicle fund appropriated by subdivision (c) of said section 159 of the California Vehicle Act to the counties of this State and one-half out of the portion of said motor vehicle fund payable under subdivision (f) of said section 159 into the State highway maintenance fund, and the State Controller is hereby instructed to set up the appropriation hereby made accordingly for the purpose of apportioning the said net receipts. In the event of the enactment of the proposed Vehicle Code the reference herein to sections 159 (c), and 159 (f) of the California Vehicle Act shall be construed to mean sections 779 and 783, respectively, of the said Vehicle Code. In the event the percentages of the said motor vehicle fund appropriated to the counties and to be paid into the State highway maintenance fund is changed, then the appropriation hereby made shall, nevertheless, be paid out of the balance of the said motor vehicle fund after the payment of any appropriations heretofore or hereafter made for the support of the Department of Motor Vehicles.

Apportionment

CHAPTER 968.

An act making an appropriation to the State Board of Control to pay claims against the State of California.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. Out of the "net receipts" of the motor vehicle fund (as said term is used in section 159 in the California

Vehicle Act and in section 778 of the proposed Vehicle Code) there is hereby appropriated the sum of five hundred thousand (500,000) dollars, or so much thereof as may be necessary, to be disbursed by the State Board of Control upon claims filed with the State Controller for the purpose of refunding to persons, firms, associations and/or corporations moneys paid by virtue of invalid demands by State of California, pursuant to the provisions of section 15, Article XIII of the Constitution of California. The State Board of Control shall promulgate rules and regulations for the presentation, examination and allowance of any such claims; provided, however, no such claim shall be examined by the State Board of Control unless presented to said board within six (6) months on and after the effective date of this act, and no such claim shall be allowed for an amount exceeding seventy-five (75) per centum of the amount actually paid to the State by the claimant; and further provided, that no such claim shall be examined by the board unless the claimant at the time of payment to the State of the amount claimed protested in writing such payment, and has presented such claim or instituted suit in a court of competent jurisdiction for the recovery of any such sum, within a period of three (3) years after payment to the State. The sum hereby appropriated shall be paid only from that portion of the said motor vehicle fund not otherwise appropriated for the support of the Department of Motor Vehicles, and shall be paid one-half out of the portion of said motor vehicle fund appropriated by subdivision (c) of said section 159 of the California Vehicle Act to the counties of this State and one-half out of the portion of said motor vehicle fund payable under subdivision (f) of said section 159 into the State highway maintenance fund, and the State Controller is hereby instructed to set up the appropriation hereby made accordingly for the purpose of apportioning the said net receipts. In the event of the enactment of the proposed Vehicle Code the reference herein to sections 159 (c), and 159 (f) of the California Vehicle Act shall be construed to mean sections 779 and 783, respectively, of the said Vehicle Code. In the event the percentages of the said motor vehicle fund appropriated to the counties and to be paid into the State highway maintenance fund is changed, then the appropriation hereby made shall, nevertheless, be paid out of the balance of the said motor vehicle fund after the payment of any appropriations heretofore or hereafter made for the support of the Department of Motor Vehicles.

Regulations

Apportionment

CHAPTER 969.

An act to amend sections 21, 440, 463, 578, 702, 715, 932, 1010, 1020, 1120, 1125, 1126, 1200, 1201, 1531, and 1537 of the Probate Code, to add sections 541.5, 718.5, 930.5, 1020.5, 1026, 1127, 1241, 1556.5 and 1632 thereto, and to

repeal certain provisions of law herein specified, all relating to probate, including the custody, disposal by will, succession, administration and distribution of estates of decedents, and the custody and administration of estates of persons under guardianship.

[Approved by the Governor June 16, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p 587

SECTION 1. Section 21 of the Probate Code is hereby amended to read as follows:

Wills

21. Every person of sound mind, over the age of eighteen years, may dispose of community property by will to the extent provided in Chapter I of Division II of this code.

Stats 1931, p 587

SEC. 2. Section 440 of the Probate Code is hereby amended to read as follows:

Contents of petition

440. A petition for letters of administration must be in writing, signed by the applicant or his counsel, and filed with the clerk of the court, and must state

(1) The jurisdictional facts;

(2) The names, ages and post-office addresses of the heirs of the decedent, so far as known to the applicant;

(3) The character and estimated value of the property of the estate.

No defect of form or in the statement of jurisdictional facts actually existing shall make void an order appointing an administrator or any of the subsequent proceedings.

Stats 1931, p 587.

SEC. 3. Section 463 of the Probate Code is hereby amended to read as follows:

Powers and duties

463. The special administrator must take possession of all of the real and personal property of the decedent, and preserve it from damage, waste and injury, and must collect all claims, rents and other income belonging to the estate; and for any such purpose may commence and maintain or defend suits and other legal proceedings as such administrator. He may sell perishable property and exercise such other powers as are conferred upon him by his appointment, but, except when the powers, duties and obligations of a general administrator are conferred upon him as hereinafter provided, he is not liable to an action by any creditor on a claim against the decedent. He may obtain leave to borrow money, or to lease or mortgage or execute a deed of trust upon real property, in the same manner as a general administrator.

New section.

SEC 3a. A new section is hereby added to the Probate Code to be numbered section 541.5, and to read as follows:

Cost of bond

541 5. Every executor or administrator furnishing a surety bond shall be allowed the cost of such bond for every year it remains in force.

Stats 1931, p 587

SEC. 4. Section 578 of the Probate Code is hereby amended to read as follows:

578. If a debtor of the decedent is unable to pay all his debts, the executor or administrator, with the approval of the court, may compound with him and give him a discharge, upon receiving a fair and just dividend of his effects. A compromise may also be authorized by the court when it appears to be just and for the best interest of the estate. To obtain such approval or authorization, the executor or administrator shall file a verified petition with the clerk showing the advantage of the settlement or compromise. The clerk shall set the petition for hearing by the court and notice thereof shall be given for the period and in the manner required by section 1200 of this code. Compounding debts. Compromises.

SEC. 5. Section 702 of the Probate Code is hereby amended to read as follows: Stats. 1931, p. 587.

702. An affidavit showing due publication of the notice must be filed with the clerk within thirty days after the completion of the publication. The affidavit shall contain a copy of the notice and shall state the date of its first publication. Final distribution shall not be decreed unless it is shown that notice to creditors has been duly given. If the affidavit is not filed until after such thirty-day period, the time to file or present claims shall be extended for a period equal to the period of default in such filing. Affidavit of publication.

SEC. 6. Section 715 of the Probate Code is hereby amended to read as follows: Stats. 1931, p. 587.

715. The time during which there is a vacancy in the administration is not included in any limitation prescribed in section 714 of this code for bringing suit upon a rejected claim. Vacancy in administration.

SEC. 7. A new section is hereby added to the Probate Code to be numbered 718.5, and to read as follows: New section.

718.5. After the lapse of sixty days from the issuance of letters testamentary or of administration, the executor or administrator, with the approval of the court, may compromise any claim against the estate or any suit brought against the executor or administrator as such, by the transfer of specific assets of the estate, or otherwise. To obtain such approval, the executor or administrator shall file a verified petition with the clerk showing the advantage of the compromise. The clerk shall set the petition for hearing by the court and notice thereof shall be given for the period and in the manner required by section 1200 of this code. If under this section the court authorizes the transfer of real property of the estate, conveyances shall be executed by the executor or administrator in the same manner as provided in section 786 of this code and such conveyances shall have the same force and effect as conveyances executed pursuant to that section, and a certified copy of the order authorizing the transfer must be recorded in the office of the recorder of the county in which the real property or any portion thereof lies. Compromise of claims. Notice, hearing and order.

SEC. 8. A new section is hereby added to the Probate Code to be numbered 930.5, and to read as follows: New section.

Cost of bond

930.5. The executor or administrator shall be allowed the cost of his bond, not exceeding one-half of one per cent of the amount of the bond for each year it remains in force.

Stats 1931, p 587

SEC. 9. Section 932 of the Probate Code is hereby amended to read as follows:

Accounts of deceased or incompetent executor

932. If the executor or administrator dies or becomes incompetent, his accounts may be presented by his personal representative or guardian to, and settled by, the court in which the estate of which he was executor or administrator is being administered, and, upon petition of the successor of such deceased or incompetent executor or administrator, such court shall compel the personal representative or guardian of the deceased or incompetent executor or administrator to render an account of the administration of his testator or intestate, and must settle such account as in other cases.

Stats 1931, p 587

SEC. 10. Section 1010 of the Probate Code is hereby amended to read as follows:

Petition and notice of hearing

1010. When the time for filing or presenting claims has expired, and all uncontested claims have been paid, or are sufficiently secured by mortgage, or otherwise but the estate is not in a condition to be finally closed and distributed, the executor or administrator may petition the court for a ratable payment of the legacies, or ratable distribution of the estate, to the heirs, devisees or legatees, or their assignees, grantees or successors in interest, or, where there are priorities, to those of the class or classes having priority; or, if the decedent was a nonresident and left a will which has been duly proved or allowed in the State of his residence, and an authenticated copy thereof has been admitted to probate in this State, or if he died intestate and an administrator has been duly appointed and qualified in the State of his residence, and it is necessary, in order that the estate or any part thereof may be distributed according to the will, or it is for the best interests of the estate, that any part of the estate in this State should be delivered to the executor or administrator in the State of the decedent's residence, the executor or administrator may petition the court for an order authorizing the delivery of such portion of the estate as the court shall deem safe and proper and for the best interests of the estate, to the executor or administrator in the State of the decedent's residence. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code. Any person interested in the estate or any coexecutor or coadministrator may resist the application

Stats 1931, p 587

SEC. 11. Section 1020 of the Probate Code is hereby amended to read as follows:

Final distribution: Procedure

1020. Immediately upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or of any heir, devisee or legatee, or his assignee, grantee or successor in interest, and after notice given for the

period and in the manner required by section 1200 of this code, the court must proceed to distribute the residue of the estate among the persons entitled thereto. Any person interested in the estate or any coexecutor or coadministrator may resist the application.

New section

SEC. 12. A new section is hereby added to the Probate Code, to be numbered 1020.5 and to read as follows:

Accounting upon final distribution

1020.5. A statement of any receipts and disbursements of the executor or administrator since the rendition of his final account must be reported and filed at the time of making such distribution; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the court and included in the order or decree, or the court or judge may order notice to be given of the settlement of such supplementary account as in other cases of the settlement of accounts.

New section

SEC. 13. A new section is hereby added to the Probate Code to be numbered 1026, and to read as follows:

Alien succeeding to property

1026. A nonresident alien who becomes entitled to property by succession must appear and demand the property within five years from the time of succession; otherwise, his rights are barred and the property shall be disposed of as escheated property.

Stats. 1931, p. 587

SEC. 14. Section 1120 of the Probate Code is hereby amended to read as follows

Jurisdiction of court after final distribution

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee, or, in case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate, and giving the names and post-office addresses, if known, of the beneficiaries The trustee may also petition such court, from time to time, for instructions as to the administration of the trust. The clerk shall set the account and report or petition for settlement or hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries at their last known addresses, as provided in said section 1200, whether they have requested special notice or given notice of appearance or not

Accounting by trustee

Notice of rendering account

Stats 1931, p. 587

SEC. 15. Section 1125 of the Probate Code is hereby amended to read as follows:

Appointment to fill vacancy

1125. The court in which the administration is pending shall have power, at any time before final distribution, to appoint some fit and proper person to fill any vacancy in the office of trustee under the will, whether resulting from such declination, removal, or otherwise, if such appointment is necessary to carry out the trust. Such appointment may be made by the court upon the written application of any person interested in the trust, filed in the probate proceedings, and shall be made only after notice to all parties interested in the trust, given as required upon a petition for the probate of a will.

Stats 1931, p. 587

SEC. 16. Section 1126 of the Probate Code is hereby amended to read as follows:

Trusteeship vacancy.

1126. If a trustee of a testamentary trust dies, resigns or is removed after distribution, and a vacancy in the trusteeship is created thereby, the court which had jurisdiction over the settlement of his accounts shall have the power to appoint a new trustee to fill the vacancy, upon the petition of anyone interested in the trust estate and notice given for the period and in the manner required by section 1200 of this code. The petitioner shall cause notice of the hearing to be mailed to the beneficiaries at their last known addresses, as provided in said section 1200, whether they have requested special notice or given notice of appearance or not.

New section.

SEC. 17. A new section is hereby added to the Probate Code to be numbered 1127, and to read as follows:

Bond

1127. The person appointed under section 1125 or section 1126 of this code, before acting as trustee, shall give a bond such as is required of a person appointed administrator. He shall be allowed the cost of such bond to the extent provided by section 541.5

Stats 1931, p 587

SEC. 18. Section 1200 of the Probate Code is hereby amended to read as follows:

Mode of giving notice in certain instances

1200. Upon the filing of a petition under section 641 or section 642 of this code for the setting aside of an estate not exceeding two thousand five hundred dollars in value, or of a petition to set apart a homestead or exempt property, or of a petition relating to the family allowance filed after the return of the inventory, or of a petition for leave to settle or compromise a claim against a debtor of the decedent or a claim against the estate or a suit against the executor or administrator as such, or of a petition for the sale of stocks or bonds, or of a petition for confirmation of a sale, or of a petition for leave to sell or give an option to purchase a mining claim or real property worked as a mine, or of a petition for leave to execute a promissory note or mortgage or deed of trust or give other security, or of a petition for leave to lease or to exchange property, or to institute an action for the partition of property, or of a petition for an order authorizing or directing the investment of money, or of a report of

appraisers concerning a homestead, or of an account of an executor or administrator or trustee, or of a petition for partial or ratable or final distribution, or of a petition for the delivery of the estate of a nonresident, or of a petition for determination of heirship or interests in an estate, or of a petition of a trustee for instructions, or of a petition for the appointment of a trustee after distribution, and in all cases in which notice is required and no other time or method is prescribed by law or by the court or judge, the clerk shall set the same for hearing by the court and shall give notice of the petition or application or report or account by causing a notice to be posted at the courthouse of the county where the proceedings are pending, at least ten days before the day of hearing, giving the name of the estate, the name of the petitioner and the nature of the application, referring to the petition for further particulars, and notifying all persons interested to appear at the time and place mentioned in the notice and show cause, if any they have, why the order should not be made. Within two days after the filing of such petition, account or report, the petitioner or person filing the account or desiring the confirmation of a report of appraisers must cause a copy of the notice to be mailed to the executor or administrator, when he is not the petitioner, to any coexecutor or coadministrator not petitioning, and to all persons (or to their attorneys, if they have appeared by attorney), who have requested notice or who have given notice of appearance in the estate in person or by attorney, as heir, devisee, legatee or creditor, or as otherwise interested, addresed to them at their respective post-office addresses given in their requests for special notice, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such person. Proof of the giving of notice must be made at the hearing; and if it appears to the satisfaction of the court that said notice has been regularly given, the court shall so find in its order, and such order, when it becomes final, shall be conclusive upon all persons.

Stats 1931, p 587.

SEC. 19 Section 1201 of the Probate Code is hereby amended to read as follows:

Publication in case of sales of mines, etc

1201. In the case of a petition for leave to sell, or to give an option to purchase, a mining claim or real property worked as a mine or for leave to borrow money or execute a mortgage or deed of trust or give other security, or for leave to execute a lease, the clerk shall also cause such notice of the application to be published in a newspaper of general circulation in the county. If the notice is published in a weekly newspaper, it must appear therein on at least two different days of publication and the first publication must be at least ten days before the hearing; if in a newspaper published oftener, there must be at least ten days from the first to the last day of publication, both days included.

New section

SEC. 20. A new section is hereby added to the Probate Code to be numbered 1241, and to read as follows:

Reversal of order

1241. When an order appointing an executor or administrator is reversed on appeal for error, all lawful acts in administration upon the estate theretofore performed by such executor or administrator after he has qualified are as valid as though the order were affirmed.

Stats. 1931, p. 587

SEC. 21. Section 1531 of the Probate Code is hereby amended to read as follows:

Conversion of property for purpose of investment

1531. When it will benefit a ward to sell any of his real or personal property and to put out the proceeds at interest or invest the same in some productive stock or bonds, or in the improvement or security of any other real property of the ward, his guardian may sell the same for that purpose, subject to confirmation by the court as hereinafter provided. The order confirming the sale, or authorizing the sale of stocks or bonds, must specify the particular disposition to be made of the proceeds, or it may direct the deposit of the whole or any portion thereof in a savings account with one or more banks, in which case the money so deposited may be invested from time to time under further directions of the court.

Stats. 1931, p. 587

SEC. 22. Section 1537 of the Probate Code is hereby amended to read as follows:

Conveyance to comply with contract

1537. When an incompetent ward is bound by a contract in writing to convey any real property, executed by him while competent, or executed by his predecessor in interest, or when a minor ward has succeeded to the interest of a person bound by a contract in writing to convey any real property, the court may authorize and direct the guardian of his estate to convey the property to the person entitled thereto. The proceedings to obtain such an order and the proceedings thereunder must conform, as nearly as may be, to the provisions of this code concerning conveyances by administrators of property contracted to be sold by their decedents.

New section

SEC. 23. A new section is hereby added to the Probate Code to be numbered 1556.5, and to read as follows.

Cost of bond

1556.5. If the guardian furnishes a surety bond, he shall be allowed the cost thereof for each year it remains in force.

New section

SEC. 24. A new section is hereby added to the Probate Code to be numbered 1632, and to read as follows:

Reversal of order

1632. When an order appointing a guardian is reversed on appeal for error, all lawful acts in relation to the guardianship theretofore performed by such guardian after he has qualified are as valid as though the order were affirmed.

Repeals

SEC. 25. Sections 965, 966, 1969 and 1970 of the Code of Civil Procedure and section 672 of the Civil Code are hereby repealed.

CHAPTER 970.

An act to amend section 2287 of the Civil Code, relating to appointment of a trustee to fill a vacancy.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 2287 of the Civil Code is hereby amended to read as follows: Stats 1913, p 395.

2287. The superior court shall appoint a trustee whenever there is a vacancy and the declaration of trust does not provide a practical method of appointment. Other things being equal, the court shall give preference to the nominee of beneficiaries of the trust who are over fourteen years of age. Appointment of trustee to fill a vacancy

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CHAPTER 971.

An act to amend section 685 of the Code of Civil Procedure, relating to execution of judgments.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 685 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1895, p 38

685. In all cases the judgment may be enforced or carried into execution after the lapse of five years from the date of its entry, by leave of the court, upon motion, and after due notice to the judgment debtor accompanied by an affidavit or affidavits setting forth the reasons for failure to proceed in compliance with the provisions of section 681 of this code. The failure to set forth such reasons as shall, in the discretion of the court, be sufficient, shall be ground for the denial of the motion. Execution of judgment after five years

Judgment in all cases may also be enforced or carried into execution after the lapse of five years from the date of its entry, by judgment for that purpose founded upon supplemental proceedings; but nothing in this section shall be construed to revive a judgment for the recovery of money which shall have been barred by limitation at the time of the passage of this act.

CHAPTER 972.

An act to amend section 253 of the Political Code, relating to the duties of Secretary of the Senate and Chief Clerk of the Assembly

[Approved by the Governor June 16, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Pol. C. 1872.

SECTION 1. Section 253 of the Political Code is hereby amended to read as follows:

Duties of Secretary of Senate and Chief Clerk of Assembly.

253. The Secretary of the Senate and Chief Clerk of the Assembly must:

1. Administer the constitutional oath of office to the employees and attaches of their respective houses;

2. Attend the session each day; and

3. Perform such duties as shall be prescribed for them by law or by the rules of their respective houses.

CHAPTER 973.

An act to amend section 245 of the Political Code, relating to officers, employees and attaches of the Senate.

[Approved by the Governor June 16, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1899, p. 1.

SECTION 1. Section 245 of the Political Code is hereby amended to read as follows:

Senate officers and employees

245. The officers and employees of the Senate shall be a president, a president pro tempore, one secretary, one sergeant-at-arms, one minute clerk and one chaplain.

Such officers and employees shall be elected by a majority vote of the duly elected and qualified members of the Senate.

The Senate shall by resolution provide for such other officers, employees and attaches as it shall deem necessary.

Removal

Any officer, employee or attache appointed or elected under the provisions of this section may at any time be removed in the same manner as is herein provided for his election or appointment.

Compensation

The compensation of each said officer, employee and attache so provided for shall be fixed, in so far as such compensation is fixed, by the Senate by resolution at the wage per diem as is provided by law.

CHAPTER 974.

An act to amend section 246 of the Political Code, relating to officers, employees and attaches of the Assembly.

[Approved by the Governor June 16, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1 Section 246 of the Political Code is hereby amended to read as follows: Stats 1899, p 1

246. The officers and employees of the Assembly shall be a speaker, a speaker pro tempore, one chief clerk, one sergeant-at-arms, one minute clerk and one chaplain. Assembly officers and employees

Such officers and employees shall be elected by a majority vote of the duly elected and qualified members of the Assembly.

The Assembly shall by resolution provide for such other officers, employees and attaches as it shall deem necessary.

Any officer, employee or attache appointed or elected under the provisions of this section may at any time be removed in the same manner as is herein provided for his election or appointment. Removal

The compensation of each said officer, employee and attache so provided for shall be fixed, in so far as such compensation is fixed, by the Assembly by resolution at the wage per diem as is provided by law. Compensation

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CHAPTER 975.

An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and the militia of the State and to the administration of military and veterans' affairs, and to repeal certain acts and parts of acts therein specified.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

GENERAL PROVISIONS.

1. Short Title. This act shall be known and may be cited as the Military Code. Short title

2. Articles of War. The Articles of War governing the Army of the United States, as are now or hereafter in effect, are hereby adopted as a part of this code, so far as the same are applicable and not modified by this code. Offenses committed while on duty may be tried and punished by a court-martial lawfully appointed, after such duty has terminated, and if found guilty the accused shall be punished according to the Articles of War and the rules and regulations gov- Articles of war

erning the United States Army, and within the limits prescribed by Federal law for courts-martial in the National Guard, and within the limits prescribed by this code. In any case in which the offense charged is also made an offense by the civil law of this State, the officer whose duty it is to approve such charge may, in his discretion, order the person charged to be turned over to the civil authorities for trial.

Whenever reference is made in the Articles of War to the military service or to the Army of the United States, such reference shall be deemed to include the military service of this State. The intent of this code and all acts of this State affecting the military forces is to conform to all acts and regulations of the United States affecting the same subjects, and all acts of this State shall be construed to effect this purpose.

Federal laws and regulations

3. Federal Laws and Regulations. All acts of the Congress of the United States relating to the control, administration and government of the United States Army, as defined by the National Defense Act, as amended, and relating to the control, administration and government of the United States Navy together with the rules and regulations for the government of the National Guard and Naval Reserve or Naval Militia, so far as the same are not inconsistent with rights reserved to this State and guaranteed under the Constitution of this State, constitute the rules and regulations for the government of the militia.

Oaths

4. Oaths. An oath authorized or required by this code or the regulations issued thereunder or the statutes or regulations governing the United States Army or Navy or active militia may be taken, except in the cases where other provision is expressly made in this code, before the following persons who are authorized to administer the same within and without the State, namely: officers of the National Guard when such oath is authorized or required in a matter pertaining to the National Guard, and officers of the Naval Militia when such oath is authorized or required in a matter pertaining to the Naval Militia, except officers of both land and naval forces on the reserve and retired list while unassigned to duty, or by any other officer authorized to administer oaths under the laws of the State of California, and no charge shall be made for the same.

Drilling and parading with arms

5. Drilling and Parading with Arms. It shall be unlawful for any body of men whatever, other than the regular organized National Guard and Naval Militia of this State, the troops and naval forces of the United States, and peace officers to associate themselves together as a military company or organization, or to drill or parade with arms, except such organizations as may be licensed under the provisions of this code. Students in educational institutions where military science is a part of the course of instruction may, with the consent of the Governor, drill and parade with arms in public under the supervision of their instructor. Members of benevolent or

social organizations may wear swords or carry guns which have been rendered incapable of use as firearms.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Penalties. 6. Penalties. Unless another penalty is specifically provided, any act or omission declared to be a misdemeanor by this code shall be punishable by imprisonment in the county jail not to exceed six months or by fine not to exceed five hundred dollars or by both.

Construction 7. Construction. The provisions of this code, so far as they are substantially the same as existing statutes, must be construed as continuations thereof, and not as new enactments. This code shall not impair any privilege granted or right acquired under any of the laws of this State prior to the date it takes effect.

Titles and headings 8. Titles and Headings. Division, part, chapter, article, section, or subdivision headings or titles contained in this code shall not be deemed to govern or limit the scope or meaning of the divisions, parts, chapters, articles, sections, or subdivisions to which they are affixed.

DIVISION I—ADMINISTRATION.

The department 11. The Department. There is in the State government a Department of Military and Veterans' Affairs.

The director 12. The Director. The department shall be conducted by an executive officer known as the Director of Military and Veterans' Affairs. The director shall be appointed from the chiefs of the divisions of the department by and hold office at the pleasure of the Governor and shall receive a salary of six thousand dollars per annum and all his actual and necessary traveling expenses incurred in the performance of his duties. He shall be a member of the Governor's Council. He shall have only such powers and duties, and such jurisdiction and control over the divisions of the department, as may be vested in him or authorized by law or by any division of the department.

Bond 13. Bond. Before entering upon the duties of his office, he shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties.

The divisions 14. The Divisions. For the purpose of administration, the department shall be forthwith organized by the director in such manner as he shall deem necessary and proper to conduct the work of the department and shall be divided into four divisions as follows:

Military affairs (a) Military Affairs. The Division of Military Affairs which shall include the National Guard and Naval Militia, and shall be administered by The Adjutant General, who shall also be known as chief of the division;

Veterans' welfare (b) Veterans' Welfare. The Division of Veterans' Welfare, which shall be administered by the Veterans' Welfare

Board, the chairman of said board being the chief of the division;

Veterans' Homes

(c) Veterans' Homes. The Division of Veterans' Homes, which shall be administered by the board of directors of the Veterans' Home of California and the board of directors of the Woman's Relief Corps Home of California, the chief of the division to be appointed by and hold office at the pleasure of the board of directors of the Veterans' Home of California;

Athletics

(d) Athletics. The Division of Athletics, which shall be administered by the State Athletic Commission of California, the chief of the division to be appointed by, receive such salary as shall be fixed by, and hold office at the pleasure of said commission.

Bonds and expenses of chiefs

15. Bonds and Expenses of Chiefs. A chief of each division shall receive his actual and necessary traveling expenses incurred in the performance of his duties. Before entering upon the duties of his office, each chief of division shall execute an official bond to the State of California in the penal sum of ten thousand dollars, conditioned upon the faithful performance of his duties, unless by other provisions of law an official bond to the State is required of such person in the capacity of a State officer performing functions similar to those performed by him as such chief. The premiums upon all official bonds shall be paid by the State out of moneys made available by law for the use of the department.

Divisional activities

16. Divisional Activities. Each division shall furnish to any other division of the department, upon request therefor approved by the director, such assistance as it may render without detriment to the administration of such division, including the deputizing of agents, representatives, and inspectors and the temporary reassignment of employees, when the same may tend to eliminate overlapping, duplication or expense.

Rules and regulations

17. Rules and Regulations. The department shall make and promulgate rules and regulations which tend to eliminate overlapping and duplication of the activities of the several divisions.

Meetings.

18. Meetings. Upon the call of the director, and at least once a month, there shall be a meeting of the department attended by the director and the chief of each division. At each meeting there shall be presented for consideration all problems involving possible duplication of service, overlapping of functions, or conflicting jurisdiction upon the part of any of the divisions, and all suggestions as to correlation of the activities of the several divisions.

General provisions

19. General Provisions. In so far as the same may be consistent with the provisions of this division, the provisions of sections 348, 353, 355 and 356 of the Political Code, as added at the forty-fourth session of the Legislature, shall govern and apply to the conduct of the department the same as if such sections were herein set forth at length. Wherever in said sections the term "head of the department" or similar designa-

tion occurs, it shall for the purpose of this division mean the Director of Military and Veterans' Affairs.

Construction

20. Construction. Nothing contained in this division is intended, nor shall it be construed, as infringing upon or interfering with the powers, duties, responsibilities or jurisdiction of the Veterans' Welfare Board, The Adjutant General, the board of directors of the Veterans' Home of California, the board of directors of the Woman's Relief Corps Home of California, or the State Athletic Commission, as defined by other provisions of law.

DIVISION II—THE MILITIA OF THE STATE.

PART I—GENERAL PROVISIONS.

CHAPTER I—COMPOSITION.

Designation and division of the militia

31. Designation and Division of the Militia. The militia of the State shall be divided into three parts: the National Guard, the Naval Militia—which two shall constitute the active militia—and the unorganized militia. The unorganized militia shall consist of all persons liable to service in the militia, but not members of the National Guard or the Naval Militia of the State.

Persons subject to military duty

32. Persons Subject to Military Duty. The militia of the State shall consist of all able-bodied male citizens and all other able-bodied males who have declared their intention to become citizens of the United States, between the ages of eighteen and forty-five, and who are residents of the State, and of such other persons as may upon their own application be enlisted or commissioned therein pursuant to the provisions of this code, subject, however, to such exemptions as are now or may be hereafter created by the laws of the United States or of this State.

Enrollment

33. Enrollment. Whenever the Governor deems it necessary, he may order an enrollment to be made by officers designated by him, of all persons liable to service in the militia. Such enrollment shall include such information as the Governor may require Three copies thereof shall be made; one shall be filed in the office of the clerk of the county in which the enrollment is made, and two copies in the office of The Adjutant General of the State.

Notice of enrollment

34. Notice of Enrollment. Enrollment shall be made upon such notice and in such manner as the Governor may direct and every person required by such notice to enroll who fails or refuses so to do is guilty of a misdemeanor

Exemptions from military duty

35. Exemptions From Military Duty. The following classes of persons shall be exempt from military service, to wit:

(1) Persons exempt from military service by the laws of the United States.

(2) Regular or duly ordained ministers of religion.

(3) Students preparing for the ministry in recognized theological or divinity schools.

(4) County and municipal officials.

(5) Pilots and mariners actually employed in sea service by a citizen of the United States.

They shall not be exempt from enrollment and shall file verified claims for exemption from military service in such form and manner as the Governor may direct.

The Governor shall appoint boards in number and personnel as will best accomplish the enrollment and such boards shall be vested with the authority and power of passing upon and determining the claims of exemption filed under this section. An appeal to the Governor may be taken from the decision of the boards by the State or any person interested in the matter and within the time prescribed in regulations promulgated by the Governor.

Joint service

36. Joint Service. When the National Guard and Naval Militia are on duty as a combined force at any time, the commanding officer of the whole force shall be designated by the Governor.

Active duty of unorganized militia

37. Active Duty of Unorganized Militia Whenever it is necessary to call out any portion of the unorganized militia for active duty in case of insurrection, invasion, tumult, riot, breach of the peace, or public calamity or catastrophe, or other emergency, or imminent danger thereof, or when called forth for service under the Constitution and laws of the United States, the Governor may call for and accept as many volunteers as are required for such service, under such regulations as may be provided by law.

Organizations and volunteers from the unorganized militia

38. Organizations and Volunteers From the Unorganized Militia. The Governor, when not in conflict with the provisions of the laws of the United States, may, at any time, order, authorize or recognize, such organizations of the unorganized militia, or of designated classes thereof, or of volunteers therefrom, as he may deem to be for the public interest, and may prescribe therefor such parts of the regulations governing the National Guard or the Naval Militia as may be applicable thereto, or establish special regulations therefor, or both, as he may deem proper. The Governor may likewise, at any time, provide for the separate organization, or authorize the service and enrollment in organizations of the unorganized militia, of persons volunteering for such service, not otherwise subject to military duty.

Refusal to rendezvous

39. Refusal to Rendezvous. Every member of the militia ordered out, or who volunteers or is drafted under the provisions of this code, who does not appear at the time and place designated by the Governor, or under his authority, within twenty-four hours from such time, or who does not produce a sworn certificate of physical disability from a physician in good standing, to so appear, shall be taken to be a deserter and dealt with as prescribed in the Articles of War of the United States, or by this code.

CHAPTER II—ORGANIZATION

Article 1—Commander in Chief.

Commander in chief.

51. Commander in Chief. The Governor of the State, by virtue of his office, shall be the Commander in Chief of the Militia of the State

Staff of the Governor

52. Staff of the Governor. The staff of the Governor shall consist of The Adjutant General of the State, and such aides as the Governor may designate from the personnel of the National Guard, to serve during his incumbency. Said staff may also include the following personal aides-de-camp: five aides-de-camp who may be appointed by the Governor and who shall have the rank of lieutenant colonel, and one naval aide with the rank of commander. Such appointments by the Governor shall operate as a commission of said aides-de-camp.

Proclamation of State of insurrection

53. Proclamation of State of Insurrection. Whenever the Governor is satisfied that the execution of civil or criminal process has been forcibly resisted by bodies of men, or that any conspiracy or combination exists to resist by force the execution of such process, or that the officers of any county or city and county, or city, or other municipality are unable or have failed for any reason to enforce the laws, he may, by proclamation, declare the county, or city and county, or city, or other municipality or any portion thereof, to be in a state of insurrection, and he may thereupon order into the service of the State such number and description of the active militia, or unorganized militia, as he deems necessary, to serve for such term and under the command of such officer as he may direct. The Governor may at any time thereafter revoke the proclamation of insurrection hereby authorized or declare that it shall terminate at a time or in the manner directed by him.

Emergencies

54. Emergencies. In case of war, insurrection, rebellion invasion, tumult, riot, public calamity or catastrophe, or other emergency, or imminent danger thereof, or resistance to the laws of this State or the United States; or upon call or requisition of the President of the United States; or upon call of any officer of the United States Army commanding a corps area, division, department or district in California, or any United States Marshal in California; or upon call of the chief executive officer of any city or city and county, or of any Justice of the Supreme Court, or of any judge of the superior court, or of any sheriff, setting forth that there is an unlawful or riotous assembly with intent to commit a felony, or to offer violence to person or property, or to resist the laws of the State or the United States or that there has occurred a public calamity or catastrophe for which aid to the civil authorities is required; or upon call of the sheriff setting forth that the civil power of the county is not sufficient to enable him to execute process delivered to him, the Governor is authorized to call into active service such portion of the active militia as may be necessary, and if the number available be insufficient he may call into

active service such portion of the unorganized militia as may be necessary.

Retention of designations

55. Retention of Designations. During the absence of organizations of the National Guard or Naval Militia in the service of the United States, their State or Federal designations shall not be given to new organizations.

Rules and regulations

56. Rules and Regulations. The Governor is hereby authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to this code, and, as nearly as practicable, to those governing the United States Army and Navy, and when promulgated shall have the same force and effect as the provisions of this code.

Article 2—The Adjutant General.

Duties

61. Duties. The Adjutant General shall be chief of staff of the Governor, and subordinate only to him, and shall perform such duties as are prescribed in this code and such additional duties consistent with the regulations and customs of the United States Army and the United States Navy, as may be prescribed by the Governor. He shall issue all orders in the name of the Governor.

Register.

62. Register. The Adjutant General shall keep a register of all the officers of the militia of the State, and keep in his office all records and papers required to be kept and filed therein, and make a biennial report to the Governor including a detailed statement of the moneys received and disbursed by him for military purposes during that period, and the number and condition of the active militia.

Publications.

63. Publications. The Adjutant General shall, at the expense of the State, when necessary, cause the military law, general regulations of the State, and Articles of War of the United States, and such other military publications as may be necessary for the military service, to be printed, indexed, and bound in compact form and distributed to the commissioned officers and the several organizations of the active militia.

Stationery

64. Stationery. The Adjutant General shall cause to be prepared and issued all necessary blank books, blanks and notices required to carry into full effect the provisions of this code. All such books and blanks shall be and remain the property of the State.

Seal

65. Seal. The seal now used in the office of The Adjutant General shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal.

Field service plans

66. Field Service Plans. In order that the active militia of the State may receive the funds provided by Congress, it shall be the duty of The Adjutant General to prepare and submit a plan of proposed field or camp service of instruction for the ensuing year, with an estimate of the funds required for pay, subsistence, and transportation of the portion of the

active militia participating therein and such other information as may be required by the War Department of the United States. Said estimate shall furnish the details and shall be made out in the form required by instructions from the Secretary of War or the Secretary of the Navy.

Exhibitions

67. Exhibitions. The Adjutant General may exhibit, at such times and places as he may see fit, the equipment, animals and property of the National Guard or Naval Militia and may give demonstrations thereof with the aid of such personnel as may be selected therefor. All expense in relation thereto shall be paid from State funds.

Care of arms.

68. Care of Arms. The Adjutant General shall attend to the care, preservation, transportation, safekeeping and repairing of the arms, ordnance, accoutrements, equipments, and all other military property belonging to the State or issued to the State by the Government of the United States for the purpose of arming and equipping the militia. All military property of the State which after a proper inspection shall be found unsuitable for the use of the State shall, under the direction of the Governor, be disposed of by The Adjutant General at public auction after suitable advertisment for sale daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale or may be condemned and destroyed when so ordered by the Governor. He shall bid in the property or suspend the sale whenever in his opinion better prices may or should be obtained. He shall, from time to time, render to the Governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the Governor may direct. All such military property belonging to the State may be disposed of by The Adjutant General without reference to the State Department of Finance. He shall be responsible for all the arms, ordnances, accoutrements, equipment and other military property which may be issued to the State by the Secretary of War and Secretary of the Navy in compliance with the law; and it shall thereafter be his duty to prepare returns of such arms and other property of the United States at the time and in the manner required by the Secretary of War and the Secretary of the Navy.

Accounts

69. Accounts The Adjutant General shall keep a just and correct account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the State, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid.

Issuance of property.

70. Issuance of Property. The Adjutant General shall issue such military property as the Governor shall direct, and under his direction shall make purchases for that purpose. No military property shall be issued to persons or

organizations other than those belonging to the active militia except such portions of the unorganized militia as may be called out by the Governor. Purchases of property not exceeding five hundred dollars in value shall be made in such manner as The Adjutant General shall direct. If such purchases shall require an expenditure of a sum exceeding five hundred dollars, he shall publicly advertise for not less than ten days for sealed proposals for furnishing such property; such proposals shall be publicly opened by him at the place, day and hour designated in such advertisement; provided, however, that he may purchase at any time any or all military property, equipment and supplies, required by the military department of the State from the United States Government, under the provisions and regulations of the War and Navy Departments governing such purchases. He shall, if the Governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of The Adjutant General. The Adjutant General is authorized and directed whenever, in his opinion, it shall be to the interest of the State, to require the party who shall agree or contract to furnish such property to give bond to the people of the State in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the Attorney General and all moneys received therefrom shall be expended by The Adjutant General for the benefit of the active militia. All property purchased under authority herein granted shall be inspected by an inspector or officer detailed for the purpose by the Governor, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract.

Medical services

71. Medical Services. The Adjutant General may, in the event of an emergency which in his judgment necessitates the same, secure medical, surgical and hospital services and supplies and necessary transportation for the care and treatment of officers and men, and the same shall be paid for out of military funds under his control.

Commissions

72. Commissions The Adjutant General shall attest commissions issued to military officers.

Returns and reports

73. Returns and Reports. The Adjutant General shall superintend the preparation of all returns and reports required by the United States from the State on military matters.

Absence

74. Absence. In the event of the absence or inability of The Adjutant General to perform his duties, the senior officer of The Adjutant General department in The Adjutant General's office shall perform the duties prescribed for The Adjutant General, and in the event of the absence or inability of all such officers the Governor may detail a National Guard officer to perform the said duties during such absence or inability.

75. Emergencies. In case of insurrection, invasion, tumult, riot, breaches of the peace, public calamity or catastrophe, or imminent danger thereof, or in the event any emergency in which all or any part of the active militia is actively engaged in service upon order of the Governor, the Governor may suspend any and all provisions of this code or other laws of the State which shall require advertisement for bids for purchases of supplies or employment of services. Emergencies

76. Office Organization. The Adjutant General's office shall consist of one officer of the rank of Brigadier General who shall be The Adjutant General, and who shall be either commissioned in The Adjutant General's department or detailed from officers of other arms of the service, and such other officers as may be prescribed by the National Defense Act of June 3, 1916, and the various amendments thereto. The Adjutant General shall be appointed by and hold office at the pleasure of the Governor, or until his successor is appointed and has qualified. No person shall be eligible for appointment as Adjutant General unless he shall have attained to the grade of field officer and shall have had four years previous experience as a commissioned officer in command, or in service with, troops of the line of this State, or of another State, or territory, or District of Columbia, or of the United States Army, or Marine Corps, or in any or all of said services combined. All officers in The Adjutant General's department shall be appointed by the Governor, taking into consideration the recommendation of The Adjutant General, and with the exception of The Adjutant General, shall hold their positions until they have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for other legal cause. Office organization

77. Duties of Office. The duties of the officers of The Adjutant General's office shall be such as prescribed by law and regulations and shall conform as closely as practicable to the duties prescribed by orders and regulations of the War Department for like officers in the United States Army. Duties of office

78. Salaries. The salary of The Adjutant General shall be five thousand dollars per annum and his salary shall be paid in the same manner and at the same time as salaries of other State officers. He shall appoint and fix the salaries, subject to the approval of the Board of Control, of all such clerical, expert and technical assistants as may be necessary for the proper conduct of his office. Salaries

79. Revolving Fund. The sum of three thousand dollars appropriated by an act entitled "An act appropriating money to provide a cash revolving fund for the use of The Adjutant General and defining its use and the liability therefor," approved June 7, 1913, and by said act set aside as a cash revolving fund to facilitate the work of The Adjutant General's department, shall be hereafter held, continued, and used by The Adjutant General for the said purpose. All or any part of said money may be drawn from the State treasury Revolving fund

Stats 1913, p 890

without the submission of receipts, vouchers or itemized statements and may be used by The Adjutant General in advancing cash payments for ordnance, equipment, material, labor, supplies and incidental expenses requiring cash payments in advance, where such payments are necessary for the proper conduct of the business of the department, said bills to be subsequently paid for out of the appropriation against which they are a proper charge, upon itemized claims accompanied by proper vouchers and receipts, and the money returned to the cash revolving fund. The Adjutant General shall be liable on his bond for the money so advanced to him and may, to protect himself, require sufficient bond of the several employees under him in case it should be necessary to delegate any of them to disburse money from the revolving fund. The Adjutant General must account for the money herein appropriated at any time upon demand of the State Department of Finance or State Controller.

Audit of claims

80. Audit of Claims. The Adjutant General must audit and allow all proper claims against the military fund incurred by troops in the service of this State and by officers attached to the same.

Duties of Controller and Treasurer

81. Duties of Controller and Treasurer. The State Controller shall draw his warrant for any amount approved and allowed as provided in this code and the State Treasurer shall pay the same out of the appropriation for military purposes, if not otherwise provided.

Claims exempt

82. Claims Exempt. Claims audited and allowed as provided in this article are exempt from the provisions of law relating to the audit and allowance of claims by the Board of Control or Department of Finance.

CHAPTER III—EMBLEMS.

State flag

91. State Flag. The Bear flag is hereby selected and adopted as the State flag of California. Its length shall be one and one-half times its width; the upper five-sixths of the width thereof shall be a white field and the lower sixth a red stripe; there shall appear in the white field in the upper left-hand corner a single red star, and at the bottom of the white field the words "California Republic," and in the center of the white field a California grizzly bear upon a grass plat, in the position of walking towards the left of the said field; said bear shall be dark brown in color and in length, equal to one-third of the length of said flag.

Definition of flag

92. Definition of Flag. "Flag," as used in this code, includes every flag, standard, color, or ensign authorized by the laws of the United States or of this State, and every picture or representation thereof, of any size made of any substance, or represented on any substance evidently purporting to be any such flag, standard, color or ensign of the United States or of this State, and every picture or representation which shows the design thereof.

93. Representations of Flags. No provision of this code or of any statute of this State which makes unlawful the use of the flag of the United States or of this State or of any picture or representation thereof shall apply to any act permitted by the statutes of the United States or of this State or by any regulations of the United States Army or Navy nor shall it be construed to apply to any newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on which is printed, painted, or placed a flag with no design or writing thereon and not connected with any advertisement. Representations of flags

94. Desecration of Flags. Any person who, in any manner for exhibition or display, places or causes to appear any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag of the United States or of this State; or who exposes to public view any such flag upon which is printed, painted or otherwise placed or to which is attached, appended, affixed or annexed any word, figure, mark, picture, design, drawing or any advertisement of any nature; or who exposes to public view, manufactures, sells, exposes for sale, gives away or has in possession for sale or to give away or for use for any purpose, any article or substance, being an article of merchandise or a receptacle of merchandise or article or thing for carrying or transporting merchandise upon which is printed, painted, attached or otherwise placed a representation of any such flag, standard, color or ensign to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or who publicly mutilates, defaces, defiles or tramples any such flag is guilty of a misdemeanor. Desecration of flags

95. Certain Banners Prohibited. Any person who displays a red flag, banner or badge or any flag, badge, banner, or device of any color or form whatever in any public place or in any meeting place or public assembly, or from or on any house, building or window as a sign, symbol or emblem of opposition to organized government or as an invitation or stimulus to anarchistic action or as aid to propaganda that is of a seditious character is guilty of a felony. Certain banners prohibited.

CHAPTER IV—THE NATIONAL GUARD.

Article 1—Membership.

101. Composition. The National Guard shall consist of general officers of the line, the several staff corps and departments as prescribed in tables of organization of the United States Army or for the National Guard, the officers and enlisted men on the retired list, reserve list and in the National Guard Reserve, the organizations forming the National Guard at this date, such others as may be organized hereafter and such persons as are enlisted and commissioned therein. The Governor Composition

may alter, divide, annex, consolidate, disband, or reorganize any organization, department or corps and create new organizations, departments or corps when required by the provisions of this code or whenever in his judgment the efficiency of the State forces will be thereby increased. The Governor may also change the organization of any organization, department, or corps so as to conform to any organization, system of drill or instruction now or hereafter prescribed by the laws of the United States for the organization of the National Guard and for that purpose the number of the officers and noncommissioned officers of any grade in any organization, department or corps may be increased or diminished and the grades of such officers and noncommissioned officers may be altered to the extent necessary to secure such conformity.

National Guard Reserve

102. National Guard Reserve. The National Guard Reserve shall consist of such organizations, officers, and enlisted men as may be authorized and prescribed by the laws of the United States and regulations issued thereunder.

Honorary members

103. Honorary Members. Each company, troop, squadron or equivalent unit of the National Guard or division of the Naval Militia or its equivalent may have not to exceed twenty honorary members who shall pay fifty dollars per annum into the organization fund of the unit to which he may belong, and such member shall not be required to drill or perform any military duty by reason of such membership.

Article 2—Officers.

Commission and oath

111. Commission and Oath. All officers shall be commissioned by the Governor. All appointments of officers shall be made and all vacancies shall be filled as in the manner provided by the laws and regulations of the United States Army and Navy.

All officers duly commissioned shall take the oath of office prescribed by the laws of the United States relating to the appointment and recognition of Federally recognized officers of the National Guard and in addition thereto such other oath as may be prescribed by law, and file or be covered by the bond provided for in this code.

Qualifications

112. Qualifications. Persons to be commissioned in the National Guard shall be selected from the classes of persons enumerated in the National Defense Act of 1916, as amended or hereafter to be amended. The qualifications of a person for commission in the National Guard shall be in all respects equal and similar to the qualifications required by laws and regulations of the United States for Federal recognition of commissioned officers of the National Guard.

Bonds

113. Bonds. All officers of the militia must give such bonds and security as may be required and within the time prescribed by The Adjutant General, to secure the State against loss on account of misuse or misapplication of State or company property or funds, or property or funds of the United States in use by the State.

Said bonds must be conditioned upon the faithful performance of all duties and accounting for all property and moneys, including organization funds, for which the obligee is responsible or accountable.

The Adjutant General may in lieu of the foregoing enter into an agreement conditioned in like terms and for the same purpose with a qualified surety company to bond all officers of the militia without specifically naming the same. Said agreement shall also provide that the report and final action of military or naval authorities having jurisdiction for fixing responsibility for loss or damage shall be conclusive proof of the responsibility or liability of any officer or officers in a suit brought to enforce the obligation of such bond.

The bond of The Adjutant General shall be in the sum of ten thousand dollars and be approved by the Attorney General of the State of California, and be in such form and terms as required by law for civil officers of the State.

The premium on said bonds or bond shall be charged to the funds appropriated for the support of the militia as the Governor shall direct.

Rank. 114. Rank. All officers of the National Guard must take rank according to the date assigned them by their commissions, which date shall be that of their appointment; and when two officers of the same grade are commissioned as of the same date, their rank must be determined, first, by the length of previous service as an officer in the National Guard; second, by the length of previous military service in the National Guard; third, by lot.

Retirement. 115. Retirement. (a) For Age. When an officer of the National Guard or the Naval Militia is sixty-four years of age, he shall be retired from active service and placed on the retired list.

After fifteen years' service (b) After Fifteen Years' Service. Any officer who has served as a commissioned officer for fifteen years in the military service of the State, or for fifteen years in the naval service of the State, or fifteen years partly in one and partly in the other, may upon his own application, in the discretion of the Governor, be retired and placed upon the retired list with an increase in rank of one grade above that held by him on the date of his application. Service as a commissioned officer in the military or naval or military and naval service of the United States in time of war, not exceeding five years in all, shall be considered as State service in computing length of State service for the purposes of this section.

For disability. (c) For Disability. When a board of officers finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of the service, and such decision is approved by the Governor, said officer shall be retired from active service and placed on the retired list of officers. When a board of officers finds the incapacity of an officer is not the result of any incident of the service, and its decision is approved by the Governor, said officer shall be

retired from active service, or discharged, as the Governor may determine. Any disability after fifteen years' commissioned service shall be deemed to have occurred as the result of an incident of the service.

Eligibility for active duty.

(d) Eligibility for Active Duty. The Governor may detail, with their own consent, officers of the retired list to active duty and return them to the retired list in his discretion. Officers retired for age shall not be detailed to command troops but only to perform duties of staff corps or departments, or to sit on boards, except in time of war or other emergency, or imminent danger thereof, when retired officers may be detailed by the Governor, without their consent, to perform any military duty designated by him.

Separation from the service.

116. Separation From the Service. The provisions of this section shall apply with equal force to commissioned officers of the National Guard, the Naval Militia, and the unorganized militia when called into active service.

Causes for separation

(a) Causes for Separation. The commission of an officer shall be vacated by death, by acceptance by proper authority of resignation, by discharge on account of inefficiency, for physical disqualifications, when dropped from the rolls for an absence without leave for three months, or by dismissal pursuant to sentence of a general court-martial.

By resignation

(b) By Resignation. An officer who desires to resign shall submit his resignation to the Governor, whose action thereon shall be final. The Governor may, in his discretion, refuse to accept a resignation when the officer is under investigation, under charges, awaiting result of trial, absent without leave, absent in the hands of civil authorities, in default with respect to State or Federal funds or property, or in time of war or when war is imminent, or in time of civil stress or emergency, or on account of the exigencies of the service.

By discharge on account of inefficiency

(c) By Discharge on Account of Inefficiency. At any time the moral character, capacity and general fitness for the service of an officer may be determined by an efficiency board. The board shall be appointed by order of the Governor, and shall consist of three commissioned officers, senior in rank to the officer under investigation. The findings and recommendations of the board shall be transmitted to the Governor, who shall approve or disapprove the findings, and, if the approved findings are unfavorable to the officer, he shall be ordered discharged.

For physical disqualifications

(d) For Physical Disqualifications. At any time the physical fitness for service of an officer may be determined by a board of three medical officers, which shall be appointed by the Governor for that purpose. The findings and recommendations of the board shall be transmitted to the Governor for his action thereon, and, if the officer is found to be physically unfit for service, he shall be ordered discharged, or retired from active service.

(e) For Absence Without Leave. An officer who remains absent without leave for a period of three months shall, with the approval of the Governor, be discharged. For absence without leave

(f) By Dismissal. An officer may be dismissed from the service only by sentence of a general court-martial, which sentence has been approved by the Governor. By dismissal.

117. Separation as Bar to Reentry and Public Office. No officer who has been dismissed from the military or naval service of the State shall be permitted again to enter the military or naval service of the State; nor shall he be eligible for appointment or election to, or to hold any public office of trust or emolument in this State, unless the offense be pardoned by the Governor. No officer who has resigned for the good of the service, or who has been discharged on account of inefficiency, or on account of absence without leave, shall be permitted again to enter the military or naval service of the State. Separation as bar to reentry and public office.

118. Arms and Equipment. Every commissioned officer shall provide himself with the arms, uniforms, and equipment prescribed and approved by the Governor. Arms and equipment.

119. Warrant Officers. Warrant officers of the National Guard shall be appointed by the Governor. The classes of persons from which warrant officers may be appointed shall be the same as enumerated in the National Defense Act of 1916, as amended or hereafter to be amended, and regulations of the United States promulgated thereunder. Warrant officers shall have the same privileges respecting retirement as commissioned officers, and shall have all other powers, privileges and duties authorized by laws and regulations of the United States and customs of the service. Warrant officers.

Article 3—Enlisted Men.

131. Enlistments. The qualifications for enlistment and reenlistment in the militia and the term and the form of oath shall at all times conform to the requirements of the laws of the United States and of this State and the regulations from time to time promulgated by the War and Navy Departments of the United States for the government and guidance of the National Guard and Naval Militia. Enlistments

132. Enlistment Papers. Every person who enlists or reenlists shall sign and make oath to such enlistment papers as are required by the laws and regulations of this State and of the United States. Such oath shall be taken before any military or naval officer authorized to administer oaths by the regulations or laws of the United States or of this State. Any wilfully false statement so sworn to shall be perjury. Enlistment papers

133. Noncommissioned and Petty Officers. Appointments of noncommissioned and petty officers shall conform to tables of organization now in force or hereafter adopted. All such noncommissioned and petty officers shall be appointed by the commanding officer of the division, brigade, regiment, separate battalion, squadron, or marine division, or similar organiza- Noncommissioned and petty officers.

tion, upon the recommendation of the commanding officer of the unit in which they are to serve. Noncommissioned and petty officers of separate companies, troops, batteries, detachments, and similar units, not forming part of an existing higher tactical organization, shall be appointed by The Adjutant General. When an examination is required by Federal laws or regulations or by State regulations, no enlisted man shall be appointed until he has successfully passed such examination.

Privates first class and specialists

134. Privates First Class and Specialists. A company, troop, battery or detachment commander shall appoint privates first class and specialists in his organization, within authorized allotments.

Transfers

135. Transfers. Enlisted men may be transferred to or from organizations, departments or corps. In transferring an enlisted man, the procedure laid down in Army Regulations for the National Guard and in National Guard Regulations shall be followed.

Retirement after fifteen years' service

136. Retirement After Fifteen Years' Service. Any enlisted man who has served fifteen years in the military service of the State, or fifteen years in the naval service of the State, or fifteen years partly in one and partly in the other, may upon his own application, in the discretion of the Governor, be retired and placed on the retired list in the grade and rank held by him on the date of application. Service in the military or naval or military and naval service of the United States in time of war, not exceeding five years, shall be considered as State service in computing length of State service for the purposes of this section.

Retirement for age

137. Retirement for Age. When an enlisted man of the National Guard or Naval Militia is sixty-four years of age, he shall be retired from active service or discharged.

Active duty after retirement

138. Active Duty After Retirement. In time of war or other emergency, or imminent danger thereof, the Governor may detail retired enlisted men on active duty and on conclusion of the emergency return them to the retired list.

Separation from the service.

139. Separation From the Service The separation from the service of an enlisted man of the National Guard, the Naval Militia, and the unorganized militia when called into active service, is effected by death or by discharge by proper authority.

Causes for discharge.

140. Causes for Discharge. (a) The following shall be causes for discharge: expiration of term of service; attainment of the age of sixty-four years; acceptance of appointment as a commissioned officer in the State or Federal service; to enlist in the United States Army, Navy, Marine Corps, or Coast Guard, or to accept appointment in the United States Military Academy or Naval Academy, or to accept appointment as a flying cadet; to reenlist; discontinuance of the organization in which he is serving; change of residence; certificate of disability; inaptness or misconduct; fraudulent enlistment; action of civil or military court; draft into the service of the United States;

business or educational interference; or any other reason which the Governor deems adequate and satisfactory and for the best interests of the service.

Authority. (b) Authority. The discharge of enlisted men under the provisions of subdivision (a) of this section shall be effected by order of the Governor, under such regulations as may be prescribed, or as may be authorized or prescribed by the laws and regulations of the United States.

Discharge certificates (c) Discharge Certificates. An enlisted man discharged from the National Guard, the Naval Militia, or the unorganized militia, shall receive a discharge in writing in such form and with such qualifications as may be prescribed for similar services of the United States.

Desertion. 141. Desertion. When an enlisted man of the National Guard, the Naval Militia, or the unorganized militia when called into active service, absents himself without leave and there is reason to believe that he does not intend to return; or quits his organization or place of duty with the intent to avoid hazardous duty or to shirk important service, he shall be deemed a deserter.

Removal from the rolls 142. Removal From the Rolls. With the express authority of the Governor, a deserter may be dropped from the rolls of his organization. Any soldier discovered to be a deserter from the military or naval service of the United States shall, if not under charges, be dropped from the rolls.

Lists of deserters 143. Lists of Deserters. Lists of deserters shall be published by The Adjutant General, in orders, from time to time as the Governor shall direct.

Restoration to duty 144. Restoration to Duty. An enlisted man who has been dropped as a deserter shall not be restored to duty without prior disposition of the charge of desertion standing against him. Such charge shall be disposed of by trial by court-martial; by restoration to duty, desertion admitted, upon a written application of the soldier admitting the desertion; by the setting aside of the charge of desertion in case it had been erroneously made.

Deserter A deserter shall not be restored to duty without trial except by the Governor, or by an officer exercising general courts-martial jurisdiction. Restoration to duty without trial shall not operate to remove the charge of desertion or to relieve the soldier from any of the forfeitures attached to that offense. Setting aside a charge of desertion as having been erroneously made shall operate to remove the charge of desertion and all stoppages and forfeitures arising therefrom.

Time lost. 145. Time Lost. All time lost while absent without leave or in desertion, in excess of twenty-four hours, shall be made good unless the soldier is sooner discharged by proper authority.

Separation as bar to reentry and public office 146. Separation as Bar to Reentry and Public Office. No enlisted man who has been separated from the military or naval service of this State under conditions other than honorable shall be permitted to enter again the military or naval

service of the State; nor shall any enlisted man who has been dishonorably discharged from the military or naval service of the State be eligible for appointment or election to, or to hold any office of trust or emolument in this State, unless the offense be pardoned by the Governor.

PART II—DISCIPLINE, TRAINING AND SERVICE.

Discipline and exercise

161. Discipline and Exercise. The system of discipline and exercise of the National Guard and of the Naval Militia of this State shall conform generally to that of the Army and Navy of the United States, respectively, as it is now, or may hereafter be prescribed by the President, and to the provisions of the laws of the United States, except as otherwise provided in this code.

Custom and usage

162. Custom and Usage. All matters relating to the organization, discipline, and government of the National Guard and Naval Militia, not otherwise provided for in this code or in the general regulations, shall be decided by the custom and usage of the United States Army or Navy respectively.

Responsibility for efficiency.

163. Responsibility for Efficiency. All commanding officers shall be responsible to their immediate commanders for the equipment, drill, instruction, movements, and efficiency of their respective commands. Every officer and enlisted man shall be responsible to the officer under whose immediate command he serves, for prompt and unhesitating obedience to lawful orders, faithful performance of duty, and the preservation and proper use of the property of the United States, State, or organization, in his possession; he shall at all times, without equivocation, obey the lawful orders of his superior officers.

Disobedience of orders

164 Disobedience of Orders. Any officer or enlisted man of the National Guard or Naval Militia who wilfully fails to attend any parade or encampment, or who neglects or refuses to obey the lawful command of his superior officer on any day of parade or encampment, or who fails to perform such military duty as may be lawfully required of him, or who uses disrespectful language toward his superior officer or commits any act of insubordination, is guilty of a misdemeanor.

Armed force in emergencies

165 Armed Force in Emergencies. When an armed force is called out for the purpose of suppressing an unlawful or riotous assembly, or arresting the offenders, and is placed under the temporary direction of any civil officer, it must obey the orders of such civil officer in relation thereto; provided, that the orders of the civil officer shall extend only to a direction of the general or specific object to be accomplished. The tactical direction of the troops, the kind and extent of force to be used and the particular means to be employed to accomplish the object specified by the civil officer are left solely to the commanding officer of the active militia on duty.

166. Conduct of Troops. Whenever any portion of the National Guard is called into active service to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of the State or of the United States, the commanding officer shall use his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly; and his honest and reasonable judgment in the exercise of his duty shall be full protection, civilly and criminally, for any act or acts done while on duty. No officer who is called out to sustain the civil authorities shall, under any pretense, or in compliance with any order, fire blank cartridges upon any mob or unlawful assemblages under penalty of being dismissed. Conduct of troops

167. Drills and Parades. Each company, troop, squadron, battery, detachment and unit shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year unless excused by the Governor or other competent authority, and shall in addition thereto participate in encampments, maneuvers, or other exercises, including outdoor target practice, for at least fifteen consecutive days in each year unless excused by competent authority. Drills and parades

In addition to such drills and periods of duty above specified the commanding officer of any unit may require the officers and enlisted men of his command to meet for parade, drill, and instruction at such times and places as he may appoint.

No parade or drill of the active militia shall be ordered in time of peace for any day during which any general election shall be held, except in cases of riot, invasion or insurrection or imminent danger thereof or in cases of public calamity or catastrophe.

168. Warning for Duty. Orders for duty may be oral, written or by publication. Warning for duty.

Officers and enlisted men may be warned for duty either by stating the substance of the order, or reading the order to the person warned or by delivering a copy of such order to such person or by leaving a copy of such order at the last known place of abode or business of such person with some person of the age of discretion, or by sending a copy of such order or its substance to such person by registered mail directed to him at his last known place of abode or business or to the post office nearest thereto.

In addition or in lieu of the foregoing, notice may be given by posting a copy of such order at the entrance to the nearest post office to the military or naval headquarters issuing same at the entrances of the city hall and county courthouse of the city or county wherein said headquarters are located, and by causing a copy of said warning order to be published in a newspaper of general circulation in the county.

Such warning may be given by any officer or noncommissioned officer or any other person authorized so to do.

The person giving such warning shall make a return thereof containing the names of the persons warned, and the time,

place, and manner of the persons warned, and the return shall be verified by his oath, and such verified return shall be as good evidence of the facts therein stated, on the trial of any person returned as a delinquent, as if the person making such return were present and testified.

Every commanding officer shall report to The Adjutant General the name of every delinquent together with a full report of any extenuating circumstances.

Governor may order active militia to duty

169. Service Outside the State. The Governor may order the active militia or any portion thereof to perform military duty of every description and to participate in small arms gunnery competitions in this State or in any other State or Territory or the District of Columbia or in any fort, camp or reservation of the United States therein, and he may authorize the performance of military duty or participation in small arms or gunnery competitions by any part of the active militia anywhere without the State or without the United States. Cruise duty ordered for the Naval Militia may be required to be performed on United States vessels.

Service outside the State.

170. Service Outside the State. Officers and enlisted men of the active militia not in the service of the United States shall be subject to and governed by the provision of this code while outside this State under the order or authorization of the Governor under the preceding section in like manner and to the same extent as when on duty within this State under orders of the Governor. Military courts may be convened and held outside the State with the same jurisdiction and power of punishment as if held within the State, and offenses and delinquencies committed outside the State may be tried and punished either within or without the State after the termination of the duty.

War service

171. War Service. For all purposes under this code, officers and enlisted men of the National Guard or Naval Militia who entered the active service of the United States in time of war or under a call or draft by the President or who hereafter enter such service under like conditions shall be entitled to credit for time so served as if such service had been rendered in the State forces.

Continuous service

172. Continuous Service. Former members of the National Guard or Naval Militia who have been honorably discharged for "expiration of term of service" or on account of "removal" and have returned to the limits of their commands, and officers who have resigned, been honorably discharged, or whose terms have expired, who reenlist or reenter the National Guard or Naval Militia within ninety days from the date of their discharge or the expiration of their term of office, will be given credit for continuous service, and the enlistment considered consecutive.

PART III—PRIVILEGES, PROHIBITIONS, AND PENALTIES.

Exemptions from civil process

191. Exemptions From Civil Process. No person belonging to, or on duty with the active militia of the State, or engaged in the performance of military duty on call of the Governor, shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

Exemption from tax and jury duty.

192. Exemption From Tax and Jury Duty. Every member of the active militia shall be exempt from road tax and head tax of every description, from jury duty (including service on coroners' juries) and from service on any posse comitatus, provided he shall furnish the certificate of his immediate commanding officer that he has performed the duties required of him for the year immediately preceding a summons to act as a juryman or during the period of his service if less than one year.

Relief from civil or criminal liability.

193. Relief From Civil or Criminal Liability. Members of the militia in the active service of the State shall not be liable civilly or criminally for any act or acts done by them in the performance of their duty. When an action or proceeding of any nature shall be commenced in any court by any person against any active member of the militia for any act done by such member in his official capacity in the discharge of any duty, or an alleged omission by him to do an act which it was his duty to perform, or against any person acting under the authority or order of any officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person instituting or prosecuting the action or proceeding to file security in an amount of not less than one hundred dollars, to be fixed by the court, for the payment of costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give special matter in evidence. A defendant, in whose favor a final judgment is rendered on any such action, shall recover treble costs. It shall be the duty of the Attorney General or one of the judge advocates to defend such member or person where the action or proceeding is criminal, and it shall be the duty of The Adjutant General to designate the Judge Advocate General or one of the judge advocates to defend such officer or person.

Discrimination forbidden

194. Discrimination Forbidden. No person shall discriminate against any officer or enlisted man of the military or naval forces of the State or of the United States, because of his membership therein. No person shall prohibit or refuse entrance to any officer or enlisted man of the Army or Navy of the United States or of the military or naval forces of this State into any public entertainment or place of amusement because such officer or enlisted man is wearing the uniform of the organization to which he belongs. No employer or officer or agent of any corporation, company or firm, or other person shall discharge any person from employment because

of being an officer or enlisted man of the military or naval forces of this State, or hinder or prevent him from performing any military service he may be called upon to perform by proper authority, or dissuade any person from enlistment in the National Guard or Naval Militia by threat of injury to him in case he shall so enlist, in respect to his employment, trade or business. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Absence of public officers on military or naval duty

195. Absence of Public Officers on Military or Naval Duty. Every officer and employee of the State, or of any county, city and county, or municipal corporation thereof, or of any school district, irrigation district, water district, or other district, who is a member of the National Guard or Naval Militia, or a member of the reserve corps or force in the Federal military, naval or marine service, shall be entitled to absent himself from his duties or service while engaged in the performance of ordered military or naval duty, and while going to and returning from such duty. No such officer or employee shall be subjected by any person whatever directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuance in office or employment or to reappointment to office or to reemployment. During the absence of any such officer or employee, while engaged in the performance of ordered military or naval duty as a member of the National Guard, Naval Militia, reserve corps or force in the Federal military, naval or marine service, he shall receive his salary or compensation as such officer or employee, provided the period of such absence in any calendar year does not exceed thirty days.

Right of way.

196 Right of Way. The commanding officer of any portion of the militia parading or performing any military duty in any street or highway, may require any or all persons in such street or highway to yield the right of way to such militia, provided the carriage of the United States mail, the legitimate functions of the police and the progress and operations of hospital ambulances and fire engines and fire departments and apparatus shall not be interfered with thereby. Any person who hinders, delays, or obstructs any portion of the militia parading or performing any military duty, or who attempts so to do, shall be guilty of a misdemeanor.

Casualties

197. Casualties. In all cases in which any officer or enlisted man of the National Guard or Naval Militia of this State not in active service is wounded, injured, disabled or killed in active service and in line of duty, such officer or enlisted man or the dependents of such officer or enlisted man shall be entitled to receive compensation from the State, in accordance with the provisions of the Workmen's Compensation Insurance and Safety Act of 1917, as amended.

Stats 1917, p. 831.

In all such cases, such officer or enlisted man shall be held and deemed to be an employee of the State. The compensation to be awarded to any such officer or enlisted man shall

be ascertained, determined and fixed upon the basis of his average income from all sources during the year immediately preceding the date of such injury or death or the commencement of such disability; but such compensation shall in no case exceed the maximum prescribed in said Workmen's Compensation Insurance and Safety Act of 1917, as amended. Stats 1917, p 831.

198. Determination of Benefits. In the determination of the benefits to be awarded any member of the militia or his dependents under the provisions of this section, it shall be conclusively presumed that the average yearly earning of such injured or deceased member of the militia is not less than one thousand two hundred dollars. Any injury, death or disability shall be deemed to have been suffered in line of duty unless the same resulted from misconduct or disobedience of lawful orders by the injured or deceased member of the militia. Determination of benefits.

199. Exemptions From Tolls. When an emergency has been declared to exist by the Governor and during the continuance thereof, any person belonging to the military or naval forces of the State or of the United States shall, together with his conveyance, personal baggage, and the military property of the State or of the United States in his charge, be allowed to pass free through all tollgates and over all toll bridges and also over all ferries, if he presents an order for duty in the military or naval service of the State or of the United States. Exemptions from tolls

200. Arrest of Trespassers and Disturbers. The commanding officer may place under arrest any person who trespasses upon any camp ground, parade ground, armory, or other place devoted to military duty, or who in any way or manner interrupts or molests the orderly discharge of military duty, or who disturbs or prevents the passage of troops going to or returning from any duty. Arrest of trespassers and disturbers

PART IV—COMPENSATION.

211. Pay and Allowances. Officers on active duty in the service of the State shall receive the same pay and allowance as officers of similar grade in the United States Army and United States Navy. Enlisted men while on active duty in the service of the State shall receive two dollars per day. No pay shall be allowed officers or enlisted men for duty at camps of instruction, drills, or parades. Pay and allowances.

212. Allowances for Equipment. To assist in uniforming and equipping themselves, commissioned and warrant officers on the active list who have been in service as such during a fiscal year of twelve months, beginning with the first day of July, shall receive annually twenty-five dollars, and officers on the active list who have been in service as such during a period less than a fiscal year shall receive such proportion of the allowance for the year as the period of service bears to a year. Allowances for equipment

213. Traveling Expenses. Whenever an officer of the National Guard is detailed for special duty in any matter Traveling expenses.

relating to the National Guard, by order of the Governor, he shall be allowed the base pay provided for his grade by the pay tables of the United States Army and actual traveling expenses. An enlisted man similarly detailed shall be allowed two dollars per day and actual traveling expenses. Whenever an officer or enlisted man of the United States Army or Navy, detailed by the War or Navy Department for service with the National Guard of California, is detailed by the Governor for special duty or requested to perform such duty involving travel not specially directed by the War or Navy Department, said officer or enlisted man shall be allowed his actual traveling expenses, but no per diem.

Military organization allowances

214. *Military Organization Allowances.* There must be audited and allowed by The Adjutant General and paid out of the appropriation for military purposes upon the warrant of the State Controller to the commanding officer of each rifle, machine gun, regimental headquarters, regimental service and howitzer companies of infantry; to the commanding officer of each firing battery, combat train, regimental headquarters battery and regimental service battery of coast artillery; to the commanding officer of each firing battery, combat train and regimental headquarters battery of field artillery; to the commanding officer of each signal, military police, ordnance, service, motor transport and wagon company, the sum of one hundred fifty dollars per month; to the commanding officer of each tank company, divisional aviation unit, the sum of two hundred dollars per month; to the commanding officer of each brigade headquarters, brigade headquarters company, divisional headquarters company, and battalion headquarters company of infantry the sum of one hundred twenty-five dollars per month; to the commanding officer of each regimental headquarters of infantry, coast artillery and field artillery and each division headquarters the sum of two hundred dollars per month except should a regimental headquarters be organized before the regiment has been fully completed then such portion of the two hundred dollars as The Adjutant General may deem necessary; to the commanding officer of each medical detachment attached to an infantry, coast artillery or field artillery regiment the sum of one hundred twenty-five dollars per month.

The sum so paid to the various commanding officers shall be used for armory rental, janitor service, clerical service, recruiting, care of arms and equipment and proper incidental expenses of company, troop, battery, headquarters or detachment.

Monthly allowance.

In case of a unit of the National Guard or Naval Militia which is or hereafter may be organized under and by virtue of authority granted the Governor in this code, and an allowance is not otherwise provided therefor in this section, The Adjutant General is authorized to determine and fix a monthly allowance for such unit to be used for armory rent, clerical service, recruiting, care of arms and equipment, janitor serv-

ice and proper incidental expenses. No claim shall be allowed under the provisions of this section except upon demand made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the National Guard, or notary public, and forwarded through the headquarters of the regiment, coast artillery corps, separate battalion or next higher unit, or separate squadron, or Naval Militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to The Adjutant General.

PART V—EQUIPMENT AND ACCOMMODATIONS.

CHAPTER I—ARMS AND EQUIPMENT.

Arms and equipment.

221. Arms and Equipment. The National Guard, the Naval Militia, and the unorganized militia when called into active service, shall be provided by the State with such supplies and equipment, not supplied by the United States, as may be necessary for the proper performance of functions authorized or prescribed by the laws and regulations of this State and the United States.

Responsibility for public property.

222. Responsibility for Public Property. Every officer and enlisted man to whom public property has been issued shall be personally responsible to the State for such property, and no one shall be relieved from such responsibility, except it be shown to the satisfaction of the Governor that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; in all other cases the value of the property lost or destroyed in the amount determined by a surveying officer or a board as herein provided shall be charged against the person at fault or with the concurrence of its commanding officer to the command to or for which it had been issued, and if not relieved from such charge by the Governor, it shall be an indebtedness from such person or command to the State. If the commanding officer of the organization so charged shall not concur in the finding of the surveying officer, then the value of lost or destroyed property and the person or command to be charged therewith shall be determined by a board to consist either of an inspector on the staff of the Governor or of a disinterested officer who shall be appointed by the Governor to serve on such board, and the commanding officer of the organization in which such property is lost. In case of disagreement, a third officer, not below the grade of major, shall be appointed by the Governor, and a decision of a majority of the board so constituted shall be final. Where the amount determined by such board as the value of lost or destroyed property is charged to a person, it shall be deducted from any pay or allowance due or to become due to him from the State, and where it is charged to a command, it shall be deducted one-half in successive calendar years from any allowance or money due or to become due to it from

the State, except that on the disbandment of a command any such indebtedness then existing and such as may be charged to it upon a final settlement of property accounts shall, as soon as determined, be paid out of its military funds or unexpended appropriations. An action may be maintained by the people of the State in any court having jurisdiction thereof by the Attorney General or Judge Advocate of the National Guard, upon request of The Adjutant General of the State, to recover any such indebtedness from a person or his sureties to the State remaining unpaid upon final determination of such indebtedness.

Transportation of arms

223. Transportation of Arms. The transportation of arms, equipment, and military stores issued to troops or received by the State, and all other military transportation, must be contracted for by The Adjutant General, under the direction of the Governor. Vouchers for such transportation, when approved by The Adjutant General, must be paid from the appropriation for military purposes, on the warrant of the State Controller.

Property returns

224. Property Returns. All property purchased out of the moneys allowed by the State for the use and convenience of the militia shall be held to be the property of the State, and must be enumerated on the property returns next following its purchase.

Use of State and company property.

225. Use of State and Company Property. (a) No soldier shall wear or use, except when on military duty, or by special permission of his commanding officer, any uniform or other article of military property belonging to the State, or to the company of which he is a member.

(b) No officer in charge of public property for military use shall transfer any portion thereof, either as a loan or permanently, without the authority of the Governor.

Conversion of military property

226. Conversion of Military Property. Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by a commissioned officer of the National Guard or Naval Militia, or in any manner pawn or pledge any arms, uniforms, equipments, or other military or naval property, or property of the State or of the United States, or of any organization of the active militia shall be guilty of a misdemeanor.

Unlawful wearing of uniforms

227. Unlawful Wearing of Uniforms. Any person, other than an officer or enlisted man of the National Guard or Naval Militia of this State, or of any other State, or of the United States Army, Navy, Marine Corps or Revenue Service or Forest Service, or inmate of any veterans' or soldiers' home, who at any time wears the uniform of the United States Army or Navy or National Guard, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of this State, is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred nor more than two hundred fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or by both

such fine and imprisonment. Nothing in this section shall prohibit persons of the theatrical profession from wearing such uniform in any playhouse or theater while actually engaged in following said profession, nor prohibit the uniform rank of civic societies from parading or traveling in a body or assembling in a lodge room. Whenever the National Guard, or any part thereof is in active service, or is called into active service, no civic organization or member thereof shall parade or appear in uniform in the locality where said National Guard is in service.

Uniform of enlisted men

228. Uniform of Enlisted Men. Every enlisted man who enters the service of the State may be provided by the State with a service or dress uniform, or both, corresponding in make and general appearance to the service and dress uniform of the United States Army.

Colors

229. Colors. The colors carried by organizations of the National Guard shall be such as are borne by similar organizations of the United States Army, except that the regimental or battalion colors may have thereon the State coat of arms, instead of arms of the United States. No military organization provided for by the Constitution and laws of this State and receiving State support shall, while under arms, either for ceremony or duty, carry any device, banner or flag of any State or Nation, except that of the United States or of this State.

CHAPTER II—ARMORIES.

Definition of armory

241 Definition of Armory. "Armory," whenever used in this chapter, shall include any building or portion thereof, rifle range, camp site, airport, arsenal, vessel, quarters or accommodations devoted to the use of the militia.

Control

242. Control. The Adjutant General shall have the control of all armories built or acquired by the State, or that may come into possession or control of the State, that may be erected, purchased, leased, or provided or contributed to in whole or in part by any town, city, county, or city and county, for armory purposes, pursuant to any legislative act or otherwise.

Armory boards

243. Armory Boards. For the control and management of the armories, The Adjutant General may cause to be established from the personnel of the organized militia armory boards, the personnel of which shall serve without pay; and such boards, subject to the direction of The Adjutant General, shall control, manage and supervise all activities therein and apply the revenues therefrom to the necessary maintenance and repairs thereof and pay over to The Adjutant General any surplus for the general fund of the State. Such armory boards shall keep accounts and The Adjutant General shall audit the same.

Lease and construction of armories

244. Lease and Construction of Armories. The Adjutant General is hereby authorized to lease on behalf of the State

such armories as may be necessary for the use of the militia. It shall be the duty of The Adjutant General, under the direction of the Governor to make and enforce regulations for the government and control of such armories, and where appropriations have been made therefor, to advertise for and receive bids for the construction of armories, to enter into contracts for the construction and completion thereof, to contract for and purchase the furnishings and equipment therefor, and to purchase or lease real estate for armory purposes. It shall be the duty of the Department of Public Works, upon request of The Adjutant General, to furnish the plans, estimates and specifications for all armories and to supervise the erection and construction thereof.

Rentals

245. Rentals. In all armories leased by The Adjutant General, he may, in his discretion, pay the rental or such portion of the rent thereof from funds under his control, as he may see fit, charging the organizations using said armory or armories such rental as may, in his judgment, be equitable, and may deduct from the quarterly allowance to such organizations the rent so charged

Eminent domain

246. Eminent Domain. Under the provisions of the Code of Civil Procedure relating to eminent domain, The Adjutant General, in the name of the people of the State of California, with the approval of the Department of Finance, is hereby authorized to condemn any property necessary for armory purposes. Armories are hereby declared to be public uses.

Prior to the commencement of condemnation proceedings, The Adjutant General shall declare in writing that the public interest and necessity require the purchase or acquisition of the property by the State. Upon filing with the Department of Finance, said declaration shall be prima facie evidence (a) of the public necessity for the acquisition of such property; (b) that such property is necessary therefor; and (c) that such property is planned or located in the manner which will be most compatible with the greatest good and the least private injury.

Donations and dedications

247. Donations and Dedications. The Adjutant General is hereby authorized to receive by donation or dedication any property which may be used for armory purposes.

PART VI—MILITARY COURTS.

Types of courts.

251. Types of Courts. The military courts of this State shall be: (1) general courts-martial; (2) special courts-martial; (3) summary courts-martial; (4) courts of inquiry. The constitution and jurisdiction of general courts-martial, special courts-martial, summary courts-martial, and courts of inquiry, the form and manner in which the proceedings are conducted and recorded, the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in the revision thereof, shall be governed by the terms of the Articles of War,

the National Defense Act of June 3, 1916, and the amendments thereto, the laws and regulations governing the Army of the United States, and the law and procedure of similar courts of the United States Army, except as otherwise provided in this title.

Courts of inquiry.

252. Courts of Inquiry. Courts of inquiry shall consist of at least three officers and may be ordered by the Governor to examine into the nature of any transaction of or accusation or imputation against any officer or enlisted man. Such courts may be ordered upon the request of any officer concerned or of The Adjutant General.

The officers of the court, as far as possible, shall be of rank at least equal to that of the officer, or senior officer, if there be more than one, with regard to whom the inquiry is to be made.

The court shall, without delay, report to the officer ordering it, the evidence adduced, a statement of the facts, and, when required, an opinion thereon.

Appointment of courts-martial.

253. Appointment of Courts-martial. (a) General courts-martial may be convened by the President of the United States or the Governor. (b) Special courts-martial may be appointed by the commanding officer of a garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command. Such court-martial may in any case be appointed by superior authority when by the latter deemed desirable. (c) Summary courts-martial may be appointed by the commanding officer of a garrison, fort, post, or other place, regiment, or corps, detached battalion, company, or other detachment.

Jurisdiction of general courts-martial.

254. Jurisdiction of General Courts-martial. General Courts-martial:

(1) Have power to try:

(a) Commissioned officers, warrant officers, and enlisted men of the active National Guard.

(b) Commissioned officers, warrant officers, and enlisted men of the National Guard Reserve whenever they are called out for service or are actually engaged in training with the active National Guard.

(2) Have power to adjudge:

(a) Dismissal, in the case of a commissioned or warrant officer.

(b) Dishonorable discharge, in the case of an enlisted man.

(c) Reduction to the ranks, in the case of a noncommissioned officer.

(d) Forfeiture of pay and allowances.

(e) Fine not exceeding two hundred dollars.

(f) Confinement not exceeding two hundred days.

(g) Fine and confinement, the total of the number of dollars of fine and number of days of confinement not to exceed two hundred.

(h) Reprimand.

Jurisdiction of special courts-martial.

255. Jurisdiction of Special Courts-martial. Special Courts-martial:

(1) Have power to try:

(a) Warrant officers and enlisted men of the active National Guard.

(b) Warrant officers and enlisted men of the National Guard Reserve whenever they are called out for service or are actually engaged in training with the active National Guard.

(2) Have power to adjudge:

(a) Dismissal, in case of a warrant officer.

(b) Dishonorable discharge, in the case of an enlisted man.

(c) Reduction to the ranks, in the case of a noncommissioned officer.

(d) Forfeiture of pay and allowances.

(e) Fine not exceeding one hundred dollars.

(f) Confinement not exceeding one hundred days.

(g) Fine and confinement, the total of the number of dollars of fine and number of days of confinement not to exceed one hundred

(h) Reprimand.

Jurisdiction of summary courts-martial.

256. Jurisdiction of Summary Courts-martial. Summary Courts-martial:

(1) Have power to try:

(a) Enlisted men of the active National Guard.

(b) Enlisted men of the National Guard Reserve whenever they are called out for service or are actually engaged in training with the active National Guard.

(2) Have power to adjudge:

(a) Reduction to the ranks in the case of a noncommissioned officer.

(b) Forfeiture of pay and allowances.

(c) Fine not exceeding twenty-five dollars.

(d) Confinement not exceeding twenty-five days.

(e) Fine and confinement, the total of the number of dollars of fine and number of days of confinement not to exceed twenty-five.

Prosecution in name of State.

257. Prosecution in Name of State. The trial Judge Advocate of a general or special court-martial in the National Guard shall prosecute in the name of the State.

Powers of military courts.

258. Powers of Military Courts. Each military court shall have the same power to compel by subpena, by subpena duces tecum, and by attachment, the attendance of witnesses, both civilian and military, and the production of books, papers, and documents, and to punish for contempt a witness duly subpenaed for nonattendance, or refusal to be sworn or testify, or to produce books, papers and documents, as is possessed by

any superior court of this State. Military courts shall also have power to take by commission the testimony of witnesses who can not reasonably be produced at the trial to the same extent as such superior court. Commissions and subpenas may be issued by the president or the Judge Advocate, if there be one, of the court, both before and after being sworn, for witnesses whose attendance or testimony before such court may be necessary in behalf of the prosecution, and upon application in behalf of any person to be tried by such court, either the president or the Judge Advocate may direct the commanding officer of any organization to cause such subpena to be served on any member of his command. A witness not appearing in obedience to a subpena when served personally with a copy of the same, and not having sufficient excuse, or refusing to obey any lawful order of the court, shall forfeit to the people of the State the sum of twenty-five dollars. The president of each court, or summary court officer, shall, from time to time, report to the Judge Advocate General, the names of all such delinquent witnesses, together with the names and places of residence of the persons serving such subpenas, and a Judge Advocate may sue for and recover such penalties in the name of the people.

Process and mandates.

259. Process and Mandates. Military courts are empowered to issue all process and mandates, including writs and warrants, necessary and proper to carry into full effect the powers vested in such courts. Such process or mandates may be directed to the sheriff of any county, and the constables and marshals of any town or city, or to any officer or enlisted man appointed by the court to serve or execute the same. It shall be the duty of all officers to whom such process or mandates may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same. The keepers and warden of any jail shall receive the bodies of persons committed by the process or mandate of a military court and confine them in the manner prescribed by law. Except as otherwise specially provided in this code, no fees or charges of any nature shall be demanded or required to be paid by the State, or any military court or member thereof, or by the person executing its mandate or process, or to any public officer for receiving, executing, or returning any such process or mandate, or for any service in connection therewith, or for receiving or confining the person in jail or custody thereunder.

Service of charges

260. Service of Charges. When an officer or enlisted man is placed under arrest for the purposes of trial, a copy of the charges and specifications upon which he is to be tried shall be delivered to him or left at his last known place of abode or business, within such time as is prescribed by the laws and regulations governing procedure in the United States Army in similar circumstances, and a court shall be ordered for his trial within the time similarly prescribed by the rules and regulations of the United States Army. If a copy of the

charges and specifications be not served, or a court not ordered within the time herein limited, the arrest shall cease, but such charges and specifications may be served, a court ordered, and the officer or enlisted man be brought to trial after such release from arrest within the time prescribed by the rules and regulations of the United States Army in similar circumstances. The appearance of the accused, without objection and pleading to the charges, shall be deemed a waiver of any defect or irregularity of such service of any of the papers mentioned in this section.

Trial after separation from service

261. Trial After Separation From Service. A person who has been separated from the military service shall be subject to the jurisdiction of a lawfully appointed court-martial for trial and punishment for offenses committed during his military service.

Review of proceedings

262. Review of Proceedings. No sentence of a court-martial shall be carried into execution until the proceedings have been reviewed and the sentence approved by the officer appointing the court or by the officer commanding for the time being.

Collection of fines and penalties.

263. Collection of Fines and Penalties. For the purpose of collecting fines or penalties, imposed by a court-martial, the president of any such general or special court-martial and the summary court officer of any such summary court must make a list of all such fines and penalties and of the persons against whom they have been imposed, and may thereafter issue a warrant under his hand directed to any sheriff or constable of the county, commanding him to levy and collect such fines, together with the costs, upon and out of the property of the person against whom the fine or penalty was imposed; and such warrant shall be executed and renewed in the same manner as executions from the justices' courts are executed and renewed. All fines collected shall be paid by the officer collecting the same to the commanding officer of the organization of which the person fined is or was a member, and accounted for by said commanding officer in the same manner as are other State funds.

Commitments for disorderly conduct.

264. Commitments for Disorderly Conduct. Any person who shall be guilty of disorderly, contemptuous, or insolent behavior in, or use insulting or contemptuous or indecorous language or expression to or before, any military court, or any member of such court in open court, tending to interrupt its proceedings or to impair the respect due to its authority, or who shall commit any breach of the peace or make any noise or other disturbance directly tending to interrupt its proceedings, may be committed by warrant under the hand of the president of the court, or summary court officer, to the jail of the city, county, or city and county in which said court sits, there to be confined for a period not to exceed three days.

Military offense also a civil offense.

265. Military Offense Also a Civil Offense. When the military offense charged is also made an offense by the civil law of this State, the officer whose duty it is to order trial

may, in his discretion, order the person charged to be turned over to the civil authorities for trial.

Trial of felonies.

266. Trial of Felonies. Whenever any person in the military service of the State is charged with the commission while on duty of an offense made a felony by the laws of this State, he shall be delivered by his superior officer or officers to the proper civil authorities of the county or municipality in which the offense occurred for trial, but trial and punishment by civil authorities shall not preclude trial and additional punishment by court-martial for any military offense resulting from commission of said felony.

Exemption from liability.

267. Exemption From Liability. No officer by whom a military court is ordered, or member of any such military court, or officer or person acting under its authority or reviewing the proceedings thereof or enforcing the process or sentence thereof shall be liable civilly or criminally for any act done in such capacity.

PART VII—NAVAL MILITIA.

Organization.

281. Organization. The organization of the Naval Militia shall conform generally to the provisions of the laws of the United States. When organized, the Naval Militia shall consist of such number of deck and engineer divisions, companies of marines, aeronautic and such other organizations as the Governor may, from time to time, prescribe, in conformity with the requirements of the Navy Department. The Naval Militia shall be located throughout the State at the discretion of the Governor. The words "division" and "company" as used in this code in connection with the Naval Militia shall have the same meaning and effect as "company" when used in this code in connection with infantry. The word "battalion" as used in this code in connection with the Naval Militia shall have the same meaning and effect as "battalion" when used in this code in connection with infantry. The several divisions, companies of marines, and other organizations of the Naval Militia may be organized into battalions at the discretion of the Governor.

Federal laws and regulations.

282. Federal Laws and Regulations. The numerical strength, rank, titles and insignia of rank of the divisions and companies of marines of the Naval Militia shall conform to the laws, rules and regulations of the United States Navy, and such rules and regulations as may be prescribed by the Secretary of the Navy for the Naval Militia. The Naval Militia shall be organized into one or more naval brigades, which shall consist of such administrative battalions as may be prescribed by the Navy Department for like number of divisions in the United States Navy.

Officers and men

283. Officers and Men. The officers, chief warrant officers, warrant officers and enlisted men of the Naval Militia of this State shall be of such number and grades as may be prescribed by the Governor and the same shall be of the same

number and grades as are authorized or prescribed by the laws and regulations of the United States for similar organizations of the United States Navy, or as authorized or prescribed by said laws and regulations of the Navy Department for the Naval Militia.

Tenure of officers

284. Tenure of Officers. All officers now serving in the active Naval Militia of this State, or who may hereafter be commissioned therein, shall hold their commissions until they reach the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by courts-martial legally convened for that purpose.

Examination for commanding officer.

285. Examination for Commanding Officer. In order to select a commanding officer for the Naval Militia The Adjutant General shall nominate not to exceed three officers, not below the grade of lieutenant commander, and shall cause such candidates to be examined. The candidate receiving the highest rating in such examination will be recommended by The Adjutant General to the Governor for commission.

Vacancies

286. Vacancies. When vacancies occur in the commissioned personnel, the commanding officer of the Naval Militia shall recommend not to exceed three candidates to The Adjutant General who shall cause such candidates to be examined. The candidate receiving the highest rating in such examination shall be recommended by The Adjutant General to the Governor for commission.

Warrant officers

287. Warrant Officers The chief warrant officers may be appointed by the Governor upon the recommendation of the commanding officer of the Naval Militia and shall receive from the Governor a commission in the same form as commissioned officers of the Naval Militia. Warrant officers may be appointed by The Adjutant General upon the recommendation of the commanding officer of the Naval Militia and warrants for warrant officers may be issued by The Adjutant General upon the recommendation of the commanding officer of the Naval Militia. Chief petty officers and petty officers shall be appointed by the commanding officer of the Naval Militia, who shall issue to such chief petty officers and petty officers a warrant in proper form.

Discipline and exercise

288. Discipline and Exercise. The system of discipline and exercise shall conform to that of the Navy of the United States as now or hereafter prescribed by Congress, as prescribed by the provisions of this code relating to the National Guard, and as prescribed by the Secretary of the Navy for the guidance of the Naval Militia. The Governor may alter, divide, annex consolidate, and disband the Naval Militia or any portion thereof whenever in his judgment the efficiency of the State forces shall thereby be increased. He may also make rules and regulations for the use, government, and instruction of the Naval Militia. Such rules and regulations shall conform to those governing the United States Navy and

those prescribed by the Secretary of the Navy for the conduct of the Naval Militia.

289. Officers From United States Navy. The Governor is authorized to apply to the President of the United States for the detail of commissioned officers and petty officers of the Navy to act as inspectors and instructors in the art of naval warfare. Officers from United States Navy

290. Courts-martial. Summary court-martial for the Naval Militia when necessary shall be ordered by the commanding officer of the Naval Militia and general courts-martial for the Naval Militia when necessary shall be ordered by the Governor and shall be organized and conducted within the laws, regulations and usages of the United States Navy, and the provisions of this code relating to military courts. The proceedings shall be reviewed and sentence executed as provided in this code. Vessels lent by the United States to this State for the use of the Naval Militia shall be commanded by the ranking officer for line duty resident at the port to which said vessel is assigned, and in the absence of such ranking officer for line duty, by the next ranking officer for line duty Courts-martial

291. Special Deck Divisions. In a locality where there are insufficient men available to form an engineer division and there already exists an organized deck division, men of the artificer branch may be additionally enrolled in such deck division with such ratings as they may be qualified to fill, until such time as there is a sufficient number of them to form a separate engineer division, and any men in such artificer branch may be rated in the various petty officers' ratings in the artificer branch of the naval service which they are qualified to fill. In a locality where there are insufficient men available to form a marine company and there is already existing in that locality a deck division of the Naval Militia, a marine section may be organized with one officer and not less than twenty enlisted marines. Special deck divisions

DIVISION III—CADET AND VOLUNTARY ORGANIZATIONS.

PART I—HIGH SCHOOL CADET COMPANIES.

311. Organization. The male students of any high school in this State, having forty or more such students, fourteen years of age or over, may be organized into a high school cadet company, or companies, of not less than forty members each, under such rules and regulations as the governing body of said school may prescribe. Said cadet company, or companies, shall at all times be under the guidance and control of the principal of the said school, whose duty it shall be to make regulations regarding the moral, educational, and physical welfare of said cadets. Organization

312. Officers of Companies. Said companies shall each have one captain, one first lieutenant, and one second lieu- Officers of companies

tenant appointed and commissioned by The Adjutant General upon the recommendation of the commandant of cadets, herein provided for, and with the approval of the principal, and such noncommissioned officers and privates as correspond to the noncommissioned officers and privates of the infantry companies of the National Guard, the noncommissioned officers to be appointed and warranted by the commandant of cadets, with the approval of the principal.

Cadet officers.

313. Cadet Officers. In case any high school has more than one company it shall have one cadet major, one cadet adjutant and one battalion quartermaster and commissary, the last two mentioned officers to have the rank of first lieutenant, who shall be appointed and commissioned by The Adjutant General upon the recommendation of the commandant of cadets, and with the approval of the principal, and one sergeant major and one color sergeant, who shall be appointed and warranted by the commandant of cadets, with the approval of the principal. The Adjutant General may, in his discretion, organize the companies of the high school cadets into one or more regiments and may commission the necessary officers and warrant the necessary noncommissioned officers of the same grades and number provided for similar organizations of the National Guard.

Cancellation of commissions

314. Cancellation of Commissions. Any commissioned officer or noncommissioned officer may have his commission or warrant canceled, and be reduced to the ranks, upon the recommendation of the principal of the high school, for deficiency in his studies, or for misbehavior, either in school or in the cadet company, or for other good cause appearing in the judgment of the principal.

Cadet officers from junior and senior classes

315. Cadet Officers From Junior and Senior Classes. All cadet officers shall be appointed from the senior and junior classes of high schools.

Drill regulations

316. Drill Regulations. Said high school cadets shall drill in accordance with the infantry drill regulations prescribed by the United States Army.

Uniforms and ornaments

317. Uniforms and Ornaments. Said high school cadets shall wear such uniform as The Adjutant General shall prescribe. The Adjutant General is authorized to issue to the high school cadets necessary cap and collar ornaments, and chevrons. A regulation uniform for cadets shall be kept in The Adjutant General's office to be used as sample from which the uniforms for the high school cadets shall be made.

Drill rifles.

318. Drill Rifles. A sufficient number of obsolete rifles for drill purposes may be purchased by the board of high school trustees, board of education, county superintendent of schools, the State Superintendent of Public Instruction, or The Adjutant General out of any funds available and not otherwise appropriated.

Target practice

319. Target Practice. Target practice shall constitute a part of the instruction to be given to said cadets, and The Adjutant General shall purchase and supply to each of said

high schools a sufficient number of Springfield or other efficient rifles for field target work and for gallery practice, and ammunition and equipment therefor, as in his judgment shall be necessary for efficient rifle practice. All target practice shall be under the supervision of the commandants of cadets or competent members of the National Guard or Naval Militia detailed by The Adjutant General. The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the said high school cadets.

Detail of National Guard officers

320. Detail of National Guard Officers. When necessary, The Adjutant General may detail from the organizations of the National Guard or Naval Militia some competent member thereof who may act as drill and rifle practice instructor for said high school cadets. The Adjutant General may provide for compensating the persons detailed by him to instruct said cadets in drill and target practice.

Use of National Guard rifle ranges

321. Use of National Guard Rifle Ranges. Whenever practicable said high school cadets shall be permitted to shoot at target practice upon National Guard rifle ranges, when not needed by the National Guard, under the supervision of the commandant of cadets.

Annual inspection

322. Annual Inspection. Said high school cadet companies shall be inspected once each year by officers of the National Guard or Naval Militia detailed by The Adjutant General for that purpose. Such inspectors shall report to The Adjutant General the result of such inspections, relating to the drill, target practice, attendance, discipline, and condition of property of said high school cadet organizations. Such reports shall be made and forwarded, in duplicate, one copy to the State Superintendent of Public Instruction, and one copy to The Adjutant General's office, and shall bear the indorsement of the principal of said school, containing such remarks as the principal may deem pertinent. Such reports shall also contain an inventory of the State property on hand in the cadet companies at the time of said inspections.

Responsibility for public property.

323. Responsibility for Public Property. The principal of the school shall be responsible for all public property supplied to said cadet companies, and shall supervise the proper care thereof.

Drill regulations.

324. Drill Regulations. The Adjutant General shall provide suitable drill regulations, books of instruction, and the necessary blank forms for reports of each of said high school cadet companies.

Commandant of cadets

325. Commandant of Cadets. Upon recommendation of The Adjutant General and with the approval of the school board having jurisdiction over the high school, the Governor may commission, in the same manner as National Guard officers are commissioned, a commandant of cadets for duty in each high school having one or more cadet companies. This officer shall be commissioned major and commandant of cadets, State of California, and shall hold office at the pleasure of the Governor, or until his successor has been appointed and quali-

fied, or until his connection with the cadets is severed. Said major and commandant of cadets shall be entitled to the same privileges and exemptions accorded National Guard officers, except that pay and expenses on special detail shall be taken from the high school cadet appropriation, instead of from National Guard funds. Said major and commandant of cadets shall wear the same uniform and shoulder straps as a major of infantry in the National Guard, with cap and collar ornaments designating the California high school cadets.

Cooperation by school authorities

326. Cooperation by School Authorities. Each and every board of high school trustees, board of education, county superintendent of schools, and the State Superintendent of Public Instruction is hereby authorized, empowered, and directed to facilitate the purposes of this code by cooperating with The Adjutant General.

PART II—MILITARY ACADEMIES.

Military instructors

341. Military Instructors. When a military academy has been established within the State, having not less than eighty boys, uniformed, drilled, and instructed in strict accordance with the tactics of the regular United States Army, and all its course of education and economy conducted upon strict military principles, the military instructor of such academy, when regularly elected by the board of trustees or other lawful authority of the academy, may be commissioned in the National Guard with the rank of major or lower rank. Such officer shall exercise no authority or command except as military instructor of such academy. Such commission may be revoked by The Adjutant General, under such rules and regulations as he may prescribe.

PART III—VOLUNTARY ORGANIZATIONS.

License by the Governor.

361. License by the Governor. The Governor may issue licenses to bodies of men to organize, drill and bear arms as military companies or organizations. Whenever any such body of men associate themselves as a military company or organization and drill with arms under the license of the Governor, such military company or organization shall file with The Adjutant General, at such time as the Governor may designate, a muster roll of such military company or organization, certified by the oath of the commanding officer thereof. The muster roll shall contain the names, ages, occupations and places of residence of all members thereof, and the number and character of all arms in the possession of such organization, and shall appear for inspection by The Adjutant General or such military inspector as the Governor designates, at least once a year, at their respective armories, at such time as the Governor designates. Each member of such military company or organization shall take and subscribe to an oath, before any officer authorized to administer the same, that he will support the Constitution of the United

States and the Constitution of the State of California and will obey and maintain all laws and all officers employed in administering the same.

Active service.

362. Active Service. Whenever the Governor, in his judgment, deems it necessary for the public safety, he may call any such military company or organization into active service of the State for the causes and purposes for which he may call the National Guard into active service. Such military company or organization shall rendezvous, and report for active service at such time and place and to such officer as the Governor designates, and shall enter the active service of the State and obey all lawful orders and commands issued by the Governor or any officer placed in command by his orders, in the same manner as if such military company or organization were a part of the National Guard.

The members of such military company or organization when called into active service by order of the Governor shall be subject to all military penalties and punishments for violation of the orders of the Governor, or of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard, and shall be subject to the Articles of War, the rules and regulations governing the National Guard and shall receive the same pay and allowances while in active service as the members of the National Guard.

Students exempt.

364. Students Exempt. Students in educational institutions in which military science is a part of the course of instruction shall be exempt from the provisions of this part of this code.

DIVISION IV—MILITARY REWARDS AND DECORATIONS.

Decorations.

381. Decorations. The following decorations are hereby authorized for members of the California National Guard and Naval Militia:

(a) Medal of Valor.
(b) Military Cross.
(c) Medal of Merit.
(d) Service Medal.

The Adjutant General is hereby authorized to provide and procure appropriate emblematic devices for each such decoration, together with suitable ribbons and insignia to be worn therewith or in lieu thereof.

Award of decorations. Medal of Valor.

382. Award of Decorations. (a) A Medal of Valor may be presented to each person who, while an officer or enlisted man of the National Guard or Naval Militia of this State, distinguishes himself by courageous conduct at the risk of his life, above and beyond the call of duty while in the service of the State or of the United States.

No award of the Medal of Valor shall be made except upon clear and incontestable proof by affidavit of at least one eyewitness or person having personal knowledge of the act or deed.

Military Cross.

(b) A Military Cross may be presented to each person who, while an officer or enlisted man of the National Guard or Naval Militia of this State, distinguishes himself by extraordinary heroism while in the service of the State or of the United States.

Medal of Merit

(c) A Medal of Merit may be presented to each person who, while an officer or enlisted man of the National Guard or Naval Militia of this State, distinguishes himself by exceptionally meritorious service to the State or the United States in a duty of great responsibility or who, by unselfish and untiring activities in connection with the National Guard or Naval Militia of this State, has rendered a distinct service in furthering the interests of and promoting the security and welfare of the State.

Service Medal

(d) A Service Medal or bar shall be issued for ten years' service on the active list of the National Guard and of the Naval Militia, and for each period of five years' of service thereafter. Such medal or bar shall be issued to those entitled to the same upon application.

Presentation of decorations

383. Presentation of Decorations. The Medal of Valor shall be presented by the Governor. The Military Cross, the Medal of Merit, the Service Medal and other authorized medals and awards shall be presented by the Governor or The Adjutant General in the name of the Governor.

Additional awards

384. Additional Awards. No more than one Medal of Valor, or one Military Cross, or one Medal of Merit shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of a Medal of Valor, or a Military Cross, or a Medal of Merit, a suitable bar or other device denoting such additional award may be issued and worn as directed by appropriate regulations.

Marksmanship and attendance badges

385. Marksmanship and Attendance Badges. The Adjutant General is authorized to procure and issue annually appropriate badges or insignia for excellence in marksmanship and for drill attendance.

Wearing of decorations

386. Wearing of Decorations. Decorations authorized by this code and decorations, medals, badges, ribbons, and insignia authorized by the regulations of the United States pertaining to the National Guard and Naval Militia may be worn by officers and enlisted men in accordance with such regulations. No other decorations, medals, badges, ribbons, or insignia may be worn.

Rules and regulations.

387. Rules and Regulations. The Adjutant General is authorized to make from time to time rules, regulations and orders not inconsistent herewith which he may deem necessary to carry into effect the provisions of this division.

DIVISION X—REPEALS.

601. The following acts, parts of acts, and sections, together with all amendments thereof and all acts supplementary thereto, are hereby repealed: Repeals

GENERAL LAWS.

Year	Chapter	Page
1851	105	422
1862	296	362
1862	363	483
1863–64	353	396
1871–72	118	121
1877–78	488	758
1891	176	258
1893	49	62
1893	106	123
1899	112	148
1911	9	6
1911	159	325
1911	361	635
1913	467	890
1919	241	380
1929	120	204
1929	264	568
1929	660	1105

POLITICAL CODE.

SECTIONS

342.
374 to 374g.

Title IV of Part 3, embracing sections 1895 to 2112, inclusive.

PENAL CODE.

SECTIONS

310.
310a.
403a.
421.
442.
442½.
652.
653.
734.

CHAPTER 976.

An act to amend section 4110 of the Political Code, relating to presentation and payment of warrants by the county treasurer and the duties of the auditor in relation thereto.

[Approved by the Governor June 16, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats. 1907, p. 354

SECTION 1. Section 4110 of the Political Code is hereby amended to read as follows:

Treasurer to note interest paid

4110. When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

Alternative method

As an alternative to the method heretofore provided, when any person presents two or more warrants for payment at the same time, registered on the same date and drawn against the same fund, the treasurer shall file with the auditor a certified statement, giving the warrant numbers, the amounts and the total interest due on said warrants. The auditor shall then issue his special interest warrant against the proper fund for the total sum of interest due on such warrants. The said special interest warrant shall bear upon its face substantially the following notation: "This warrant is in full payment of interest due on warrants, as per detailed requisition, filed by the treasurer." The interest due on warrants shall be paid in the same manner as other warrants.

CHAPTER 977.

An act making an appropriation to pay the claim of the county of Sacramento against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of one thousand two hundred ninety-three dollars and thirty-three cents ($1,293.33), is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the claim of the county of Sacramento against the State of California.

CHAPTER 978.

An act making an appropriation to pay the claim of Morris Cohan against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Out of the moneys appropriated to defray the expenses of the State Athletic Commission of California by the provisions of section 15 of the act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an athletic commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contest," approved by the electors November 4. 1924, the sum of $57.60 is hereby appropriated to pay the claim of Morris Cohan against the State of California.

Special appropriation

Stats 1925, p. lxxxix

CHAPTER 979.

An act making an appropriation to pay the claim of Continental Oil Company against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. The sum of nine thousand three hundred ninety-seven dollars and thirty cents ($9,397.30) is hereby appropriated out of any money in the motor vehicle fuel fund in the State treasury to pay the claim of the Continental Oil Company against the State of California.

Special appropriation.

CHAPTER 980.

An act making an appropriation to pay the claim of California Union Insurance Company against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. The sum of two thousand eighty-nine dollars and twenty-one cents ($2,089.21) is hereby appropriated out

Special appropriation

of any money in the State treasury not otherwise appropriated to pay the claim of California Union Insurance Company against the State of California.

CHAPTER 981.

An act making an appropriation to pay the claim of the Barber Asphalt Company against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of two thousand three hundred eighty-eight dollars and fifty-nine cents ($2,388 59) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of the Barber Asphalt Company against the State of California.

CHAPTER 982.

An act making an appropriation to pay the claim of the Federal Mutual Liability Insurance Company against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. The sum of forty-one thousand three hundred forty-six dollars and eleven cents ($41,346.11) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of the Federal Mutual Liability Insurance Company against the State of California.

CHAPTER 983.

An act making an appropriation to pay the claim of the Associated Indemnity Company against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of seventeen thousand, one hundred forty-nine dollars and thirty-nine cents ($17,149.39) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of the Associated Indemnity Company against the State of California.

CHAPTER 984.

An act making an appropriation to reimburse the general fund for moneys advanced from the emergency fund for the support of the Motor Vehicle Fuel Tax Refund Division of the State Controller and the Fuel Tax Division of the State Board of Equalization.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. The sum of fourteen thousand two hundred ninety-seven dollars ($14,297) is hereby appropriated out of any money from the motor vehicle fuel fund to be transferred to the general fund in the State treasury to repay amounts made available from the emergency fund for the support of the motor vehicle fuel tax refund division of the State Controller and fuel tax division of the State Board of Equalization. The amount as herein specified shall be transferred upon the effective date of this act. Special appropriation

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CHAPTER 985.

An act making an appropriation to the State Board of Control to pay claims against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-five thousand (25,000) dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to the State Board of Control to be disbursed after investigation and hearing and in the discretion of the State Board of Control for the purpose of satisfying claims and/or judgments against the State of California, which have arisen under the provisions of chapter 260, Statutes of California 1929, as amended. No claim and/or judgment shall be paid by the said board which accrued prior to the first day of July, 1932, or after the twentieth day of April, 1933. The said board is authorized and empowered to negotiate settlement of any such claim and to obtain releases in the name of and on behalf of the State of California. The State Controller is hereby directed to issue his warrant payable from this appropriation upon a claim approved by the said board. Special appropriation

Stats 1929, p 305

CHAPTER 986.

An act to add a new section to the Probate Code to be numbered 718.6, relating to the acceptance of a deed conveying property which is subject to a mortgage or deed of trust in lieu of foreclosure of the mortgage or sale under the deed of trust.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Probate Code to be numbered 718.6 and to read as follows:

Acceptance of deed of property subject to mortgage or trust deed

718.6. If it shall appear to be to the advantage of the estate for the executor or administrator to accept a deed of property which is subject to a mortgage or deed of trust, in lieu of foreclosure of the mortgage or sale under the deed of trust, the court may authorize, upon such terms and conditions as may be imposed by the court, the acceptance of such deed, conveying such property to the heirs or devisees of the decedent, subject to administration, upon the petition of the executor or administrator or of any person interested in the estate, after notice of the hearing given for the period and in the manner required by section 1200 of this code.

CHAPTER 987.

An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to written instruments.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1929, p 851.

SECTION 1. Section 447 of the Code of Civil Procedure is hereby amended to read as follows:

Written instrument When copy in complaint deemed genuine

447. When an action is brought upon a written instrument, and the complaint contains a copy of such instrument, or a copy is annexed thereto, the genuineness and due execution of such instrument are deemed admitted, unless the answer denying the same be verified.

Stats 1929, p 851

SEC. 2. Section 448 of the Code of Civil Procedure is hereby amended to read as follows:

Written instrument When copy in answer deemed genuine.

448. When the defense to an action is founded upon a written instrument, and a copy thereof is contained in the answer, or is annexed thereto, the genuineness and due execution of such instrument are deemed admitted, unless the plaintiff file with the clerk, within ten (10) days after receiving a copy of the answer, an affidavit denying the same, and serve a copy thereof on the defendant.

CHAPTER 988.

An act to amend sections 528 and 2295a of the Political Code, relating to reports and publications furnished to the State Library.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 528 of the Political Code is hereby amended to read as follows: Stats. 1921, p. 175

528. 1. There must be printed of the laws of each session of the Legislature, two thousand two hundred fifty copies, in English, to be deposited with the Secretary of State, who, after retaining a sufficient number of said volumes for distribution, in accordance with the provisions of section 410 of the Political Code, shall sell the remaining copies at a price to be approved by the State Board of Control, who may authorize the Superintendent of Printing to compile and print any number of additional copies; the moneys thus received to be paid into the State treasury at the end of each month. Whenever any bill, joint or concurrent resolution, is passed to enrollment, by either the Senate or Assembly, the committee on enrollment of the house, in which the bill, joint or concurrent resolution originated, shall transmit the same, without delay, to the Superintendent of State Printing, who shall receipt for all such bills and resolutions, and proceed at once to have the same printed, in the order in which received, in the measure prescribed by law for the Statutes. So soon as printed, one copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills, shall be printed on bond paper, which, together with the engrossed bill, shall be sent to the committee on enrollment of the house in which the bill originated. Said committee shall compare such copy with the engrossed bill, and if it is found to be correct shall present it to the proper officers for their signatures. When such officials shall have signed their names, thereon, as required by law, it shall be an enrolled bill, and shall be transmitted to the Governor for his approval. If the same is signed by the Governor and becomes a law, the printed law shall go to the Secretary of State and become the official record.

Distribution of laws

Fixing price

Enrolled bills.

2. Whenever a law is signed by the Governor, official notice shall be forwarded, in writing, to the Superintendent of State Printing of the fact. Upon the receipt of said official notice, the Superintendent of State Printing shall cause to be printed, for the use of the Legislature, two hundred forty copies of said law, joint or concurrent resolution, to be distributed, one-third to the Senate and two-thirds to the Assembly, the sergeant-at-arms of the respective houses to receipt to the Superintendent of State Printing for the same, whose receipt shall be a proper voucher for the work. He shall also cause to

Printing of chapters.

Statutes

be printed the requisite number of sheets to make the number of copies of the Statutes required by law to be printed, the one composition of type to answer the purpose of printing the three editions.

Journals and appendices

The Superintendent of State Printing shall have the Laws, Journals of Senate and Assembly, and the Appendices thereto, properly indexed and bound, the Laws in law buckram binding, and deliver the same to the Secretary of State for distribution as soon as practical after the final adjournment of the Legislature, and the receipt of the Secretary of State shall be his voucher therefor.

Stats. 1913, p 1149.

SEC. 2. Section 2295a of the Political Code is hereby amended to read as follows:

Publications furnished State Library

2295a. It shall be the duty of the Superintendent of State Printing to furnish to the State Library, as soon as issued, sixty copies of all printed reports and other publications of State officers, commissions and departments; provided that copies, not to exceed a total of two hundred and fifty may be furnished to the State Library with the approval of the Department of Finance. Twenty-five of the documents so furnished shall be bound copies. Of the publications issued from day to day during the sessions of the Legislature, there may be furnished to the State Library as many as may be required by the librarian. The State Librarian shall in his discretion, distribute publications so received to the public libraries, and other educational, scientific, literary or art institutions of the State, which may apply to be put on the mailing list for all or a portion of the State publications; and to such libraries and other institutions outside this State with which the State Librarian may have established exchange relations. In the discretion of the State Librarian, remaining copies of State publications, except those publications required by law to be sold, may be distributed to any person applying therefor.

CHAPTER 989.

An act making an appropriation out of the fish and game preservation fund for the construction of jetties at the mouth of the Russian River.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. Out of any money in the fish and game preservation fund in the State treasury not otherwise appropriated, the sum of ten thousand dollars is hereby appropriated to be expended in accordance with law by the State Department of Public Works for the construction of jetties at the mouth of the Russian River near Jenner for the purpose of opening and maintaining a permanent channel through the bar at the mouth of said river.

CHAPTER 990.

An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, by adding two new sections thereto to be numbered, respectively, section 28 relating to the dissolution of such municipal utility districts, and section 29 relating to the withdrawal of certain territory therefrom.

Stats. 1921, p. 245, amended

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. An act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, is hereby amended by adding a new section thereto to be numbered section 28 and to read as follows:

New section.

Sec. 28. The board of directors of any district which operates no works or properties, or whose exterior boundaries are coincident with the boundaries of a single city or town, may call an election at any time for the purpose of submitting to the qualified electors of said district the question of whether the district shall be dissolved; and the said board of directors must, upon the filing with the secretary of such district of a petition signed by qualified electors of said district, equal in number to not less than twenty-five per cent of the votes cast within said district at the general State election next preceding, asking that the question of dissolution of the district be submitted to a vote of the electors of the district, call such election. Such election for the purpose of submitting to the qualified electors of the district the question of whether or not the district shall be dissolved shall be held within sixty days next succeeding the date on which the petition was filed. Notice of any election for dissolution, whether called because of the filing of such petition or ordered by the board of directors without petition, shall be published once a week for two weeks prior to the date fixed for said election in a newspaper of general circulation printed and published in said district or in case there is no newspaper of general circulation printed and published in said district notice of the election shall be given by posting written notices thereof in three public places for a period of at least fourteen days prior to the date set for the election. The ballots for said election shall contain substantially the instructions required to be

Election for dissolution of district.

Notice of election

Ballots.

printed on ballots for use at general State and county elections and in addition thereto shall appear the following:

Shall the (giving the name thereof) "municipal utility district" be dissolved?	YES
	NO

Conduct of election.

Said election in all matters pertaining thereto not otherwise provided for herein, shall be held and conducted and the result thereof ascertained, determined and declared in accordance with the general election laws of the State so far as the same may be applicable, except that no other notice of the election other than that hereinabove provided for need be given and no sample ballots need be sent to the electors. If upon a canvass of such election it shall be found that a majority of all votes cast at said election were cast in favor of the dissolution said dissolution shall be deemed to have been carried and approved by the electors. The board of directors of said district shall meet on Monday next succeeding the day of election at the hour of eight o'clock p.m. and canvass the votes cast thereat. Upon dissolution of any district whose boundaries are coincident with the corporate limits of any incorporated city or town, the district property wherever situated shall vest absolutely in the incorporated city or town and upon the dissolution of any district operating no works or properties and whose boundaries extend beyond the boundaries of a single city or town the property of the district wherever situated shall vest in the county in which the whole or greater portion of said district is situated.

Canvass of votes.

Disposition of district property

Levy of taxes

If at the time of such dissolution there be any outstanding indebtedness of such district the legislative authority of such incorporated city or town, where the limits of the district lie wholly within the corporate limits of an incorporated city or town, and in all other cases the board of supervisors of the county in which the whole or greater portion of said district is situated are hereby constituted, ex officio, the board of directors, of such district, for the purpose only for the levy and collection of taxes for the payment of the indebtedness of the district existing at the time of the dissolution thereof and the interest thereon. And it is hereby made obligatory upon such board or legislative authority to levy such taxes and perform such other acts as may be necessary in order to raise the money necessary for the payment of such indebtedness and the interest thereon. In the event that the proposition for dissolution fails to carry no subsequent election for the dissolution of said district shall be called until after the expiration of one year from the date of such prior election.

New section

SEC. 2. The above-entitled act is amended by adding a new section thereto to be numbered section 29 and to read as follows:

Sec 29. Any territory contained within any municipal utility district not operating any utility and not included within the boundaries of any incorporated city or town and not benefited in any manner by such district or its continued inclusion therein may be excluded therefrom by order of the board of directors of such municipal utility district upon the verified petition of the owner or owners in fee of lands whose assessed value with improvements is in excess of one-half of the assessed value of all the lands with improvements held in private ownership in such territory sought to be excluded. Said petition shall describe the territory sought to be excluded and shall set forth that such territory is not benefited in any manner by said municipal utility district or its continued inclusion therein, and shall pray that such territory be excluded from such district. The petition shall be filed with the secretary of the municipal utility district and shall be accompanied by a deposit with such secretary of the sum of one hundred dollars to meet the expenses of advertising and other costs incident to the proceedings for the exclusion of such territory, including the cost of recording a certified copy of the order hereinafter provided for, any unconsumed balance to be returned to the petitioner or petitioners. Upon the filing of such petition with the secretary of such municipal utility district he shall cause the same to be set for hearing at a regular or adjourned regular meeting of the board of directors of such district and shall cause a notice of the filing thereof to be published once a week for at least two weeks in some newspaper of general circulation printed and published within said district, and if there is no newspaper of general circulation printed and published in such district notice of the election shall be given by posting written notices thereof in three public places for a period of at least fourteen days prior to the date set for the election. Such notice shall also state the date of the filing of such petition and that the same will come on for hearing before the board of directors of the district and shall state the time and place of the hearing thereof. The property to be excluded may or may not be specifically described in said notice, but if not described the notice shall refer to the petition on file with the secretary for a particular description of the property sought to be excluded.

Petition for exclusion of lands

Notice of hearing

Any landowner or taxpayer within the district shall have the right to appear at said hearing either in behalf of or in opposition to the granting of said petition.

Appearances.

Such petition shall come on for hearing before the board of directors of the district at the time and place specified in the notice of hearing. If upon such hearing the board of directors determines that it is for the best interests of the district that the lands mentioned in the petition or some portion thereof be excluded from the district, or if it appears that such lands, or some portion thereof, will not be benefited by their continued inclusion in the district, then the board of directors shall make an order that such lands, or such portion thereof

Hearing.

Order of exclusion.

as the board may determine, be excluded from the district, such order to describe specifically the lands so excluded. A copy of such order of exclusion certified to by the secretary of the district shall be recorded in the office of the county recorder of the county in which said lands are situated, and the record of such certified copy shall be prima facie evidence of the exclusion from the district of the lands purporting to be excluded thereby. From and after the making of such order and the record thereof the lands so excluded shall no longer be included in the district but such order of exclusion shall not invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded nor relieve the property so excluded from any outstanding bonds which are a lien thereon at the time of exclusion, nor from any taxes to pay the principal or interest thereof.

CHAPTER 991.

An act making an appropriation to pay the claim of the chief accounting officer of the Department of Finance against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of sixty-eight thousand eight hundred eighty-two dollars and thirty-one cents ($68,882.31) is hereby appropriated to be paid as hereinafter described to pay the claim of the chief accounting officer of the Department of Finance against the State of California.

Apportionment

SEC. 2. The sum of sixty-eight thousand eight hundred eighty-two dollars and thirty-one cents ($68,882.31) shall be paid as follows: Fifty-five thousand nine hundred sixty-four dollars and eighty-four cents ($55,964.84) out of any money in the State treasury not otherwise appropriated; eight thousand eight hundred four dollars and thirteen cents ($8,804.13) out of any money in the highway maintenance fund in the State treasury; two thousand three hundred twenty-four dollars and eleven cents ($2,324.11) out of any money in the fish and game preservation fund in the State treasury; six dollars ($6.00) out of any money in the pharmacy board contingent fund in the State treasury; five dollars ($5.00) out of any money in the cosmetology fund in the State treasury; thirty dollars ($30.00) out of any money in the contractor's license fund in the State treasury; three hundred thirty-five dollars and seventy-five cents ($335.75) out of any money in the building and loan inspection fund in the State treasury; one thousand three hundred fifty dollars and forty-nine cents ($1,350.49) out of any money in the San Francisco harbor improvement fund in the State treasury; fifty-four dollars and

eighty-four cents ($54.84) out of any money in the motor vehicle fund in the State treasury; and seven dollars and fifteen cents ($7.15) out of any money in the Board of Medical Examiners contingent fund in the State treasury.

CHAPTER 992.

An act to amend section 363i of, and to add sections 2586, 2589, 2590 and 2610 to, the Political Code, relating to the administration of certain bays, ports and harbors.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 363i of the Political Code is hereby amended to read as follows: Stats 1931, p. 389.

363i. The Department of Public Works is hereby vested with the powers, duties, responsibilities and jurisdiction heretofore vested in the Board of Harbor Commissioners for the port of Eureka and the Board of Harbor Commissioners for the port of San Jose. Each such port shall be in charge of a surveyor of the port, which position is hereby created. Supervision of ports.

The surveyor of the port of Eureka and the surveyor of the port of San Jose respectively shall be appointed by and hold office at the pleasure of the Director of Public Works, subject to the approval of the Governor, and shall respectively receive such compensation as may be fixed by the Director of Public Works, subject to the approval of the State Board of Control.

The Board of Harbor Commissioners for the port of Eureka, the Board of Harbor Commissioners for the port of San Jose, and the positions of all the members, officers, deputies and employees thereof and each of them are hereby abolished; provided, however, that the powers, duties, responsibilities and jurisdiction of each of them are hereby expressly continued in force, and transferred to and vested in the Department of Public Works, to be exercised through the respective surveyor of each such port, with the same force and effect as if the name of said department had been set forth at length in the laws in which said powers, duties, responsibilities and jurisdiction are set forth.

SEC. 2. A new section, to be numbered 2586, is hereby added to the Political Code to read as follows: New section.

2586. On the payment to the State Treasurer of any sum of money, the secretary and the State Treasurer must report to the State Controller the amount so paid, and the Treasurer must give the board a receipt for the same. Such payments shall be considered as payments into the State treasury, and the Treasurer shall be responsible on his official bond therefor. Payment to Treasurer.

SEC. 3. A new section, to be numbered 2589, is hereby added to the Political Code to read as follows: New section

San Diego harbor improvement fund

2589. On and after the passage of this act the Treasurer of the State shall keep the money remitted to him by the Board of State Harbor Commissioners for San Diego to the credit of a fund to be known as the San Diego harbor improvement fund, after which all drafts drawn by this board shall be paid by the Treasurer out of the San Diego harbor improvement fund.

New section

SEC. 4. A new section, to be numbered 2590, is hereby added to the Political Code to read as follows:

Accounting of funds

2590 The State Treasurer shall receive all moneys paid by the said State Harbor Commissioners for San Diego, and keep the same in a separate fund, to be known as the San Diego harbor improvement fund, and pay out the same as provided for in this article, and shall keep an accurate account of all moneys received by him and paid out under the authority of this article, in books kept solely for that purpose, which said books shall be open at all times to the inspection of the Governor and Controller of State, and of any committee appointed by the Legislature, or by either branch thereof.

New section.

SEC. 5. A new section, to be numbered 2610, is hereby added to the Political Code to read as follows:

San Diego Board of State Harbor Commissioners created

2610. A Board of State Harbor Commissioners for the bay of San Diego is hereby reestablished and created. The members of said board shall be appointed by the Governor from the membership of the city of San Diego Harbor Commission and they shall serve without compensation. Said board shall perform the powers, duties, purposes, responsibilities and jurisdiction as in this article provided, but the board shall not employ any engineers, attorneys or other employees for this purpose. All powers, duties, purposes responsibilities and jurisdiction of the Department of Public Works and the surveyor of the port of San Diego with respect to the administration of the bay and port of San Diego as provided in Chapter 217 of the Statutes of 1931 is hereby transferred to and vested in the Board of State Harbor Commissioners for the bay of San Diego herein created.

Stats 1931, p 389

CHAPTER 993.

An act making an appropriation to pay the claim of Effie Porter against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. The sum of one hundred seventy-seven and 9/100 dollars ($177.09) is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, to pay the claim of Effie Porter against the State of California.

CHAPTER 994.

An act to enable irrigation districts to negotiate settlements of controversies involving alleged damage to the water rights of land within such districts, in cases where the State of California holds a tax title to any land in such district.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Settlement of controversies involving damage to water rights.

SECTION 1. In all cases in which there are now pending, or may hereafter arise, controversies involving any damage to any and all water rights of any land located within the boundaries of any irrigation district within the State of California, to which land the State of California may now hold, or hereafter acquire, a tax sales certificate, or tax deed, and the conditions hereinafter set forth in section 2 exist, the State of California, as the owner of said tax title, disclaims any interest in said controversy and authorizes the board of directors of the irrigation district within which the said land is located to make a final settlement of said controversy.

Disposition of money collected

SEC. 2. The damages claimed in said controversy must have occurred prior to the execution of the tax collector's deed to the State of California provided for in section 3785 of the Political Code. The settlement must be upon terms satisfactory to the board of directors of said irrigation district, and the tax title of the State to the land shall remain wholly unimpaired. The net amount of money collected in said settlement, and remaining after the payment of the expenses and attorneys' fees, if any, incurred by said irrigation district in said controversy, shall be paid into the treasury of the said irrigation district and be used solely for district purposes in the manner that the board of directors thereof shall specify.

CHAPTER 995.

An act making an appropriation for the support of the Supreme Court of the State of California.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of five thousand eight hundred twenty dollars ($5,820) is hereby appropriated for the support of the Supreme Court of the State of California for the eighty-fifth and eighty-sixth fiscal years, in addition to any other appropriation or appropriations for the same purpose.

CHAPTER 996.

An act to transfer the duties, powers, purposes, responsibilities and jurisdiction of the Department of Finance over and appertaining to the State Burial Grounds to the Division of Parks of the Department of Natural Resources of the State of California.

[Approved by the Governor June 16, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Transfer of duties and powers

SECTION 1. All of the duties, powers, purposes, responsibilities and jurisdiction of the Department of Finance concerning and appertaining to the State Burial Grounds is hereby transferred to and vested in the Division of Parks of the Department of Natural Resources of the State of California, and said Division of Parks is hereby charged with the administration of all the said duties, powers, purposes, responsibilities and jurisdiction over and concerning the State Burial Grounds, as well as of all provisions of law concerning the State Burial Grounds or the Board of Trustees of the State Burial Grounds, now in force or that may hereafter be enacted.

Employees

SEC. 2. The Division of Parks is hereby authorized to employ such employees as shall be necessary to perform its duties concerning the State Burial Grounds.

Existing positions abolished

SEC. 3. All offices and the positions of all officers, servants, agents and employees for and concerning the State Burial Grounds in the Department of Finance are hereby abolished.

Expenditure of moneys.

SEC. 4. The Division of Parks is hereby authorized to expend the moneys in any appropriation heretofore or hereafter made for the use, support or maintenance of the State Burial Grounds, whether appropriated in the name and for the Department of Finance or otherwise.

Repealed.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 997.

Stats 1913, p 1012, amended.

An act to amend the Water Commission Act, approved June 16, 1913, as amended, by amending section 32 thereof, relating to costs incurred by the State Water Commission in performing the duties prescribed in sections 26 to 36, both inclusive, of said act.

[Approved by the Governor June 13, 1933 In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1927, p 1668

SECTION 1. Section 32 of the Water Commission Act, approved June 16, 1913, as amended, is hereby amended to read as follows:

Sec. 32. At the time of submission of proof of appropriation, the State Water Commission shall collect from such claimants, on the basis of the statements in the proofs, a fee of five (5) dollars for each cubic foot per second or fraction thereof claimed for any purpose. For all purposes of this section three hundred fifty acre-feet of water per annum claimed for storage shall be deemed the equivalent of one cubic foot per second. At the time of, or as soon as practicable after the mailing of its order of determination as provided in section 36 of this act the State Water Commission shall compute the entire cost it has incurred, including overhead, in performing the duties prescribed in sections 26 to 36 of this act, both inclusive, and should the aggregate cost thereof exceed the total amount received from claimants with their submission of proofs, the excess shall first be apportioned among the claimants for the irrigated acreage surveyed by the State Water Commission to the extent of the total cost of surveys and maps thereof, and according to the proportions which the irrigated acreages surveyed for each claimant bear to the total irrigated acreage surveyed, and for the purposes of this apportionment only claimants for acreages surveyed by the commission shall first share such excess and claimants for acreages covering which existing surveys and maps are acceptable under rules and regulations adopted by the State Water Commission, and which but require a field examination to confirm the accuracy thereof, shall not share in such first apportionment of such excess; and if such aggregate cost incurred by the State Water Commission shall exceed the amount collected with the submission of proofs and the amount due from the claimants for acreages surveyed, then such excess shall be apportioned among all claimants in proportion to water claimed by them. Notice of the assessment of said additional charges shall be sent by registered mail to each claimant, such notice to include a statement of the total sum assessed and of the sum assessed to claimant addressed. All assessments remaining unpaid sixty days after the mailing of said notice shall bear interest at the rate of seven per cent per annum from the end of said sixty day period, and all assessments remaining unpaid at the time of entry of decree as provided in section 36c of this act shall be taxed as costs against the delinquent claimants and collected in the manner provided by law for the collection of judgments. All fees charged and collected under this section shall be paid, at least once each month, accompanied by a detailed statement thereof, into the cash revolving fund of the State Water Commission in the State treasury.

Fees to be collected from claimants

Additional charges

Notice.

CHAPTER 998

An act making an appropriation for major construction and equipment at Camarillo State Hospital.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Special appropriation.
Stats. 1929, p 1175.

SECTION 1. The unexpended balance of any moneys appropriated by an act entitled "An act to provide for the establishment of a State hospital for the insane, providing for commitments thereto and the management thereof, and making an appropriation therefor," approved June 4, 1929, are hereby appropriated and reappropriated for the construction, improvement and equipment at the Camarillo State Hospital, such moneys to be available for such purpose during the eighty-fifth and eighty-sixth fiscal years.

CHAPTER 999.

Stats. 1921, p 906, amended.

An act to amend sections 23, 24, 28, 30, 31, 34, 36, 38, 42, 44, 48 and 51, and to add new sections numbered 51a and 51b, to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

[Approved by the Governor June 16, 1933. In effect August 21, 1933]

The people of the State of California do enact as follows:

Stats 1921, p 906.

SECTION 1. Section 23 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, is hereby amended to read as follows:

Sec. 23. The other officers of the district shall be (1) a clerk, who shall also be ex officio secretary of the board of directors; (2) an accountant; (3) a treasurer, and (4) a general manager, all of whom shall be appointed by the board of directors, and shall receive such compensation as may be provided for them by the board of directors by ordinance, and they shall hold office during the pleasure of the board. They, or any of them, shall be required to give such a bond as may be prescribed by the board of directors, and they shall perform such duties as are hereinafter provided, and such further duties as may be imposed upon them by the board of directors; provided, however, that when the district acquires, constructs, owns or operates two or more public utilities, a general manager may be appointed and employed, as hereinabove provided, for each such public utility. Other officers of district. Bonds of officers.

Said board may consolidate two or more of said offices in one and the same person. Said board may also provide for an assistant to any officers of the district, which assistant, when appointed by the board may perform any and all acts that his principal may perform, when authorized so to do by the board. The board of directors may from time to time contract for or employ any professional services required by the district, or by the board, or any officers of the district. Consolidation of offices

SEC. 2. Section 24 of said act is hereby amended to read as follows: Stats 1921, p 906

Sec 24. The board of directors of the public utility district formed under the provisions of this act shall have power to elect that the duties of treasurer of the district shall be performed by the county treasurer of the county in which the district, or the greater portion thereof in point of population, is situated; and whenever the board of directors of such district shall, by ordinance, so determine, such duties shall be performed by said county treasurer. A certified copy of such ordinance shall be served on such county treasurer, and such ordinance shall also prescribe the manner in which money shall be drawn out of the various funds belonging to such district in the hands of the treasurer. County treasurer to perform duties as treasurer

SEC. 3. Section 28 of said act is hereby amended to read as follows: Stats 1921, p 906

Sec. 28. The president shall sign all contracts on behalf of the district, and perform such other duties as may be imposed by the board of directors. The clerk shall countersign all contracts on behalf of the district, and perform such other duties as may be imposed upon him by the board of directors or by the provisions of this act. He shall give his full time during office hours to the affairs of the district, and shall ex officio act as the secretary of the board of directors and shall keep a record of its proceedings. The general manager shall, subject to such restrictions as the board of directors may impose, have full charge and control of the construction of the works of the public utility district and of their maintenance and operation. The general manager shall perform Duties of officers

such other duties as may be imposed upon him by the provisions of this act or by the board of directors. He shall report to the board of directors in accordance with such rules and regulations as they may adopt. The accountant shall be charged with the duty of installing and maintaining a system of auditing and accounting which shall completely and at all times show the financial condition of the district. He shall draw all warrants to pay demands made against the district when such demands have been first approved by a majority of the board of directors present at the meeting at which such demands are acted upon, and shall perform such other duties as may be imposed upon him by this act or by the board of directors.

Statement of financial condition

The board of directors, at their first meeting after the end of each fiscal year, shall render and immediately cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements since the publication of the last preceding statement and of the last preceding fiscal year, together with the source of such receipts and the purpose of such disbursements. Said publication shall be made at least once a week for two weeks in some newspaper of general circulation printed and published in the district, or, if there be no such newspaper in the district, then in some newspaper of general circulation printed and published in the county where such district or some part thereof is situated.

Stats 1921, p 906.

SEC. 4. Section 30 of said act is hereby amended to read as follows:

Powers of district.

Sec. 30. Any public utility district incorporated as herein provided shall have power:

First—To have perpetual succession.

Second—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction

Third—To adopt a seal and alter it at pleasure.

Fourth—To take by grant, purchase, gift, devise, or lease, or otherwise acquire, and to hold and enjoy, and to lease or dispose of, real and personal property of every kind within or without the district, when in the judgment of the board of directors it is for the best interests of the district so to do. The provisions of this section shall apply to all sales or purchases heretofore or hereafter made.

Fifth—To acquire, construct, own, operate, control or use, within or without, or partly within and partly without, the district, works for supplying the inhabitants of said district with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter; and to do all things necessary or convenient to the full exercise of the powers herein granted; also to purchase any of the commodities or services aforementioned from any other utility district,

municipality, person, or private company, and distribute the same.

Disposition of surplus facilities.

Whenever there is a surplus of available water, light, heat or power above that which may be required by such inhabitants or municipalities within the district, such district shall have power to sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations.

Employment of surplus facilities.

Whenever any of the facilities, works, or utilities of the district, or part thereof, is not used or employed to its fullest capacity for the benefit or requirements of the district or its inhabitants, such district shall have power to employ such surplus facilities to supply any of its public utility services outside the boundaries of the district upon such terms and conditions and under such agreement or agreements as its board of directors shall determine to be for the best interests of the district. Any public utility service supplied by the district outside its boundaries shall not exceed in amount the same type of public utility service supplied by the district within its boundaries.

Eminent domain.

Sixth—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to the exercise of the powers herein granted, whether such property be already devoted to the same use or otherwise. In the proceedings, venue and trial, relative to the exercise of such right the district shall have the same rights, powers and privileges as a municipal corporation.

Works.

Seventh—To construct works across or along any street or public highway, or over any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to municipalities within the State, and to construct its works across any stream of water or watercourse. The district shall restore any such street or highway to its former state as near as may be, and shall not use the same in a manner to unnecessarily impair its usefulness.

Indebtedness

Eighth—To borrow money and incur or assume indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against or be assumed by the district; provided, however, that no district shall incur any funded indebtedness which shall in the aggregate exceed twenty per centum of the assessed valuation of all real and personal property situated within the district.

Taxes

Ninth—To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

Contracts

Tenth—To make contracts, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein in this act granted.

Eleventh—To proceed in the name of the district in case of condemnation proceedings.

Stats 1921, p 906.

SEC. 5. Section 31 of said act is hereby amended to read as follows:

Acquisition of utility.

Sec. 31. (1) Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per centum of all the votes cast within the territory of the district at the last preceding general election held for the election of State and county officers, shall be presented to the board of directors asking for the construction, completion or acquisition of the public utility or utilities or public utility works therein named, it shall be the duty of the clerk of the district to immediately proceed to examine and verify the signatures to such petition or petitions and to certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the clerk shall transmit to the president of the board of directors an authentic copy of such petition or petitions, without the signatures thereto.

Election

(2) Upon receiving the petition or petitions, with the certificate of the clerk stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a general district election or at a special election called for that purpose, a separate proposition for the construction, completion, or acquisition of each public utility or public utility works named in such petition or petitions.

Estimates.

In the formulation of the proposition or propositions the board of directors must procure plans and estimates of the cost of original construction and completion by the district of such public utility or public utilities or in the case of the proposed acquisition of an existing utility works the cost of original construction and completion by the district of similar works. The board of directors must also procure an estimate of the revenues that can be expected to be derived from the public utility or utilities or public utility works named in said petition or petitions.

In securing estimates of the cost of original construction and completion of waterworks by the district, the board of directors must procure and place on file plans and estimates of the cost of obtaining, from such sources as the board of directors may find and designate as available, a sufficient supply of good, pure water for the district.

Offers for sale of existing utilities.

(3) Before submitting propositions to the electors for the acquisition, by condemnation or otherwise, the construction or completion of any public utility or utilities or utility works, the board of directors must solicit and consider offers for the sale to the district of existing utilities, or utility works of the same character, or such portion thereof, as would be useful to the district, in order that the district may have the benefit of acquiring the same at the lowest possible cost thereof. The board of directors may apply to the Railroad Commission of

the State of California to ascertain the value of such existing utility works for the purpose of submitting to the electors estimates of the cost of acquiring such public utility or utilities or public utility works. Such valuation by the Railroad Commission shall be made in accordance with the provisions of section 47 of the Public Utilities Act of the State of California, and said Railroad Commission shall have power upon such application, and it shall be its duty, to make such valuation without delay. When the Railroad Commission shall have made and filed its findings and decision, the board of directors of the public utility district may have said findings reviewed, as in sections 47 and 70 of said Public Utilities Act provided; or such board of directors may immediately adopt such findings and decision as the basis of its estimate of the cost of acquiring such public utility or utilities or public utility works by purchase or by condemnation.

Sufficiency of revenues

(4) Upon the filing of the plans and estimates, as hereinbefore provided, the board of directors shall determine whether the cost of the public utility or public utilities or public utility works proposed for acquisition, construction or completion can be paid from revenues of the district from the operation of its public utilities in addition to the other necessary expenses of the district.

Submission of proposition.

(5) When the cost of any public utility or utilities or public utility works named in such petition or petitions can be paid out of the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, each proposition therefor, submitted to the electors, shall specify the cost of the public utility or public utility works therein proposed for acquisition, construction, or completion by the district, the proposed method and manner of payment thereof, and the board of directors shall submit therein to the electors the question whether the same shall be acquired upon such terms

If bond issue necessary

(6) If, however, the cost of any public utility or public utilities or public utility works named in such petition or petitions shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, so as to render it necessary to incur a district bonded indebtedness therefor, each such proposition shall specify the amount of the bonded indebtedness necessary therefor, and the rate of interest thereon, and the board of directors shall submit to the electors, at such election, the question of whether such bonded indebtedness shall be incurred.

Election.

(7) At the next regular meeting after the formulation of the proposition or propositions for the acquisition, construction or completion of the public utility or utilities or public utility works named in said petitions, the board of directors of the district by ordinance shall submit the proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose.

All propositions formulated under the provisions of subdivision two of this section shall be submitted within six months after the filing of such petition or petitions, unless more time is required by reason of the making of a valuation applied for to the Railroad Commission under the provisions of subdivision three of this section, in which case the said proposition or propositions shall be submitted as soon as may be possible after such valuation shall have been made and become final.

Necessary vote.

(8) The affirmative vote of a majority of the electors voting upon the proposition shall be necessary to accept any proposition submitted under the provisions of subdivision five of this section. Whenever a proposition is submitted under subdivision six of this section the affirmative vote of at least two-thirds of the electors voting at such election upon the proposition shall be necessary to approve the construction, completion or acquisition of any public utility or utilities or public utility works and to warrant the issuance of district bonds therefor.

Contracts, etc.

(9) At as early a date after the determination of the result of such election as the board of directors shall deem for the best interests of the district, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition, construction, or completion of any public utility or utilities or public utility works named in any proposition or propositions approved by the majority of the electors voting thereon at such election.

Determination to acquire utility.

(10) Whenever the board of directors shall determine that the public interest or necessity of the district demands the acquisition, construction or completion of any public utility or utilities or public utility works, it shall specifically declare such determination by a resolution.

Offers.

(11) The board of directors shall procure plans and estimates and negotiate for offers for the sale to the district of existing public utility works in the same manner as specified in subdivisions two and four of this section.

Ordinance specifying cost.

(12) When the cost of such public utility or utilities or public utility works can be paid out of the revenues of the district, derived from the operation of its public utilities, in addition to the other necessary expenses of the district, the board of directors shall, as soon after the filing of the plans and estimates as it may deem for the best interests of the district by ordinance determine to acquire, construct or complete such utility or utilities or public utility works. Such ordinance shall be published for at least two weeks in some newspaper or newspapers of general circulation printed and published in the district or, if there be no such newspaper in the district, then in some newspaper of general circulation printed and published in the county where such district or some part thereof is situated, and shall state the proposed cost of such acquisition, construction or completion and the proposed method and manner of payment therefor; and provided, fur-

ther, that no such ordinance, in case it involves the expenditure of more than one hundred thousand dollars, shall become effective before thirty days from and after its final passage.

If bond issue necessary.

(13) If, however, the cost of such public utilities, or any of them, or of such public utility works, shall so far exceed the revenues of the district derived from the operation of its public utilities, in addition to the other necessary expenses of the district, so as to render it necessary to incur a district bonded indebtedness therefor, the board of directors shall, at a regular meeting held, within sixty days after the filing of the plans and estimates of cost thereof and expected revenue therefrom, by ordinance, submit the proposition or propositions as to whether bonded indebtedness shall be incurred for the acquisition, construction or completion thereof, to the electors of the district at a general district election or at a special district election called for the purpose. Such propositions shall specify the amount of bonded indebtedness necessary for the acquisition, construction or completion of the public utility or utilities or public utility works therein named, and the rate of interest thereon, and the board of directors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. The affirmative vote of at least two-thirds of the electors voting at such election upon the proposition or propositions shall be necessary to warrant the issuance of district bonds for the acquisition, construction, or completion of such public utilities or public utility works, or any of them.

Special election.

(14) Whenever under the provisions of section thirty-one of this act, of which this subdivision is a part, a special election is called for the purpose of submitting to the electors a proposition or propositions, the board of directors shall pass an ordinance calling such election.

At such special election all propositions formulated under the provisions of this section may be submitted to the electors of the district, but no question other than such propositions shall be submitted at such special election.

The ordinance calling such election shall set forth the purposes for which it is called, the estimated cost of each utility or utility works proposed for acquisition, construction or completion by the district, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against each proposition thereat submitted to the electors; and if it shall be necessary to incur a district indebtedness for any utility or utilities or public utility works therein proposed, the ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the district shall issue for the payment of the cost of such utility or utilities or public utility works, as in said ordinance set forth if the proposition or propositions therefor be accepted by the elec-

tors. Such election shall be held as provided for holding elections in the district.

Stats 1921, p 906.

SEC. 6. Section 34 of said act is hereby amended to read as follows:

Tax to pay interest and principal

Sec. 34. The board of directors shall annually levy and collect a tax sufficient to pay the annual interest on such bonds, and also to pay such part of the principal as will fall due within the succeeding year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year; provided, that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility, utilities or public utility works, can be met out of the surplus earnings of such public utility, or out of moneys in the general fund of the district and theretofore appropriated and transferred to the sinking fund of such public utility, no tax shall be levied for such purpose.

Stats 1921, p. 906

SEC. 7. Section 36 of said act is hereby amended to read as follows:

Payment of receipts

Sec. 36 The receipts from the operation of any public utility shall be paid daily into the treasury of the district in a special fund set aside for such public utility. The board of directors may from time to time make appropriations from such funds for the following purposes:

1. For the payment of operating expenses of such public utility and all or such portion of the general salary and expense fund of the district as the board of directors may determine justly apportionable thereto;

2. For repairs and reconstruction;

3. For payment of interest and sinking fund on the bonds or indebtedness incurred or assumed for acquisition, construction, or completion of such public utility;

4. For extensions and improvements;

5. For a reserve fund;

6. Whenever the reserve fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the board of directors shall have power to appropriate such excess to the general fund.

Stats 1921, p 906

SEC. 8. Section 38 of said act is hereby amended to read as follows:

Only revenue producing utilities to be acquired.

Sec. 38. Only revenue producing utilities shall be acquired, owned or operated by a district formed under the provisions of this act. So far as possible the board of directors shall fix such charges for commodities or service furnished by any revenue producing utility, as will pay all, or such portion as the board of directors may determine justly apportionable to such utility, of the expenses of the government of the district, including salaries, office expenses, and other necessary disbursements; the operating expenses of the utility; the interest on any indebtedness incurred for the acquisition, construction and completion thereof; and provide a sinking or other appropriate fund for the payment of the principal of such debt as it may become due, and also provide an appropriate fund for

repairs, replacements and betterments; it being the intention of this section that the district pay all of such charges and expenditures, and the interest and principal of its debt, from the revenues derived by the district from the operation of its public utilities, and that each public utility owned and operated by the district shall be self-sustaining.

SEC. 9. Section 42 of said act is hereby amended to read as follows: Stats 1921, p. 906.

Sec. 42. Where the cost of any construction, replacement, improvement, alteration, extension, or other proposed work of the district exceeds the sum of one thousand dollars, the board of directors must adopt plans and specifications, strain-sheets, and working details, as may be proper, and must advertise for bids for such work in accordance with the plans and specifications so adopted. All bidders shall be afforded an opportunity to examine such plans and specifications and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by the board of directors, for the faithful performance of the contract; provided, that in cases of great emergency, by the consent of at least two-thirds of the board of directors, they may proceed at once to do or cause to be done all repair or replacement work necessary to meet such emergency without notice; and provided, further, that nothing herein contained shall be deemed to prohibit the board of directors from doing or causing to be done directly by the district, and without any contract therefor, any or all work necessary or proper in or about the making of all current and ordinary repairs or in or about current and ordinary upkeep or maintenance; and provided, further, that upon the determination of the board of directors by an affirmative vote of two-thirds of its members that all bids submitted are unsatisfactory or are excessive, the district may proceed to do any necessary and proper work and to make any necessary and proper expenditures, in lieu of contracting for the performance of such construction, replacement, improvement, alteration, extension or other proposed work. Bids for construction work

No plans and specifications when once adopted shall be altered or changed in any manner whereby the cost of the proposed work shall be increased, except by a vote of two-thirds of the board of directors.

Whenever the board of directors shall enter into a contract for any such work, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two-thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay Alteration of contract.

or become liable to pay for any extra work done or extra material furnished.

Stats 1921, p. 906.

SEC. 10. Section 44 of said act is hereby amended to read as follows:

Eight hour day

Sec. 44. The maximum time of labor or service required of any laborer, workman, or mechanic employed upon any work of the district, whether so employed directly by the district and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day, except in case of emergency.

The board of directors shall fix the hours of labor or service required of all employees of the district, and their compensation, and shall employ all necessary employees or may by ordinance provide for their employment by the several officers of the district.

Stats 1921, p 906.

SEC. 11. Section 48 of said act is hereby amended to read as follows:

Action to validate bonds.

Sec. 48. The board of directors may at any time within sixty days from the date of the election authorizing the issuance of any bonds, or the incurrence of any debt, for the acquisition, construction or completion of any public utility, utilities or public utility works; or from the effective date of any resolution or ordinance authorizing the incurrence or assumption of such indebtedness, cause to be brought in the name of the district an action in the superior court of the county in which said district or the greater portion thereof is located, to determine the validity of any such bonds or

Summons

indebtedness. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be speedily tried and judgment rendered declaring such bonds or indebtedness

Appeal

to be valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety days from the date of such election, or of the effective date of such ordinance or resolution, no action may be brought by any person to contest or question the validity of said bonds or indebtedness, and proceedings in relation thereto. If there be more than one such action or proceeding they shall be consolidated and tried together. The court hearing any such proceeding or action must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or

proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Pleading and practice rules.

Costs.

SEC. 12. Section 51 of said act is hereby amended to read as follows:

Stats. 1921, p 906

Sec. 51. No suit shall be brought against the district on any claim until a claim or demand therefor, setting forth with reasonable certainty the nature and various items of the claim or demand and verified by the claimant, or his authorized agent, has been presented to the directors and rejected in whole or in part. In case a claim is allowed in part and rejected in part the claimant may accept such partial allowance by filing a receipt in full for his claim. If the board refuse or neglect to allow or reject a claim or demand for ninety days after the same has been filed with the clerk, such refusal or neglect may at the option of the claimant be deemed equivalent to a final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, shall have the right to sue the district therefor at any time within six months after the final action of the board, but not afterward, and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed. All claims against the district must be filed with the clerk of the district within six months after the debt, or the last item thereof, for which the claim is made, shall have accrued, or within six months after the occurrence from which the damages are claimed to have arisen. Otherwise there shall be no recovery on any such claim.

Claims against district

SEC. 13. A new section is hereby added to said act to be numbered 51a, to read as follows:

New section.

51a. Unincorporated territory contiguous to the district may be annexed to said district in the manner following:

Annexation of unincorporated contiguous territory.

(1) A petition signed by not less than fifteen per cent of the qualified electors residing in the territory proposed to be annexed, describing said territory and asking that proceedings be taken for its annexation, may be addressed to the board of directors and filed with the secretary of the district. Thereupon the secretary shall compare the signatures of said petition with the affidavits of registration on file with the county clerk of the county or counties wherein said territory proposed to be annexed is situated, and if he finds that said petition has been signed by the required number of electors

he shall attach his signature thereto and present said petition to the board of directors of the district.

Terms and conditions of annexation.

(2) If the board of directors shall determine that the annexation of said territory will facilitate the acquisition, construction or completion or operation of any public utility, public utilities or public utility works of the district, or will be for the advantage of the said district, and that the territory proposed to be annexed will be benefited by such annexation, then said board shall determine the terms and conditions upon which said annexation should be made. In the terms and conditions so determined provision may be made, among other things, for the payment of special taxes within the territory to be annexed in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals and charges differing from those fixed, or existing elsewhere, within the utility district, the incurring or assumption of indebtedness or the making of a payment or payments, or the transfer of property, real or personal, or other assets to said utility district by the territory proposed to be annexed, in such manner as the board of directors shall deem just for the purpose of equalizing the proportionate obligations, expenditures and costs of operation between the territory within the district and the territory proposed to be annexed. Such terms and conditions shall become effective and be binding upon the utility district and upon the territory to be annexed when approved in the manner hereinafter set forth.

The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts.

Ordinance and notice

(3) The board of directors of said utility district shall by ordinance describing the territory proposed to be annexed, and setting forth such terms and conditions at length, declare its intention of approving such annexation and terms and conditions. Said ordinance, together with a notice fixing the time and place for hearing thereon, and notifying all persons interested in or that may be affected by the proposed annexation of said territory within the district to appear at such meeting and show cause in writing, if any they have, why said territory or any of it should not be annexed as proposed in said petition, shall be published in a newspaper of general circulation printed and published in said utility district, or if there be no such newspaper then in some newspaper of general circulation printed and published in the county where such district or some part thereof is situated. A copy of said ordinance and notice shall be filed with the secretary of said utility district. The time fixed for such hearing shall be not less than thirty nor more than sixty days from the date of the first publication of said ordinance. Said notice and ordinance shall be posted in three public places in the territory proposed to be annexed at least thirty days before the date set for said meeting.

Hearing.

At such hearing any person interested may file with the board of directors of the utility district written protest to the

proposed annexation or to the approval of such terms and conditions. Upon such hearing the board of directors of the utility district shall hear and determine all protests so filed and all evidence relevant thereto; said board shall thereupon determine whether said territory shall be annexed and shall determine upon what terms and conditions, if any, said annexation shall be made.

Assent.

Failure of any person interested in said utility district or in the matter of the proposed annexation on the terms and conditions set forth in said ordinance to show cause by written protest as aforesaid, shall be deemed and taken as an assent on his part to a change in the boundaries in the utility district upon the terms and conditions, if any, set forth.

Adjourned hearing.

Any such hearing may be adjourned from time to time or from place to place by the board of directors without further notice other than an order to be entered upon the minutes of the meeting at the time of adjourning fixing the time and place that such meeting shall reconvene.

Annexation order

In the event that the board of directors after such hearing by resolution approves the proposed annexation of the territory described in said petition with or without terms or conditions, and said annexation is also approved either by a written consent containing a description of the territory proposed to be annexed and setting forth the terms and conditions, if any, of such annexation signed by a majority of the electors who were registered in the territory to be annexed at the date of the presentation of the petition or petitions for annexation, which written consent is filed with the secretary of the board who shall thereupon verify the signatures thereon in the same manner as the signatures to the petitions for annexation are required to be verified by the provisions of subdivision (1) of this section, or by a majority vote in favor of annexation at an election called and held as hereinafter in this section provided within the territory proposed to be annexed; it shall make an order describing the boundaries of said territory proposed to be annexed and also describing the exterior boundaries of the district as they shall exist after said annexation. For the purposes of said order the board may cause a survey to be made of said boundaries or such portions thereof as may be deemed necessary. Said order shall also set forth in detail the conditions and terms, if any, of the annexation. Said order shall be set forth in full upon the minutes of the board.

Election.

(4) The board of directors, after its approval of said annexation by resolution as hereinbefore provided, may call an election to determine whether said annexation is approved by the electors of said territory proposed to be annexed, but before calling such election it may require an undertaking with sufficient sureties from the petitioners for the annexation, conditioned that the petitioners or their sureties will pay all costs to the district of such election in case such annexation be disapproved by such election.

Notice. In calling such election the board shall fix the time at which such election shall be held and cause notice thereof to be given and published. Such notice shall be given and published and such election shall be held and conducted and returns thereof shall be made and canvassed and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of a public utility district shall be issued. The ballots cast at such election shall contain the words "for change of boundary" or "against change of boundary," or words equivalent thereto. The notice of election shall describe the territory proposed to be annexed in such manner that it can be readily understood and shall set forth the terms and conditions, if any, of such annexation.

Qualifications of electors. At such election only electors registered at the time of the presentation of the petition for annexation and who at the time of said election are still electors in said territory shall be

Necessary votes. qualified to vote. If at such election a majority of all the votes cast on the proposition shall be against such annexation the board shall order that the petition be denied and shall proceed no further in that matter, but if a majority of such votes be in favor of such annexation the board shall thereupon in the manner provided in subdivision (3) of this section order that the annexation be made.

Recording of annexation order (5) Upon the making of such order changing the boundaries of the district as aforesaid a copy of the order of the board of directors ordering such change certified by the president and secretary of the board shall be filed for record in the recorder's office in each county within which the district and any part thereof and within which the territory annexed or any part thereof is situated, and thereupon the district, including the territory annexed, shall be and remain a public utility district as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries as aforesaid has been included therein at the original organization of the district, except that this provision shall not modify or impair the terms and conditions upon which said annexation shall be made.

Evidence. (6) Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Reestablishment of boundaries (7) In case land is annexed to any district as aforesaid, the board of directors thereof shall, but not less than thirty days before any election in such district, reestablish the boundaries of the units and election precincts within such district, so as to include such land therein in the same manner and with the same effect as set forth in section twelve hereof. In case of the annexation of any land less than thirty days before an election within such district, the inhabitants of the lands so included shall not be entitled to vote at such election.

SEC. 14. A new section is hereby added to said act to be numbered 51b, to read as follows: New section.

Sec. 51b. No contest of any thing or matter herein provided shall be made other than within the time and manner herein specified, and in any such action all findings of facts or conclusions of said board of directors, or of the board of supervisors upon all matters, shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made. Limitation of contests.

CHAPTER 1000.

An act making an appropriation to pay the claim of Sumner Mallory against the State of California.

[Approved by the Governor June 16, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two thousand dollars ($2,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of Sumner Mallory against the State of California. Special appropriation

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CHAPTER 1001.

An act making an appropriation to pay the claim of Jess Mallory against the State of California.

[Approved by the Governor June 16, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two thousand dollars ($2,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of Jess Mallory against the State of California. Special appropriation

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CHAPTER 1002.

An act to amend section 1 of, and to add section 1a to, an act entitled "An act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains and conduits, electric light and power lines, telephone and telegraph lines, and sewers and appurtenances thereof, across, along, in, under or upon any road, street, alley, avenue, or highway or across any railway, canal, ditch or flume, and pro- Stats 1923, p 147, amended.

viding for the means by which the terms, conditions and location of such use shall be determined," approved May 2, 1923, relating to municipal corporations.

[Approved by the Governor June 16 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Stats 1927 p. 1210

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Right of way for municipal utilities.

Section 1. There is hereby granted to every municipal corporation of the State of California the right to construct, operate and maintain water and gas pipes, mains and conduits, electric light and power lines, telephone and telegraph lines, sewers and sewer mains all with their necessary appurtenances, across, along, in, under, over, or upon any road, street, alley, avenue or highway, and across, under or over any railway, canal, ditch or flume which the route of such works intersects, crosses or runs along, in such manner as to afford security for life and property; provided, however, that such municipal corporation shall restore the road, street, alley, avenue, highway, canal, ditch or flume so used to its former state of usefulness as nearly as may be, and such use shall be so located as to interfere as little as possible with other existing uses of said road, street, alley, avenue, highway, canal, ditch or flume; and provided, further, that before any such municipal corporation shall use any street, alley, avenue, or highway within any other municipal corporation, the municipal corporation proposing to use such street, alley, avenue or highway shall request the municipal corporation in which such street, alley, avenue or highway is situated to agree with said municipal corporation proposing to make such use, upon the terms and conditions to which such use shall be subject and the location thereof, and if said two municipal corporations are unable to agree on such terms and conditions and location within three months thereafter then the municipal corporation proposing to use such street, alley, avenue or highway may bring an action in the superior court of the county in which the same is situated against such other municipal corporation to have such terms and conditions and location determined, and in such action such superior court may determine and adjudicate the terms and conditions to which such use of the said street, avenue, alley or highway shall be subject, and the location thereof, and upon the making of the final judgment in such action the municipal corporation desiring so to do may enter and use the street, alley, avenue, or highway upon the terms and conditions and at the location specified in such judgment; and provided, further, that nothing in this act is intended, nor shall it be construed as limiting in any respect the jurisdiction, powers and duties vested by law in the Railroad Commission of the State of California, or, with respect to State highways, in the Department of Public

Works of the State of California, and in the event of any conflict of jurisdiction, that of the Railroad Commission or the Department of Public Works, as the case may be, shall prevail.

The above grant of authority from or agreement with another municipality shall not be necessary in any case where the street, alley, avenue or highway or portion thereof proposed to be used for the purpose of constructing, operating or maintaining any such works or any part thereof, is a necessary or convenient part of the route of such works and at the time construction thereof was commenced or the plans therefor adopted was located in unincorporated territory; provided, however, that nothing herein contained shall authorize any municipality to use any street, alley, avenue or highway or portion thereof for any of the purposes in this act enumerated without an agreement with the municipality wherein such use is proposed to be established or without the determination of the superior court, as the case may be, as in section 1 of this act provided, if such street, alley, avenue or highway or portion thereof was located in incorporated territory prior to May 5, 1933.

New section.

SEC. 2. A new section is hereby added to the act cited in the title hereof to be numbered 1a and to read as follows:

Discharge of sewage.

Sec. 1a. This act shall not be deemed to authorize the construction of any sanitary sewer within the territorial limits of any other municipality if the method of disposition of sewage therefrom is by discharging said sewage in the Pacific Ocean within one mile of the territorial limits of such other municipality or in any manner that may create a public nuisance.

Effect of act

SEC. 3. Nothing herein contained shall affect or be construed to affect in any way any litigation pending at the time of the passage of this act and arising out of, based upon or involving any of the provisions of the act which this act amends, nor the rights of any party in issue in said litigation, nor to enlarge or extend any such rights of a municipal corporation which is a party to any such litigation, and the issues involved in such litigation shall be determined as if this amendatory act had not been adopted.

CHAPTER 1003.

Stats 1929, p 1176, repealed

An act to repeal an act entitled "An act to establish a State prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and

management thereof; and to make an appropriation therefor," approved June 4, 1929.

[Approved by the Governor June 16, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

Repeal. SECTION 1. The act cited in the title hereof is hereby repealed.

CHAPTER 1004.

An act to repeal sections 2.1391, and 2.1398 of the School Code, to repeal chapter four of part one of division four of said code, embracing sections 4.60, 4.70, and 4.71, and to repeal an act entitled "An act relating to the finances of the State Board of Education," approved May 4, 1929, thereby abolishing the State schoolbook fund, providing for the transfer of any moneys remaining therein to the general fund, and making an appropriation for the support of the textbook division.

Sch C, p. 326.

[Approved by the Governor June 16, 1933 In effect August 21, 1933.]

The people of the State of California do enact as follows:

Repeals SECTION 1. Sections 2.1391 and 2.1398 of the School Code, and Chapter IV of Part I of Division IV of said code, embracing sections 4.60, 4.70, and 4.71, are hereby repealed.

SEC. 2. An act entitled "An act relating to the finances of the State Board of Education," approved May 4, 1929, is hereby repealed.

School book fund abolished. SEC. 3. The State schoolbook fund is hereby abolished and any unincumbered balance remaining in said fund at the time this act takes effect shall be transferred by the Treasurer, on the order of the Controller, to the credit of the general fund.

Appropriation SEC. 4. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated for the support of the Textbook Division, Department of Education, the sum heretofore appropriated to the Department of Education for publishing, purchasing, and shipping free textbooks by chapter ------, Statutes of 1933, for the eighty-fifth and eighty-sixth fiscal years, less any sums expended out of said appropriation from July 1, 1933, to the effective date of this act.

CHAPTER 1005.

Stats 1915, p. 1225, amended. *An act to amend section 19x18 of the Juvenile Court Law, relating to the probation officer in counties of the eighteenth class.*

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this seventeenth day of June, A.D. 1933. FRANK C. JORDAN, Secretary of State.]

[In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 19x18 of the Juvenile Court Law is hereby amended to read as follows: Stats 1931, p. 1158.

Sec. 19x18. In counties of the eighteenth class there shall be one probation officer who shall receive, and whose salary is hereby fixed at one hundred twenty-seven dollars fifty cents per month, which shall be in full for all services rendered as such officer; one chief deputy probation officer who shall receive and whose salary is hereby fixed at one hundred twelve dollars fifty cents per month; one deputy at a salary of one hundred dollars per month; one deputy at a salary of one hundred dollars per month, who shall be on duty at the international boundary line between the northern district of Baja California, Republic of Mexico, and the State of California, United States of America, stationed at, in, around or near the city of Calexico at such point or points or places as may be designated by said probation officer; provided, further, that all of said salaries shall be paid at the same time and out of the same fund and in the same manner as the salaries of all of the county officers are paid; provided, further, that the board of supervisors shall furnish and supply to the probation officer such transportation as they may deem necessary to properly carry on and conduct the duties of the office, which transportation shall be in lieu of all mileage or claims for mileage on the part of the said probation officer and the county auditor and the county treasurer shall not allow or pay out of the county treasury any mileage or transportation other than that which may be allowed by the board of supervisors as herein provided for. Imperial County Probation officer.

CHAPTER 1006.

An act to amend section 4295a of the Political Code, relating to filing fees under the Water Commission Act.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this nineteenth day of July, A.D. 1933.

FRANK F. MERRIAM,
President of the Senate.

WALTER J. LITTLE,
Speaker of the Assembly.

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 4295a of the Political Code is hereby amended to read as follows: Stats 1931, p. 934.

Filing fees under "Water Commission Act"

4295a. The provisions of section 4295 of this code shall not apply to any fee for the filing of any document or paper, or for the performance of any official service, as may be now or hereafter provided for in sections 24 to 37h, both inclusive, of the "Water Commission Act" of this State, chapter 586 of the Statutes of 1913 as amended.

CHAPTER 1007.

An act to add section 3897d to the Political Code, relating to lands sold or deeded to the State for taxes or assessments and the sale and lease of such lands, and providing for contracts to sell or to give options on tax-deeded lands to one or more public agencies and providing for terminating all rights of redemption on property described in such contracts, and authorizing public agencies to sell or agree to sell to one another their interests in property deeded to them for delinquent taxes and/or assessments.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this nineteenth day of July, A.D. 1933.

FRANK F. MERRIAM,
President of the Senate

WALTER J. LITTLE,
Speaker of the Assembly.

[In effect October 25, 1933]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Political Code, to be designated 3897d and to read as follows:

Purchase of tax deeded lands by public agency.

3897d. Whenever any property has been deeded for delinquent taxes and/or assessments to the State, and said property has also been deeded for delinquent taxes and/or assessments to any municipality, irrigation district, reclamation district, or other public corporation or district, or to any county treasurer as trustee for a reclamation district as provided by law, the board of trustees, board of directors or other governing body of any such public corporation or district, or such county treasurer, with the consent of the board of trustees of the reclamation district for which he holds such property as trustee, may enter into an agreement with the board of supervisors of the county in which such property is situated, subject to the approval of the State Controller as hereinafter provided, for the purchase of, or for an option to purchase, the property so held by the State, or any part or parts thereof. The term "public agency" as used in this section means any such municipality, irrigation district, reclamation district or other public corporation or district or any county treasurer who shall have taken title to any land

"Public agency" defined

as trustee for a reclamation district as provided by law, and the term "public agencies" as used in this section means more than one public agency of any kind or kinds. The word "county" as used in this section shall be construed to include city and county. In case two or more public agencies shall have taken title to the same property, they may jointly agree with the board of supervisors of the county in which said property is situated for the purchase of, or for an option to purchase, said property so deeded to the State, or any part or parts thereof, and such agreement may provide for the conveyance of said property to one of such public agencies, or to any two or more of them, with such interests therein as may be provided in said agreement. Any such agreement may cover any land deeded to the State for delinquent taxes and/or assessments without regard to the boundaries of the parcels in which it was deeded to the State, and may provide for the sale of various portions of said land at various prices and on various terms and for an option or options to purchase the remaining portion or portions thereof, but no option to purchase any such land shall be given for a period of more than three years. Notwithstanding any other provision or provisions of this code or of any law or laws governing any public agency or public agencies which may become a party or parties to any such agreement, it may provide for the price or prices for which and the terms on which the property described therein may or shall be purchased, and when any such agreement shall have been signed by the State Controller as herein provided, the price or prices and the terms set forth in said agreement shall be the lawful price or prices for which and the lawful terms on which said property may or shall be sold. As many executed copies of said agreement as there are parties to it and one additional executed copy shall be submitted to the State Controller. If he shall not approve the agreement, he shall return a copy of it to each party thereto, with a statement of his objections to it, and thereafter a new or modified agreement may be made. If the State Controller shall approve the agreement, he shall sign each executed copy thereof and return one copy so signed to each party thereto, and keep one executed copy thereof on file in his office. Thereupon he shall, by written authorization, direct the tax collector of the county in which the property described in said agreement is situated to cause notice in writing of the making of said agreement to be given as hereinafter provided. Said notice shall describe the property covered by the agreement substantially as described therein, and shall state the name of the person to whom the property was assessed, or the various persons to whom the property or any portions thereof were assessed, for each year in which there may be delinquent taxes against said property or any part or parts thereof, and said notice shall also state that an agreement for the sale of said property or for an option to purchase it, or both, as the case may be, has been made by

Joint purchase.

Terms of purchase.

Approval or disapproval of purchase.

Notice.

the board of supervisors of the county with the public agency or public agencies named in the agreement and has been approved by the State Controller, and that a copy of said agreement is on file in the office of said board of supervisors.

Publication

Said notice shall be published for at least three successive weeks in some newspaper published in the county in which said property is situated, or if there be no newspaper published therein, then by posting copies of said notice in three conspicuous places in the county, one of which shall be in the United States post office nearest the land, in addition to a notice conspicuously posted on the land itself for the same

Mailing.

period. The tax collector shall also mail, within five days after the first publication of said notice, a copy thereof, postage thereon prepaid and registered, to the party to whom the land was last assessed next before the making of said agreement, at his last known post-office address, or if no address is known for such party, then to the county seat of the county in which said land is situated, or, if various portions of the property covered by said agreement were last assessed to various parties, then a copy of said notice shall be mailed as aforesaid to each party to whom any portion of said land was

Cost of notice.

last assessed. The cost of giving the notice of said agreement as aforesaid shall be paid by the public agency or public agencies by which the property described therein is to be or

Affidavit of notice.

may be purchased as provided therein. An affidavit or affidavits showing that notice has been given as herein prescribed shall be filed in the office of the county tax collector, and said agreement shall not become effective until twenty-one days after the first publication and the mailing or until twenty-one days after the posting and mailing of said notice as herein provided. It shall not be necessary to mail said notice to a party if such party shall file with the tax collector a written acknowledgment of receipt of a copy of said notice or a

Redemption of property.

waiver of said notice. If within twenty-one days after the first publication and the mailing or the posting and mailing of said notice as herein provided, said property or any of it is redeemed as provided in this code, or if said property or any of it is thereafter redeemed before the purchaser or purchasers named in said agreement shall have complied with all the terms of purchase therein set forth, then the agreement shall become and be null and void as to the property so redeemed, but if said property or any of it is not so redeemed, then whenever the public agency or public agencies named in said agreement as the purchaser or purchasers or optionee or optionees of said property shall have complied with all of the terms thereof required for the purchase of said property or any portion thereof, the tax collector of the county in which said property or such portion thereof is situated shall make, execute and deliver to such purchaser or purchasers a deed to said property, or such portion thereof as to which the

terms of said agreement shall have been complied with, which deed shall be in substantially the following form:

Form of deed

"This indenture, made the _____ day of _____, 19____, between _____ as tax collector of the county of _____, State of California, first party, and _____, (designating the public agency or public agencies purchasing the property) second party (or second parties), Witnesseth:

"That whereas, the real property hereinafter described was duly sold and conveyed to the State of California for the nonpayment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law; and

"Whereas, the right of redemption of said property has been terminated as provided in section 3897c of the Political Code and second party has (or second parties have) purchased said property in accordance with the provisions of said section; now, therefore,

"Said first party does hereby grant to said second party (or second parties) all that certain real property in the county of _____, State of California, described as follows:

(Insert description)

"Witness my hand:

_____ _____

"As tax collector of said county of _____."

Effect of deed.

Upon the execution of said deed, all rights to redeem said property as provided in this code shall be terminated. No fee shall be charged for making said deed, and it shall be, except as against actual fraud, conclusive evidence of the performance of all the requirements of this section and shall otherwise have the same effect as evidence and as a conveyance as a deed issued as provided in section 3898 of this code.

Payments.

Any payment or payments required by said agreement to be made for the purchase from the State of the property described in said agreement, or any part thereof, shall be made to the county tax collector and shall be distributed as provided in section 3898 of this code.

Conveyance to other public agency.

In case any property has been deeded to two or more public agencies, pursuant to sales for delinquent taxes and/or assessments, any one or more of the public agencies holding title to said property may sell and convey or agree to sell and convey its or their interest therein, or in any part thereof, to any other public agency or public agencies holding any interest therein, for such price and on such terms as they may agree upon, and any such public agency is hereby expressly authorized to purchase the interest of any other public agency in such property, or to unite with any other public agency in the purchase thereof, whether said property has been deeded to the State or not.

CHAPTER 1008.

An act to repeal sections 2.1500 to 2.1504, inclusive, of the School Code, relating to conventions of city and county school superintendents.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this nineteenth day of July, A.D. 1933.

FRANK F. MERRIAM,
President of the Senate.

WALTER J. LITTLE,
Speaker of the Assembly.

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Sections 2.1500 to 2.1504, inclusive, of the School Code are hereby repealed.

CHAPTER 1009.

An act to make an appropriation to pay the claim of the Peat Humus Company against the State of California.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this nineteenth day of July, A.D. 1933.

FRANK F. MERRIAM,
President of the Senate.

WALTER J. LITTLE,
Speaker of the Assembly

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of one thousand two hundred fifty-eight and 85/100 dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of the Peat Humus Company against the State of California.

CHAPTER 1010.

An act to amend sections 737dd and 737jj of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Orange and the county of San Bernardino.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the con-

stitutional majority, has become a law this eighteenth day of July, A.D 1933.

WALTER J. LITTLE,
Speaker of the Assembly

FRANK F. MERRIAM,
President of the Senate.

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1929, p 748, 1931, p. 2505.

SECTION 1. Section 737dd and section 737jj of the Political Code are hereby amended to read as follows:

See Stats 1933, Ch 1030

737dd. The annual salary of each of the judges of the superior court in and for the county of Orange is six thousand dollars.

Superior judges: Orange County.

737jj. The annual salary of each of the judges of the superior court in and for the county of San Bernardino is six thousand dollars.

San Bernardino County.

CHAPTER 1011.

An act to amend section 3.122 of the School Code, relating to the age of admission of pupils to kindergartens.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this eighteenth day of July, A.D 1933

WALTER J. LITTLE,
Speaker of the Assembly.

FRANK F. MERRIAM,
President of the Senate

[In effect October 25, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 3.122 of the School Code is hereby amended to read as follows:

Sch C, 1929, p 112.

3.122. Beginners shall be admitted to the beginning classes of the kindergarten during the first month that school is open, or of the school term if the school year be divided into terms, if such children will be five years of age before the end of the sixth calendar month from the date that school is opened, and before the end of the third month of the school term. Children who will not be five years of age within the period specified shall not be admitted to the kindergarten class until the succeeding school year or school term.

Age for admission to kindergartens

CHAPTER 1012.

An act to amend section 3897 of and to add section 3774 to the Political Code, relating to the holding, leasing and sale of lands to which the State or any political subdivision or

agency of the State holds title through sale and deed on account of delinquent taxes or assessments.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this eighteenth day of July, A.D. 1933.

WALTER J. LITTLE,
Speaker of the Assembly.

FRANK F. MERRIAM,
President of the Senate

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p. 2377.

SECTION 1. Section 3897 of the Political Code of the State of California is hereby amended to read as follows:

Sale of tax deeded lands.

3897. Except when otherwise disposed of as provided in section 3897a and 3897b of this code, whenever the State shall have become the owner of any property sold for taxes and the deed to the State has been filed with the Controller as provided in section 3785, the tax collector of the county, or city and county, in which said land is located shall sell at public auction to the highest bidder for cash in lawful money of the United States the property or any part thereof when directed by the board of supervisors of his county in the manner following; provided that the tax collector shall not proceed with the sale of any land within any political subdivision or taxing agency which has taken title to said land, if the governing body of said subdivision or agency shall file with the tax collector and the board of supervisors certified copies of a resolution adopted by such governing body objecting to such sale.

Notice.

He must give notice of such sale by publication once in some newspaper published in the county or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county or city and county, one of which shall be in the United States Post Office nearest the land. In addition to such publication or posting a copy of the notice shall be conspicuously posted on the land itself. Such publication and posting must be completed not less than three weeks prior to the sale. Such notices must state specifically the place and the day and hour of sale and shall contain a description of the property to be sold and shall also contain the name of the person to whom the property was assessed, on the county assessment roll for each year on which there may be delinquent taxes against said property or any part thereof. It shall be the duty of the tax collector to mail within five days, after the publication of said notice of sale a copy of said notice, postage thereon prepaid to the party to whom the land was last assessed nearest before the sale, at his last known post-office address, and shall also mail a copy of said notice, postage prepaid, to the State Controller and clerk or secretary of the governing board of each political subdivision or taxing agency having the right to levy taxes or

assessments on the land involved and any such subdivision or agency having taxes or assessments levied on any parcel may bid on such parcel.

Disposition of moneys.

All moneys received on account of any such sales shall be immediately transmitted by the tax collector to the county treasurer together with a report showing the amount of costs which the county has expended on account of the making of such sale, showing the total sums received for individual parcels, which parcels shall be identified in said report by year, page and number of delinquency roll, and a duplicate thereof shall be filed with the county auditor and the board of supervisors, which shall, at its first regular meeting in not less than five nor more than thirty days thereafter, confirm or reject said sale. Upon rejection the purchase money shall be refunded. Upon confirmation, the tax collector shall issue a deed to the purchaser. The amount of expenses so reported shall be deposited in the county general fund and the balance shall be deposited in the delinquent tax sale trust fund.

Notice to other taxing agencies

Upon the receipt of said duplicate report and such confirmation by the board of supervisors the auditor shall mail a copy thereof to the State Controller and to the secretary or clerk of the governing board of each political subdivision capable under the law of levying taxes or assessments upon the land covered by such sale, and shall enclose therewith a notice describing such land, and that claims on the amount received from the sale thereof must be made within a period of six months from the date of the mailing of such notices.

Claim for delinquencies

Upon the receipt of such notices it shall be the duty of the State Controller and the governing board of any political subdivision having taxes levied upon the land described in said notices to forward a claim thereon to the county auditor setting forth the amount of the tax or assessment first delinquent levied on such land, by, and still unpaid to, the political subdivision or district for which said claim is being made. On the first meeting day of the board of supervisors following the expiration of six months from the date of mailing such notices, as aforesaid, by said county auditor, the county auditor shall present all such claims received by him to the said board of supervisors and the board of supervisors, if said claims be correct, shall order the money received from the sale of each parcel of land to be divided pro rata among the taxing agencies having filed claims in accordance with the proportion which such first delinquent tax or assessment bears to the total of all such taxes or assessments first delinquent in each district or political subdivision involved, and the auditor shall draw and mail warrants on said delinquent tax sale trust fund in accordance with said order. If the board of supervisors dispute the correctness of any such claim, the money received from the sale of the individual parcel or parcels involved in such disputed claim shall remain in said trust fund until the settlement of said claim by agreement of the governing boards

or officers of the various taxing agencies or by judgment of a court of competent jurisdiction.

Effect of deed.

A deed given by the tax collector upon a sale made as in this section provided shall convey title to the purchaser free and clear of all liens taxes, assessments or encumbrances of any kind or character whatsoever levied or assessed or liened on the property which are due at the time of such sale so conveyed prior to the date of such sale, and, except as against actual fraud, such deed duly acknowledged shall be prima facie evidence of the regularity of all proceedings from the assessment of the assessor to and including the execution of such deed.

Limitation of actions.

No action, suit or proceeding to set aside, cancel, or question the validity of any proceedings instituted under the provisions of this section shall be instituted or maintained unless the same shall have been commenced within six months after the date of the execution of the deed of the tax collector and thereafter all persons shall be barred from commencing or prosecuting any such action or maintaining any defense in any action based upon the alleged invalidity or alleged irregularity in such proceeding. The burden of proof in any such action or proceeding shall be upon the plaintiff to show invalidity of taxes, assessments, or sales of which he complains.

Disposition of moneys

If no other taxing agencies, except State and county, or city and county, are involved the amount received from the sale shall be distributed as provided in section 3898.

Lease under Sec 3774.

Any deed given under this section shall be subject to any lease theretofore given under the provisions of section 3774

New section.

SEC. 2. A new section is hereby added to the Political Code to be numbered 3774, and to read as follows:

Right of possession of tax deeded lands.

3774. Whenever land shall have been deeded to the State as provided by section 3785 of this code and shall also have been deeded to a political subdivision or State taxing agency on account of delinquent taxes or assessments and lies within the confines of an irrigation district actually delivering water to lands within such district, such irrigation district shall have the sole right of possession and shall make such provision for the rental, lease or cultivation of such lands as in the opinion of its board of directors is proper. If any such land lies within a municipality not in an irrigation district the right of possession shall be in the municipality and the duty for providing for the rental and care of the property shall rest in the governing board of said municipality. If any such land lies in neither an irrigation district or a municipality, the right of possession thereof shall rest in the county in which it is located and the duty of providing for the rental and care of the property shall rest upon the board of supervisors of said county.

Limitation on lease.

Any rental or lease executed as aforesaid by any of said agencies shall not exceed the period of one year, and the deed given, as provided by section 3897 of this code, shall be subject to any such lease or rental made prior to the date of such deed, as provided in this section.

Any agency providing for such lease or rental shall keep a strict account of all expenses involved in each individual parcel and the cost of furnishing water by an irrigation district shall be included in such expenses and the net proceeds derived from any agency by reason of rental, lease or cultivation of any such land, after deducting costs of operation, shall be deposited in a fund to be known as "Tax land operation trust fund." Tax land operation trust fund

On or before the first day of January of each year it shall be the duty of the auditor, or other official acting in that capacity, of the taxing agency lawfully in possession of any such land to notify the State Controller or governing board of any political subdivision which has the right to levy taxes or assessments upon such land of the net amount on hand arising from such lease, rental or cultivation of each individual parcel, by United States mail, postage prepaid. Upon the receipt of such notice it shall be the duty of the State Controller or the governing board of any political subdivision having taxes or assessments levied upon such property to cause a claim to be filed with the auditor, or other officer in that position, of the political subdivision from which said notice was received setting forth the amount of taxes or assessments first levied by it and still unpaid on the parcel for which claim is made. Notice of proceeds. Claim for delinquencies

Upon the expiration of six months from the date of mailing such notices it shall be the duty of the auditor, or other officer in that position, of each political subdivision having sent such notices to present all such claims to his governing board, which board if it allows such claims, shall forthwith order said auditor, or other officer in that position, to draw his warrant in favor of claimants pro rata in accordance with the proportion which each claim bears to the total first year's taxes or assessments levied by and still unpaid to each and all political subdivisions, including the State of California. If the governing board receiving said claims should dispute the same or any thereof all of the money in said trust fund from the particular parcel involved in the claim disputed shall remain in said trust fund until the possession thereof is settled by agreement or by order of a court of competent jurisdiction. Presentation and payment of claims

As used in section 3774 and 3897 the term "political subdivision" includes a city, city and county, irrigation district and any district formed or organized for the management, government or operation of a part or portion of the State. "Political subdivision" defined.

CHAPTER 1013.

An act to amend section 737f of the Political Code, relating to the superior judge in and for the county of Colusa.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the con-

stitutional majority, has become a law this nineteenth day of July, A D. 1933.

WALTER J. L TTLE,
Speaker of the Assembly.

FRANK F. MERRIAM,
President of the Senate.

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p. 1421. SECTION 1. Section 737f of the Political Code is hereby amended to read as follows:

Superior judge: Colusa County. 737f. The annual salary of the judge of the superior court in and for the county of Colusa is five thousand dollars.

CHAPTER 1014.

An act making an appropriation to pay the claim of William Dyer against the State of California.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this eighteenth day of July, A D. 1933.

WALTER J. LITTLE,
Speaker of the Assembly

FRANK F MERRIAM,
President of the Senate.

[In effect October 25, 1933]

The people of the State of California do enact as follows:

Special appropriation SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of William Dyer against the State of California.

CHAPTER 1015.

Stats 1925, p 648, amended. *An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities of the second and one-half class.*

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the con-

stitutional majority, has become a law this eighteenth day of July, A.D. 1933.

WALTER J. LITTLE,
Speaker of the Assembly

FRANK F. MERRIAM,
President of the Senate

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 10 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1929, p. 1966.

Sec. 10. The municipal court in a city or city and county of the second and one-half class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows: Municipal courts: Cities of second and one-half class (Long Beach).

(a) There shall be five judges, each of whom shall receive six thousand five hundred dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk who shall also be secretary to the court, to be appointed by the judges thereof, who shall receive three hundred fifty dollars per month;

(c) The clerk shall appoint the following:

One chief deputy, who shall receive two hundred seventy-five dollars per month; five deputy court clerks, who shall each receive two hundred twenty-five dollars per month; one cashier-bookkeeper, who shall receive two hundred fifty dollars per month; one chief clerk of the civil department, who shall receive two hundred fifty dollars per month; one chief clerk of the criminal department, who shall receive two hundred fifty dollars per month; eight deputy clerks, who shall each receive two hundred dollars per month; one deputy judgment clerk, who shall receive two hundred dollars per month; one stenographic secretary, male, who shall receive one hundred seventy-five dollars per month; two stenographers, who shall each receive one hundred thirty-five dollars per month; one typist, who shall receive one hundred twenty-five dollars per month; two file index clerks, who shall each receive one hundred twenty-five dollars per month;

(d) There shall be one marshal to be appointed by the judges of the court who shall receive four hundred dollars per month. The marshal shall appoint the following:

One assistant marshal, who shall receive three hundred dollars per month; one deputy, who shall also act as secretary, who shall receive one hundred fifty dollars per month; one chief deputy of the civil department who shall receive two hundred fifty dollars per month; one deputy, who shall act as assistant chief of the civil department, who shall receive two hundred twenty-five dollars per month; four deputies of the civil department, who shall receive two hundred dollars per month; three deputies of the civil department, who shall receive one hundred seventy-five dollars per month; one deputy, who shall act as bookkeeper, who shall receive two

hundred dollars per month, one deputy, who shall act as counter clerk and return clerk, who shall receive one hundred seventy-five dollars per month; one deputy who shall act as stenographer, who shall receive one hundred thirty-five dollars per month; one chief deputy of the criminal department, who shall receive two hundred fifty dollars per month; one deputy, who shall act as assistant chief of the criminal department, who shall receive two hundred twenty-five dollars per month; two deputies of the criminal department, who shall receive two hundred dollars per month; two deputies of the criminal department, who shall receive one hundred seventy-five dollars per month; five deputies to act as bailiffs of the courts, who shall each receive one hundred seventy-five dollars per month; one deputy, who shall act as record clerk, who shall receive one hundred fifty dollars per month; fifty deputies, who shall act as custodians, who shall receive five dollars per day. The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under the legal process, and shall be paid out of the funds deposited by the parties to the action in which services are rendered. All marshals, assistants and deputies, excepting those designated herein as custodians, shall be allowed in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses to be allowed at the rate per mile fixed by the county board of supervisors for the operation of automobiles actually used in performance of their business on public duty or to pay for such other mode of transportation as they may adopt.

CHAPTER 1016

An act to provide a five-day week for State employees during the present unemployment emergency, and declaring the urgency thereof.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this nineteenth day of July, A.D. 1933.

WALTER J. LITTLE,
Speaker of the Assembly.

FRANK F. MERRIAM,
President of the Senate

[In effect immediately]

The people of the State of California do enact as follows:

Five-day week in State employment.

SECTION 1. In order that available work may be divided among as many employees as is practicable and consistent with State budget limitations and with proper living standards, the five-day week shall be adopted in State employment, and in the employment of persons to render service or labor, directly or

by contract, in carrying on work of the State. This five-day week shall be in effect during the economic emergency existing when this act takes effect, but thereafter State employment shall as far as possible be conducted in the manner provided prior to the date this act takes effect.

Duty of department heads

SEC 2. During the said emergency, it shall be the duty of each department head, so far as practicable, so to arrange and assign the work of his department that the employees therein shall work not more than five days in any calendar week.

Present economic emergency defined

SEC. 3. For the purpose of this act the present economic emergency shall be deemed to now exist and to continue until:

(a) At any time prior to July 1, 1935, the Governor, after such inquiry as to him seems proper, determines that the economic situation of the State is such that the said economic emergency is over. Thereupon he shall by proclamation state that the economic emergency is over. Thereafter, beginning with the first day of the calendar month next ensuing after the issue of such proclamation, said employment shall again be conducted, as to days of labor, as nearly as practicable in the manner provided prior to the date this act takes effect.

(b) If the Governor does not issue such proclamation prior to July 1, 1935, said emergency shall be deemed to terminate at that time, and on and after that day said employment shall be conducted, as to days of labor, as nearly as practicable in the manner provided prior to the date this act takes effect.

Urgency.

SEC. 4. This act is declared to be an urgency measure deemed necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the Constitution and shall take effect immediately.

The following is a statement of the facts constituting such necessity: According to the estimate of the State Unemployment Commission, the number of persons affected by unemployment in California is 1,589,000, which includes 700,000 unemployed and 889,000 dependents. As a result of this condition of joblessness, poverty, destitution, and pauperism have become a grave menace to the health, safety, morals, and welfare of the people of the State. Because hundreds of thousands of self-respecting citizens, able and willing to work, are unable to find employment to support themselves and their families, it is essential that a policy of work-spreading and a shorter work-week should be put into effect at once. The State, by adopting such a policy for the period of the present emergency, can furnish employment to many unemployed workers and can thereby give added impetus to the practice of work-spreading in private industry. This act constitutes one of the means of adopting such a policy and therefore should be adopted as an emergency measure.

CHAPTER 1017.

Stats. 1925, p. 648, amended.

An act to amend section 7 of an act entitled "An act authorizing the establishing of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this eighteenth day of July, A.D. 1933.

WALTER J. LITTLE,
Speaker of the Assembly

FRANK F. MERRIAM,
President of the Senate

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats. 1931, p. 1537.

SECTION 1. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Municipal courts Cities of first and one-half class (Los Angeles).

Sec. 7. The municipal court in a city or city and county of the first and one-half class shall be constituted, and the judges, officers and attaches thereof shall be as herein enumerated and shall have the qualifications and shall receive the compensation herein affixed, as follows.

There shall be thirty judges, each of whom must be registered and qualified electors of the city wherein they are to serve and must have had at least five years active practice of law in this State prior to their election or appointment and each of whom shall receive six thousand five hundred dollars, payable in equal monthly installments; one clerk to be appointed by the judges of the court who shall receive four hundred fifty dollars per month; one marshal to be appointed by the judges of the court, who shall receive four hundred fifty dollars per month; one referee to be appointed by the judges of the court who shall receive three hundred twenty-five dollars per month.

CHAPTER 1018.

An act to add four new sections to the Political Code, to be numbered 3817b, 3817c, 3817d and 3817e, relating to the temporary remission of penalties on delinquent taxes, payment of delinquent taxes in installments, the redemption and sale of property sold to the State for delinquent taxes, authorizing actions to quiet title against the State, declar-

ing the urgency of this act and providing that it shall take effect immediately.

[Approved by the Governor July 22, 1933. In effect immediately.]

The people of the State of California do enact as follows:

New section "Taxes" defined

3817b. The word "taxes," wherever used in this section, includes all taxes and assessments and annual installments of assessments charged on the tax roll.

Manner of redemption of property sold to State for taxes

In all cases where real estate has been sold to the State on or before September 6, 1933, for delinquent taxes, and the State has not disposed of the same, the person whose estate has been sold, his heirs, executors, administrators or other successors in interest shall, at any time on or before the twentieth day of April, 1934, have the right to redeem such property by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes due thereon at the time of such sale, and also all taxes that were a lien upon said real property at the time said taxes became delinquent, and also all unpaid taxes of every description assessed against the property together with all taxes that are a lien against the property, for each year since the sale, as shown on the delinquent assessment rolls in the then permanent custody of the county auditor, or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest on the whole amount of such taxes at the rate of seven per cent per annum computed from the first day of July, 1932, to the time of such redemption, except that interest upon taxes, assessed or unassessed, for the fiscal year 1932–1933, shall be computed from July 1, 1933, to the time of such redemption.

Effect of section

The provisions of this section shall be deemed to allow the redemption of such real estate, on or before the twentieth day of April, 1934, free from the payment of any costs, interest (other than the interest hereinbefore in this section provided), penalties for delinquency, or redemption penalties, which may have accrued against said real estate on or before April 20, 1934. The provisions of this section shall have no application to the amount or rate of penalties for delinquency or upon redemption, for taxes of the fiscal year 1933–1934.

Except as otherwise in section 3817c and this section provided, such redemption shall be made in the manner prescribed in section 3817 of this code.

New section.

SEC. 2. A new section is hereby added to the Political Code, to be numbered 3817c and to read as follows:

"Taxes" defined.

3817c. The word "taxes," wherever used in this section, includes all taxes and assessments and annual installments of assessments charged on the tax roll.

Optional extension of redemption period

In all cases where real estate has been sold to the State on or before September 6, 1933, for delinquent taxes, and the State has not disposed of the same, the person whose estate

has been sold, his executors, administrators, or other successors in interest shall on or before April 20, 1934, have the right to elect to pay such delinquent taxes in installments as hereinafter provided and by the payment of each of such installments, together with current State and county taxes, to extend the period of redemption of such real estate and to postpone the date of sale of such property at auction, as provided in section 3771a of this code, and time of making a deed of such property to the State, as provided in section 3785, and in the event such property has been deeded to the State, postpone the resale of such real estate by the State as provided in section 3897 of this code.

Installment redemption payments authorized

Upon payment to the county treasurer on or before April 20, 1934, of ten per cent, or more, of an amount equal to the total of unpaid taxes computed as prescribed in section 3817b of this code, plus interest on the whole of said amount at the rate of seven per cent per annum from July, 1932, to date of such payment, (except that interest upon taxes for the fiscal year 1932–1933 shall be computed from July 1, 1933), and by the further payment on or before April 20, 1934, of all State and county taxes levied and assessed for the fiscal year 1933–1934, together with penalties and costs due thereon, the right of redemption in installments hereunder shall be extended to and including April 20, 1935, during which time no sale at auction of such property shall be made as provided in section 3771a of this code, and no deed to the State shall be made as provided in section 3785 and no resale by the State shall be made in accordance with the provisions of section 3897 of this code.

Redemption period

Upon payment to the county treasurer, on or before April 20, in each of the years of 1935 to 1943, inclusive, or until said amount has been paid, of ten per cent or more of said total amount together with interest, at the same rate from the date of the preceding payment, on that part of said total amount remaining unpaid after such preceding payment, and upon payment on or before April 20 in each of the years of 1935 to 1943, inclusive, of State and county taxes for each of said years, with penalties and costs thereon, the right of redemption shall be extended, the time of sale at auction to the public and of deed to the State shall be postponed and resale by the State shall be suspended, for successive periods of one year.

Effect of default

In the event of failure to make any of the payments herein specified to be made on or before the dates herein set forth, the right to pay such delinquent taxes in installments shall cease and terminate and such property shall thereupon be subject to sale at auction or may be deeded to the State or resold by the State, in the same manner as though no election to pay delinquent taxes in installments had been made.

Effect of installment payments

No such payment, nor all of them, shall be deemed a redemption of real estate nor affect the right, title or interest of the State thereto, but shall be deemed and considered as compensation for the use and occupancy of said real estate; provided, that if each installment of delinquent taxes and

interest be paid on or before the respective dates specified in this section, and if redemption of such property shall be made, on or before the twentieth day of April, 1938, in the manner hereinafter in this section provided, the amounts previously paid under the authority of this section shall be credited on the amount to be paid for such redemption.

Redemption by April 20, 1938

The amount to be paid on or before the twentieth day of April, 1938, to effect redemption of such property under this section shall be the sum of the following amounts:

(a) Unpaid taxes computed as prescribed in section 3817b of this code, with interest thereon equal to the amount of interest included in all installment payments previously made, as authorized by this section, and, in addition, interest equal to the amount of interest due at the time of such redemption on the remainder, if any, of the amount payable in installments, as authorized by this section;

(b) Unpaid taxes for the fiscal years following the year ending June 30, 1933, with redemption penalties thereon computed in accordance with section 3817 of this code.

Manner of redemption

Except as in this section otherwise provided, such redemption shall be made in the manner prescribed in section 3817 of this code.

Distribution of interest payments

All interest received by the county treasurer pursuant to the provisions of this and the preceding section shall be distributed in the same manner as redemption penalties in accordance with section 3816 of this code.

New section

SEC. 3. A new section is hereby added to the Political Code, to be numbered 3817d and to read as follows:

No sale at auction before Jan. 1, 1935.

3817d. Notwithstanding the provisions of sections 3764 and 3771a of this code no sale at auction to the public shall be made of unredeemed property in the years of 1933 or 1934, but at the day and hour fixed for the sale in accordance with subdivision two of section 3764 of this code, all property otherwise subject to sale to the public shall be deeded to the State as provided in section 3785 of this code. No sale of any property shall be made in accordance with the provisions of section 3897 of this code after the effective date of this act and prior to the first day of January, 1935.

New section

SEC. 4. A new section is hereby added to the Political Code, to be numbered 3817e and to read as follows:

Quiet title suits against State authorized

3817e. In any case where real estate is redeemed after it has been sold to the State for delinquent taxes or where real property deeded to the State for delinquent taxes has been purchased from the State, any person who has redeemed the same or purchased the same from the State and any other person claiming any interest in such real property through such person is hereby authorized to bring suit against the said State to quiet title to said real property or any portion thereof and to prosecute the same to final judgment.

Constitutionality.

SEC. 5. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the

remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Urgency.

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution and shall take effect immediately.

The facts constituting the urgency are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to redeem their property from sale to the State for delinquency. By permitting redemption in installments and with minimized penalties, many taxpayers will be enabled to redeem their property, restore the same to the tax rolls and thereby add revenue for the operation and maintenance of local government.

CHAPTER 1019.

Stats 1925, p. 849

An act to provide for the postponement of the collection of assessments levied to pay principal or interest due on bonds issued under the authority of the Acquisition and Improvement Act of 1925 during the existence of an economic emergency.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this twentieth day of July, A.D. 1933.

WALTER J. LITTLE,
Speaker of the Assembly

FRANK F. MERRIAM,
President of the Senate.

[In effect immediately.]

The people of the State of California do enact as follows:

Collection of assessments under Acquisition and Improvement Act of 1925 postponed.

SECTION 1. The collection of an assessment now due, payable or delinquent, to pay the principal or interest due on bonds issued under the authority of the Acquisition and Improvement Act of 1925 may be postponed for a period not to exceed six months but in no event beyond December 1, 1933, if, in the judgment of the board of supervisors, city council, or other legislative body charged with the levying of such assessment, the collection of any particular assessment would, because of adverse economic conditions or the existence of a financial crisis, amount to an undue hardship on the property owners within the district or would result in the confiscation of their property. The determination of such question by the board of supervisors, city council or other legislative body shall be by four-fifths vote of such body.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into immediate effect. Urgency.

The following is a statement of the facts constituting such necessity: Due to the existence of the present economic depression, many home owners and other property owners within assessment districts formed under the Acquisition and Improvement Act of 1925 have been unable to pay the assessments as levied and by reason of their failure their property is being foreclosed and they are therefore not only without means of support but are deprived of a home to live in. It is essential that such property owners be given the opportunity of a delayed payment until such time as financial conditions will permit the collection of assessments under the Acquisition and Improvement Act of 1925.

CHAPTER 1020.

An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately.

[Approved by the Governor July 31, 1933. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. This act is known and may be cited as the "Retail Sales Tax Act of 1933." Short title.

SEC. 2. The following words, terms and phrases when used in this act have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Definitions.

(a) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit, and the plural as well as the singular number.

(b) "Sale" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property, for a consideration, and includes the furnishing, preparing or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing or serving such tangible personal property. A transaction whereby the pos-

session of property is transferred but the seller retains the title as security for the payment of the price shall be deemed a sale.

(c) A "retail sale" or "sale *at* retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property.

(d) "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

(e) "Retailer" includes every person engaged in the business of making sales at retail.

(f) "Gross receipts" means the total amount of the sale price of the retail sales of retailers, including any services that are a part of such sales, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property of any kind or nature, and also any amount for which credit is allowed by the seller to the purchaser, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, losses or any other expense whatsoever; provided, however, that cash discounts allowed and taken on sales shall not be included, and "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit, nor shall "gross receipts" include the price received for labor or services used in installing, applying, remodeling or repairing the property sold.

For the purpose of this act the total amount of the sale price above mentioned shall be deemed to be the amount received exclusive of the tax hereby imposed; provided, that the retailers shall establish to the satisfaction of the board that the tax imposed hereunder had been added to the sale price and not absorbed by the retailer.

(g) "Board" means the State Board of Equalization.

Rate of tax.

SEC. 3. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon retailers at the rate of two and one-half per cent of the gross receipts of any such retailer from the sale of all tangible personal property sold at retail in this State on and after August 1, 1933, and to and including June 30, 1935; and at the rate of two per cent of the gross receipts of any such retailer from the sale of all tangible personal property sold at retail in this State on and after July 1, 1935. Such tax shall be paid at the time and in the manner hereinafter provided and shall be in addition to any and all other taxes.

Effect on existing contracts

SEC. 4. In any case where tangible personal property is sold at retail under a contract made prior to the effective date of this act, which specifies and fixes the sale price and such sale is taxable under this act, the seller may add the tax imposed by this act to the sale price and collect it from the buyer.

Exemptions.

SEC. 5. There are hereby specifically exempted from the provisions of this act and from the computation of the amount of tax levied, assessed or payable under this act the following:

(a) The gross receipts from sales of tangible personal property which this State is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this State.

(b) The gross receipts from the sales, furnishing, or service of gas, electricity, and water, when delivered to consumers through mains, lines, or pipes.

(c) The gross receipts from sale of gold bullion or gold concentrates or gold precipitates by the producer or refiner thereof.

(d) The gross receipts from sales of tangible personal property used for the performance of a contract on public works executed prior to the effective date of this act.

Exemption of motor vehicle fuel receipts.

SEC. 6. There is hereby specifically exempted from the provisions of this act and from the computation of the amount of tax levied, assessed or payable under this act, the gross receipts received from sales or distributions of motor vehicle fuel in this State subject to the tax imposed thereon under the provisions of the "Motor Vehicle Fuel License Tax Act," and not subject to refund.

Tax on motor vehicle fuel refunds.

The tax by this act imposed upon those sales of motor vehicle fuel which are subject to tax and refund under the "Motor Vehicle Fuel License Act" shall be collected by the State Controller by way of deduction from refunds otherwise allowable under said act. The amount of such deductions, he shall transfer from the motor vehicle fuel fund to the retail sales tax fund.

Constitutionality.

This section is hereby declared to be separable and distinct from all other portions of this act, and shall not be deemed a consideration or inducement for the enactment of the whole or any portion of this act. If this section be for any reason declared invalid, the remainder of this act shall remain in full force and effect and shall be as completely operative as though this section had not been included herein.

Governmental agency defined.

SEC. 7. As used in this section governmental agency means the State, any county, city and county, city or district thereof.

Refunds on relief work foodstuff purchases.

A governmental agency may apply to the board for refund of the amount of tax imposed hereunder and paid upon sales to it of foodstuffs used for free distribution to the poor and needy.

Such refunds may be obtained only in the following amounts and manner and only under the following conditions:

(a) On forms furnished by the board and during the time herein provided for the filing of quarterly tax returns by retailers, the governmental agency shall report to the board the total amount or amounts, valued in money, expended, directly or indirectly, for foodstuffs used for free distribution to the poor and needy.

(b) On said forms the governmental agency shall separately list the persons making the sales to it, or to its order, together with the dates of the sales, and the total amounts so expended by the governmental agency.

(c) The governmental agency must prove to the satisfaction of the board that the person making the sales has included the amount thereof in the computation of the gross receipts of such person and that such person has paid the tax levied by this act based on such computation of gross receipts.

Certification and payment.

If the board is satisfied that the foregoing conditions and requirements have been complied with, it shall certify the amount of the refund payable to the governmental agency to the State Board of Control. Upon approval by the State Board of Control, the State Controller shall draw his warrant on the sales tax fund in the amount specified, payable to the governmental agency, and the State Treasurer shall pay the same.

Unlawful to advertise absorption of tax.

SEC. 8. It shall be unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this act will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold, or if added that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Retailer to collect tax.

SEC. 8½. The tax hereby imposed shall be collected by the retailer from the consumer in so far as the same can be done. This section is hereby declared to be separable and distinct from all other portions of this act, and shall not be deemed a consideration or inducement for the enactment of the whole or any portion of this act. If this section be for any reason declared invalid, the remainder of this act shall remain in full force and effect and shall be as completely operative as though this section had not been included herein.

Tax returns

SEC. 9. The tax levied hereunder shall be a direct obligation of the retailer and shall be due and payable in quarterly installments on or before the fifteenth day of the month next succeeding each quarterly period, the first of such quarterly periods being the period commencing with August 1, 1933, and ending on the thirtieth day of September, 1933. The retailer shall on or before the fifteenth day of the month following the close of the first quarterly period as above defined, and on or before the fifteenth day of the month following each subsequent quarterly period of three months, make out a return for the preceding quarterly period in such form as may be prescribed by the board showing the gross receipts of the retailer, the amount of the tax for the period covered by such return and such information as the board may deem necessary for the proper administration of this act. The retailer shall deliver the return together with a remittance of the amount of the tax due to the office of the board. The board, if it deems it necessary in order to insure the payment of the tax imposed by this act,

may require returns and payment of the tax to be made for other than quarterly periods. Returns shall be signed by the retailer or his duly authorized agent but need not be verified by oath. Any retailer having cash and credit sales may report the same separately and upon making application therefor may obtain from the board an extension of time for the payment of taxes due on such credit sales. Any such extension shall be granted by the board pursuant to such rules and regulations as the board may from time to time prescribe. When any such extension is granted the retailer shall thereafter include in each quarterly return as a separate item all collections made during the quarterly period covered by the return from sales made on credit prior to said quarterly period and shall pay the tax due on such collections in the same manner as though said collections resulted from a sale made in said quarterly period. A sale on credit is deemed to include any and all conditional sales, lease contracts, and other deferred payment transactions.

Extension of time on credit sales.

Sale on credit defined

The board, if it deems it necessary to insure the collection of the tax imposed by this act, may provide by rule and regulation for the collection of said tax by the affixing and canceling of revenue stamps and may prescribe the form and method of such affixing and canceling.

Revenue stamps

The board may by regulation provide that the amount collected by the retailer from the consumer, in reimbursement of taxes imposed by this act, shall be displayed separately from the list, advertised in the premises, marked or other price on the sales check or other proof of sale.

SEC. 10. The board for good cause may extend for not to exceed thirty days the time for making any return required under the provisions of this act.

Extension of time to make return

SEC. 11. The board, whenever it deems it necessary to insure compliance with the provisions of this act, may require any person subject to the tax imposed hereunder to deposit with it such security as the board may determine. The same may be sold by the board at public sale if it becomes necessary so to do in order to recover any tax, interest or penalty due. Notice of such sale may be served upon the person who deposited such securities personally or by mail; if by mail, service shall be made in the manner prescribed by section 1013 of the Code of Civil Procedure and addressed to the person at his address as the same appears in the records of the board. Upon any such sale, the surplus, if any, above the amounts due under this act shall be returned to the person who deposited the security.

Deposit of security.

Notice of sale

SEC. 12. Thirty days after the effective date of this act, it shall be unlawful for any person to engage in or transact business as a retailer within this State, unless a permit or permits shall have been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this State shall file with the board an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the

Retailer's permit

Application

board and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the board may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority. Any person who engages in the business of selling tangible personal property at retail in this State without a permit or permits or after a permit has been suspended, and the officers of any corporation which shall so sell, shall be guilty of a misdemeanor.

Violation of section a misdemeanor

Permit fee

SEC. 13. At the time of making such application, the applicant shall pay to the board a permit fee of one dollar for each permit, and the applicant must have a permit for each place of business.

Issuance of permit.

SEC. 14. Upon the payment of the permit fee or fees herein required, the board shall grant and issue to each applicant a permit for each place of business within the State. A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

Life of permit.

SEC. 15. Permits issued under the provisions of this act shall be valid and effective without further payment of fees until suspended or revoked by the board.

Renewal fee.

The board shall charge a fee of one dollar for the renewal or issuance of a permit to a retailer whose permit has been previously suspended or revoked.

Revocation or suspension of permit

SEC. 16. Whenever the holder of a permit fails to comply with any of the provisions of this act or any rules or regulations of the board prescribed and adopted under this act, the board upon hearing after giving ten days notice in writing of the time and place of the hearing to show cause why his permit should not be revoked, may revoke or suspend the permit.

Burden of proof

SEC. 17. The burden of proving that a sale of tangible personal property was not a sale at retail shall be upon the person who made it, unless such person shall have taken from the purchaser a certificate signed by and bearing the name and address of the purchaser to the effect that the property was purchased for resale. For the purpose of the proper administration of this act and to prevent evasion of the tax hereby imposed it shall be presumed that all gross receipts are subject to the tax hereby imposed until the contrary is established.

Additional assessment.

If the board is not satisfied with the return and payment of tax made by any retailer, it is hereby authorized and empowered to make an additional assessment of tax due from such retailer based upon the facts contained in the return or upon any information within its possession or that shall come into its possession. The board shall give to the retailer written

notice of such additional assessment, together with written notice of the time and place where the retailer may be heard on a petition by him for reassessment. Such notice may be served upon the retailer personally or by mail; if by mail, service shall be made in the manner prescribed by section 1013 of the Code of Civil Procedure and addressed to the retailer at his address as the same appears in the records of the board. Notice

SEC. 18. If a retailer neglects or refuses to make a return and payment as required by this act, the board shall make an estimate based upon any information in its possession or that may come into its possession, of the amount of the gross receipts of the delinquent for the period in respect to which he failed to make return and payment, and upon the basis of said estimated amount compute and assess the tax payable by the delinquent, adding to the sum thus arrived at a penalty equal to ten per cent thereof. Promptly thereafter the board shall give to the delinquent written notice of such estimate, tax and penalty, the notice to be served personally or by mail in the same manner as prescribed for service of notice by the provisions of section 17 hereof. But the delinquent shall have the right to petition for reassessment of any such tax found, determined and declared by the board pursuant to and in accordance with the provisions of this section. Failure to make return and payment. Notice.

SEC. 19. Any tax assessed by the board under the provisions of sections 17 and 18 hereof, together with the penalty if any there be, shall be due and payable from the retailer to the board fifteen days after the service upon the retailer of notice of the assessment of such tax. Time for payment.

SEC. 20. Any retailer against whom an additional assessment is made by the board under the provisions of section 17 hereof, may petition for a reassessment thereof. Notice of intention to file such a petition or to appear and be heard shall be given by the retailer to the board prior to the time the additional assessment becomes due and payable. A petition for such a reassessment may be filed with the board on or before the date designated in the notice of such additional assessment as the time when the retailer may be heard on a petition by him for reassessment. Each such hearing shall be held at the time and place designated in such notice to the retailer, but the board shall have power to continue the same from time to time as may be necessary. Each such petition filed with the board shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous. If no petition for reassessment is filed with the board the retailer may nevertheless appear at the hearing and present his objections orally. Petition for reassessment. Hearing

None of the provisions of this section shall be construed to accord to any retailer the right to petition for reassessment in a case of neglect or refusal upon his part to make a return within the time prescribed by this act or by the board under authority of this act. When section inapplicable

Additional assessment notice

SEC. 21. Except in the case of a fraudulent return, or neglect or refusal to make a return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the retailer within two years after the return was filed.

Tax penalties.

SEC. 22. All taxes not paid to the board by the retailer on the date when the same becomes due and payable, shall bear interest in the rate of twelve per cent per annum from and after such date until paid.

Credit of overpayments.

SEC. 23. If, in the opinion of the board, a tax has been computed in a manner contrary to law or has been erroneously computed by reason of a clerical mistake on the part of the board, such fact shall be set forth in the records of the board and the amount of the overpayment shall be credited on any taxes then due from the retailer under this act and the balance shall be refunded to the retailer or his successors, administrators, executors or assigns.

If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, the board shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board the same shall be credited on any taxes then due from the retailer under this act and the balance shall be refunded to the retailer, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within six months from the date of overpayment.

Claim for refund

Every claim for refund must be in writing under oath and must state the specific grounds upon which the claim is founded.

Recovery of refund or credit erroneously made

Any refund or any portion thereof which is erroneously made and any credit or any portion thereof which is erroneously allowed, may be recovered in an action brought by the Controller of the State in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California and such action shall be tried in the county of Sacramento unless the court with the consent of the Attorney General, orders a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for.

Cancellation of illegal levy.

In the event that a tax has been illegally levied against a retailer the board shall certify such fact to the State Board of Control and said board shall authorize the cancellations of the tax upon the records of the board.

Penalty for fraud or evasion

SEC. 24. If fraud or evasion on the part of a retailer is discovered by the board, it shall determine the amount by which the State has been defrauded, shall add to the amount so determined a penalty equal to twenty-five per cent thereof, and shall assess the same against the retailer. The amount so assessed shall be immediately due and payable.

Report of assessments.

SEC. 25. The board shall report to the Controller every assessment made under this act, and he shall keep a record thereof.

Notice of lien

SEC. 26. In any case in which any tax, interest or penalty imposed under this act is not paid when due the board may file for record in the recorder's office of any county a notice of lien specifying the amount of the tax, interest or penalty due and the name of the retailer liable for the same. From the time of filing any such notice the amount of the tax specified in such notice shall have the force and effect of the lien of a judgment against the retailer named in said notice of lien for the amount specified in such notice. Such lien may be released by filing for record in the office of the county recorder of a release thereof excuted by the board upon payment of the tax, interest and penalties or upon receipt by the board of security sufficient to secure payment thereof, but no such release shall be deemed a waiver of any tax, interest or penalty levied or assessed under this act and due and payable or to become due and payable by such retailer.

Release of lien.

Final return on selling or quitting business

If any retailer liable for a tax levied hereunder shall sell out his business or stock of goods or shall quit the business, he shall make a final return within fifteen days after the date of selling or quitting business. His successor, if any, shall be required to withhold sufficient of the purchase money to cover the amount of such taxes and interest or penalties due and unpaid until such time as the former owner shall produce a receipt from the board showing that they have been paid, or a certificate stating that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided, he shall be personally liable for the payment of the taxes, interest and penalties accrued and unpaid on account of the operation of the business by the former owner.

Notice of delinquency

In the event that any retailer is delinquent in the payment of the tax herein provided for the board may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such retailer, or owing any debts to such retailer at the time of receipt of them of such notice and thereafter any person so notified shall neither transfer nor make any other disposition of such credits, other personal property, or debits until the board shall have consented to a transfer or disposition, or until twenty days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the board of any and all such credits, other personal property or debts, in their possession, under their control or owing by them, as the case may be.

Procedure for collection of delinquent taxes.

At any time within two years after any retailer is delinquent in the payment of the tax herein provided for, the board may proceed forthwith to collect the tax due from the retailer in the following manner: The board shall seize any property, real or personal, subject to the lien of said tax, and thereafter sell at

public auction such property so seized, or a sufficient portion thereof, to pay the tax due hereunder, together with any interest or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent retailer and to all persons appearing of record to have an interest in such property in writing at least ten days before the date set for such sale by enclosing such notice in an envelope addressed to such retailer at his last known residence or place of business in this State if any, and in the case of any person appearing of record to have an interest in such property addressed to each person at the last known place of residence, if any, and depositing the same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county ten days prior to the date set for such sale. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the taxes, interest, penalties and costs, the name of the retailer, and the further statement that unless such taxes, interest and penalties and cost are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

Notice of sale.

Contents of notice.

Sale of property

At any such sale, the property shall be sold by the board in accordance with law and said notice, and the board shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest the interest or title of the retailer in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of the retailer. If, upon any such sale, the moneys so received shall exceed the amount of all taxes, interest, penalties and costs due the State from such retailer, any such excess shall be returned to the retailer, and his receipt therefor obtained; provided, however, that if any person having an interest or lien upon the property has filed with the board prior to any such sale notice of such interest or lien the board shall withhold any such excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If, for any reason, the receipt of such retailer shall not be available, the board shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such retailer, his heirs, successors or assigns.

Disposition of excess.

Remedies are cumulative.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the board or Attorney General shall be construed to be an election on the part of the State or any of its officers to pursue any

remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

Retailer's records.

SEC. 27. Every retailer shall keep such records, receipts, invoices and other pertinent papers in such form as the board may require.

Investigations

The board or any person authorized in writing by it is hereby authorized to examine the books, papers, records and equipment and to investigate the character of the business of any retailer in order to verify the accuracy of any return made, or if no return was made by such retailer, to ascertain and assess the tax imposed by this act. The board is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of the provisions of this act in the collection of taxes, penalties and interest imposed by this act, and to that end may appoint, exempt from the provisions of the Civil Service Act, such accountants, auditors, investigators and assistants as it may deem necessary to enforce its powers and perform its duties under this act.

Enforcement of act.

Employees exempt from Civil Service

Unlawful to divulge retailer's affairs.

SEC. 28. It shall be unlawful for the board, or any person having an administrative duty under this act to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any retailer visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the Governor may authorize examination of such returns by other State officers, by tax officers of another State, or the Federal government, if a reciprocal arrangement exists, and any other persons the Governor may so authorize.

Exception

Penalty

Any violations of the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

"Retail Sales Tax Fund" created

SEC. 29. All fees, taxes, interest and penalties imposed under this act must be paid to the board in the form of remittances payable to the Treasurer of the State of California, and said board shall transmit such payments daily to the State Treasurer to be deposited in the State treasury to the credit of the "Retail Sales Tax Fund," which fund is hereby created.

Appropriation for enforcement of act.

For expenditure by the board in carrying out the provisions of this act there is hereby appropriated a sum of money equal to one hundred thousand dollars plus the amount of permit fees paid hereunder and two per cent, or so much thereof as may be necessary, of all other moneys deposited in the retail sales tax fund; said one hundred thousand dollars

being payable out of moneys in the general fund not otherwise appropriated, the remainder of the moneys hereby appropriated being payable out of the retail sales tax fund; provided, that, out of said two per cent of said other moneys deposited in the retail sales tax fund and on or before June 30, 1935, the sum of one hundred thousand dollars shall be returned into the general fund. For expenditure by the Controller in carrying out the provisions of this act there is hereby appropriated out of the retail sales tax fund the sum of fifty thousand dollars or so much thereof as may be necessary, and for expenditure by the State Treasurer in carrying out the provisions of this act there is hereby appropriated out of the retail sales tax fund the sum of thirty-two thousand five hundred dollars or so much thereof as may be necessary. The balance of the moneys in the retail sales tax fund shall, upon order of the State Controller, be drawn therefrom for the purpose of refunding to the retailers hereunder or be transferred to the general fund of the State.

Action to collect delinquent tax.

SEC. 30. At any time within two years after the delinquency of any tax, the board may bring an action in a court of competent jurisdiction in the name of the people of the State of California to collect the amount delinquent, together with penalties. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may issue, and no bond or affidavit previous to the issuing of said attachment is required. In such action a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency and of compliance by the board with all the provisions of this act in relation to the computation and levy of the tax.

Injunction against tax collection prohibited.

SEC. 31. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin under this act the collection of any tax sought to be collected; but after payment of any such tax under protest, duly verified and setting forth the grounds of objection to the legality of such tax the retailer paying such tax may bring an action against the State Treasurer in a court of competent jurisdiction in the county of Sacramento for the recovery of tax so paid under protest. No such action may be instituted more than sixty days after the tax becomes due and payable, and failure to bring suit within said sixty days shall constitute waiver of any and all demands against this State on account of alleged overpayment of taxes hereunder. No grounds of illegality of the tax shall be considered by the court other than those set forth in the protest filed at the time of the payment of the tax.

Payment under protest

Refund

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any

taxes due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of tax found to have been illegally collected from the date of payment of such tax to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller. Interest rate.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any tax paid hereunder, when such action is brought by or in the name of an assignee of the retailer paying said tax, or by any person other than the person who has paid such tax. Assignee can not recover.

SEC. 32. Any retailer failing or refusing to furnish any return hereby required to be made, or failing or refusing to furnish a supplemental return or other data required by the board, or rendering a false or fraudulent return, shall be guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars ($500) for each such offense. Penalties. For failure to furnish return.

Any person required to make, render, sign or verify any report as aforesaid, who makes any false or fraudulent return, with intent to defeat or evade the assessment required by law to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars ($300) and not more than five thousand dollars ($5,000) or be imprisoned not exceeding one year in the county jail or be subject to both said fine and imprisonment in the discretion of the court. For evasion

SEC. 32½. Any violation of the provisions of this act, except as otherwise herein provided, shall be a misdemeanor and punishable as such. Penalty.

SEC. 33. Every order, decision or other official act of the board shall be subject to review if such proceeding is brought within sixty days after notice of the rendering of such order, decision or other official act in accordance with the provisions of Chapter I, Title I of Part III of the Code of Civil Procedure. Upon such review the court shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the board in making such order, decision or other official act. Review of order of board.

SEC. 34. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional. Constitutionality.

SEC. 35. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the Tax levy.

provisions of section 1 of Article IV of the Constitution, take effect immedia ely.

CHAPTER 1021.

Stats 1919, p 265, amended

An act to amend section 7 of an act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations," approved April 30, 1919, as amended, relating to employment of assistants in liquidation proceedings.

This bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, has become a law this twenty-fourth day of July, A. D. 1933.

FRANK F. MERRIAM,
President of the Senate

WALTER J. LITTLE,
Speaker of the Assembly

[In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1919, p 265

SECTION 1. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Insurance Commissioner may appoint assistants

Sec. 7. For the purposes of this act, the Insurance Commissioner shall have power to appoint, under his hand and official seal, one or more special Deputy Insurance Commissioners, as his agent or agents, and to employ such clerks and assistants as may by him be deemed necessary, and give each of such persons such powers to assist him as he may consider wise. The compensation of such special Deputy Insurance Commissioners, clerks and assistants, and all expenses of taking possession of and conducting the business of liquidating any such corporation shall be fixed by the Insurance Commissioner, subject to the approval of the court, and shall, on certificate of the Insurance Commissioner, be paid out of the funds or assets of such corporation. The Attorney General shall have power to appoint and to employ such legal counsel as may by him be deemed necessary to assist the Insurance Commissioner in the performance of his duties under this act. The compensation of such legal counsel shall be fixed by the Attorney General, subject to the approval of the court and shall be paid out of the funds or assets of such corporation. During the progress of any proceedings taken under this section, the Insurance Commissioner, his deputies or any examiner authorized by him and the special Deputy Insurance Commissioner acting for the said Insurance Commissioner therein shall have all of the powers given to the Insurance Commissioner, his deputy or any examiner authorized by him, including the power to examine under oath the persons specified in

Compensation and expenses.

Legal counsel

Powers of deputies and examiners

such section, and to compel the production of books and papers as therein provided.

CHAPTER 1022.

An act to amend section 8 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to and defining employees, excluding from the provisions of the act persons receiving sustenance from religious, charitable or relief organizations; and also to add a new section, to be numbered 12½ to said act, relating to the computation of the earnings of employees engaged on unemployment work relief programs.

Stats 1917, p 831, amended.

[Approved by the Governor August 2, 1933 In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 8 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1933, Ch. 274.

Sec. 8. (a) The term "employee" as used in sections 6 to 31, inclusive, of this act shall be construed to mean: Every person in the service of an employer as defined by section 7 hereof under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also including minors, whether lawfully or unlawfully employed, and all elected and appointed paid public officers, and all officers and members of boards of directors of quasi public or private corporations while rendering actual service for such corporations for pay, but excluding any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer, and also excluding any employee engaged in household domestic service, farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising and also excluding any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine or periodical where the title to such newspaper, magazine or periodical has passed to the person so engaged, and also excluding any person or persons who perform services in return for aid or sustenance only, received from any religious, charitable or relief organization, and any person holding an appointment as deputy clerk, deputy sheriff or deputy constable appointed for the convenience of such appointee, who receives no compensation from the county or municipal corporation or from the citizens thereof for services as such deputy; provided, that such last exclusion shall not deprive any person so deputized from recourse against any private person employing him for injury occurring in the course of and arising out of such employment. Nothing herein contained shall be deemed to

Definitions: "Employee."

Stats. 1927, p. 1681.

alter, amend or repeal the provisions of Chapter 834, Statutes of 1927.

(b) Any person rendering service for another, other than as an independent contractor, or as expressly excluded herein, is presumed to be an employee within the meaning of this act.

"Independent contractor"

The term "independent contractor" shall be taken to mean for the purposes of this act: Any person who renders service, other than manual labor, for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished. A working member of a partnership receiving wages irrespective of profits from such partnership shall be deemed an employee within the meaning of this section.

Partner receiving wages

"Casual."

(c) The term "casual" as used in this section shall be taken to refer only to employments where the work contemplated is to be completed in not exceeding ten working days, without regard to the number of men employed, and where the total labor cost of such work is less than one hundred dollars. The phrase "course of the trade, business, profession or occupation of his employer" shall be taken to include all services tending toward the preservation, maintenance or operation of the business, business premises or business property of the employer. The words "trade, business, profession or occupation of his employer" shall be taken to include any undertaking actually engaged in by him with some degree of regularity, the trade name, articles of incorporation or principal business of the employer to the contrary notwithstanding.

"Course of trade," etc

"Trade, etc., of his employer"

Watchmen.

(d) Watchmen for nonindustrial establishments, paid by subscription by several persons, shall not be held to be employees within the meaning of this act. In other cases where watchmen, paid by subscription by several persons, have at the time of the injury sustained by them taken out and maintained in full force and effect insurance upon themselves as self-employing persons conferring benefits equal to those conferred by this act, the employer shall not be liable under this act.

Employees of State

(e) It shall not be a defense to the State, or any political subdivision or institution thereof, or public or quasi public corporation, that a person injured while rendering service for it was not lawfully employed by reason of the violation of any civil service or other law, rule, or regulation respecting the hiring of employees.

Workmen under partnership agreement.

(f) Workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of the labor on a particular piece of work, shall be deemed employees of the person having such work executed, and, in the event the average weekly earnings are not otherwise ascertainable, shall be deemed to be employed at an average weekly wage of twelve dollars; provided, however, that if such workmen shall have taken out and maintained in full force and effect insurance, in an insurance carrier as defined in this act,

insuring to themselves and all persons employed by them benefits identical with those conferred by this act, the person for whom such work is to be done shall not be liable as an employer under this act.

(g) Each male member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the government of the city, town, or district, in which such volunteer fire department is located, shall be held and deemed to be an employee of such city, city and county, town or district for the purposes of this act, and shall be entitled to receive compensation from such city, town or district in accordance with the provisions thereof. Member of volunteer fire department.

If he suffer injury or death while in the performance of his duty as fireman, then, irrespective of his remuneration from this and/or other employment, his average weekly earnings shall be taken for the purpose of computing such compensation as the sum of $38.46, and three times his average annual earnings referred to in section 9 (c) hereof shall be taken as the sum of $5,999.76; provided, however, that the death benefit referred to in said section 9 (c), when added to the disability indemnity which at the time of his death has accrued and become payable, shall not exceed the sum of $5,000, except as in said section otherwise provided.

SEC. 2. A new section is hereby added to the act cited in the title hereof, to be numbered 12½ and to read as follows: New section.

Sec. 12½. Where any employee is injured while engaged on any unemployment work relief program conducted by the State or a political subdivision or any State or governmental agency, the disability payments due under this act shall be determined solely on the monthly earnings or anticipated earnings of such person from such program, such payments to be within the minimum and maximum limits set forth in section 12 (a) of this act. Employee engaged in unemployment relief.

CHAPTER 1023.

An act to amend sections 172 and 172a of the Penal Code, relating to selling, giving away or exposing for sale of intoxicating liquors.

[Approved by the Governor August 2, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 172 of the Penal Code is hereby amended to read as follows: Stats 1933, Ch 826.

172. 1. Every person who, within half a mile of the land belonging to this State upon which any State prison, or within one thousand nine hundred feet of the land belonging to this State upon which any reformatory, is situated, or within one Sale of liquor near certain institutions prohibited.

mile of the grounds belonging to the University of California, at Berkeley, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of the lands occupied by any home, retreat, or asylum for ex-soldiers, sailors and marines of the Army and Navy of the United States, established or to be established by this State, or by the United States within this State, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than fifty days or by both such fine and imprisonment, in the discretion of the court.

Possession of liquor license prohibited

2. The possession by a person, within the distances mentioned in paragraph one of this section of any State prison, reformatory, grounds belonging to the University of California at Berkeley, University Farm at Davis, or of the land on which is located the Veterans' Home at Yountville, Napa County, California, or any home, retreat or asylum for ex-soldiers or sailors, and marines of the Army and Navy of the United States, within the State Capitol, or within the grounds adjacent and belonging thereto, of a license for the sale of intoxicating liquor issued under and by the authority of the government of the United States shall, in any prosecution under paragraph one of this section, be deemed to be prima facie evidence of the violation of the provisions of paragraph one of this section.

Legal beverages excepted.

3. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision one of this section, the provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of one per cent or more of alcohol by volume and not more than three and two-tenths per cent of alcohol by weight.

Stats 1909, p. 780

SEC. 2. Section 172a of the Penal Code is hereby amended to read as follows:

Sale of liquor near university prohibited

172a. Every person who, upon or within one and one-half miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of more than one thousand students, more than five hundred of whom reside or lodge upon such university grounds or campus, sells, gives away or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor.

Exceptions

Provided, however, that the provisions of this act shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the

laws of the State of California, when such prescription is dated by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within forty-eight hours of its date. Provided further, that the provisions of this act shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes; provided further that the provisions of this section shall not apply to nor prohibit the sale, gift, or exposing, or offering for sale of beer, lager beer, ale, porter, wine, similar fermented malt, or vinous liquor or fruit juice containing one-half of one per cent or more of alcohol by volume and not more than three and two-tenths per cent of alcohol by weight. Legal beverages.

CHAPTER 1024.

An act making an appropriation for rewards to be paid by the Governor for the apprehension and conviction of kidnappers.

[Approved by the Governor August 2, 1933 In effect October 25, 1933]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated the sum of ten thousand dollars out of any money in the State treasury not otherwise appropriated to the Governor for the purpose of rewards to be offered for the apprehension and conviction of kidnappers. Provided, that no reward of more than one thousand dollars shall be offered or paid in any one case of kidnapping. Appropriation Rewards

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CHAPTER 1025.

An act to amend section 209 of the Penal Code, relating to the punishment of kidnaping.

[Approved by the Governor August 2, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 209 of the Penal Code is hereby amended to read as follows: Stats 1933, Ch 685.

209. Every person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains, such individual for ransom, reward or to commit extortion or robbery or to exact from relatives or friends of such person any money or valuable thing, or who aids or abets any such act, is guilty of a felony and upon conviction thereof shall suffer death or shall be punished by Punishment of kidnaping.

imprisonment in the State prison for life without possibility of parole, at the discretion of the jury trying the same, in cases in which the person or persons subjected to such kidnaping suffers or suffer bodily harm or shall be punished by imprisonment in the State prison for life with possibility of parole in cases where such person or persons do not suffer bodily harm.

CHAPTER 1026.

An act relating to the appropriation made for the California Nautical School during the eighty-fifth and eighty-sixth fiscal years.

[Approved by the Governor August 4, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

California Nautical School. Expenditure of support appropriation.

SECTION 1. Notwithstanding any provision of Chapter 278, Statutes of 1933, all the moneys appropriated for support of the California Nautical School by item 189 of section 1 of said chapter may be expended during the eighty-fifth fiscal year.

CHAPTER 1027.

An act to amend section 664 of the Political Code, empowering the State Board of Control to prescribe by rule and regulation limitations upon amounts to be expended by officers, agents and employees of the State while traveling on official business of the State.

[Approved by the Governor August 4, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats. 1927, p. 449.

SECTION 1. Section 664 of the Political Code is hereby amended to read as follows:

Rules re traveling expenses

664. The board by a majority vote shall adopt general rules and regulations, limiting the amount of expenses and allowances to be paid to officers, agents, and employees of the State while traveling on official business of the State, governing such matters as are specifically committed to the jurisdiction of said board, and governing the presentation and audit of claims against the State for which an appropriation has been made or for which a State fund is available. In accordance with such general rules and regulations of said board, the State Controller shall audit such claims before drawing his warrant therefor as prescribed by law.

Distribution of rules.

The board shall cause to be printed for distribution among all State officers and for the use of any one desiring to present

a claim against the State, a set of such general rules and regulations.

Any person having a claim against the State for which an appropriation has been made, or for which a State fund is available, may present the same to the State Controller in the form and manner prescribed by the general rules and regulations adopted by the Board of Control for the presentation and audit of claims. Presentation of claims.

CHAPTER 1028.

An act validating contributions of the State of California to Joint Highway Districts.

[Approved by the Governor August 4, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. All original contributions and all additional contributions heretofore approved and granted by the California Highway Commission, and approved by the Director of the Department of Public Works, of the State of California, to joint highway districts, are hereby legalized, ratified, confirmed, and validated. Contributions validated.

CHAPTER 1029.

An act to declare the existence of a State and National agricultural emergency, to authorize prosecution for violations of this act, to provide for the enjoining of, and fining for, such violations, to provide for the recognition and enforcement in this State of marketing agreements establishing standards of fair competition and the issuing of licenses as approved or prescribed by the Secretary of Agriculture of the United States, under the terms of the National Agricultural Adjustment Act, to provide for the suspension of antitrust and unfair competition laws of this State under certain conditions, to limit the effective period of this act, to declare the urgency of this act, and to provide that this act shall take effect immediately.

[Approved by the Governor August 4, 1933. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. It is hereby declared that a State and National emergency productive of widespread agricultural collapse and disorganization of trade and industry now exists, vitally affecting the public welfare of this State and Nation. It is Declaration of policy.

hereby declared to be the policy of this State to cooperate with and assist the national government in promoting the rehabilitation of agriculture and in eliminating the causes of the collapse of agricultural purchasing power, and to that end to bring about the formulation of marketing agreements as may be approved by the Secretary of Agriculture of the United States and the enforcement of such agreements within this State between producers and distributors or marketing agencies handling the products of agriculture or subdivisions thereof engaged in transactions in or affecting intrastate commerce therein and those engaged therein in transactions in or affecting interstate or foreign commerce.

Definitions.

SEC. 2. (a) When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

(1) The word "Secretary" shall mean the Secretary of Agriculture of the United States of America,

(2) The word "Congress" shall mean the Congress of the United States of America,

(3) The word "Governor" shall mean the Governor of this State,

(4) The word "Director" shall mean the Director of Agriculture of this State, or his designated agent.

(5) The word "person" shall mean and include individuals, corporations, associations, trusts and partnerships existing under or authorized by the laws of the United States of America or of this State or of any other State, Territory, or possession of said United States, or of any foreign country,

(6) The words "National Agricultural Adjustment Act" shall mean the act passed by the Congress known by the short title of the "Agricultural Adjustment Act," approved May 12, 1933,

(7) The words "Marketing Agreement" shall mean any such agreement approved by the "Secretary" after public hearing and otherwise in conformity with the provisions of the National Agricultural Adjustment Act.

(8) The word "license" shall mean any license issued by the "Secretary" or his duly designated agent.

(9) The word "written" shall include printed or typewritten.

(10) The words "party to a Marketing Agreement" approved or prescribed by the "Secretary" pursuant to terms of the "National Agricultural Adjustment Act" shall include any person who made application to the "Secretary" for the approval of such agreement, or who authorized the making of such application by any other person in his behalf, or who is bound by license or otherwise by the provisions of such agreement and entitled to the benefits thereof.

Stats 1907, p 984.

(11) The words "Cartwright Act" shall mean the act passed by the Legislature of this State entitled "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and

associations, or persons connected with them and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended.

(12) The words "Unfair Competition Act" shall mean the act passed by the Legislature of this State entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended. Stats 1913, p 508

(13) The words "Fair Trade Act" shall mean the act passed by the Legislature of this State entitled "An act to protect trade-mark owners, distributors and public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," approved May 8, 1931, as amended. Stats 1931, p 583.

(b) Words in this act, unless the context otherwise indicates, in the present tense include other tenses thereof as well as the present; in the masculine gender include the feminine and neuter; in the neuter gender include the masculine and feminine; in the singular number include the plural and in the plural number include the singular.

SEC. 3. The provisions of any marketing agreement establishing standards of fair competition, approved or prescribed by the "Secretary," pursuant to the terms of the National Agricultural Adjustment Act for any agricultural industry or subdivision thereof, shall be considered as the standards of fair competition for such agricultural industry or subdivision thereof in all its intrastate transactions within this State. The violation of such standards by any person engaged in such trade or industry or subdivision thereof within this State shall be deemed the use of unfair methods of competition. The use by any person of unfair methods of competition, as defined by this act, shall be unlawful and contrary to the public policy and welfare of this State and shall subject such person to suit or prosecution under the provisions of section 6 of this act. Standards of fair competition. Unfair methods prohibited.

SEC. 4. When any agricultural industry or subdivision thereof is carried on in this State by a party to a marketing agreement, approved or prescribed by the "Secretary" pursuant to the terms of the National Agricultural Adjustment Act, and/or licensed by the "Secretary" under said act, evidence of the carrying on of any similar agricultural industry or subdivision thereof by any person within this State in competition with such a party to said marketing agreement or under said license, by methods or practices which, if such person were a party to the said marketing agreement or license under said National Agricultural Adjustment Act, would constitute a violation of the terms thereof relative to provisions of said marketing agreements establishing standards of fair Prima facie proof of unfair competition.

competition, shall be prima facie proof in any civil or criminal proceeding, that such person is using unfair methods of competition within the meaning of this act and contrary to the public policy and welfare of this State.

Public contracts

SEC. 5 In order further to aid the purposes and policy of the National Agricultural Adjustment Act and this act while this act is in effect, the governing body of any political subdivision, municipal corporation or district and any public officer or person charged with the letting of contracts for (1) the purchase and/or sale of agricultural products and their derivatives, or (2) for the purchasing of agricultural products and their derivatives for public use, shall let such contracts only to those who agree in and by the terms of such contract to use or supply only articles, materials and supplies produced, manufactured or supplied by a person who is a party to a marketing agreement approved or prescribed by the "Secretary" pursuant to the terms of the National Agricultural Adjustment Act, or who has become a party thereto under license by the "Secretary" or as authorized by the provisions of section 7 of this act, in every case where a marketing agreement has been so approved or prescribed and/or licenses issued for the agricultural industry or subdivision thereof producing, manufacturing or supplying such articles, materials, or supplies. Any practices in violation of such terms of such contracts shall be deemed the use of unfair methods of competition within the meaning of this act.

Action for violation of act. Complaint.

SEC. 6. Upon complaint of a private party to the Attorney General of this State or to any district attorney of any county of this State showing that any person engaged in trade or industry in this State, is using unfair methods of competition within the meaning of this act in violation of this act, it shall be the duty of the said Attorney General or of the said district attorney to whom such complaint may be made, in the name of the people of this State, to investigate such complaint and after such investigation, if sufficient grounds exist therefor, he shall in the name of the people of this State bring an action in the superior court against such person for the violation of this act. Upon the filing of such action a preliminary injunction may be granted upon notice in conformity with section 527 of the Code of Civil Procedure. Upon the trial of said action, if the defendant be found guilty of such violation, the court may enjoin him from further violation of this act and may likewise impose a fine upon the defendant not exceeding the sum of $5,000 and said defendant shall pay all costs of said action. Such action may be brought in any county in which the defendant, or any one of the defendants, resides, or in which such unlawful act was committed, or in which the defendant, or any one of the defendants, has his principal place of business. The right and remedy of injunction for violations as established and prescribed by this section shall not be construed to repeal any other civil rights or remedies established and prescribed by any of the acts specifically referred to in section 7 of this

Form of judgment.

Venue.

Remedies cumulative.

act but such civil rights or remedies shall be cumulative. Either party to the action provided for in this section may have a right of appeal and of all proceedings subsequent to judgment in the same manner and to the same extent as in any other civil action commenced in the superior court. Appeal.

SEC. 7. In any civil or criminal action or proceeding for violation of the Cartwright Act, or of the Unfair Competition Act, or of the Fair Trade Act, or of section 1673 of the Civil Code, proof that the act complained of was done in compliance with the provisions of any marketing agreement approved or prescribed by the "Secretary" and in effect, under the terms of the National Agricultural Adjustment Act, to which the defendant was a party, at the time of such act, shall be a complete defense to such action or proceeding. Any person not a party to any such marketing agreement may for all the purposes of this act become a party thereto within the meaning of this act by executing and filing with the director his written declaration that he thereby accepts and agrees to observe and be bound by the terms of such marketing agreement and/or under license therefor by the "Secretary" establishing standards of fair competition and any subsequent amendment or modification thereof relative thereto, approved or prescribed by the "Secretary" under the terms of the National Agricultural Adjustment Act. In such declaration the marketing agreement and/or license accepted thereby must be named and identified. The execution of such a declaration must, before it may be filed as aforesaid, be proved or acknowledged in the manner prescribed by law for the proof or acknowledgment of instruments and the certificate of such proof or acknowledgment in the form prescribed by law must be attached to such declaration. For filing each such declaration in his office the director shall be entitled to charge and collect a fee of one dollar to be disposed of in the same manner as the other fees for services performed in his office. Defense. Acceptance of marketing agreement. Filing fee.

SEC. 8. This act shall cease to be in effect at the expiration of two years from the date of its enactment, or sooner if the Governor shall by proclamation declare that the emergency recognized by section 1, of this act has ended; and the Governor shall so declare, within five days after the President by proclamation or the Congress by joint resolution shall declare that the emergency recognized by Title I of the National Agricultural Adjustment Act has ended. Termination of act

SEC. 9. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sentence, clause or part hereof, irrespective of the fact that one or more sections, sentences, clauses or parts hereof be declared unconstitutional. Constitutionality.

SEC. 10. This act may be known and cited as the California Agricultural Adjustment Act. Short title.

Urgency.

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The existing economic crisis with its attendant widespread unemployment and agricultural stagnation, is undermining the morale and standard of living of the people of this State. To relieve these conditions it is imperative that this State cooperate with the national government in allowing the people and agriculture of this State to secure the full immediate advantages and benefits of the provisions of the National Agricultural Adjustment Act, without distinction between interstate or foreign and intrastate commerce.

CHAPTER 1030.

An act to amend sections 737dd, 737jj and 737s of the Political Code, relating to salaries of the judges of the superior court.

[Approved by the Governor August 4, 1933 In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1931, p 1263

SECTION 1. Section 737s of the Political Code is hereby amended to read as follows:

Superior judges Los Angeles County

737s. The annual salary of each of the judges of the superior court in and for the county of Los Angeles is nine thousand dollars.

Stats 1933, Ch 1010

SEC. 2. Section 737dd of the Political Code is hereby amended to read as follows:

Orange County

737dd. The annual salary of each of the judges of the superior court in and for the county of Orange is six thousand five hundred dollars.

Stats 1933, Ch 1010

SEC. 3. Section 737jj of the Political Code is hereby amended to read as follows:

San Bernardino County

737jj. The annual salary of each of the judges of the superior court in and for the county of San Bernardino is six thousand five hundred dollars.

CHAPTER 1031.

Stats 1923, p 517, amended

An act to amend section 159 of an act entitled the "California Vehicle Act," approved May 30, 1923, as amended, to provide for the use of funds derived under that act as contribution to special assessment proceedings, or the purchase

of the bonds issued in any ad valorem acquisition or improvement proceeding.

[Approved by the Governor August 4, 1933 In effect October 25, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 159 of the California Vehicle Act, as amended, is hereby amended to read as follows: Stats 1933, Ch 482.

Sec. 159. (a) There is hereby created in the State treasury a fund which shall be known as the "Motor vehicle fund." The State Treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund. Motor vehicle fund

(b) There is hereby appropriated out of such fund all moneys received as transfer fees, operators' and chauffeurs' license fees, and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year thirty-five per cent thereof as may be necessary for the maintenance of the Division of Motor Vehicles to be expended by the division in carrying out the provisions of this act; and the Division of Motor Vehicles is hereby authorized out of said funds to purchase real estate and erect such buildings as it may require, subject to the approval of the Department of Finance. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the State Legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Department of Finance and by the Controller. The balance of said fund, after the expenditure of so much as may be permitted by this act for the support of the Division of Motor Vehicles, shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified. Appropriation to division

Revolving fund

Net receipts

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this State in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction, maintenance, improvement or repair of streets, roads, highways, bridges or culverts therein; provided, that the board of supervisors of any county may in its discre- Appropriation to counties for road work

Streets, etc., in incorporated cities

tion expend any portion of such sums so received by such county in the construction, maintenance, improvement or repair of streets, roads, highways, bridges or culverts within those incorporated cities therein the legislative bodies of which by ordinance or resolution authorize such work of construction, maintenance, improvement or repair. The board of supervisors of any county, or city and county, may also in its discretion expend any portion of such sums so received by such county, or city and county, for the payment of any portion of the principal or interest of, or for the redemption or purchase at a discount of, or for transfer to the interest and sinking fund for the discharge and payment of bonds, the proceeds of which have been used for the acquisition of rights of way for the opening, widening or extending, or the construction, maintenance, improvement or repair of streets, bridges, roads, highways or culverts within such county, city and county, or city, whether said bonds are those of the county, city and county, or any incorporated city therein, or of a special assessment district within such county, city and county, or city, for the payment of which special assessments (levied wholly or partly in accordance with the assessed value of lands) have been or are to be levied, which bonds have been issued in payment of, or the proceeds of which have been used for any of the above purposes; provided, however, that the proceeds received from any and all bonds purchased under the provisions of this section shall be used exclusively for the purposes for which the funds derived under this act may be used.

Acquisition of rights of way

Determination of general county use

Before any such sums may be expended for the payment of any portion of the principal or interest of, or for the redemption, or purchase at a discount of, or for transfer to the interest and sinking fund for the discharge and payment of, bonds, the proceeds of which have been used for the acquisition of property or rights of way for the opening, widening or extending, or the construction, maintenance, improvement or repair of streets, bridges, roads, highways or culverts within such county, city and county, or city, the board of supervisors of any such county, or city and county shall, by a resolution adopted by a four-fifths vote of the members thereof, determine that the streets, bridges, roads, highways or culverts within such county, city and county, or city, for the acquisition of property or rights of way for which, or the construction, improvement or repair of which, as the case may be, said bonds were issued are of general county use. It is the intention of this provision that no such funds shall be expended for any of the purposes herein enumerated if the streets, bridges roads, highways or culverts are of only local use. The board of supervisors of any county, or city and county, is hereby empowered to expend any portion of the amounts paid to the said county, or city and county and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; provided, however, that the construction

Highways outside county

thereof is authorized by ordinance or resolution of the board of supervisors of the county or city and county, in which said highway is to be constructed. Where such authorization is given by ordinance or resolution as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own boards, officers or commissions expend the amounts herein authorized to be expended, or may, by resolution of its board of supervisors, transfer said amounts to the account of the Highway Commission of the State of California or to the account of the Secretary of Agriculture of the United States and may by said resolution specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said Highway Commission or said Secretary of Agriculture be expended for the purpose specified and determined in said resolution and not otherwise.

County road fund.

(d) The board of supervisors of each county in the State shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided, and shall also make an annual report to the State Department of Public Works not later than three months after the close of the county's fiscal year, upon forms to be provided by the State Department of Public Works, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

Annual report

Payment to counties.

(e) The State Controller shall in the months of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which said county is entitled hereunder, except that the State Controller shall not draw his warrant upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money heretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required; provided, however, that in cases where the actual domicile, residence or place of abode of an owner, or part owner, of any motor vehicle, trailer or semitrailer is in a different county than the place which such owner has designated as his place of residence in his registration certificate, the county auditor of the county receiving such funds from the State as hereinabove provided may draw his warrant in favor of the county containing the actual domicile, residence, or place of abode of such owner, or part owner, in such sums as may properly be attributed to the latter county.

State highway maintenance fund

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the Legislature for the same purpose, shall be paid into the State highway maintenance fund and shall be expended under the direction of the State Department of Public Works for the maintenance, repair, widening, resurfacing and reconstruction of State roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in State parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such money to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the State Controller upon demands made by the State Department of Public Works and allowed and audited by the Department of Finance.

State parks.

CHAPTER 1032.

Stats 1911, p 730, amended

An act to amend section 63 of an act entitled "Improvement Act of 1911," approved April 7, 1911, Statutes of 1911, page 730, and to add two new sections thereto to be numbered sections 84 and 85 respectively.

[Approved by the Governor August 4, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1933, Ch 917

SECTION 1. Section 63 of said act is hereby amended to read as follows:

Assessment bonds

Sec. 63. The city treasurer shall upon the filing of said list, make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessment against the same, as thereon shown, where the unpaid assessment or the unpaid remainder thereof amounts to twenty-five dollars or over. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form.

Street Improvement Bond.

Series (designating it), in the city (or other form of the municipality) of (naming it). Form of bond.

$ _____ 100 No. _____

Under and by virtue of an act of the Legislature of the State of California (title of this act), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____, or order, the sum of _____ dollars ($_____) with interest at the rate of _____ per cent per annum, all as is hereinafter specified, and at the office of the _____ treasurer of the _____ of _____ State of California.

This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____ issued by the street superintendent of said _____, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, but until paid, with accrued interest, is a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____, county of _____, State of California.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next October fifteenth following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next October fifteenth after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale, upon payment to the city treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said act. In case of such default, there shall be immediately added to such defaulted amount, one per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of one per cent of such defaulted amount. The one per cent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said _____ of _____, this _____day of _____, in the year one thousand_____hundred and _____.

City treasurer of the _____ of _____

New section

SEC. 2 A new section is hereby added to said act to be numbered section 84 and to read as follows:

Acceptance of contributions.

Sec. 84. Any provision in this act to the contrary notwithstanding, it shall be lawful for the city council to accept and provide for a contribution towards the costs and expenses of any work or improvement to be done under this act, from any funds made available for the purpose by any local, State or National agency or authority, and it shall not be necessary to set forth or give notice of such contribution in the resolution of intention or other proceedings hereunder but it shall be sufficient for the city council upon determining the amount thereof to direct the superintendent of streets to deduct such amount from the whole cost of the work before spreading the assessment The amount of any such contribution shall be paid to the contractor or his assigns upon the issuance of the warrant to him.

New section

SEC. 3. A new section is hereby added to said act to be numbered section 85 and to read as follows:

Sale of bonds to public agency.

Sec. 85. Any provision of this act to the contrary notwithstanding, it shall be lawful for the city council to sell to any local, State or National public agency or authority authorized to purchase the same, all or any part of any bonds issued pursuant to the provisions of this act or any bonds issued under the "Improvement Bond Act of 1915" upon the security of assessments levied under this act. Any such bonds may be so sold as in this section provided, without advertisement or bidding thereon but for not less than par. The interest rate shall be such as may be stated in the resolution of intention but may be for a lesser rate if the city council shall find a purchaser at such lesser rate. Upon the sale of any such bonds the purchase price thereof shall be paid to the contractor or his assigns in lieu of said bonds and in satisfaction of the balance due upon the assessment.

Stats 1915, p. 1441.

CHAPTER 1033.

An act appropriating money, appropriated by chapter 90, Statutes of 1933, to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health for the eighty-second fiscal year, declaring the urgency thereof and providing that this act shall take effect immediately.

Stats. 1933, Ch. 90.

[Approved by the Governor August 4, 1933. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Out of moneys appropriated by chapter 90, Statutes of 1933, the sum of thirty-eight thousand eight hundred forty-four dollars and forty-eight cents is hereby appropriated to meet the deficiency in the appropriation for subsidies of the Bureau of Tuberculosis, State Board of Health, Department of Public Health, for the eighty-second fiscal year.

Deficiency reappropriation

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it shall take effect immediately under the provisions of section 1 of Article IV of the Constitution

Current expenses.

CHAPTER 1034.

An act to amend section 423 of the Fish and Game Code, relating to hunting and sporting fishing licenses.

[Approved by the Governor August 4, 1933. In effect October 25, 1933.]

NOTE.—See Stats. 1933, Ch. 73

CHAPTER 1035.

An act providing for the manner of expending certain sums by the State Department of Agriculture previously appropriated for the eighty-fifth and eighty-sixth fiscal years.

[Approved by the Governor August 4, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of section 4 of chapter 278, Statutes of 1933, the Department of Agriculture is hereby authorized to expend not to exceed the sum of $996,583.51 during the eighty-fifth fiscal year out of the total sum appropriated in item 36 of section 1 of said chapter for the support of said department for the eighty-fifth and eighty-sixth fiscal years

Support appropriation Department of Agriculture

CHAPTER 1036.

An act making an appropriation to pay the claim of the chief accounting officer of the Department of Finance against the State of California.

[Approved by the Governor August 4, 1933 In effect October 25, 1933]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. The sum of two thousand ninety and 10/100 dollars ($2,090.10) is hereby appropriated to be paid as hereinafter described to pay the claim of the chief accounting officer of the Department of Finance against the State of California.

Sources

SEC. 2. The sum of two thousand ninety and 10/100 dollars ($2,090.10) shall be paid as follows: two thousand dollars ($2,000.00) out of any money in the highway maintenance fund in the State treasury and ninety and 10/100 dollars ($90.10) out of any money in the State treasury not otherwise appropriated.

CHAPTER 1037.

An act to authorize the adoption and approval of State codes of fair competition for certain trades, industries, or subdivisions thereof, for which no code of fair competition is approved, prescribed or issued under that act of Congress commonly known as the National Industrial Recovery Act, approved June 16, 1933, and to which trades, industries or subdivisions thereof the provisions of no code of fair competition which is approved, prescribed or issued under said act of Congress have been made applicable by any law of this State, to provide for the enforcement of the provisions of any State code of fair competition approved as in this act provided, to provide penalties for the violation of the provisions hereof, to declare the urgency of this act and to provide that this act shall take effect immediately.

[Approved by the Governor August 4, 1933. In effect immediately]

The people of the State of California do enact as follows:

Declaration of policy.

SECTION 1. A State and National emergency productive of widespread unemployment and disorganization of trade and industry, which burdens commerce, affects the public welfare, and undermines the standards of living of the people of this State and Nation, is hereby declared to exist. It is hereby declared to be the policy of the State of California to cooperate with and assist the National government in promoting the rehabilitation of trade and industry and in eliminating unfair competitive practices.

Application of act

SEC. 2. The provisions of this act shall apply only to those engaged in the State of California in any business within any trade or industry or subdivision thereof for which no code of fair competition is approved, prescribed or issued under Title I of that certain act of Congress of the United States entitled "An act to encourage National industrial recovery, to foster fair competition, and to provide for the construction of certain useful works and for other purposes," approved June 16, 1933, and commonly known as the National Industrial Recovery Act and to which trade or industry or subdivision thereof the provisions of no code of fair competition which is approved, prescribed or issued under said act of Congress have been made applicable by any law of this State.

National Industrial Recovery Act

Effect of National code

In the event that any code is approved, prescribed or issued under Title I of the said act of Congress commonly known as the National Industrial Recovery Act for any trade or industry or subdivision thereof, such code shall supersede any code or codes approved under the provisions of this act for such trade or industry or subdivision thereof and shall immediately become the code of fair competition provided for in this act for the said trade or industry or subdivision thereof and shall be enforceable as such under the provisions hereof.

Administrative officers

To effectuate the policy set forth in section 2 (a) of Title I of the National Industrial Recovery Act, the President of the United States is hereby authorized to appoint and utilize such State and local officers and employees as he may find necessary in the administration and enforcement of the said act and to prescribe their authorities, duties and responsibilities.

Approval of State codes

SEC. 3. Upon the application to the chief of the Division of Corporations by one or more trade or industrial associations or groups, the chief may approve, in the manner herein provided, a State code or codes of fair competition for the trade or industry or subdivision thereof represented by the applicant or applicants, if the chief finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, (2) that such State code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this act, and (3) that the trade or industry or subdivision thereof represented by such applicant or applicants is one to which the provisions of this act apply; provided, that such State code or codes shall not permit monopolies or monopolistic practices; provided, that where such State code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the chief of such code or codes. The chief may, as a condition of his approval of any such State code, impose such conditions (including requirements for the making of reports, and the keeping of

Conditional approval

accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such State code, as the chief in his discretion deems necessary to effectuate the policy herein declared. The chief may from time to time by an application therefor amend any State code of fair competition, approved under the authority of this act, where such amendment is in the public interest and in accord with the purposes of this act. The chief may also revoke his approval of any code or amendment or provision thereof.

Amendment of code

Rules and regulations

The chief shall have power to make and promulgate rules and regulations consistent with and to carry out the purposes and administer the provisions of this act

Concurrence in approval

The chief shall not approve any code nor shall any code become effective nor shall he make or promulgate any rule under the provisions of this act without the concurrence, in writing, of the Director of the Department of Industrial Relations.

Mandatory conditions

SEC. 4. Every State code of fair competition approved under this act shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, provided for in said State code of fair competition, approved by the chief.

Effect of act.

Nothing contained in this act shall, however, be construed to repeal or in any way modify the terms of any public works labor law now in effect in this State or heretofore approved or of any other law for the protection of workers in this State. The provisions of this act shall instead be construed to supplement such laws. Nor shall anything in this act contained be held to affect or supersede any contract or agreement as to any standard or standards of conditions of employment agreed upon or established by means of collective bargaining between employers and employees, or by and between or with organizations of employers or of employees, where any such standard of condition of employment is higher or more advantageous to employees under such collective agreement than the corresponding standard provided under a fair code of competition established under this act, and where such standard otherwise will promote and effectuate the policy of said act, or to prevent employers and employees from making any such

contracts, or agreements which do not violate the terms of such code.

Fees.

SEC. 5. For filing in his office any application for the approval or amendment of any State code of fair competition authorized by this act the chief shall be entitled to charge and collect a fee of twenty-five dollars ($25.00). When and if the code applied for shall be approved by the chief, the chief shall be entitled to charge and collect a license fee to be determined by the chief not to exceed twenty-five cents (25¢) per annum, or fraction thereof, for each employee in the trade or industry or subdivision thereof, based on the number of employees employed at the time the chief declares the fee to be due, this license fee to be paid to the chief by each employing person, firm, association or corporation forming a component part of the trade or industry or subdivision thereof covered by the code. All moneys collected by the chief shall be deposited with the State Treasurer once each week, together with a complete statement as to the source of the collections, and shall become a part of a special fund to be known as the Industrial Recovery fund, which fund is hereby created and which shall be expended in accordance with law by the chief in his discretion in carrying out the administration and purposes of this act.

Industrial recovery fund

Violation of code unlawful.

SEC. 6. It shall be unlawful for any person, firm, association, or corporation engaged in the State of California in any business within any trade or industry or subdivision thereof subject to the provisions of this act to fail to comply, as to such business, with the terms of any State code of fair competition approved for said trade or industry or subdivision thereof under this act. It shall be lawful for any such person, firm, association or corporation to do or omit any act or thing required or permitted to be done or omitted by any of such terms.

Penalties.

SEC. 7. Any person, firm, association or corporation, or agent, manager, superintendent or officer thereof, who shall violate any provision of this act or any rule or regulation promulgated by the chief in accordance therewith shall be guilty of a misdemeanor and for each and every such violation shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment for not to exceed six (6) months or both. Each and every day's continuance of such violation shall constitute a separate offense. In addition to, and entirely independent and apart from, any other penalty provided, the violation of this act is hereby declared to be a public nuisance and may be enjoined or abated in an action filed and prosecuted in the superior court of the State of California in any county, or city and county, in which such violation may occur. Such action may be filed and prosecuted by the Attorney General of the State of California or by the district attorney of any county or city and county in the name of the people of the State of California

Public nuisance

Termination of act

SEC. 8. This act shall cease to be in effect at the expiration of two years from the date of its enactment, or sooner and when the emergency, recognized by section 1 of this act, has ended, if the Governor, by proclamation, shall so declare.

Constitutionality

SEC. 9. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sentence, clause or part hereof, irrespective of the fact that one or more sections, sentences, clauses or parts hereof be declared unconstitutional.

Short title

SEC. 10. This act may be known and cited as the supplement to the California Industrial Recovery Act.

Urgency

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

There exists throughout the State of California and throughout the United States widespread unemployment and disorganization of industry amounting to an economic emergency which is injuriously affecting the morale and standard of living and threatens the safety and industrial peace of the public. In order to relieve these conditions it is necessary that this State cooperate with the Federal government by authorizing the people and industries of this State without distinction as between intrastate commerce and interstate or foreign commerce immediately to assume such burdens as those contemplated by said act of Congress and immediately to secure such advantages and benefits as those which may not otherwise be secured under said act of Congress, and immediately to adopt and have approved State codes of fair competition for trades, industries, or subdivisions thereof for which no code of fair competition is approved, prescribed or issued under said act of Congress and to which trades, industries or subdivisions thereof the provisions of no code of fair competition which is approved, prescribed or issued under said act of Congress have been made applicable by any law of this State

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CHAPTER 1038.

An act to amend the Agricultural Code by adding to division VI thereof a new chapter to be numbered 5a and to include sections 1260 and 1260.8, inclusive, pertaining to the control of insect pests in grain warehouses.

[Approved by the Governor August 4, 1933. In effect October 25, 1933.]

NOTE.—See Stats. 1933, Ch. 25.

CHAPTER 1039.

An act to extend to production, manufacture, trade and commerce conducted within the State of California the provisions of Title I of an act of Congress entitled "An act to encourage National industrial recovery, to foster fair competition, to provide for the construction of certain useful public works, and for other purposes," commonly known as the National Industrial Recovery Act; to provide for the enforcement thereof as so extended; to declare the urgency of this act and to provide that this act shall take effect immediately.

[Approved by the Governor August 4, 1933 In effect immediately.]

The people of the State of California do enact as follows:

Declaration of policy

SECTION 1. A State and National emergency productive of widespread unemployment and disorganization of trade and industry, which burdens commerce, affects the public welfare, and undermines the standards of living of the people of this State and Nation, is hereby declared to exist. It is hereby declared to be the policy of the State of California to cooperate with and assist the National government in promoting the rehabilitation of trade and industry and in eliminating unfair competitive practices, and to establish a parity in the maximum hours of labor and the minimum rates of pay and the other conditions of employment and standards of fair competition within this State between those in trades and industries or subdivisions thereof engaged in transactions in or affecting intrastate commerce in this State and those engaged therein in transactions in or affecting interstate or foreign commerce.

Unlawful to fail to comply with code

National Industrial Recovery Act

SEC. 2. It shall be unlawful for any person, firm, association or corporation engaged in the State of California in intrastate commerce in any business within any trade or industry or subdivision thereof, or in any transaction affecting intrastate commerce, to fail to comply, as to such commerce, with the terms of any code of fair competition approved, prescribed or issued for said trade or industry or subdivision thereof under Title I of that certain act of Congress of the United States entitled "An act to encourage National industrial recovery, to foster fair competition, and to provide for the construction of certain useful works and for other purposes," approved June 16, 1933, and commonly known as the National Industrial Recovery Act, or with the terms of any agreement entered into by such person, firm, association or corporation, under the authority of said title, or with the terms or conditions of any license issued to such person, firm, association or corporation, pursuant to said title. It shall be unlawful to engage in intrastate commerce in the State of California in any business within any trade or industry or subdivision thereof except upon the terms prescribed in licenses issued under said title to

others engaged in such trade or industry or subdivision thereof while the carrying on of business within such trade or industry or subdivision thereof shall by announcement under said title be subject to license. It shall be lawful for any such person, firm, association or corporation to do or omit any act or thing required or permitted to be done or omitted by any of such terms.

Administrative officers

To effectuate the policy set forth in section 2 (a) of Title I of the National Industrial Recovery Act, the President of the United States is hereby authorized to appoint and utilize such State and local officers and employees as he may find necessary in the administration and enforcement of the said act and to prescribe their authorities, duties and responsibilities.

Effect of act.

Nothing in this act contained shall be held to affect or supersede any contract or agreement as to any standard or standards of conditions of employment agreed upon or established by means of collective bargaining between employers and employees, or by and between or with organizations of employers or of employees, where any such standard of condition of employment is higher or more advantageous to employees under such collective agreement than the corresponding standard provided under a fair code of competition established under the National Industrial Recovery Act, and where such standard otherwise will promote and effectuate the policy of said act, or to prevent employers and employees from making any such contracts or agreements which do not violate the terms of such code.

Penalties for violation of act

SEC. 3. Any person, firm, association or corporation, or agent, manager, superintendent or officer thereof, who shall violate any provision of this act shall be guilty of a misdemeanor and for each and every such violation shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment for not to exceed six (6) months or both Each and every day's continuance of such violation shall constitute a separate offense. In addition to, and entirely independent and apart from any other penalty provided, the violation of this act is hereby declared to be a public nuisance and may be enjoined or abated in an action filed and prosecuted in the superior court of the State of California in any county, or city and county, in which such violation may occur. Such action may be filed and prosecuted by the Attorney General of the State of California or by the district attorney of any county or city and county in the name of the people of the State of California.

Public nuisance.

Provisions of public works contracts.

SEC. 4. In furtherance of the purposes hereof any department of the State of California and any governing body of any political subdivision, municipal or other public corporation or of any district and any public officer or person charged with (1) the letting of contracts for the construction, alteration, or repair of public works, or (2) the purchasing of materials or supplies for public use (1) shall in letting contracts for the construction, alteration, or repair of public works cause to be

inserted in each such contract for an expenditure in excess of five hundred dollars a clause providing that the contractor shall give a preference of fifteen per cent to supplies, articles, and materials mined, produced, manufactured, or supplied in observance of any code of fair competition approved, prescribed, or issued under the said Title I of the National Industrial Recovery Act, or under any similar law of the State of California, or in pursuance of any agreement entered into or approved under said laws, or in conformity with the terms prescribed in any licenses issued under said laws, as the case may be, and which concerns such trade or industry and subdivision thereof as may be involved, and (2), in the purchasing of materials or supplies for public use, shall give a preference of ten per cent to any bidder who expressly agrees to furnish only such materials or supplies so mined, produced, manufactured, or supplied.

Violations.

Any contractor or person who furnishes materials or supplies for public use or on public works, in violation of any such clause in his contract shall not be entitled to payment for the materials or supplies furnished, to the extent of such violation. Nothing contained in this act shall, however, be construed to repeal or in any way modify the terms of any public works labor law now in effect in this State or heretofore approved or of any other law for the protection of workers in this State. The provisions of this act shall instead be construed to supplement such laws.

Termination of act

SEC. 5. This act shall cease to be in effect at the expiration of two years from the date of its enactment, or sooner and when the emergency, recognized by section 1 of this act, has ended if the Governor by proclamation shall so declare.

Constitutionality.

SEC. 6. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sentence, clause or part hereof, irrespective of the fact that one or more sections, sentences, clauses or parts hereof be declared unconstitutional.

Short title.

SEC. 7. This act may be known and cited as the California Industrial Recovery Act.

Urgency.

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

There exists throughout the State of California and throughout the United States widespread unemployment and disorganization of industry amounting to an economic emergency which is injuriously affecting the morale and standard of living and threatens the safety and industrial peace of the public. In order to relieve these conditions it is necessary that this State cooperate with the Federal government in requiring

the people and industries of this State without distinction as between intrastate commerce and interstate or foreign commerce immediately to assume the burdens contemplated by said act of Congress and immediately to allow the people and industries of this State to secure the advantages and benefits of said act of Congress.

CHAPTER 1040.

An act to amend section 737a of the Political Code, relating to the salary of each of the judges of the superior court in and for the county of Alameda.

[Approved by the Governor August 4, 1933 In effect October 25, 1933]

The people of the State of California do enact as follows:

Stats 1931, p 1264

SECTION 1. Section 737a of the Political Code is hereby amended to read as follows:

Superior judges Alameda County

737a. The annual salary of each of the judges of the superior court in and for the county of Alameda is nine thousand dollars.

CHAPTER 1041.

An act expressing the assent of the State of California to the provisions relating to emergency construction of public highways and related projects of Title II of the National Industrial Recovery Act, declaring the policy of the State of California in respect thereto and, for the purpose of effectuating such policy, making provisions concerning the powers of public officers and concerning highway construction contracts and labor thereon, making an appropriation therefor, providing for the suspension of inconsistent laws, and declaring the urgency thereof.

[Approved by the Governor August 4, 1933. In effect immediately]

The people of the State of California do enact as follows:

Assent

SECTION 1. The State of California hereby assents to the provisions relating to the emergency construction of public highways and related projects of Title II of the act of Congress known as the "National Industrial Recovery Act," approved June 16, 1933.

Declaration of policy

SEC. 2. It is hereby declared to be the policy of the State of California to cooperate fully with the United States Government in carrying out the provisions, effectuating the purposes, and extending the benefits of the said Title II of said act.

Powers of officers regarding highway construction

SEC. 3. (a) The Director of Public Works and the California Highway Commission, in their respective jurisdictions, are hereby expressly authorized to do any and all acts necessary to carry out the provisions of Title II of the said act relating to the emergency construction of public highways and related projects.

(b) In preparing specifications for any work to be done by contract on such projects the said director may cause to be inserted therein all provisions required by Title II of the said National Industrial Recovery Act, and heretofore or hereafter required by the President, the Secretary of Agriculture, or any other properly authorized officer of the United States Government thereunder.

(c) For purposes of extending unemployment relief and supplementing the Federal unemployment relief program, the said director may, in his discretion, insert in specifications for any State highway construction contract, including projects not to be financed by the government of the United States, any provision reasonably tending to relieve unemployment regardless of whether or not such provision tends to increase the cost of the work.

(d) The Director of Public Works may include in the specifications for any contract referred to in this section a clause providing that the contractor shall forfeit to the State as a penalty the sum of ten dollars for each calendar day or portion thereof for each person who is employed upon the work done under said contract in violation of any provision of the specifications of said contract relating to selection of labor, wages, hours, or conditions of employment. Such forfeitures shall be retained in the manner provided in section 653c of the Penal Code of California for forfeitures for violations of said section 653c.

(e) The Director of Public Works is authorized to undertake and perform projects for emergency construction work on such secondary or feeder roads, in the State of California, to the Federal aid highway system as are agreed upon with the Secretary of Agriculture, including projects on public highways in the State of California not a part of the State highway system.

Appropriation.

SEC. 4. In addition to the purposes for which the moneys in or appropriated to the State highway fund and the State highway general fund have heretofore been appropriated, all such moneys, or so much thereof as may be necessary, excepting however, money heretofore appropriated for any designated, specific project, is hereby appropriated to and may be allocated to and expended for and on those highway construction projects for which the government of the United States has agreed or is obligated, under the provisions of said Title II, to reimburse the State of California for the expenditures made for the costs of construction thereof, including such projects on roads not a part of the State highway system.

Inconsistent laws suspended

SEC. 5. All laws of the State of California which are inconsistent with the provisions of sections 204 and 206 of the National Industrial Recovery Act, or inconsistent with the rules and regulations heretofore promulgated by the President or other proper officer of the United States Government under the provisions of the said Title II, are hereby suspended, to the extent of such inconsistency, for the effective period of this section.

Termination of section.

This section shall cease to be of effect upon the issuance by the Governor of a proclamation declaring that the present economic emergency in the State of California has ceased to exist.

This section shall in any event cease to be of effect on the sixteenth day of June, 1937.

Constitutionality

SEC. 6 If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Urgency

SEC. 7. This act is declared to be an urgency measure deemed necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and as such it shall take effect immediately.

The following is a statement of the facts constituting such necessity: The Congress of the United States has enacted the National Industrial Recovery Act in which the Congress declares that a national emergency productive of widespread unemployment and disorganization of industry affecting the public welfare and undermining the standards of living of the American people exists. Such emergency is hereby declared to exist in the State of California, as shown by the estimate of the State Unemployment Commission of the number of persons affected by unemployment. The Congress in said act has made provision for Federal emergency administration of public works for the purpose of providing immediate employment to a large number of persons. It is necessary that the provisions of this act become effective at once in order that the State of California may meet the terms of the said National Industrial Recovery Act and the rules and regulations of the President and other officers of the government of the United States thereunder, so that the program proposed by the Congress can be put into effect immediately in the State of California.

CHAPTER 1042.

An act providing for the construction, operation and maintenance of a system of works, designated as the Central Valley Project, for the conservation, development, distribution and utilization of water, and the production, distribution and utilization of electric energy; approving and authorizing said Central Valley Project; providing for the sale and disposition of water and power made available by said project; defining and prescribing the units or parts of said project; also defining the prerequisite conditions under which said project shall be constructed; defining the duties and powers of the Department of Public Works, the Director of Public Works, the State Engineer, the State Controller and the State Treasurer in relation to said project; creating a Water Project Authority and defining its duties and powers in relation to said project; providing for cooperation with the United States of America in constructing and financing the construction of said project; authorizing the Water Project Authority to exercise the power of eminent domain for necessary purposes in connection with the construction, operation and maintenance of said project; expressing the consent of the State to the use and occupation of certain rights of way; providing that any expense resulting from interference with State property or State activities caused by the construction, operation or maintenance of said project shall be paid otherwise than from funds established and created for the purposes of this act; authorizing any State agency or the State or any department, board, commission, bureau, division or office thereof to advance or contribute money or property for the purposes of the act and providing for the repayment therefor; authorizing certain organizations to contract with the Water Project Authority for the purchase or use of water and power; authorizing the issuance and sale of revenue bonds in an amount not to exceed the sum of one hundred seventy millions of dollars for the purpose of defraying the cost of construction of said project, providing for the payment of such bonds with the interest thereon; and providing for the creation of a Central Valley Water Project construction fund and a Central Valley Water Project revenue fund in the State treasury.

[Approved by the Governor August 5, 1933.]

Above and foregoing chapter delayed from going into effect by referendum provisions of Section 1, Article IV, of the State Constitution, petition therefor with sufficient signatures having been filed with the Secretary of State, and will be voted on by the people at the next general election

in November, 1934, or at any special election which may be called by the Governor, in his discretion, prior to such regular election.

The people of the State of California do enact as follows:

Project authorized

SECTION 1. It is hereby declared that the public interest, welfare, convenience and necessity require the construction in the manner herein provided of a system of works for the conservation, development, storage, distribution and utilization of water, with incidental generation, transmission, and distribution of electrical energy which system of works is hereby designated as the Central Valley Project, and is hereby specifically approved and authorized.

Definitions

SEC. 2. Definitions. The term "authority" when used in this act shall refer to and mean the Water Project Authority of the State of California. The term "department" when used in this act shall refer to and mean the Department of Public Works of the State of California. The term "State agency" when used in this act, either in the singular or the plural, shall refer to and mean any county, city and county, city, municipality, or any department or agency thereof, irrigation district, reclamation district, or other public or municipal district. The term "bond" when used in this act either in the singular or plural shall mean any bond or other written evidence of indebtedness which the Water Project Authority may issue under this act in order to secure funds with which to carry out the purposes of this act.

Single project

SEC. 3. The construction of said Central Valley Project is, and is hereby declared to be, a single object, and the units thereof, hereinafter described, collectively constitute, and it is hereby declared that they collectively constitute, one project. The construction, operation and maintenance of said Central Valley Project as herein provided for is hereby declared to be in all respects for the welfare and benefit of the people of the State, for the improvement of their prosperity and their living conditions, and the authority and the department shall be regarded as performing a governmental function in carrying out the provisions of this act.

Units of project (1) Kennett Dam

SEC. 4. Said Central Valley Project as hereby authorized shall consist of the following units:

(1) A dam, reservoir and hydroelectric power plant, or plants, with necessary afterbay and regulatory appurtenant works located on the Sacramento River, at or near Kennett, Shasta County, California; also a transmission line having capacity sufficient to transmit all the electric energy which can be generated at said dam, including substations, transformer stations, and other facilities for the distribution of power from Kennett Dam to a central substation near the city of Antioch, which transmission line shall be located in such manner and along such route as shall enable the most convenient distribution of electrical energy to the load centers traversed thereby, or capable of service therefrom. Said unit is designated as the Kennett Dam, and shall be constructed

and used primarily for improvement of navigation on the Sacramento River to Red Bluff, for increasing flood protection in the Sacramento Valley, for salinity control in the Sacramento-San Joaquin Delta, and for storage and stabilization of the water supply of the Sacramento River for irrigation and domestic use, and secondarily for the generation of electric energy and other beneficial uses. Said dam shall be built to such height, said reservoir shall have such capacity and said power plant or plants shall be of such capacity as the authority shall determine; provided, that said reservoir shall have a storage capacity of not less than two million nine hundred and forty thousand acre-feet of water.

(2) Contra Costa Conduit.

(2) A conduit or canal, equipped with all necessary pumping plants and other works to convey water, and extending westerly from a diversion point near Knightsen, California, southerly of Suisun Bay to the vicinity of Martinez, California. Said unit is designated as the Contra Costa Conduit, and shall be of such capacity as shall be determined by the authority to be necessary to furnish an adequate supply of water for industrial, agricultural, domestic and other beneficial uses in the area served by it.

(3) San Joaquin Pumping System

(3) A channel or canal, together with all necessary dams, pumping plants, conduits, and other works as shall be determined by the authority to be necessary to convey a supply of water for irrigation and other beneficial uses, from the lower Sacramento River into the San Joaquin Delta, and also adequate to convey and transport not less than three thousand cubic feet of water per second from a point on the lower San Joaquin River southerly to the mouth of Fresno Slough. Said unit is designated as the San Joaquin Pumping System

(4) Friant Dam

(4) A dam, reservoir and hydroelectric power plant, or plants, to be located on the San Joaquin River, at or near Friant, Fresno County, California. San Joaquin River. Said unit is designated as Friant Dam, and shall be constructed and used primarily for improvement of navigation, flood control, and storage and stabilization of the water supply of the San Joaquin River, for irrigation and domestic use, and secondarily for the generation of electric energy and other beneficial uses. Said dam shall be built to such height, said reservoir shall have such capacity and said power plant, or plants, shall be of such capacity as the authority shall determine; provided, that said reservoir shall have a capacity of not less than four hundred thousand acre-feet of water.

(5) Madera Canal

(5) A canal or conduit leading from said Friant Reservoir northerly to a point on the Chowchilla River. Said unit is designated as the Madera Canal, and shall be of such capacity as shall be determined by the authority to be necessary to furnish an adequate supply of water for beneficial purposes in the area to be served by it.

(6) Friant-Kern Canal.

(6) A canal or conduit extending from said Friant Reservoir southerly to a point on Kern River near the city of Bakersfield in Kern County. Said unit is designated as Friant-

Kern Canal. Said canal or conduit shall be of such capacity as shall be determined by the authority to be necessary to furnish an adequate supply of water for beneficial purposes in the area to be served by it. Said unit may include such pumps, supplemental dams and other works as are determined by the authority to be necessary for the economical and advantageous construction and operation and maintenance of the said unit.

(7) Other units.

(7) Such other units as may be from time to time added to the units hereinabove specifically enumerated by the authority, and authority shall be and is hereby empowered to add additional units consistent with and which may be constructed, maintained and/or operated as a part of said Central Valley Project and in furtherance of the single object contemplated by section 3 of this act.

What units include

In addition to the works specified in the foregoing subdivisions said units shall include such plants and works for the generation of electric energy by steam or other power, and such electric transmission lines and facilities for the sale, use and distribution of electric energy as are determined by the authority to be necessary for making a reasonable, proper and advantageous sale, use and distribution of electric energy made available by said units.

Water Project Authority

SEC. 5. There is hereby created a Water Project Authority of the State of California which shall be and constitute a body politic and corporate with power of perpetual succession and with power to sue and be sued and with the further

Membership

powers, duties and responsibilities hereinafter provided. Said authority shall consist of five members who shall be the Attorney General, the State Controller, the State Treasurer, the Director of Finance and the Director of Public Works, or in the event the office of the Attorney General, the State Controller, the State Treasurer, the Director of Finance, Director of Public Works, or any thereof, hereafter be discontinued or abolished by law, then the Governor shall appoint any qualified person or any officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such

Vacancy

office. If any such vacancy shall occur during a session of the Legislature said appointment by the Governor shall be made during said session and shall not be effective until confirmed by vote of the Senate. If any such vacancy shall occur while the Legislature is not in session, said appointment by the Governor shall terminate ten days after the next legislative session begins unless said appointment shall within said time

Duties of members

be confirmed as above provided. The Director of Public Works shall be the chairman of said authority. The State Engineer shall be the executive officer of said authority, and shall exercise such powers and perform such duties in addition to his regular duties as State Engineer, as the authority shall prescribe and may receive and be paid such additional salary for said additional duties as may be fixed by the authority. The authority shall employ a secretary and shall establish and

maintain an office in the city of Sacramento. The authority shall have and adopt a seal bearing its name, which seal shall be affixed to such records and other instruments as the authority may direct and all courts shall take judicial notice of said seal. The authority is authorized to adopt from time to time, as necessary or expedient, suitable rules and regulations for the administration of this act. The authority and the department are each authorized to employ such legal counsel and other persons as may be necessary to enable said authority and said department to properly perform the duties imposed upon them respectively by this act. The department shall, from its employees, furnish to the authority such technical and other assistants as are required from time to time upon the order of the authority. Such special legal and technical assistants as may be required by the authority or the department in effectuating the purposes of this act may be exempted from the provisions of the State Civil Service Act. A majority in number of the members of said authority shall be empowered to act for said authority. All members of said authority, shall serve as such without compensation but they shall receive their actual and necessary expenses when engaged in travel upon the business of the authority.

Rules and regulations

Legal counsel and assistants

Quorum

Expenses

SEC. 6. There is hereby created in the State treasury a fund to be known as the Central Valley Water Project construction fund, hereinafter referred to as the "construction fund"; and a fund to be known as the Central Valley Water Project revenue fund, hereinafter referred to as the "revenue fund."

Central Valley Water Project construction fund

SEC. 7. The authority is hereby directed to construct said Central Valley Project, when, in the judgment of said authority appropriations, contributions and revenues from all sources of every kind and character which are available or which will be made or become available upon, during, after or before construction of said Central Valley Project, including contracts which the authority may negotiate and enter into with responsible persons, firms, corporations or agencies, public or private, including the United States of America, and State agencies, for the sale or disposal of water, water flow, the use of water, water storage, electric energy or other resources and facilities to be made available by said Central Valley Project, or from other sources, are or will be available from such sources in such amounts and at such times as will afford funds sufficient to pay and discharge as and when the same become due and payable as herein provided, all cost and expense, of whatsoever kind or character, incurred prior to construction, and all cost and expense, of whatsoever kind or character, of construction, operation and maintenance of said Central Valley Project, together with necessary repairs and replacements thereto, including funds sufficient to meet and pay, as and when the same shall become due and payable, any and all bonds, together with interest accruing thereon, which may be issued under the provisions of this act, within a period of not to exceed seventy

Construction of projects

years after the beginning of the construction of said project; provided, that the construction of said unit designated as the San Joaquin Pumping System, or any part of said unit, may be deferred until such time as the authority may determine that the construction of the same is required and is economically justified; and in case the construction of said unit, or any part of said unit be so deferred, the construction of all other units and parts of said Central Valley Project shall be commenced and carried to completion without reference to said San Joaquin Pumping System, the construction of which or of some part thereof, shall have been so deferred. The authority is authorized and directed to ascertain and determine when said project, or any unit thereof, is completed and thereupon the said project, or unit thereof, shall be deemed completed for all the purposes of this act.

Sequence of projects.

Preference in awarding contracts.

SEC. 8. In entering into and awarding contracts as provided in this act, in case of equal or equivalent offers, including consideration of the cost of construction, operation and maintenance of the necessary lines, plants and other works to deliver the commodity or service which is to be delivered under such contracts, the authority shall grant preference to State agencies or other organizations not organized or doing business for profit but primarily for the purpose of supplying water or electric energy to their own citizens or members.

Compensation to existing utilities

During the existence of the national emergency as declared in the National Industrial Recovery Act (H. R. 5755, 73d Congress, 1st Session) the terms of such contracts and the value of the injury to the business and services of public utilities then serving the territory which is to be served by the State agency or organization and what if any compensation shall be paid as a condition precedent or subsequent to the awarding of the contract shall be determined by the President of the United States or the proper officer or agency of the United States government to whom is delegated the authority to grant or loan money of the United States government under the provisions of the National Industrial Recovery Act for the purpose of the project, so far as said President or officer deems such determination necessary or proper to the awarding of the contract.

Powers and duties of the authority.

SEC. 9. The authority is hereby expressly authorized and empowered, subject to the provisions of this act, to fix and establish the prices, rates and charges at which any and all the resources and facilities made available by said Central Valley Project shall be sold and disposed of; to enter into any and all contracts and agreements, and to do any and all things which, in its judgment are necessary, convenient or expedient for the accomplishment of any and all the purposes and objects of this act, under such general regulations, and upon such terms, limitations and conditions as it shall prescribe; and it is and shall be the duty of the authority to enter into such contracts and fix and establish such prices, rates and charges so as to at all times provide revenue which will afford sufficient

funds to pay all costs of operation and maintenance of any and all of the works authorized by this act, together with necessary repairs and replacements thereto, and which will provide at all times sufficient funds to meet and pay any and all payments for redemption of any and all bonds and interest thereon, which may be issued as provided in this act, as and when any and all such costs and charges become due and payable; provided, that nothing contained in this act shall authorize any change, alteration or revision of any such rates, prices or charges as established by any contract entered into under authority of this act except as provided by any such contract.

Default under contract

Every contract made by the authority for the sale of water, use of water, water storage, electric energy or other service, shall provide that in the event of any failure or default in the payment of any moneys specified in such contract to be paid to the authority for such water, use of water, water storage, electric energy or other service, the authority may, upon such notice as it shall determine, cease to furnish or deliver water, use of water, water storage, electric energy or other service under such contract. The act of the authority in ceasing on any such default to furnish or deliver water, use of water, water storage, electric energy or other service under such contract shall not deprive the authority of or limit any remedy provided by such contract or by law for the recovery of any and all moneys due or which may become due under such contract.

Cancellation of contract or lease.

Any contract or lease made by the authority with any person, firm or corporation other than a State agency, providing for the furnishing by the authority of water, the use of water, water storage, electric energy or other service, for resale by such person, firm or corporation, shall be subject to cancellation by the authority upon five years' notice, and such contract or lease must be so canceled in whole or in part whenever the State, or any financially responsible State agency, shall make application for such water, use of water, water storage, electric energy, or other service, or any part thereof covered by such contract or lease, and shall enter into a contract or lease binding itself to take such water, use of water, water storage, electric energy or other service or any part thereof and pay for the same, at a rate or price at least equal to that specified in the contract or lease to be canceled, and for a period at least equal to the unexpired portion of the term of such contract; provided, that the authority shall not so cancel any such contract unless and until it shall first determine and assure itself that notwithstanding such cancellation, it will receive and be paid a total revenue or consideration at least equal to that which would be received by it were such contract not so canceled, and within the unexpired portion of the term of such contract or lease.

Service to State agency.

In case of the award by the authority of any contract or lease to any State agency for the furnishing of water, the use of water, water storage, electric energy, or other service, upon

demand made therefor by such State agency, the authority shall construct, acquire, or otherwise provide the necessary works and facilities for transmitting such water, electric energy, or other service to a central point from which such water, electric energy or other service may be most conveniently distributed within the territory to be served under such contract or lease.

Contract payments by State agency

SEC. 10. It shall be the duty of the governing body or board charged with the levying of taxes or assessments in any State agency which shall contract to purchase from the authority any water, use of water, water storage, electricity, electric power or other service, to provide for the punctual payment to the authority of all amounts which become due under such

Tax levy.

contract; and such board or governing body must, whenever necessary, levy upon all property in such State agency not exempt from taxation, a tax or assessment sufficient to provide for all payments under such contract then due, or to become due within the then current fiscal year. It shall be the duty of all officers of any such State agency charged with the collection of the taxes or assessments levied by such State agency to enforce and collect all taxes or assessments so levied or assessed for the purpose of providing payment of the moneys due or to become due under such contract as herein provided. All moneys so collected for such taxes or assessments shall be kept in a separate fund by the Treasurer or other officer of such State agency charged with the safe-keeping and disbursement of funds of such State agency, and, upon the written demand of the authority, such officer shall pay over to the authority all such moneys in his possession or control, which moneys shall be applied by the authority to the satisfaction of the amount due under such contract. In the event of failure, neglect or

Action to enforce tax or payment

refusal of any officer or officers of any State agency to levy any tax or assessment necessary to provide payment by such State agency under any contract with the authority, or to enforce or to collect any such tax or assessment, or to pay over to the authority any money collected on such tax or assessment, the authority may take such action in a court of competent jurisdiction as it may deem necessary to compel the performance in their proper sequence of all duties relating to the levying and collection of such taxes or assessments and the payment of the moneys collected therefrom to the authority as herein

Remedies cumulative

provided. The use by the authority of any remedy herein specified for the enforcement of any contract made with it shall not be deemed exclusive and shall not deprive the authority of any other remedy provided by law or limit the application of any such other remedy.

Prior water rights

SEC. 11. In the construction and operation by the authority of any project under the provisions of this act, no watershed or area wherein water orginates, or any area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall be deprived by the authority directly or indirectly of the prior right to all of said water reasonably

required to adequately supply the beneficial needs of said watershed, area or any of the inhabitants or property owners therein In no other way than by purchase or otherwise as in this act provided shall said water rights as herein defined, of said watershed, area or the inhabitants be impaired or curtailed by the authority, but the provisions of this section shall be strictly limited to the acts and proceedings of the authority, as such, and shall not apply to any persons or State agencies. These provisions shall not be so construed as to create any new property rights other than against the authority as in this act provided or to require the authority to furnish to any person without adequate compensation therefor any water which shall have been made available by the construction of any works by the authority.

Exchange of waters.

In the construction and operation by the authority of any project under the provisions of this act, no exchange of the waters of any watershed or area for the waters of any other watershed or area may be made by the authority unless the water requirements of the watershed or area wherein such exchange is made are first and at all times met and satisfied to the extent that such requirements would have been met were the exchange not made, and no right to the use of water shall be gained or lost by reason of any such exchange thereof.

Acquisition of rights, etc.

SEC. 12 For the purpose of constructing, maintaining and operating said Central Valley Project the authority is hereby empowered to acquire for and in the name of the State of California, by gift, by exchange, by purchase or by eminent domain proceedings any and all water, water rights, rights of way, easements, lands, electric energy, power resources and facilities, and property or appurtenances thereto of every kind and description and any appurtenances to any such property as said authority shall determine to be required and necessary for the proper construction, maintenance and operation of said Central Valley Project, and for effectuating the purposes and objects to be accomplished by the construction, maintenance and operation of said project. The cost of construction of said project shall include the cost and expense of acquiring any and all such property and any such cost and expense is hereby declared to be an integral part of the capital cost of such Central Valley Project. When the authority can not acquire any property of any character needed, as provided herein, by agreement with the owner or owners, it shall be lawful for the authority, and said authority is hereby authorized, to condemn and take in the name of the State of California, any such property under the provisions of the laws of this State relating to eminent domain proceedings. Said authority shall not have power to commence any such proceedings in eminent domain unless and until said authority shall first have passed a resolution declaring that public interest and necessity require the acquisition of such property and such resolution shall be conclusive evidence (a) of the public necessity of such acquisition; (b) that such property is necessary, and (c) that such pro-

Cost of acquisition

Eminent domain

posed acquisition is planned in a manner which will be most compatible with the greatest public good and the least private injury; provided, however, that no water heretofore appropriated, or for which application has heretofore been filed and remains in good standing, nor any tunnels, canals, dams and appurtenant works dedicated to public use prior to July 1, 1933, may be acquired by the authority through eminent domain proceedings except, unless and until it shall have been first determined in a court of competent jurisdiction that the use proposed to be made thereof by the authority is a more necessary public use than that to which it has already been filed, appropriated or dedicated; provided that where property has been appropriated to public use by any individual firm or private corporation, the use of such property for the same purpose by said authority or by any State agency shall be deemed a more necessary public use than the use of such property by such individual firm or private corporation; provided, further, that where any such property has, prior to July 1, 1933, been filed on, appropriated or dedicated to public use by any State agency as defined in this act, the use thereof by such State agency shall be deemed a more necessary public use; provided, further, that where any such property has, prior to July 1, 1933, been filed on, appropriated or dedicated to a public use by any such State agency and the use proposed to be made thereof by the authority is consistent with the continuance of the use thereof by said State agency for its purposes, then the right to use such property for the purposes proposed by the authority is common and consistent with the use being made thereof by said State agency may be acquired by eminent domain.

Property appropriated to public use

Taking railroad property

The authority shall have no power to take or destroy the whole or any part of the line or plant of any common carrier railroad or State agency, or the appurtenances thereof, either in the construction of any dam, canal, or other works or by including the same within the area of any reservoir, unless and until the authority shall have provided and substituted for the facilities so to be taken or destroyed, new facilities of like character, and at least equal in usefulness, with suitable adjustment for any increase or decrease in the cost of operating and maintenance thereof, or unless and until such taking or destruction shall have been permitted by agreement duly executed between the authority and such common carrier, public utility or State agency, and the expense of the authority in complying with these requirements shall be deemed part of the cost of constructing such project.

Arbitration of dispute

In the event such authority and any common carrier railroad or other public utility or State agency fail to agree as to the character or location of new facilities to be provided as in this section required, the character and location of such new facilities and any other controversy concerning requirements imposed by this section shall be submitted to and determined and decided by the Railroad Commission of the State

of California; provided further that nothing in this section contained, shall in any way interfere with or abridge the right of the authority or of any State agency to acquire any property through the exercise of the right of eminent domain.

Compensation for property taken

The authority in the name of and for the State of California, may take immediate possession and use of any property required for the construction, operation or maintenance of said Central Valley Project upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction, and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken, immediate compensation for such taking, and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property.

Disposition of property

The authority is empowered to sell or otherwise dispose of any rights of way, easements or property when it shall determine that the same is no longer needed for the purposes of this act, or to lease or rent the same or otherwise take and receive and apply, for the purposes and objects of this act, or any thereof, the income or profit and revenue therefrom.

State-owned property.

SEC. 13. The State of California hereby consents to the use and occupation of any and all real property now or hereafter owned by the State, and not dedicated to public use, necessary for the construction, operation, or maintenance of said Central Valley Project, including lands of the State lying beneath any navigable waters of the State of California; provided that whenever any lands or rights of way of the State, heretofore or hereafter dedicated to public use, are necessary for the construction, operation, or maintenance of said Central Valley Project, such lands or rights of way may be used therefor, but only in accordance with the terms and conditions of an agreement to be first entered into between the authority and the department or agency of the State of California having the jurisdiction over or control and management of such lands or rights of way.

Design and construction of works

SEC. 14. The authority, by and through the department, shall design all works to be constructed under the authority of this act. The authority may construct such works or any portion thereof by and through the department or may contract with the United States of America that such works or any part thereof may be constructed by and through the department under the supervision and subject to the approval of the United States, its instrumentalities or agencies. The cost of any and all of such works shall be paid from the proceeds of bonds issued and sold under the provisions of this act, or from contributions or appropriations or loans as herein provided.

Cost

All works to be constructed under the authority of this act shall be constructed under and in accordance with the pro-

State Contract Act (Stats 1933, Ch 788) made applicable

visions of an act entitled "The State Contract Act," approved June 10, 1933 (Statutes of 1933, chapter 788), in so far as the provisions of said act may be applicable; provided, however, that the amount of cash bidders' bonds or certified checks required to accompany any bid submitted, when bids relating to the construction of any such works are called for, shall be fixed and determined by the authority. The authority shall require of each contractor such bonds for the faithful performance of any contract or subcontract entered into hereunder and for the payment of any labor, materials or supplies used in, upon, for or about the performance of the work contracted to be done, fixing such terms and conditions, and in such amounts, as it may deem necessary. Moneys realized on any such bonds shall be paid into the construction fund.

Cooperation with Federal agencies

SEC. 15. Notwithstanding any provision of this act to the contrary, or in conflict herewith, the authority is empowered to enter into contracts with the United States of America, its instrumentalities or agencies, or any thereof, for the purpose of financing the construction, maintenance and operation of said Central Valley Project and may in such contracts authorize the United States, its instrumentalities or agencies to supervise and approve the construction, maintenance and operation of the said Central Valley Project, or any portion or unit thereof, until such time as any moneys expended, advanced or loaned by said United States, its instrumentalities or agencies, and agreed to be repaid thereto by said authority, shall have been fully repaid. It is the purpose and intent of this act that the authority shall be authorized, and the authority is hereby expressly authorized and empowered, to accept cooperation from the United States of America, its instrumentalities and agencies in the construction, maintenance and operation and in financing the construction, maintenance and operation of said Central Valley Project, and with particular reference to appropriate provisions of the following acts of Congress: The Reconstruction Finance Corporation Act of 1932, as amended; the Emergency Relief and Construction Act of 1932, as amended; and the National Industrial Recovery Act of 1933, and any other legislation which Congress may have heretofore adopted or may hereafter adopt under which aid, assistance and cooperation, may be furnished by the United States of America in the construction, maintenance and operation or in financing the construction, maintenance and operation of said Central Valley Project and the authority shall have full power to do any and all things necessary in order to avail itself of such aid, assistance and cooperation under Federal legislation now or hereafter enacted by Congress

Applicable Federal statutes

Powers of the authority over project

Subject to the foregoing, the authority shall have full charge and control of the construction, operation and maintenance of said Central Valley Project and the collection of all rates, charges and revenues of whatsoever character therefrom. The authority shall proceed with the construction of said Central

Valley Project immediately upon there being made available, funds for such work and shall prosecute such work to completion as rapidly as possible. The collection of said rates, charges and revenues shall be continued as herein provided until all bonds issued hereunder are fully redeemed and paid.

Aid from State agencies

SEC. 16. Any State agency, or the State, or any department, board, commission, bureau, division or office thereof, may advance or contribute money, rights of way, labor, materials and any other property for the construction, operation or maintenance of the said Central Valley Project or any unit thereof. Appropriations therefor may be made from any funds available for such purpose. Any State agency may also issue its general obligation bonds for any such purpose and all proceedings for the authorization, issue and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by such particular State agency. Money or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which such advance or contribution was made. The authority may enter into a binding agreement with any State agency or the State or any department, board, commission, bureau, division or office thereof to repay any money or the value of any rights of way, labor, materials or other property so advanced or contributed; provided, no repayment therefor shall be made until all obligations issued by the authority for the construction of the Central Valley Project shall have been fully redeemed and paid, and then only out of the revenues received from the operation of such Central Valley Project. After all bonds issued hereunder have been fully redeemed and paid, the authority may continue to collect revenues from the use and operation of said Central Valley Project for the purpose of reimbursing any State agency or the State or any department, board, commission, bureau, division or office thereof for any expenditures which may have been made by it (excepting any direct contributions which the State may make for the construction thereof), and for the purpose of repayment of any amount the authority shall have agreed to repay for money, rights of way, labor, materials or other property advanced or contributed for the construction of said Central Valley Project, or unit thereof; provided, the authority is authorized to receive and accept from any and all sources money, rights of way, labor, materials or any other property for the construction, operation or maintenance of said Central Valley Project, or any unit or specific portion of unit thereof, or for any of the purposes of this act, and may agree with the person or entity so contributing to apply said money or property in the manner and for the purpose so contributed, and such contribution, or contributions shall there upon be used and applied in accordance with such agreement

Repayment

Sale of works and services

No water right, reservoir, conduit or facility for the generation, production, transmission or distribution of electric energy, acquired by the authority shall ever be sold, granted

or conveyed by the authority so that the authority shall thereby be divested of the title to and ownership of the same; but any State agency, mutual water company, political subdivision, or other entity or organization, is expressly authorized to enter into contracts with the authority for the purchase or for the use of water, water flow, water storage, electric energy, or other resources and facilities made available by the said Central Valley Project.

Insurance and indemnity bonds.

SEC. 17. When any of the works herein authorized are being constructed by the authority by and through the department, said department or the authority, or either or both thereof, may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as the authority may deem proper. The authority is further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any works authorized hereunder until all bonds sold as herein provided, together with interest thereon, have been fully redeemed and paid. All money collected on any indemnity bond or insurance policy as the result of any damage or injury to any such works shall be used for the purpose of repairing or rebuilding such works, as long as there are bonds outstanding and unredeemed. The authority is also empowered to carry insurance or indemnity bonds insuring against the loss of revenues to be derived from said Central Valley Project by reason of any interruption in the use of said project, or any part thereof, from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the revenues are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable revenues to be received from the use and operation of said project during any period of time that may be determined upon by the authority and fixed in its discretion, and be paid for out of the revenue fund. The authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this act, and the purchase and carrying of such insurance shall thereupon be obligatory upon said authority and be paid for out of the revenue fund.

Revenue bonds

SEC. 18. For the purpose of providing money and funds to pay the cost and expense of construction of said Central Valley Project, the authority is authorized and empowered to issue revenue bonds in a total sum of not to exceed one hundred seventy millions of dollars; provided, however, that the aggregate amount of such bonds hereby authorized shall be reduced by such an amount as the United States of America shall appropriate and make available as its contribution towards the construction of said project or any unit thereof; and provided further that the aggregate amount of any such bonds hereby authorized shall be further reduced by such an amount as may

be appropriated and made available out of the treasury of the State of California in aid of the construction of said project or any unit thereof.

Bond: Provisions

SEC. 19. Any and all such bonds so authorized shall be issued in the name of the authority and shall constitute obligations only of said authority and shall be identified as Water Project Authority revenue bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of interest thereon is secured by a first and direct charge and lien upon the revenues of any nature whatever received from the operation of said Central Valley Project for the construction of which the said bonds are issued and that neither the payment of the principal or any part thereof or any interest thereon constitutes a debt, liability or obligation of the State of California. Bonds issued under the provisions of this act shall not constitute or be a debt, liability or obligation of the State, and the payment of both principal and interest of all such bonds shall be secured only by the rates, charges, and revenues established or accruing from the use or operation of the said Central Valley Project, and shall be paid from such revenues or from such contributions or appropriations as may be made available under the terms of this act. All bond redemption and interest payments shall constitute a first and direct charge and lien on all revenues received from the operation of said Central Valley Project, on all interest accruing from said revenues and on all sinking funds created out of said revenues The collection of said revenues shall be continued until all bonds issued hereunder, together with interest thereon, are fully redeemed and paid.

Bonds, issuance and sale

SEC. 20. All bonds authorized under the terms of this act may be issued and sold from time to time and in such amounts as may be deemed necessary in the judgment of the authority to provide sufficient funds for the construction of said Central Valley Project and to pay all costs and expenses, including interest due and payable, prior to and during the period of actual construction thereof and for a period of one year after completion thereof and the proceeds from said revenue bonds are hereby made available for such purpose; provided, that nothing herein contained shall limit or restrict the use by the authority for such purposes of any money appropriated by this act for the purpose of carrying out the provisions of this act.

Terms and conditions

The authority shall determine the form, conditions and denominations of all said bonds, and shall determine the dates which the bonds so to be sold shall bear and the interest rate thereon, which shall not exceed five and one-half per cent per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest on such bonds shall be payable at such place or places as may be fixed and determined by the authority, and said bonds may contain provisions for registration thereof as to principal only, and as to both principal and interest. Said

bonds shall be issued in coupon form with interest payable at such times as may be determined by the said authority, and shall mature at such times and in such amounts as the said authority may prescribe. The authority may provide for the retirement of said bonds at any time or times prior to their maturity, and in such manner and upon payment of such premiums as may be fixed and determined in the proceedings providing for the issuance of such bonds and referred to therein. All such bonds shall be signed by the chairman of the authority and countersigned by the Governor. The signature of the Governor may be by facsimile. All interest coupons shall bear the facsimile signature of the chairman of the authority. In case any of such officers whose signature or countersignature appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if they had remained in the office until the delivery of the bonds.

Sale of bonds

Bonds authorized under this act may be sold below the par or face value thereof, such sale price, however, not to be less than that which will yield the purchaser not to exceed five and one-half per cent per annum according to standard tables of bond values, and such sale price shall include the interest which has accrued thereon up to the date of delivery of said bonds. Successive issues of bonds within the limits of the authorization as contained in this act shall have equal preference with respect to the redemption thereof and the payment of interest thereon; provided, however, the authority may fix different maturity dates serially or otherwise, for such successive issues. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. All bonds issued and sold under or by authority of this act shall be sold on sealed proposals to the highest and best bidder after such advertising for bids as the authority may deem proper; provided, however, said authority may reject any and all bids so submitted and may thereafter sell such bonds so advertised for sale at private sale under such terms and conditions as said authority may deem most advantageous; provided, they are not sold at a price below that of the best bid which was rejected.

Power to borrow money

The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any of its departments, agencies or instrumentalities upon such conditions and terms as may be agreed to and such bonds shall be subject to all the provisions of this act except the requirement that bonds be first offered at public sale pursuant to advertisement.

Temporary bonds.

Temporary or interim bonds, certificates or receipts, of any denominations whatever and with or without coupons attached thereto, to be signed by the chairman of the authority, may be issued and delivered until the definitive bonds are executed and available for delivery.

The purchase price of bonds issued hereunder shall be paid to the Treasurer of the State of California for the account of the authority. Disposition of proceeds

Notwithstanding anything otherwise provided in this act, any expense incurred by the authority for advertising, engraving, printing, clerical, legal or other services necessary to properly perform the services and duties relating to the sale and issuance of bonds under the authority of this act shall be paid from the proceeds of the sale of bonds issued hereunder by the State Treasurer upon warrants of the State Controller. Expense of bonds.

SEC. 21. The proceeds from the sale of all bonds authorized under the provisions of this act shall be paid to the Treasurer of the State of California to the credit of the construction fund and shall be deposited as demand deposits forthwith in such depositary or depositaries as may be authorized by law to receive deposits of State funds to the credit of the construction fund, which fund shall at all times be kept segregated and set apart from all other funds. Such proceeds shall be paid out or disbursed solely for the construction of said Central Valley Project, for surveys, preparation of plans and specifications and for payment of all other costs and expenses prior to and during construction, for the acquisition of the necessary water, water rights, rights of way, easements, lands, electric energy, power resources and facilities, and other property of every kind and description and any appurtenances to any such property necessary therefor, and the payment of interest becoming due and payable on such bonds prior to and during the period of actual construction and for the period of one year after the completion of construction and for all costs and expenses during a period of one year after completion of construction only as the need therefor shall arise and the authority may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable for the purpose of assuring the proper application of such funds; provided, that nothing herein contained shall limit or restrict the use by the authority for such purposes of any money appropriated by this act for the purpose of carrying out the provisions of this act. All moneys in such fund and not required to meet preconstruction, acquisition, or construction costs and expenses, or interest thereon, of the Central Valley Project, or unit thereof, for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations eligible for investment of surplus State moneys; provided, the authority may provide in the proceedings authorizing the issuance of said bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding Disposition of proceeds

Investment of surplus

upon the said authority and all officials having anything to do with such investment.

Retirement of bonds

Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for construction of said Central Valley Project by purchase or call and in the event such bonds can not be purchased at a price satisfactory to the authority and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately canceled.

Operation revenues.

All revenues received from the operation of the Central Valley Project shall be paid over by the authority at least monthly to the State Treasurer, who shall deposit the same forthwith as demand deposits in such depositary or depositaries as may be authorized by law to receive deposits of State funds to the credit of the revenue fund, which fund shall at all times be kept segregated and set apart from all other funds.

Payment of principal and interest.

SEC. 22. From the money so deposited in the construction fund as hereinabove provided, the State Treasurer shall, to the place or places of payment named in said bonds, transfer such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of said Central Valley Project during the period of actual construction and during a period of one year after completion thereof. The Treasurer shall thereafter transfer from the revenue fund to the place or places named in said bonds such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold, and all funds so transferred for the payment of principal or interest on such bonds shall be segregated and applied solely for the payment of such principal and interest.

The amounts required to be transferred by the State Treasurer as provided in this act shall be ascertained and computed by the authority and the certificate of the authority shall be conclusive and binding upon the State Treasurer.

Surplus revenues.

The moneys remaining in the revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided shall be devoted to the payment of the costs of operation and maintenance of said Central Valley Project including necessary replacements thereto to the extent necessary therefor.

Reserve funds.

SEC. 23. The proceedings authorizing the issuance of bonds may provide for the setting up of a reserve fund or funds out of the revenues not needed for the payment of

operation, maintenance and replacements, and not needed for the payment of principal and interest as the same currently mature, and may provide for the preservation and continuance of such reserve fund or funds in a manner to be provided therein, and such proceedings may also require the immediate application of all surplus moneys in such revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of said authority. The moneys remaining in the revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds.

Replacements.

In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation and maintenance of said Central Valley Project and making necessary replacements thereto as the authority may determine.

Warrants

Warrants for payments to be made on account of such bonds shall be duly drawn by the State Controller upon request of the State Treasurer whenever the drawing of such warrants shall be required in order to make such payments.

Payment of costs and expenses.

SEC. 24. Moneys required to meet the costs of construction of said Central Valley Project and all expenses and costs incidental thereto, and to meet the costs of operating and maintaining and making necessary replacements thereto, shall be paid by the State Treasurer from the proper fund therefor upon demand of the authority and after audit thereof in the manner provided by law and upon warrants drawn by the State Controller.

Interest receipts

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

Deposit of funds

The authority may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund, and the revenue fund, and provide for the deposit of such moneys at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds; provided, however, that the depositaries and security so provided for or agreed upon shall be qualified and eligible in accordance with the requirements of law.

Payment of expenses.

Notwithstanding anything contained in this act the proceeds received from the sale of bonds and the revenues received from the operation of said Central Valley Project may be used to defray any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds for the

construction of said Central Valley Project, including expenses for the preparation of surveys, plans and estimates and the making of inspections and examinations as may be required by the purchasers of such bonds; provided, however, that the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and revenues for the purposes herein specified.

Contract with bond purchasers

SEC. 25. Any provisions not inconsistent with this act may be contained in the proceedings authorizing the issuance of bonds which limit, restrict or regulate the holding, deposit, investment and application of moneys consisting of the proceeds from the sale of such bonds, or the revenues received from the operation of said Central Valley Project, and such provisions shall constitute a contract with the holders of said bonds and be binding upon said authority as long as said bonds may be outstanding.

Construction fund

SEC. 26. Any and all appropriations and contributions received from the United States of America, or any of its departments, instrumentalities or agencies, or from the State of California or any State agency, or political subdivision, or from any other source, for the purpose of constructing said Central Valley Project, or borrowed therefrom for such purpose, shall be received by the State Treasurer and by him deposited in and credited to the construction fund. All costs and expenses of the authority, including interest due and payable, incurred in performing the duties prescribed in this act prior to and during the construction of said Central Valley Project and for a period of one year after completion thereof, shall be paid out of said construction fund upon demands duly audited as required by law, and all such costs and expenses shall be charged as a part of the cost of construction of said project and the moneys in said fund are hereby appropriated for such purposes. Any and all appropriations and contributions received from the United States of America, or any of its departments, instrumentalities or agencies, or from the State of California or any State agency, or political subdivision, or from any other source, for the purpose of maintaining or operating said Central Valley Project, or borrowed therefrom for such purposes, shall be received by the State Treasurer and by him deposited in and credited to the revenue fund. After the expiration of one year after the completion of said Central Valley Project, all costs and expenses of the authority, including interest due and payable, incurred in performing the duties prescribed in this act, shall be paid out of said revenue fund upon demands duly audited as required by law and the moneys in said revenue fund are hereby appropriated for the payment of said costs and expenses, for the maintenance and operation of said Central Valley Project and for making necessary replacements thereto, and in the manner herein provided, to the extent necessary to pay the same, for the payment of the principal on all indebtedness incurred under the provisions of

Revenue fund.

this act, as and when said principal and interest shall become due and payable.

Records and accounts.

SEC. 27. The authority, the department, the officials thereof and all State officials are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance and operation of said Central Valley Project and the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The State Controller, the State Treasurer, the department and the authority shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the Governor an abstract of all such proceedings thereunder with an annual report, to be by the Governor laid before the Legislature biennially, which report may contain such suggestions for changes, alterations or revisions of this act, or other legislation in aid of its purposes and objects, as may be deemed advisable or expedient.

Statements of financial condition.

The authority shall keep full and complete accounts concerning all matters and things relating to the said Central Valley Project and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of said Central Valley Project. All books and papers pertaining to all matters provided for in this act shall at all reasonable times be open to the inspection of any party interested, or the Governor, or any committee of the Legislature, or any citizen of the State.

Existence and duties of the authority.

SEC. 28. While any bonds issued by the authority remain outstanding, the powers, duties or existence of the said authority or any official or agency of the State shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon any State department, official or employee or imposed upon the authority or its officers, agents or employees in connection with the construction of the said Central Valley Project and in connection with the collection, deposit, application and disbursement of all revenues derived from the operation and use of the said project and in connection with the deposit and disbursement of the proceeds received from the sale of bonds; provided, however, that the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

Constitutionality

SEC. 29. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, void or inoperative for any reason, the unconstitutionality or invalidity of such section, subsection, sentence, clause or phrase, shall not affect the validity of the remaining portions

of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, void or inoperative.

Short title. SEC. 30. This act shall be known and cited as the "Central Valley Project Act of 1933."

Repeal. SEC. 31. All other acts and parts of acts in conflict with any provisions of this act are hereby repealed.

CHAPTER 1043.

An act providing for the incorporation, government, and management of regional park districts including therein city and county territory, for the purpose of acquiring, improving, and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act; and providing for the powers of such districts; and imposing certain duties and functions in connection with such districts upon certain county officers; and providing that this act shall take effect immediately.

[Approved by the Governor August 7, 1933. In effect immediately.]

The people of the State of California do enact as follows:

Regional park districts SECTION 1. Regional Park Districts. A regional park district may be created as herein provided, and when so created may exercise the powers herein granted. Two municipalities, together with one or more other municipalities and/or any parcel or parcels of city or county territory, whether in the same or different counties, may so organize and incorporate; provided that all the territory in such proposed district must be contiguous.

Provided further, however, that all the territory in such proposed district shall be located within the boundaries of a municipal utility district organized and existing under and in compliance with the provisions of an act entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon."

Stats 1921, p. 245.

Procedure, petition by electors. SEC. 2 Procedure, Petition by Electors. The procedure for organizing and creating a regional park district under the provisions of this act is as follows:

Whenever the people of such proposed regional park district shall desire to organize such a district, their petition shall request the creation and maintenance of a regional park district, and shall describe the exterior boundaries of the proposed district, and said petition shall be signed by at least five thousand electors residing within the territory proposed to be included in said district, and shall be presented to the board of supervisors of the county containing the largest area within the proposed district. A petition may consist of any number of separate instruments, all of which together shall constitute one petition, but each instrument shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. Every elector signing any such petition shall write his address opposite his signature. The clerk of the board of supervisors of said county having the largest area within the proposed district, shall proceed to check and verify the signatures to such petition, and to certify the result of such examination to said board of supervisors. If said petition contains names of electors residing in another county than the one having the largest area within the proposed district, and does not contain the requisite number of signatures of electors residing in the county having the largest area within the proposed district, then a duplicate original of such petition shall be filed with the board of supervisors of such other county, and the clerk of the board of supervisors of such other county shall likewise check and verify the signatures to such petition, and certify the result to the board of supervisors of such other county, and thereupon copies of the clerk's certificates shall be transmitted to each county affected. If said petition contains sufficient signatures of electors residing in the county having the largest area within the proposed district, but the petition includes, nevertheless, land within another county or other counties, then the clerk of the board of supervisors of the county having the largest area within the proposed district shall transmit a certified copy of said petition and of his certificate to the board of supervisors of such other county or counties.

Hearing in county not having largest area in proposed district.

If the clerk's certificate or certificates indicate that the petition has been properly signed, the board of supervisors of the county or counties not having the largest area within the proposed district, shall, by resolution, fix a time and place for a hearing upon the question whether the territory described within the boundaries of such county will be benefited and should be included in the proposed regional park district. Notice of such hearing, specifying the time and place, shall be published twice in a newspaper of general circulation in the county conducting such hearing, the first publication to be at least ten days before the day of said hearing. Such hearing may be continued from time to time, but not exceeding four weeks in all. At the conclusion of such hearing, the board of supervisors conducting the same shall pass a resolution,

either approving in whole or in part the inclusion within the proposed regional park district of the territory within their county described in said petition, or disapproving the same; and if they approve it in part only, they shall in such resolution describe the territory in their county as to the inclusion of which they approve, and they shall thereupon cause a certified copy of said resolution to be immediately transmitted to the clerk of the board of supervisors of the county having the largest area within the proposed district.

Hearing in county having largest area in proposed district

The board of supervisors of said county having the largest area within the proposed district, shall then, by resolution, fix a time and place for a hearing upon the question whether the petition should be granted and further proceedings taken under this act, and whether the property described in the petition will be benefited and should be included in the proposed regional park district. Notice of such hearing, specifying the time and place, shall be published twice in a newspaper of general circulation in the county conducting such hearing, the first publication to be at least ten days before the day of said hearing. Said hearing may be continued from time to time, but not exceeding four weeks in all. At the conclusion of such hearing, the board of supervisors conducting the same shall pass a resolution, either approving the said petition in whole or in part, or denying the same; provided, that, if they approve it in part only, they shall describe in such resolution the territory proposed to be included in said regional park district; and provided, further, that they shall not include in said description any territory, the inclusion of which has not been approved by the board of supervisors of the county in which the same is located.

Where all the territory described in the petition is located entirely within one county, the board of supervisors of said county shall, after the same has been checked and certified by the clerk, proceed in the first instance as provided hereinabove for the county having the largest area within the proposed district.

Election.

SEC. 3. Election. The board of supervisors of the county having the largest area within the proposed district, shall, after the hearing provided for in section 2 hereof, if said petition has been approved in whole or in part, have jurisdiction to proceed further with the calling of an election within the boundaries of said proposed district as described in said resolution passed at the conclusion of said hearing, and shall, either as a part of the same resolution or by a later resolution, call an election within said proposed district for the purpose of determining whether the said proposed district shall be created and established, also for the purpose of electing the first board of directors therefor in case the same is created.

Division of district into wards

SEC. 4. Division of District Into Wards. Before calling said election the board of supervisors shall divide the proposed district into five wards or subdistricts, the boundaries of which

shall be so drawn that each shall contain approximately an equal number of electors, as nearly as may be. The municipalities and any other territory included in the proposed district may be divided for the purpose of establishing the boundaries of said wards or subdistricts, provided no election precinct shall be divided therefor.

Notice of election

SEC. 5. Notice of Election. Ballot. Canvass of Results. Upon establishing the wards as aforestated, the board of supervisors of said county shall give notice of an election to be held within the proposed district for the purpose of determining whether the same shall be created and established, also for the purpose of electing directors if established. Said notice shall state the name of the proposed district, and describe the boundaries thereof; it shall also describe the boundaries of the wards or subdistricts provided for the purpose of electing directors. Said notice shall be published once a week for at least three weeks before the day of said election in each municipality included in the proposed district. In case no newspaper of general circulation is published in any of the municipalities included therein said notice shall be posted for at least three weeks in not less than three public places in each of such municipalities. In case unincorporated territory is included therein said notice shall be posted for a like period in at least three public places in such unincorporated territory.

Ballot.

The ballot for said election shall contain such instructions as are required by law to be printed thereon, and in addition thereto shall appear thereon the following:

Shall the (giving the name thereof) regional park district be created and established?	Yes	
	No	

Said ballots shall also contain the names of the persons nominated in each ward to serve as a member of the board of directors from such ward, showing separately each ward and its nominees. Any person may be nominated for the office of director upon written petition of fifty or more qualified electors of the ward or subdistrict in which such person resides.

General laws to govern.

(a) General Laws to Govern. Said election, including the nomination and election of directors and all matters pertaining thereto not otherwise provided for herein, shall be held and conducted and the result thereof ascertained, determined and declared in accordance with the general election laws of the State, as nearly as may be, and no person shall be entitled to vote at said election unless he or she be a qualified elector of the territory included in the proposed district. Said election may be held on the same day as any other State, county or city election and be consolidated therewith.

Canvass of votes.

(b) Canvass of Votes. The election returns of said election shall be forwarded to the board of supervisors of the

county having the largest area within the proposed district, and said board of supervisors shall meet on Monday next succeeding the day of said election, and canvass the votes cast thereat, and shall order and declare said district created and established; provided, that a majority of those who shall have voted on the proposition shall vote in favor of the creation of said district. In case it appears from said canvass that a majority of the electors voting at such election shall have voted against the formation of the district, the proceedings shall fail entirely, and in that case there shall be no similar proceedings instituted within said territory within six (6) months from the date of said election.

No person shall be entitled to serve as a director unless he be a resident and elector of the district as finally determined, and any vacancies on the board of directors caused by the elimination of territory shall be filled by the remaining directors, in which case ward lines may be disregarded in their appointments thereof. Said board of supervisors shall also canvass the returns of the election with respect to the persons voted for as directors, and shall declare the persons receiving the highest number of votes, for each ward, respectively, to be duly elected as directors of said district, providing they are residents and electors thereof as finally determined.

Declaration of result

(c) Declaration of Result, Cost of Election. The board of supervisors of said county shall cause a certified copy of said order declaring said district created and established, declaring the result of such election, and describing the boundaries of the district, to be recorded with the county recorder of each county in which any portion of the district is situated and to be filed in the office of the Secretary of State of California, from and after which the creation and establishment of said regional park district shall be deemed complete, and the persons elected as directors thereof shall enter immediately upon their official duties after qualifying according to law. Said directors shall hold their respective offices only until the first Monday after the first day of January next following the next general election as provided by section 1041 of the Political Code, and until their successors are elected and qualified.

Cost of election

The board of supervisors calling the election shall make all provision for the holding thereof throughout the entire district as proposed, and shall pay the cost thereof. In case a special election is held exclusively on the proposition of organizing such a district, the expenditure therefor shall be reimbursed to the county which called the election by means of a special tax on all the taxable property within the municipalities and unincorporated territory which was proposed to be included in the district, which tax shall be added to the next county tax bills by the proper officials of the counties involved, respectively.

Informality not to invalidate proceedings.

(d) Informality Not to Invalidate Proceedings. No informality in any proceeding or in the conduct of said election,

not substantially affecting adversely the legal rights of any person, shall be held to invalidate the incorporation of any regional park district, and any proceedings wherein the validity of such incorporation is attacked shall be commenced within three months from the date of filing the aforesaid order with the Secretary of State; otherwise, such incorporation and the legal existence of said regional park district shall be held to be valid, and in every respect legal and incontestable.

Board of directors of district.

SEC. 6. Board of Directors of District. The government of every regional park district so created and established shall be vested in a board of five directors, one from each of the wards or subdistricts hereinafter mentioned, together with the other officers hereinafter mentioned. Said directors shall be residents and electors of the respective wards or subdistricts from which they are respectively nominated. They shall be elected at large, and every qualified elector in the proposed district may vote for all of the directors to be elected.

Subsequent elections.

SEC. 7. Subsequent Elections. Term of Directors. Except as otherwise provided herein, all subsequent elections and nominations of candidates for directors to be elected thereat shall be held and conducted in accordance with the general election laws of the State as near as they may be applicable.

Notice.

Notice of election shall be given by publication once a day for at least seven days in one or more newspapers of general circulation published and circulated at least six days a week in such district, or once a week for two weeks in some newspaper published less than six days a week in such district; and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In districts where no such newspaper is published, such notice shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. Said notice shall refer to the wards as previously established by resolution or ordinance of the board of directors.

Conduct.

The board of directors shall in the notice, ordinance or resolution calling an election consolidate the same with the election to be held at the same time in the respective counties wherein the district is located and shall authorize the respective boards of supervisors to canvass the returns of such district election and certify the result of said canvass to the directors of said district and it shall be the duty of the board or boards of supervisors to so consolidate said election, canvass such returns and cause the result thereof to be properly certified to the board of directors of said district.

Such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat. Nomination papers shall be circulated throughout the district. A nomination paper containing the name of the candidate to be nominated, with such other information as may be required herein, shall be signed by electors residing within the district equal in number to at least one per cent of

Nomination papers.

the entire vote cast at the last preceding general election within the district.

Nominations.

Except as otherwise provided herein the provisions of section 1188 of the Political Code and of sections 5, 6 and 10 of the Direct Primary Law as the latter existed in 1926 shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures thereto and fastening together of sections of the nomination paper containing such signatures, the filing of the candidate's affidavit, the payment of filing fees and all other things necessary to get the name of the candidate upon the ballot; provided, however, that verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than sixty-five days nor less than forty days prior to such election, and all nomination papers shall be filed with the secretary of the district not more than sixty days nor less than thirty-five days before the day of election and shall be examined by him. Said election shall be consolidated with the general election as to territory which is the same and the secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected by such consolidation at least twenty-five days prior to the date of said election. Upon the filing of a sufficient nomination paper and affidavit by any candidate the name of such candidate shall go upon the ballot at the ensuing general election. Upon receipt of the returns of the canvass by the respective boards of supervisors the directors of the district shall meet and determine results of the election and declare the candidate or candidates elected.

Certificates of election.

The secretary of the district shall issue certificates of election signed by him and duly authenticated immediately following the determination of the result of the election by the directors of the district.

Oath of office

The oath of office must be taken, subscribed and filed with the secretary of the district within thirty days after the officer has notice of his election or appointment or before the expiration of fifteen days before the commencement of his term of office. No other filing is required.

Term of office

Of the directors elected at the next general State election following the election at which the district is created, those three elected by the highest vote shall hold office for four years, and the other two for two years, and until their successors are elected and qualified. Thereafter, at each biennial general election provided for under section 1041 of the Political Code, a number of directors corresponding to the number whose term of office expires shall be elected for the term of four years. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

Fixing boundaries of wards.

SEC. 8. Fixing Boundaries of Wards. The board of directors shall have authority by resolution or ordinance to fix the boundaries of the wards or subdistricts for the purpose

of electing directors therefrom, after the first election creating and establishing the district. Such wards shall be established in ample time prior to each biennial general election to permit candidates for the position of directors to circulate nominating papers.

Organization of board

SEC. 9. President of Board. Meetings. Appointment of Directors. The board of directors shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability, and shall provide for the time and place of holding its meetings, which shall be held at least once each month. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business.

Compensation

The board of directors shall establish rules for its proceedings and may provide by ordinance or resolution that each of its members shall receive for each attendance at the meetings of the board the sum of ten dollars. They shall not receive any other compensation, and no director shall receive pay for more than two meetings in any one calendar month. The board of directors shall fill all vacancies on the board, including those caused by the death or resignation of a member; provided, however, that whenever a vacancy shall exist for thirty days the Governor shall fill such vacancy. The person appointed to fill any such vacancy shall hold office for the remainder of the unexpired term of his predecessor.

Vacancies

Functions of board

SEC. 10. Functions of Board. Appointed Officials. The board of directors shall constitute the legislative body of such district and determine all questions of policy.

Appointed officials

Said board may, in its discretion, appoint a general manager, a superintendent, an accountant, a secretary, a treasurer, an attorney, and such other subordinate officers as they deem necessary, and fix their compensation and duties, which appointees shall hold office during the pleasure of the said board; they shall give such bonds and in such amounts as the board of directors may require. Said board may consolidate any of said offices in one and the same person. Said board may also provide for an assistant to any officer of the district, which assistant, when appointed by the board, may perform any and all acts that his principal may perform, when authorized so to do by the board.

The board of directors may from time to time contract for or employ any professional services required by the district, or by the board, or any officers of the district.

Powers of district.

SEC. 11. Powers of District. Any regional park district organized and established as herein provided shall have power:

Perpetual succession

1. Perpetual Succession. To have perpetual succession.

Sue and be sued

2. Sue and Be Sued. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts or tribunals of competent jurisdiction.

Adopt seal

3. Adopt Seal. To adopt a seal and alter it at pleasure.

Hold property.

4. Hold Property. To take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and to hold, use, enjoy, and to lease or dispose of real and personal property of every kind, and rights in such real and personal property, within or without the district, necessary to the full exercise of its powers; provided, however, that no such district may validly convey any interest in any real property actually dedicated and used for park purposes without the consent of a majority of the voters of said regional park district voting at a special election to be called by said board and held for said purpose; except that such consent need not first be obtained before a valid lease of any such property may be made for a period not exceeding ten years, and also except that such consent need not first be obtained before a valid transfer of any such property may be made, in case the Legislature shall by joint resolution authorize such transfer after a resolution of intention has been adopted by at least a two-thirds vote of said board of directors of such regional park district, specifically describing the property sought to be conveyed.

Plan, adopt, lay out, and control park system.

5. Plan, Adopt, Lay Out, and Control Park System. To plan, adopt, lay out, plant and/or otherwise improve, to extend, control, operate, and maintain a system of public parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation for the use and enjoyment of all the inhabitants of said district, and to select, designate, and/or acquire land, and/or rights in land, within or without said district, to be used and appropriated for such purposes; to cause such parkways, scenic drives and/or boulevards to be opened, altered, widened, extended, graded, or regraded, paved or repaved, planted or replanted, repaired and/or otherwise improved, and to do all other things necessary or convenient to carry out the purposes of this act; provided, however, that nothing herein contained shall be deemed to authorize or empower the board of directors of any regional park district to interfere with any control of any existing public park, playground, beach, parkway, scenic drive, boulevard, or other public property, owned or controlled by any municipality or county in said district, unless upon the consent of the city council of such municipality, or board of supervisors of such county if the same is in unincorporated territory, and upon such terms as may be mutually agreed upon between the board of directors of the district and said city council or board of supervisors.

Right of eminent domain.

6. Right of Eminent Domain. To have and exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to accomplish the purposes of this act, whether such property be already devoted to the same use or otherwise; provided, however, that such regional park district shall not acquire by condemnation any of the lands, properties or facilities of any municipal utility district which are appropriated to public use or used in or

useful to the operations of said municipal utility district or within the watershed of any stream or reservoir which supplies water for domestic use or which the directors of such municipal utility district may determine by resolution to be properties which are required for the purposes of the municipal utility district. In the proceedings relative to the exercise of such right, the district shall have the same rights, powers, and privileges as a municipal corporation.

Make contracts

7. Make Contracts. To make contracts, to employ labor, and to do all acts necessary for the full exercise of the powers herein granted.

To borrow money

8. To Borrow Money. To borrow money and incur indebtedness, and to issue bonds or other evidence of indebtedness in the manner herein provided; provided, however, that no district shall incur any funded indebtedness except in accordance with the provisions of section 19 hereof.

Levy and collect taxes.

9. Levy and Collect Taxes. To levy and collect, or cause to be levied and collected, taxes to carry out any of the objects or purposes of this act; provided that such tax levied for any one fiscal year shall not exceed five cents on each hundred dollars of the assessed value of all real and personal property within such regional park district, exclusive of any tax levied to meet the bonded indebtedness of said district and interest thereon.

Make contributions toward acquisitions and improvements not made by district.

10. Make Contributions Toward Acquisitions and Improvements Not Made by District. To contribute money, in such amounts as the board of directors may by resolution find to be proper, to the California State Park Commission or to any municipality, county or other public corporation, district or agency for the purpose of assisting in the acquisition of lands within or without the district for the purposes specified in subdivision five of this section and/or for improving the same in the manner specified in said subdivision five, whenever in the judgment of said board of directors such acquisition or improvement is so located and planned as to be of benefit to the said district.

Action only by ordinance or resolution

SEC. 12. Action Only by Ordinance or Resolution. The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions, and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of all of the members of the board of directors. The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of ------ regional park district." All resolutions and ordinances shall be signed by the president of the board of directors, and attested by the secretary, and all ordinances shall be published once within thirty days after the adoption thereof, in a newspaper of general circulation printed, published, and circulated in said regional park district.

Duties and powers of officers

SEC. 13. Duties and Powers of Officers. The president shall preside over all meetings of the board of directors. He shall sign all contracts and conveyances on behalf of the district after the same have been approved by the board of directors, and he shall perform such other duties as may be imposed upon him by the board of directors. In the absence of the president, or in the event of his inability to act, the vice president shall perform all the powers and duties of the president with the same force and effect as if performed by the president. If both the president and vice president are absent or unable to act the board of directors may select a president pro tempore who shall perform all the powers and duties of the president with the same force and effect as if performed by the president.

District manager

The district manager shall have the following administrative and executive functions, powers and duties delegated to and vested in him: He shall have power and it shall be his duty (a) to see that the provisions of this act and all ordinances and regulations of the district are enforced; (b) to exercise supervision and control over all departments and offices of said district; (c) to attend all meetings of the board of directors unless excused therefrom by the board; (d) to submit to the board of directors for adoption such measures, ordinances and regulations as he shall deem necessary or expedient; (e) to see that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and to call to the attention of the board of directors and to the police department any violations thereof; (f) to bind the district without advertising and without written contract for the payment of supplies, labor or other valuable consideration furnished to the district in amounts not exceeding five hundred dollars; provided, however, that any and all purchases shall be reported to the board of directors at its next regular meeting thereafter; (g) to prepare and submit to the board of directors the annual budget; and to perform such other duties as may be imposed upon him by the board of directors.

Superintendent

The superintendent shall, subject to such restrictions as the board of directors may impose, have full charge of the construction of the improvements and of the maintenance and operation of all property of the district. He shall report from time to time as requested by the board of directors, and shall perform such other duties as may be imposed upon him by this act or by the board of directors.

Secretary

The secretary shall countersign all contracts and conveyances on behalf of the district, and shall affix the seal thereto, and he shall perform such other duties as may be imposed upon him by the board of directors or by the provisions of this act. He shall give his full time during office hours to the affairs of the district, and shall act as the secretary of the board of directors, and shall keep a record of its proceedings.

The treasurer shall be the custodian of the funds of the district, and shall make payments only upon warrants which have been approved by the board of directors and duly and regularly signed by the president of the board of directors, and attested by the secretary; provided, however, that the board of directors may by ordinance authorize such warrants to be signed by some other officer specified therein instead of the president. The treasurer shall keep an account of all receipts and disbursements, and deposit all moneys received by him in a depository or depositories selected by the board of directors of the district. Treasurer.

The accountant shall be charged with the duty of installing and maintaining a system of auditing and accounting, which shall completely and at all times show the financial condition of the district. He shall draw all warrants to pay demands made against the district when such demands have been first approved by a majority of the board of directors at a meeting thereof, and shall perform such other duties as may be imposed upon him by this act or by the board of directors. Accountant

The board of directors, at its first meeting in January of each year, shall render and immediately cause to be published at least once, in a newspaper of general circulation printed and published in the district, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and the purpose of such disbursements. Board of directors

SEC. 14. Oath. Bond. The directors of the district, before assuming the duties of their office, shall take and subscribe an official oath, and file the same in the office of the board of directors. Such official oath shall be in the form provided by law for official oaths of county officers. Oath

SEC. 15 Appointees. Office. The board of directors may appoint, employ or contract for the services of such attorneys, consultants, advisers and other experts as they shall deem necessary, and shall authorize the appointment or employment by the district manager, the superintendent, the secretary, the treasurer, and the accountant, respectively, of such assistants, deputies, and other appointees and employees as may be deemed necessary by said board to carry out the purposes of this act, and said board shall determine the duties and compensation, or basis of compensation, of all such persons. Appointees.

Said board shall have a suitable office in the district where its maps, plans, documents, records, and accounts shall be kept, subject at all reasonable times and under reasonable regulations to public inspection. Office

SEC. 16. Control and Regulation of Parks, Etc. Said board of directors shall have power, and it shall be its duty, to superintend, control, and make available to all of the inhabitants of said district, subject to such rules and regulations as it shall prescribe, any and all public parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facili- Control and regulation of parks, etc.

ties for public recreation belonging to or under its control; to regulate, restrain, and control the kind of vehicles, and the time and conditions of travel or parking on such public parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; to employ a suitable police force and to make all rules and regulations for the government and use of all the lands under its care, as hereinafter more specifically provided: and, in general, to do all acts needful for the proper execution of the powers and duties granted to and imposed upon said board by the provisions of this act, and to manage and control the business and affairs of the district.

Rules and regulations.

Said board of directors shall have power to adopt rules and regulations and shall cause such rules and regulations made by it from time to time to be posted upon park or other property of the district to which they apply and shall cause the same to be published at least once in some newspaper published in the county or counties within which said district is in whole or in part situated, and such posting and publication shall be sufficient notice to all persons. The sworn affidavit of the district manager, superintendent, or the secretary that such rules and regulations have been posted and published as herein provided shall be prima facie evidence thereof. A copy of such rules and regulations, attested by any member of the board or by its secretary shall be prima facie evidence that said rules and regulations have been made by the board of directors as provided by law.

Punishment of violations.

Any violation of any rule or regulation lawfully made by said board of directors shall constitute a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both. Any justice of the peace within any township lying wholly or in part within said regional park district, or any municipal court which may be established within such regional park district, shall have jurisdiction of all prosecutions under this act and for violations of any ordinances, rules and regulations adopted by said board of directors of any regional park district.

District police.

The police appointed or employed by any such board of directors, in accordance with the provisions of this act, shall have, within the district in which they are appointed or employed, all the powers of police officers of municipal corporations except the power of serving and executing civil process.

Recreation facilities.

Said board of directors shall have authority to acquire, construct, improve, maintain, and operate golf courses, bathhouses, boathouses, tennis courts, gymnasiums, and other special amusements and forms of recreation, and to acquire, construct, or complete any and all buildings, structures, waterways, lakes, equipment and other facilities necessary or convenient therefor; and it shall have authority to fix and collect fees for the use by the public of any boats, bathing suits,

lockers, golf courses, tennis courts, or other special facilities, services, or equipment.

Sale of unnecessary property.

In the event that any land or property owned by the district, or any interest therein, in the opinion of the board of directors of the district, becomes unnecessary for the purposes of the regional park district, said board is authorized and empowered, subject to the provisions of section 9 hereof, to sell such lands or property, or any interest therein; or to lease the same, for nonpark purposes, for a period not to exceed ten years; and when, in the judgment of said board, such land or property is temporarily unnecessary for park purposes, the same may be leased, for nonpark purposes, for a term not to exceed ten years, with an express provision in such lease that should the board of directors by ordinance determine to use such lands for park or other district purposes, such lease should thereby be terminated. The proceeds of any such sale or lease of lands or property, or any interest therein, shall be used and applied to such of the purposes of the district as the board of directors shall by resolution determine.

Flood control projects.

Whenever it shall, in the opinion of the board of directors of the district, become necessary or advisable to acquire or construct any works, structures, or embankments, in order to protect the property of said district from damage by flood or storm waters, the board of directors of said district shall have power to acquire or construct such works, structures, or embankments. If, in the opinion of said board of directors, such works, structures, or embankments are necessary or advisable not only to protect the property of said district, but other property not owned by the district as well, the board of directors of said district may enter into contract with any flood control district or other municipal or public corporation, and may grant rights of way, for such period of time as the board of directors shall determine, over the property of said regional park district to such flood control district or other municipal or public corporation, whereby such flood control district or other municipal or public corporation shall be authorized and permitted to construct such works, structures, or embankments.

Title to property.

The legal title to all property acquired by the district under the provisions of this act shall immediately and by operation of law vest in such district, and shall be held by such district in trust for, and is hereby dedicated and set apart for, the uses and purposes set forth in this act. The said board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property, as herein provided. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act in the name of such regional park district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act,

or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this act, or acquired in pursuance thereof, and in all courts, actions, suits, or proceedings the said board may sue, appear, and defend, in person or by attorneys and in the name of such regional park district.

Condemnation proceedings

SEC. 17. Condemnation Proceedings. In case of condemnation proceedings, the board shall proceed, in the name of the district, under the provisions of title seven, part three of the Code of Civil Procedure of this State, which said provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken, or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law

Directors or officers must not be interested in contract

SEC. 18. Directors or Officers Must Not Be Interested in Contract. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom, and, for any violation of this provision, such director or officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment.

District may issue bonds, not in excess of five per cent, under provisions of municipal bond act

SEC. 19. District May Issue Bonds, Not in Excess of Five Per Cent, Under Provisions of Municipal Bond Act. For the purpose of acquiring, constructing, or completing any improvement or improvements authorized hereunder, or for the purpose of acquiring any land or property necessary or useful therefor, the board of directors of any regional park district may incur an indebtedness not in excess of five per cent, of the assessed valuation of the real and personal property situated therein, and may issue bonds therefor under and in full compliance with the provisions of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof." The provisions of said act as the same may exist from time to time and so far as they may be applicable, shall govern all regional park district bond issues, and the board of directors of each regional park district shall be deemed and held to be the legislative branch of the district, and authorized to do all acts and things which may be done by the legislative branch of cities, towns, and municipal corporations in the incurring of indebtedness and the issuance and sale of bonds; provided, however, that taxes for the payment of said bonds shall be levied and collected in the manner in this act provided. The bonds issued under the provisions of this section shall be signed by the president of the board of directors and the treasurer of the district, and countersigned by the secretary.

Stats 1901, p 27.

The coupons shall be signed by the treasurer. In case any of such officers whose signatures appear on the bonds or coupons issued under the provisions of this section, shall cease to be such officers before the delivery of such bonds to the purchaser, such signatures or countersignatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until the delivery of the bonds. Coupons

SEC. 20. Bonds to be Paid by Annual Tax Levy. For the purpose of paying all sums coming due for principal and interest on all bonds of any regional park district, there shall be levied and collected each year in the manner hereinafter in this act provided, a tax sufficient to pay the annual interest on such bonds and, also, such part of the principal thereof as shall become due before the time for fixing the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and, also, to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes in this section required to be levied and collected, shall be in addition to all other taxes levied for regional park district purposes, and shall be collected at the same time and in the same manner as other regional park district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest. Bonds to be paid by annual tax levy

SEC. 21. Levy and Collection of Taxes. On or before the second Monday in August of each year, the county auditor of each county in which any portion of a regional park district is located, must transmit to the board of directors of such district and to the board of supervisors of each county in which such district is located, a statement in writing showing the total value of all real and personal property within such district and within his respective county, which value shall be ascertained from the assessment books of such county as equalized and corrected by the board of supervisors of such county. The board of directors of such regional park district shall, on or before the last Tuesday of August of each year, cause to be prepared and submitted to the board of supervisors of each county in which any portion of said regional park district is located, a detailed statement showing separately the estimated amount of money that will be required for the payment of principal and interest upon bonds of such district before the time for fixing the next general tax levy, and, also, the estimated amount of money that will be required for the operation, maintenance, upkeep, and repair of the parks, playgrounds, parkways, scenic drives and boulevards, and property of the district, and to defray the expenses of administering the affairs of the district. The board of super- Levy and collection of taxes.

visors of each county in which any part of such regional park district is located, shall thereupon at the time of making the general tax levy in each year, levy a tax upon all the real and personal property within such district and within their respective county at a rate sufficient to meet the proportion of taxes necessary to be raised in the county for the purpose of paying the principal and interest of the bonds of the district and all other requirements of the district as shown by the estimate of the board of directors of the district. The amount of such taxes to be raised in each county shall be in the same proportion as the assessed valuation of the taxable property in the district within such county is to the assessed valuation of all property in the district. Such taxes shall be assessed, levied, and collected at the same time and in the same manner as other county taxes are assessed, levied, and collected, and shall be deposited when collected with the treasurer of the regional park district.

Annexation of territory

SEC. 22. Annexation of Territory. The boundaries of any regional park district may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof, upon proceedings being had and taken as hereinafter in this act provided. The board of directors of any such district, upon receiving a written petition therefor, signed by fifty (50) qualified electors in the territory, whether city or county territory, proposed to be annexed, and which territory is described in said petition and is contiguous to said district, and upon having the sufficiency of the signatures certified by the secretary of the district, must set the same for a hearing. Notice of such hearing, specifying the time and place, shall be published twice in a newspaper of general circulation in the county where such territory so to be annexed lies, and, likewise, in a newspaper of general circulation in the county having the largest area in the district, the first publication in each case to be at least ten days before the day of said hearing. At the conclusion of said hearing, the board of directors of said district shall pass a resolution, either approving the said petition in whole or in part, or denying the same; provided, that, if it approves it in part only, it shall describe in said resolution the territory proposed to be annexed to said district. If said petition has been approved in whole or in part, the board of directors shall thereupon proceed further with the calling of an election in the territory then proposed to be annexed, as described in said resolution passed at the conclusion of said hearing, and shall, either as a part of said resolution or by a later resolution, call said election and submit to the electors residing in the territory proposed to be annexed, the question whether such territory shall be annexed to, incorporated in, and made a part of such regional park district; and said resolution may provide for precincts, and shall designate the polling places and election officers in each precinct. Whenever any regional park district to which it is proposed to annex territory under the provisions of this

Petition

Notice

Hearing

Calling election

act, shall have incurred or authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of any district improvement or improvements, the petition and notice of hearing may specify this fact, and, in that case, such resolution may submit to the electors residing in the territory proposed to be annexed to such regional park district, the question whether such new territory shall be annexed to, incorporated in, and made a part of said regional park district, and the property therein be, after such annexation, subject to taxation, equally with the property within such regional park district, to pay a specified portion of such bonded indebtedness of such regional park district, outstanding at the date of said petition or theretofore authorized.

Notice of election.

Notice of Election. Such board of directors is hereby empowered, and it shall be its duty, to cause notice to be given of such election by the publication of a notice thereof in a newspaper of general circulation, printed and published in the county or counties in which the territory so proposed to be annexed is situated, at least once a week for a period of four successive weeks next preceding the date of such election. Such notice shall distinctly state the date of such election and the proposition to be submitted, to wit, that it is proposed to annex to, incorporate in, and make a part of such regional park district, the territory sought to be annexed, specifically describing the boundaries thereof. In addition to said description, such territory shall also be designated by some appropriate name or other words of identification by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of such annexation is submitted, as in this act provided. The electors in such territory shall be directed by such notice to vote upon such question in the manner hereinafter set forth in this section. Whenever the resolution calling such election also submits to the electors in the territory proposed to be annexed, the question whether after annexation the property therein shall be subject to taxation for the bonded indebtedness of the district then outstanding or theretofore authorized, such notice shall, in addition, state that after such annexation the property therein shall be subject to taxation, equally with the property within such regional park district, to pay such specified bonded indebtedness of such regional park district outstanding at the date of said petition or theretofore authorized, and to be represented by bonds of such regional park district thereafter to be issued. The said notice shall, in general terms, specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, and the amount or amounts of such indebtedness theretofore authorized and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable or to be payable on such indebtedness. Said notice shall designate the voting precinct or precincts, and the place or places

at which the polls will be open, and shall designate the election officers, to consist of two judges and one inspector, each of whom shall be a qualified elector of the voting precinct in which he is appointed to act as an officer of such election. If none are so appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them, and they shall conduct the election.

Consolidation of election.

Consolidation of Election. Said election may be consolidated with, or held separately on the same day as, any other State, county or city election, as provided in section 5 (a) hereof, and in case of consolidation the resolution calling the election and the notice thereof need not state or designate the precincts, polling places, or election officers, but may provide such alternative matters as are specified in said section 5 (a).

Ballots.

Ballots. Upon the ballots to be used at such election, there shall be printed, if applicable, a concise statement of the bonded indebtedness of the regional park district for the payment of which the property in the territory to be annexed will be subject to taxation, equally with the property within such regional park district, together with such instructions as are required by law to be printed thereon, and, in addition thereto, shall appear the following:

Shall (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the _____ regional park district?	Yes No	

If any elector shall stamp a cross (+) in the voting square after the printed word "Yes," the vote of such elector shall be counted in favor of the annexation of the territory referred to in such proposition to the regional park district named therein, and the taxation of the property in such territory to be annexed for the bonded indebtedness of the district therein specified; and if an elector shall stamp a cross (+) in the voting square after the printed word "No," the vote of such elector shall be counted against such annexation.

Count of ballots.

Count of Ballots. The judges and inspector of such election for each polling place shall, immediately on the closing of the polls, count the ballots, make up, certify, and seal the ballots, and tally sheets of the ballots, cast at their respective polling places, doing so, as nearly as practicable, in the manner provided in the laws of this State relating to general elections; and they shall thereupon deliver the ballots and tally sheets, and return to and deposit the same with the secretary of such regional park district.

Canvass of returns.

Canvass of Returns. Such board of directors shall, on the first Monday after said election, canvass said returns. Immediately upon the completion of such canvass, said board of directors shall adopt a resolution, stating the proposition submitted and showing the whole number of votes cast thereon

in the territory proposed to be annexed, the number of votes cast therein in favor of annexation, and the number of votes cast therein against annexation.

Should majority favor, annexation complete.

SEC 23. Should Majority Favor, Annexation Complete. If it should appear from the canvass of the returns of the election held in the territory proposed to be annexed to any regional park district, as provided in section 22 of this act, that a majority of all the votes cast in such outside territory on the question of such annexation are in favor of annexation, such board of directors may, by resolution containing a description of the territory so annexed, approve such annexation within sixty days from the date of the holding of such election, and the secretary shall cause a certified copy of said resolution to be recorded with the county recorder of the county where said annexation territory is located, and shall file with the Secretary of State a certified copy of the same. From and after the date of said recording and the said filing of said document in the office of the Secretary of State, the annexation of such territory so proposed to be annexed and described therein, shall be deemed to be, and shall be, complete, and, thenceforth, such annexed territory shall be, to all intents and purposes, a part of such regional park district, and shall be subject to taxation for all district purposes for the fiscal year following the first Monday in March after such annexation and thereafter; provided, that no property in such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such regional park district contracted prior to or existing at the time of such annexation, except that the property within such annexed territory shall be taxed to pay the bonded indebtedness specified in said notice, provided for by section 22 hereof, equally with the property within such district as it existed prior to such annexation.

Bonds legal investment for trust funds, etc

SEC. 24. Bonds Legal Investment for Trust Funds, Etc. The bonds of any regional park district issued pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties or school districts in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act; and whenever bonds of cities, cities and counties, counties, school districts, or municipalities may, by any law now or hereafter enacted, be used as security for the performance of any act, such bonds of said district may be so used.

Value of bonds

SEC. 25. Value of Bonds. All bonds issued by any regional park district under the provisions of this act, are hereby given the same force, value, and use as bonds issued by any municipality in this State, and shall be free and exempt from all taxation within the State of California.

Recall of officers

SEC. 26. Recall of Officers. Every director of any regional park district shall be subject to recall by the voters of such regional park district in accordance with the recall provisions of the general laws of the State with reference to county officers.

Additional powers of board of directors.

SEC. 27. Additional Powers of Board of Directors. All matters and things necessary for the proper administration of the affairs of said district which are not provided for in this act shall be provided for by the board of directors of the district.

Contracts, advertising for bids

SEC. 28. Contracts, Advertising for Bids. All contracts for furnishing materials or supplies, or for constructing any building, structure, or improvement, when the expenditures will exceed the sum of five hundred dollars, shall be let to the lowest responsible bidder, after notice inviting bids, published in a newspaper in the district at least one week before the time of receiving such bids; provided, that the board of directors may reject all bids and readvertise, or by a four-fifths vote elect to purchase the materials or supplies in the open market, or to construct the building, structure, or improvement by force account.

Construction of act.

SEC. 29. Construction of Act. This act shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Constitutionality.

SEC. 30. Constitutionality. In case any section, subsection, sentence, clause, or phrase of the act, is for any reason held to be unconstitutional, or invalid, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Urgency.

SEC. 31. Urgency Measure. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the Constitution of the State of California and shall take effect immediately. The facts constituting such a necessity are as follows: Various regional regions exist within the State of California where the congestion of population has increased with great rapidity and no proper provisions have been made for adequate park and playground facilities and for property rights assuring an adequate approach to the beaches. That due to this condition, children are, in many instances, forced to conduct their outdoor play in the streets where their life and health are endangered by heavy traffic, and the public will soon be prevented from using the beaches for swimming or recreation, unless immediate steps are taken to preserve the permanent access to such beaches. That the lack of park and playground facilities and proper access to the beaches and other facilities for public recreation and outdoor exercise will,

unless taken care of promptly, become a general menace to life and health. That this act is necessary to afford the means of combined action in these matters by the different communities in the regional regions.

Validating organization.

SEC. 32. Validating Organization. All districts which may have been created and established under this act, prior to the actual taking effect of the same, and which have been authorized by the affirmative vote, at an election held for that purpose, of a majority of the electors voting upon the proposition of the creation and establishment of such a district, are hereby declared to be legally and duly formed, created, established and existing regional park districts; and all proceedings taken under this act, prior to the actual taking effect of the same, leading up to the creation or establishment of any regional park district are hereby legalized, ratified and confirmed and declared to be valid to all intents and purposes; provided only that the creation and establishment of such district has been or shall be approved by a majority of the electors voting upon the proposition of the creation and establishment of such district.

CHAPTER 1044.

An act to add a new section to the Political Code to be numbered 3714b, relating to expenditures of counties, cities and counties, municipalities, districts or other political subdivisions of the State, declaring the urgency thereof and to provide that this act shall take effect immediately.

[Approved by the Governor August 7, 1933. In effect immediately.]

The people of the State of California do enact as follows:

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 3714b, to read as follows:

Application for permission to exceed limitation on expenditures.

3714b. The tax levying authority or the governing body of any county, city and county, municipality, district or other political subdivision of this State may apply to the State Board of Equalization for permission to exceed in any year the limitations on expenditures set forth in section 20 of Article XI of the Constitution of this State. The application shall be in writing and must be filed with the board at least thirty days before the date fixed for the determination of the tax rate of such county, city and county, municipality, district or other political subdivision for the year for which permission to exceed the limitations on expenditures is requested. The board shall meet to consider such application and shall grant a hearing thereon if requested by such tax levying authority or governing body. In acting upon any such application the board shall give due weight to changes

in population, economic conditions, and such other factors or circumstances as may influence or affect the need for increased governmental expenditures. Within twenty days after filing any such application, the board shall approve or disapprove such application either in whole or in part, and shall immediately send notice thereof to the tax levying or governing body making such application. Any increase authorized by the board as herein provided shall not be considered in determining the maximum amount permitted to be expended by any such county, city and county, municipality, district or other political subdivision during the succeeding year.

Action by board.

Reduction of school district expenditures

The board of supervisors of each county, or city and county, shall have power and it shall be its duty at the time of levying school district taxes to reduce the total amount of the expenditures of the school district proposed to be made during the current school year by such amount as may be necessary to prevent such proposed expenditures from exceeding the actual expenditures of the school district during the preceding school year by more than five per cent; provided that the board of supervisors shall not reduce the proposed expenditures of any school district which has secured written permission from the State Board of Equalization, or which has been authorized by a two-thirds vote of the electors thereof, to exceed the limitations on expenditures set forth in section 20 of Article XI of the Constitution of this State.

Revision of estimates

The superintendent of schools of each county, or city and county, shall have power at any time prior to the levy of school district taxes to revise estimates of income from the several sources as indicated in the budgets submitted by governing boards of school districts for the school year 1933–1934; provided that no revision of estimates of school district income so made shall operate to increase the expenditures proposed in such school district budgets.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and should go into effect immediately.

The following is a statement of the facts constituting such necessity: County, city, and school district budgets for the 1933–1934 fiscal year are now in the process of preparation and must soon be finally prepared, approved and adopted. These budgets will be subject to the limitations contained in section 20 of Article XI of the Constitution and in view of the possible necessity of exceeding the constitutional limitations for unemployment relief and for other reasons it is essential that this act take effect immediately in order to provide the proper machinery for exceeding such limitations in the manner provided in section 20 of Article XI of the Constitution.

CHAPTER 1045.

An act to add two new sections to the Political Code to be numbered 3663a and 3663b and to amend section 3692 of said Code, all relating to the powers and duties of the State Board of Equalization and making an appropriation for the support of said board in the discharge of such duties.

[Approved by the Governor August 22, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 3663a, is hereby added to the Political Code to read as follows: New section.

3663a. The State Board of Equalization shall assess all the property required to be assessed by it under the provisions of section 14 of Article XIII of the Constitution of this State at its actual value on the first Monday in March at twelve o'clock meridian. Assessment of property.

In assessing notes and solvent credits and equitable or legal interests therein, not secured by mortgage, deed of trust, contract or other obligation, where land situated within this State is pledged as security therefor, a deduction from the assessed value shall be made of such debts including notes, unsecured by mortgage, deed of trust, contract or other obligation, where land situated within this State is pledged as security therefor, as may be owing by such person, firm, corporation or association to bona fide residents of this State. Notes, solvent credits, etc.

The State Board of Equalization must exact from each person, firm, copartnership, association, estate, trust, business trust, receiver, syndicate, company or corporation owning, claiming, possessing, using, controlling or managing any of the property mentioned in this section, a statement under oath, setting forth specifically on forms prescribed by the board whatever information the State board may require to make an assessment of such property. Such statement shall be filed with the board between the first Monday in March and the first Monday in April of each year; at any time during the year the board may require and it shall be furnished with such information or records for examination as may be required by it to make an assessment of such property. No assessment shall hereafter be rendered invalid by reason of the failure of the board to demand or secure the statement required by this section. If such statement is not furnished as above provided, the assessment made by the board upon the property of the person, firm, copartnership, association, estate, trust, business trust, receiver, syndicate, company or corporation failing to furnish such statement is conclusive and final. Statement of owner.

The board shall have the power, and it is hereby authorized to require the assessor of any county, city and county or incorporated city or town of this State to report to it on or before the first Monday in June, on such forms as the board may prescribe, any information in his possession concerning the Reports of county assessors

actual value on the first Monday in March at twelve o'clock meridian of any of the property required to be assessed by the board.

Aid from State agencies.

The board is hereby authorized and empowered to call upon any State department, board, bureau or commission or personnel thereof, for such assistance, cooperation, information and service as it may render to the board.

Employees

To carry out the provisions of this section, the board shall employ, exempt from the provisions of the Civil Service Act, such assistants as it may deem necessary to serve for such time and for such compensation as the board may determine.

New section

SEC. 2. A new section, to be numbered 3663b, is hereby added to the Political Code to read as follows:

Assessment of property

3663b. The State Board of Equalization must meet at the State Capital on the first Monday in March, and continue in open session from day to day, holidays excepted, until the third Monday in June. At such meetings the board must assess the property mentioned in the preceding section. Assessments must be made to the person, firm, copartnership, association, estate, trust, business trust, receiver, syndicate, company or corporation owning the same; except said board may assess such property either to the one using or controlling the same, or to the one to whom it belongs. If the name of the owner or user is unknown to the board, such assessment must be made to unknown owners. Clerical errors occurring or appearing in the name of any company, person, association, or stockholder whose property is correctly assessed, or in the making, or extension of any assessment upon the records of the State Board of Equalization, which do not affect the substantial rights of the taxpayer, shall not invalidate the assessment.

Clerical errors

Notice of assessment.

On the first Monday in June the board shall publish a notice in one daily newspaper of general circulation published at the State Capital, in one daily newspaper of general circulation published in the City and County of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, that the assessment of property in accordance with section 14 of Article XIII of the Constitution of this State has been completed, and that if the owner of any property assessed by the board or the one to whom it is assessed is dissatisfied with the assessment made by the board he may, at any time prior to the third Monday in June, apply to the board to have the same corrected in any particular.

Corrections.

The board shall have power at any time on or before the third Monday in June to correct any assessment made by the board in pursuance hereof and may increase or decrease any such assessment if in its judgment the evidence presented or obtained warrants such action.

Assessments transmitted to assessors

Immediately after the third Monday in June the board shall transmit to the assessor of each county, city and county and incorporated city or town a statement showing the valuation upon all property assessed by the board located in each district

in such county, city and county or incorporated city or town, equalized with the other property in said taxing jurisdictions. In case the duties of the assessor of any incorporated city or town are performed by the assessor of the county in which such city or town is located, the statement concerning the property located in the city or town shall be sent to such county assessor. Upon receiving any such statement, the assessor of each county or city and county shall enter the assessments set forth therein upon the assessment book or roll of the county or city and county, and the assessor of each incorporated city or town shall enter such assessments upon the assessment book or roll of the city or town.

Extent of taxation

All such property shall be subject to taxation to the same extent and in the same manner as other property, except as otherwise provided in section 14½ of Article XIII of the Constitution.

Stats 1931, p 1434

SEC. 3. Section 3692 of the Political Code is hereby amended to read as follows:

Powers of Board of Equalization

3692. The powers and duties of the State Board of Equalization are as follows:

Rules.

1. To prescribe rules for its own government and for the transaction of its business.

Rules and regulations

2. To prescribe rules and regulations, not in conflict with the Constitution and laws of the State, to govern local boards of equalization when equalizing, and assessors when assessing.

Forms

3. To prescribe and enforce the use of all forms for the assessment of property for taxation, and the collection of taxes thereon, in this State and the local taxing jurisdictions thereof.

Instructions to assessors

4. To prepare and issue instructions to assessors designed to promote uniformity throughout the State and the local taxing jurisdictions thereof in the assessment of property for the purposes of taxation; to adapt such instructions to varying local circumstances and to differences in the character and conditions of property subject to taxation as in the judgment of the board shall be deemed necessary to attain such uniformity.

Meetings with assessors.

5. To summon assessors to meet with the board or its duly authorized representatives at least once each year, at such place or places within the State as may be designated by the board, for the purpose of the discussion of the problems of administration of assessment and taxation laws and to promote uniformity of procedure in tax matters throughout the State The expenses of any assessor attending such sessions shall be a charge against the funds of his county or city to be paid in the same manner as other county or city charges are paid.

Instruct, advise and direct assessors

6. To instruct, advise and direct assessors and tax collectors as to their duties under the laws of the State and, in such cases as the board may deem necessary, to obtain the opinion of the Attorney General upon any questions of law relating to such duties.

Meetings

7. To hold regular meetings at the State Capital on the second Monday in each month, and such special meetings at

any place within the State as the chairman may direct. At such special meetings the board may transact any and all business and perform all duties imposed upon it by law and give and enter any and all orders and decrees within its jurisdiction; provided, that the final action of the board in increasing or lowering a local assessment roll, or the final act in making the assessment of property required to be assessed by the board under the provisions of section 14 of Article XIII of the Constitution of this State, shall be performed only at the State Capital.

Equalization of local taxes.

8. To meet at the State Capital on the third Monday in July, and to remain in session from day to day, holidays excepted, up to and including the third Monday in August; during such session, under such rules of notice as the State Board of Equalization may prescribe, to equalize the assessment of property within the several taxing jurisdictions of the State and throughout the State.

Inspection of property.

9. Whenever deemed necessary, to visit as a board, or by the individual members thereof, or to send its secretary or duly appointed representative to, the several counties and cities for the purpose of inspecting property and learning the value thereof, and of collecting information to enable the State Board of Equalization to equalize assessments and levy the taxes as provided by law.

Inspection of officers

10. To inspect either as a board, individually or by its duly appointed representative or representatives, the work of any local officers whose duties relate to the assessment of property for taxation and the collection of taxes; to require such officers to produce any public records in their custody, and to give testimony with reference to such matters of assessment and tax collecting as may be deemed useful to the board in its investigations.

Witnesses

11. To issue subpoenas for the attendance of witnesses or the production of books before the board, or the secretary thereof, or any member thereof; which subpoenas must be signed by a member of the board, or the secretary thereof, and may be served by any person.

Secretary

12. To appoint its secretary, prescribe and enforce his duties. The secretary shall hold his office during the pleasure of the board and shall receive such compensation as may be

Assistants

prescribed by the board. To employ, exempt from the provisions of the Civil Service Act, such expert and clerical assistants as it may deem necessary in the performance of its powers and duties, to serve for such time and for such compensation as the board may determine.

Report to Governor

13. To report to the Governor, biennially, a statement showing:

First—The acreage of each county in the State that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all real estate within an incorporated city or town.

Fourth—The aggregate value of all real estate in the State.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the State.

Seventh—Any information relative to the assessment of property and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

Records. 14. To keep a record of all its proceedings.

Production of books, etc. 15. To require any person having knowledge of the business of any person, firm, association or corporation subject to assessment by the board, or having the custody of the books, accounts, and papers of such person, firm, association or corporation, to attend before the board, or any member thereof, and bring with him for inspection any books, accounts, or papers, of such person, firm, association or corporation in his possession and under his control, and to testify under oath touching any matter relating to the organization or business of such person, firm, association or corporation.

Examination of books, etc. 16. To examine the books, accounts, and papers of all persons, firms, associations or corporations required by law to report to the board, and to employ, exempt from the provisions of the Civil Service Act, an expert accountant or accountants to assist in the examination of the books, accounts, and papers of any company when in the judgment of said board the exigencies of the case may so require.

Failure of witnesses to appear: Penalty 17. Any officer, employee, or agent of a person, firm, association or corporation required to report to the board, or any local officer, or witness, duly subpoenaed, who shall refuse or neglect to attend before the board, or any member thereof, or shall refuse to bring with him and submit for inspection any books, accounts or papers in his possession, custody, or control, or shall refuse to answer any questions put to him by any member of the board, touching the matters under investigation by the board, shall be deemed guilty of contempt, and may be punished by a court of competent jurisdiction, by imprisonment in the county jail, not to exceed five days, or by a fine of not to exceed five hundred dollars, or by both such fine and imprisonment.

Appropriation. SEC. 4. The sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the State treasury, not otherwise appropriated, to pay the expenses incurred by the State Board of Equalization in the performance of its powers and duties as prescribed by this act.

CHAPTER 1046.

An act making an appropriation to pay the claim of C. D. Plum against the State of California.

[Approved by the Governor August 22, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

Special appropriation.

SECTION 1. The sum of two thousand dollars ($2,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of C. D. Plum against the State of California.

CHAPTER 1047.

An act to amend section 4.377 of the School Code relating to school district tax rates, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor August 22, 1933. In effect immediately.]

The people of the State of California do enact as follows:

Stats. 1931, p. 2492.

SECTION 1. Section 4.377 of the School Code is hereby amended to read as follows:

School district tax rates.

4.377. Increase in tax rates, as provided in this article, shall remain in effect only for the period specified on the ballot.

The maximum rate of district tax of any school district, as said tax rate existed prior to August 21, 1933, shall continue to be the maximum rate of district tax for such school district until July 1, 1934.

Ch. 490, Stats. 1933, superseded

SEC. 2. The provisions of this act shall supersede the amendment of section 4.377 contained in the provisions of chapter 490 of the Statutes of 1933. It is hereby declared to be the intent of the Legislature that the said amendment contained in said chapter shall be without effect as to any portion thereof which conflicts with this act.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall, therefore, go into immediate effect.

The facts constituting the necessity are as follows:

A number of school districts in California have heretofore increased their maximum rates of school district tax under School Code sections 4.375, 4.376 and 4.377 of the School Code, under which sections the maximum rate of school district tax, as increased by the voters of a school district, remained the maximum rate of school district tax in such district until diminished or further increased by the voters thereof. Under

the provisions of chapter 490 of the Statutes of 1933, which becomes effective August 21, 1933, increases in the maximum tax rate of a school district may be made by the voters of a district only for a period specified on the ballot of the election for an increase in such rates. There is a grave possibility that chapter 490 of the Statutes of 1933 may be construed so as to have a retroactive effect, and thus render ineffective increases in the maximum school district tax rates heretofore voted by the electors of school districts. If such a construction is made, there will not be sufficient time between August 21, 1933, when said chapter 490 of the Statutes of 1933 takes effect, and the first day of September, when school district taxes are levied, to permit the voters of a school district to increase the maximum district tax rate established by law for such district. This would prevent the electors of a school district from voting the necessary increase in the maximum tax rate of such school district and would operate to the detriment of the public schools and the children attending upon such schools.

CHAPTER 1048.

An act to amend section 6¾ of the Inheritance Tax Act, relating to exemptions and rates of tax. Stats 1921, p 1500, amended.

[Approved by the Governor August 22, 1933 In effect October 25, 1933]

The people of the State of California do enact as follows:

SECTION 1. Section 6¾ of the act cited in the title hereof is hereby amended to read as follows: Stats. 1929, p 1834.

Sec. 6¾. Property of the clear value of twenty-five thousand dollars transferred to the wife of decedent shall be exempt and when the market value of such property or interest passed or transferred exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows: Exemptions. Rates of tax.

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, two per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, four per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, six per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars and up to three hundred thousand dollars, seven per centum of such excess.

(e) Upon all in excess of three hundred thousand dollars, eight per centum of such excess.

CHAPTER 1049.

Stats 1933, Ch 211, amended.

An act to amend sections 1 and 4 of an act entitled "An act for the taxation of Massachusetts or business trusts," approved May 1, 1933, making an appropriation therefor and providing that this act shall take effect immediately.

[Approved by the Governor August 22, 1933. In effect immediately.]

The people of the State of California do enact as follows:

Stats. 1933, Ch 211.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Tax on net income

Section 1. Every Massachusetts or business trust doing business within the limits of this State shall annually pay to the State for the privilege of doing business within this State a tax according to or measured by its net income to be computed in the manner hereinafter provided at the rate of two per centum upon the basis of its net income for the next preceding fiscal or calendar year.

Minimum tax

In any event each such Massachusetts or business trust shall annually pay to the State for the said privilege a minimum tax of twenty-five dollars.

Accrual

Taxes under this section shall accrue on the first day after the close of the taxable year as hereinafter defined.

Stats 1933, Ch 211.

SEC. 2. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Statement

Sec. 4. The trustees of any Massachusetts or business trust, as herein defined, shall file with the State Franchise Tax Commissioner a statement describing such trust and the business carried on thereby and containing a description of the property held by the trust and identifying the trust by number.

Form

The State Franchise Tax Commissioner shall have power to prescribe the form in which such statement shall be made and the manner of setting forth therein the required information.

Penalty

If said statement is not filed as herein provided by or in behalf of any Massachusetts or business trust now doing business within the limits of this State within 120 days after May 1, 1933, or, in case of any Massachusetts or business trust commencing to do business within the limits of this State after the effective date of this act if said statement is not filed as herein provided prior to commencing to do business, such trust and the trustees thereof shall be subject to and liable for a penalty in twice the amount of the tax provided for in this act.

Appropriation

The sum of six thousand dollars is hereby appropriated to be expended in accordance with law by the Franchise Tax Commissioner in the administration of this act during the eighty-fifth and eighty-sixth fiscal years.

Tax levy

SEC. 3 This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the pro-

visions of section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 1050.

An act to amend Chapters I and II of Part I of Division IV of the School Code, Chapters II and III of Part II of Division IV thereof, sections 4.52, 4.56, 4.270, 4.785, 4.786, 6.383 and 6.384 thereof; to add a new Article IV to Chapter II of Part IV of Division IV thereof, a new Article IA to Chapter III of Part IV of Division IV thereof and sections 3.611, 3.612, 4.705, 4.787 and 4.788 thereto; and to repeal Chapter VII of Part I of Division IV thereof, and Articles IV, V, and VII of Chapter II of Part IV of Division IV thereof, Article II of Chapter III of Part IV of Division IV thereof, and sections 3.321, 3.322, 3.323, 3.324, 3.339, 4.223, 4.784, 4.891-1, 4,891-2, 4.896 and 4.898 thereof, all relating to the public school system, declaring the urgency thereof, and providing that this act shall go into effect immediately.

[Approved by the Governor August 22, 1933. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Chapter I of Part I of Division IV of the School Code is hereby amended to read as follows: Sch. Code 1929, p. 151.

PART I—STATE ELEMENTARY SCHOOL SUPPORT.

CHAPTER I—STATE ELEMENTARY SCHOOL SUPPORT.

Article I—State School Fund.

4.1. The State Controller shall during each school year transfer from the general fund of the State to the State school fund such sums, in addition to the sums accruing to said State school fund from other sources, as shall provide in such State school fund for distribution during said school year a total amount to be computed as follows: State school fund.

There shall first be provided an amount not less than thirty dollars per pupil in average daily attendance in the day and evening elementary schools in the public school system during the next preceding school year, as certified by the Superintendent of Public Instruction. Computation of amount to be transferred.

In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the elementary school districts for one-half the excess cost of educating physically handicapped pupils as provided by this Code; provided that such amount shall not exceed one hundred dollars for each unit of average daily attendance during the next preceding school year of such physically handicapped pupils. To these amounts there shall

be added such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the several counties for one-half the amount apportioned to elementary school districts on account of special schools or classes for the children of migratory laborers as provided by this Code; provided that the amount so certified by the Superintendent of Public Instruction shall not exceed seventy-five dollars per calendar month per teacher employed in such special schools or classes during the next preceding school year.

Transfer by Treasurer

4.2. The State Treasurer shall transfer from the general fund to the State school fund such sums as shall be certified to him by the State Controller under the provisions of this Article.

Accounts

4.3. The Controller must keep a separate account of the school fund, and of the interest and income thereof, together with such moneys as may be raised by special tax or otherwise for school purposes.

Report.

4.4. The Controller must, on the first Monday in January and on the first Monday in July in each year, report to the Superintendent of Public Instruction a statement of the securities belonging to the school fund, of the moneys in the treasury subject to apportionment, and the several sources from which they accrued.

Payments to counties

4.5. The Controller must draw warrants on the State Treasurer in favor of the county treasurer of each county in the months of September October, November, December, January, February, March, April, May and June of each school year in such amounts as to provide in each warrant one-tenth of the total amount certified by the Superintendent of Public Instruction as apportioned from the State school fund to the county during said school year. The payment of the amounts required to be paid to the several counties during any one of the months mentioned herein may be postponed by the Controller for not to exceed thirty days, but the total amounts due such counties during any school year must be paid within such school year. The warrants so drawn shall be paid by the State Treasurer from the State school fund and shall not be subject to the provisions of Article XVIII, of Chapter III, of Title I, of Part III, of the Political Code.

Use of State school fund.

4.6. The State school fund must be used for no other purpose than the payment of the salaries of teachers of primary and grammar schools.

Article II—Payments from General Fund for Elementary Schools.

Payments for elementary schools.

4.10. At the same time and in the same manner as provided for the drawing and payment of warrants on the State school fund, the Controller must draw warrants on the State Treasurer in favor of, and the State Treasurer shall pay such warrants from the general fund of the State, the county treasurer of each county for the amounts certified by the Superinten-

dent of Public Instruction as required to be apportioned for elementary schools to each county in accordance with the provisions of section 15, of Article XIII, of the Constitution. The warrants so drawn shall not be subject to the provisions of Article XVIII, of Chapter III, of Title I, of Part III, of the Political Code.

SEC. 2. Chapter II, of Part I, of Division IV, of the School Code is hereby amended to read as follows: Sch Code 1929, p 152

CHAPTER II—STATE HIGH SCHOOL SUPPORT.

Article I—State High School Fund.

4.20. The State Controller shall during each school year transfer from the general fund of the State to the State high school fund an amount to be computed as follows: State high school fund

There shall first be transferred an amount not less than thirty dollars per pupil in average daily attendance in the day and evening high schools in the public school system during the next preceding school year, as certified by the Superintendent of Public Instruction. Computation of amount to be transferred.

In addition there shall be transferred such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse the high school districts for one-half the excess cost of educating physically handicapped pupils as provided by this Code; provided, that such amount shall not exceed one hundred dollars for each unit of average daily attendance of such physically handicapped pupils.

4.21. The State Treasurer shall transfer from the general fund of the State to the State high school fund such sums as shall be certified to him by the State Controller under the provisions of this Article. Transfer by treasurer.

4.22. The Controller must draw warrants on the State Treasurer in favor of the county treasurer of each county in the months of September, October, November, December, January, February, March, April, May and June of each school year in an amount equal to one-tenth of the total amount certified by the Superintendent of Public Instruction as apportioned from the State high school fund to the county during said school year. The payment of the amounts required to be paid to the several counties during any one of the months mentioned herein may be postponed by the Controller for not to exceed thirty days, but the total amounts due such counties during any school year must be paid within such school year. The warrants so drawn shall be paid by the State Treasurer from the State high school fund and shall not be subject to the provisions of Article XVIII, of Chapter III, of Title I, of Part III, of the Political Code. Payments to counties.

Article II—Payments from General Fund for High Schools.

4.30. At the same time and in the same manner as provided for the drawing and payment of warrants on the State high Payments for high schools.

school fund, the Controller must draw warrants on the State Treasurer in favor of, and the State Treasurer shall pay such warrants from the general fund of the State to the county treasurer of each county for the amounts certified by the Superintendent of Public Instruction as required to be apportioned for high schools to each county in accordance with the provisions of section 15, of Article XIII, of the Constitution. The warrants so drawn shall not be subject to the provisions of Article XVIII, of Chapter III, of Title I, of Part III, of the Political Code.

Stats 1931, p 1627.

SEC. 2a. Section 4.52 of the School Code is hereby amended to read as follows:

Transfer of money to State junior college fund.

4.52. If the amount so received by the State Treasurer shall be insufficient to provide the amount required to be appropriated to junior college districts, as provided in this Code, the State Controller shall transfer during the school year from the general fund of the State to the State junior college fund such amounts as may be appropriated by the Legislature; provided, however, that the amount so transferred from the general fund when added to the balance already in the State junior college fund, shall in no case exceed the total amount required to be apportioned to the junior college districts.

Sch Code 1929, p. 154.

SEC. 2b. Section 4.56 of the School Code is hereby amended to read as follows:

Payments to counties from State junior college fund

4.56. The Controller must draw warrants on the State Treasurer in favor of the county treasurer of each county in the months of September, October, November, December, January, February, March, April, May and June of each school year in an amount equal to one-tenth of the total amount certified by the Superintendent of Public Instruction as apportioned from the State junior college fund to the county during said school year. The payment of the amounts required to be made to the several counties during any one of the months mentioned herein, may be postponed by the Controller for not to exceed thirty days, but the total amount due such counties during any school year must be paid within such school year. The warrants so drawn shall be paid by the State Treasurer from the State junior college fund and shall not be subject to the provisions of Article XVIII, Chapter III of Title I of Part III of the Political Code. The treasurer of each county shall immediately place the amount received by him on account of each junior college district to the credit of such district.

Repeal.

SEC. 3. Chapter VII, of Part I of Division IV, of the School Code is hereby repealed. Any moneys remaining in the migratory school revolving fund at the time this act becomes effective shall be transferred to the State general fund.

Sch Code 1929, p. 158.

SEC. 4. Chapter II, of Part II, of Division IV, of the School Code is hereby amended to read as follows:

Chapter II—Unapportioned County Elementary School Fund.

Article I—Determination of Unapportioned County Elementary School Fund.

Unapportioned county elementary school fund: Estimate

4.160. The county superintendent of schools of every county must on or before the fifteenth day of July in each year furnish to the Superintendent of Public Instruction an estimate in writing of the minimum amount of the unapportioned county elementary school fund needed for the current school year.

What estimate to include

4.161. The county superintendent of schools shall include in his estimate of the amount of the unapportioned county elementary school fund such sums as shall be necessary to meet the expenses charged elsewhere in this Code against such fund, together with such amounts as he shall estimate as necessary for emergency apportionments to the elementary school districts of his county, the total amount so estimated not to exceed an amount equal to five per cent of the moneys apportioned to the county during the preceding school year from the State school fund.

Transfer of money

4.162 During July or August of each year the county superintendent of schools shall transfer to the unapportioned county elementary school fund, eighty per cent of any excessive balance or unnecessary surplus in any school fund of any elementary school district; and also eighty per cent of any excessive balance or unnecessary surplus in the county elementary school supervision fund, after the salary and expenses of the school supervisor or school supervisors for the preceding school year have been paid; except that funds raised by school district taxes shall not be so transferred

Estimates under prior enactment

4.163 Estimates of county elementary school funds submitted by county superintendents of schools in accordance with the provisions of section 4.160 of the School Code, as effective prior to this enactment, shall be and hereby are declared to be without force and void for the school year 1933–1934. In place of the estimates so required each county superintendent of schools shall on or before the twentieth day of August of 1933 submit an estimate in accordance with the provisions of sections 4.160 and 4.161 of the School Code as herein enacted.

Article II—Use of Unapportioned County Elementary School Fund.

Unapportioned county elementary school fund: Use

4.190. The unapportioned county elementary school fund shall be employed by the county superintendent of schools to pay such charges against this fund as are stipulated elsewhere in this Code; and to provide, with the approval of the county board of education, additional apportionments to such elementary school districts of the county for the purpose of providing emergency teachers, instructional materials and

pupil transportation as, (1) have levied the maximum district tax specified in School Code section 4.375 for purposes other than building purposes and in which the annual average current cost per pupil does not exceed the annual average current cost per pupil for all districts within the county or under the jurisdiction of the county superintendent of schools or, (2) need additional apportionments for such purposes because of temporary emergency conditions.

Stats 1931, p. 2569.

SEC. 5. Chapter III, of Part II, of Division IV, of the School Code is hereby amended to read as follows:

CHAPTER III—UNAPPORTIONED COUNTY HIGH SCHOOL FUND.

Article I—Determination of Unapportioned County High School Fund.

Estimate.

4.220. The county superintendent of every county must, on or before the fifteenth day of July in each year furnish to the Superintendent of Public Instruction an estimate in writing of the minimum amount of the unapportioned county high school fund needed for the current school year.

What to include.

4.221. The county superintendent of schools shall include in his estimate of the amount of the unapportioned county high school fund such sums as shall be necessary to meet the expenses charged elsewhere in this Code against such fund, together with such amounts as he shall estimate as necessary for emergency apportionments to the high school districts of his county. The total amount of the unapportioned county high school fund shall not exceed an amount equal to five per cent of the moneys apportioned to the county during the preceding school year from the State high school fund.

Estimates under prior enactment.

4.222. Estimates of county high school funds submitted by county superintendents of schools in accordance with the provisions of sections 4.220 to 4.230, inclusive, of the School Code, as effective prior to this enactment, shall be and hereby are declared to be without force and void for the school year 1933–1934. In place of the estimates so required each county superintendent of schools shall on or before the twentieth day of August of 1933 submit an estimate in accordance with the provisions of sections 4.220 and 4.221, of the School Code as herein enacted.

Article II—Uses of Unapportioned County High School Fund.

Purposes of fund

4.250. The unapportioned county high school fund shall be employed by the county superintendent of schools to pay such charges as are stipulated elsewhere in this Code; to provide, with the approval of the county board of education, additional apportionments to the high school districts of the county for current expenses because of temporary emergency conditions arising in such districts; and to reimburse the high school districts of the county for money actually expended by them for the transportation of pupils living in territory in

the county not included in any high school district and attending the high schools of the county. The amount to be allowed any high school district for such transportation shall not exceed five dollars per month for each such pupil transported. The high school board of each high school district educating pupils residing in the county but not in any high school district shall on or before July 10 file with the county superintendent of schools a statement showing the names and the total number of months of attendance of all such pupils and the total amount expended for their transportation.

Apportionment to high school districts.

4.251. The superintendent of schools shall apportion from the unapportioned county high school fund to each high school district within his county an amount sufficient to reimburse the high school district for money actually expended for transportation of pupils residing in territory in the county not included in any high school district, and attending such high school district during the preceding school year. The amount so apportioned shall not exceed five dollars per month for each pupil so attending.

Stats. 1933, Ch 902

SEC. 5a. Section 4.270 of the School Code is hereby amended to read as follows:

Estimate

4.270. Not later than the twentieth day of July of each year the superintendent of schools of each county in which there is not a county junior college shall certify to the board of supervisors and to the county auditor of such county the total cost of education during the next preceding school year of all junior college pupils residing in such county and not in any junior college district, nor in any high school district maintaining junior college courses, and the estimated amount needed for that purpose for the current year.

Items excluded.

The said total cost shall not include outlays for permanent construction or improvements, nor, in the case of junior college districts, moneys received from State apportionment, nor, in the case of high school districts maintaining junior college courses, moneys received from State and county apportionments, but shall include sixty-five dollars per unit of average daily attendance for the use of buildings and equipment.

Supersedes Ch 902, Stats 1933

The provisions of this section shall supersede the amendment of section 4.270 contained in the provisions of chapter 902 of the Statutes of 1933. It is hereby declared to be the intent of the Legislature that the said amendment contained in said chapter shall be without effect as to any portion thereof which conflicts with this section.

New section

SEC. 6. A new section is hereby added to the School Code to be numbered 4.705, and to read as follows:

County apportionments defined

4.705. All moneys received by school districts or counties pursuant to the provisions of section 15, of Article XIII, of the Constitution shall be considered as county school moneys; and whenever the terms county school money or county apportionments are employed in this Code such terms shall be construed as to include moneys so received.

Repeal.

SEC. 7. Section 4.784 of the School Code is hereby repealed.

Stats. 1931, p 2513.

SEC. 8. Section 4.785 of the School Code is hereby amended to read as follows:

Apportionment of State school fund balance

4.785. After making all other apportionments required from the State school fund he shall apportion the balance of the fund to the several elementary school districts of the State pro rata on the total average daily attendance in such districts during the preceding school year as reported by the county superintendents of schools.

Stats 1931, p 2513.

SEC. 9. Section 4.786 of the School Code is hereby amended to read as follows:

Payments

4.786. The Superintendent of Public Instruction shall certify his apportionment of the State school fund to the State Controller who must draw his warrants during the school year in favor of the treasurer of each county in payment of the amount so apportioned for such county.

New section

SEC. 10. A new section is hereby added to the School Code to be numbered 4.787, and to read as follows:

Credits by county treasurer

4.787. All moneys received by the treasurer of any county from the apportionments of the State school fund shall be immediately credited by such treasurer to the county elementary school supervision fund and to the special school funds of the several elementary school districts of the county, exactly as apportioned by the Superintendent of Public Instruction.

New section

SEC. 11. A new section is hereby added to the School Code to be numbered 4.788, and to read as follows:

County elementary school supervision fund

4.788. There shall be in each county treasury a special fund to be known as the county elementary school supervision fund. The county elementary school supervision fund shall be expended by the county superintendent of schools, except as otherwise provided by this Code, exclusively for the payment of the salaries and necessary expenses of supervisors to supervise instruction in the elementary school districts of the county having less than three hundred units of average daily attendance therein during the next preceding school year.

New article

SEC. 12. There is hereby added to Chapter II, of Part IV, of Division IV, of the School Code a new Article to be numbered Article IV to read as follows:

Article IV—Apportionments from State General Fund for Elementary Schools.

Apportionments to counties

4.790. It is the duty of the Superintendent of Public Instruction, at the time and in the manner as prescribed for the apportionment of the State school fund, to certify apportionments from the State general fund to the several counties for elementary schools in accordance with the provisions of section 15, of Article XIII, of the Constitution.

Computation.

4.791. He shall compute the total amount to be apportioned from the State general fund to each county for elementary schools as follows:

He shall compare the amount to be apportioned to the county from the State school fund with an amount equal to thirty dollars for each unit of average daily attendance in the day and evening elementary schools of the county during the preceding school year. The larger of the two amounts shall be the amount required to be apportioned from the State general fund to the county for elementary schools.

Amount

4.792. The total amount required to be apportioned to each county from the State general fund for elementary schools shall be paid to the treasurer of the county by the State Treasurer, on warrant drawn by the State Controller, to the credit of the several elementary school districts and county school funds as provided in the following sections.

Amount per teacher unit.

4.793. The Superintendent of Public Instruction shall allow to each elementary school district seven hundred dollars for each teacher unit allowed to such elementary school district as provided in this Code.

4.794. He shall allow to the county elementary school supervision fund of each county seven hundred dollars for each teacher unit allowed to such fund as provided elsewhere in this Code.

Cost of educating physically handicapped children

4.795. He shall allow to each elementary school district an additional amount equal to one-half the excess cost of educating physically handicapped children as provided in this Code. Such apportionment shall not exceed one hundred dollars for each unit of average daily attendance of physically handicapped children in the district during the school year.

Unapportioned fund

4.796 He shall allow to the unapportioned county elementary school fund of each county an amount equal to the sum estimated by the county superintendent of schools as the amount of the unapportioned county elementary school fund for the current school year as provided in this Code.

Proration of remainder

4.797. He shall prorate the remainder of the apportionment to each county from the State general fund to the several elementary school districts of the county on the basis of the total average daily attendance in such districts during the preceding school year.

Credits by county treasurer

4.798. All moneys received by the treasurer of any county from the apportionments of the State school fund shall be immediately credited by such treasurer to the county elementary school supervision fund, to the unapportioned county elementary school fund, and to the special school funds of the several elementary school districts of the county exactly as apportioned by the Superintendent of Public Instruction.

Repeals

SEC. 13. Article IV, of Chapter II, of Part IV of Division IV, of the School Code is hereby repealed.

SEC. 14. Article V, of Chapter II, of Part IV, of Division IV of the School Code is hereby repealed.

SEC. 15. Article VII, of Chapter II, of Part IV, of Division IV, of the School Code is hereby repealed.

New article

SEC. 16. A new Article is hereby added to Chapter III, of Part IV, of Division IV, of the School Code to be numbered Article IA to read as follows:

Article IA—Apportionments from State General Fund for High Schools.

Apportionments from State general fund

4.880. It is the duty of the Superintendent of Public Instruction, at the time and in the manner as prescribed for the apportionment of the State high school fund, to certify apportionments from the State general fund to the several counties for high schools in accordance with the provisions of section 15, of Article XIII, of the Constitution.

Computation

4.881. He shall compute the total amount to be apportioned from the State general fund to each county for high schools as follows:

He shall compare an amount equal to twice the amount of the apportionment to be made from the State high school fund to the county with an amount equal to sixty dollars for each unit of average daily attendance in the day and evening high schools of the county during the preceding school year. The larger of the two amounts shall be the amount required to be apportioned from the State general fund to the county for high schools.

Amount

4.882. The total amount required to be apportioned to each county from the State general fund for high schools shall be paid to the treasurer of the county by the State Treasurer, on warrant drawn by the State Controller, to the credit of the several high school districts of the county as provided in the following sections:

New high school districts

4.883. The Superintendent of Public Instruction shall allow one thousand dollars for each high school district which was organized during the preceding school year and in which school was not maintained during said school year.

Years maintained.

4.884. He shall allow for each high school district two hundred and fifty dollars for each year of the six-year course, covering grades nine to fourteen, inclusive, maintained in each high school therein during the preceding school year.

Amount per unit.

4.885. He shall allow to each high school district on account of each high school maintained forty dollars for each unit or major fraction of a unit of the first ten units of average daily attendance in special day classes, special evening classes and evening high school classes, including compulsory continuation classes for persons under eighteen years of age, maintained in connection with each such high school during the preceding school year; thirty dollars for each unit or major fraction of a unit of the second ten units of such attendance; and twenty dollars for each unit or major fraction of a unit of the third ten units of such attendance.

4.886. He shall allow to each high school district an additional amount equal to one-half the excess cost of educating physically handicapped children during the preceding school year. Such apportionment shall not exceed one hundred dollars for each unit of average daily attendance of physically handicapped children in the district during said school year. Physically handicapped children.

4.886-1. He shall allow to the unapportioned county high school fund of each county an amount equal to the sum estimated by the county superintendent of schools as the amount of the unapportioned county high school fund for the current school year as provided in this Code. Estimate of unapportioned county high school fund.

4.887. He shall prorate the remainder of the apportionment to each county from the general fund to the several high school districts of the county on the basis of the total average daily attendance in such districts during the preceding school year. Proration of remainder.

4.888. The treasurer of the county shall immediately place the amount received on account of each high school district in his county to the credit of the account of said district. Credits by county treasurer.

SEC. 17. Article II, of Chapter III, of Part IV, of Division IV, of the School Code is hereby repealed. Repeal.

SEC. 18. Section 6.383 is hereby amended to read as follows: Sch Code 1929, p 284

6.383. Whenever the high school board of any high school district purchases textbooks for the use of pupils residing in portions of the county not included in any high school district and attending the high school of such district, and furnishes textbooks free for the use of such pupils, the board may on or before July twentieth of each year file with the county superintendent of schools of the county in which such pupils reside, a list of such pupils and an itemized statement of the amount expended for textbooks for their use during the preceding school year. The county superintendent of schools shall include such amount in his estimate of the county unapportioned high school fund required. Statement of expenditures for textbooks

SEC. 19. Section 6.384 of the School Code is hereby amended to read as follows: Sch Code 1929, p 285.

6.384. The county superintendent of schools shall transfer from the unapportioned county high school fund to the fund of each of the several high school districts of the county, or draw a warrant in favor of the board of trustees of such high school district, for the amount claimed by each on account of textbooks furnished free for the use of pupils residing in portions of the county not included in any high school district and attending such high school. Reimbursement for textbook expenditures

SEC. 20. A new section to be numbered 3.611 is hereby added to the School Code and to read as follows: New section.

3.611. The Superintendent of Public Instruction shall make such regulation and establish such conditions as he may deem necessary for the establishment and maintenance of special schools or classes for the children of migratory laborers engaged in seasonal industries. Special schools Children of migratory laborers

New section.

SEC. 21. A new section to be numbered 3.612 is hereby added to the School Code and to read as follows:

Amount of apportionment.

3.612. The superintendent of schools of each county is hereby authorized with the approval of the Superintendent of Public Instruction to apportion out of the county unapportioned elementary school fund to districts maintaining such classes an amount not to exceed one hundred fifty dollars a month for each teacher employed on such work.

Repeals

SEC. 21a. School Code sections 3.321, 3.322, 3.323, 3.324, 3.339, 4.223, 4.891-1, 4.891-2, 4.896, and 4.898 are hereby repealed. It is hereby declared to be the intent of the Legislature that said sections of the School Code shall be repealed and that the provisions of this act shall supersede the provisions of chapter 800 of the Statutes of 1933 as to any portion thereof which conflicts therewith.

Stats 1933, Ch. 800, superseded

Urgency

SEC. 22. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: The people of the State of California having on June 27, 1933, adopted an amendment to the Constitution of this State, providing, among other matters, that the Legislature shall apportion to each county, or city and county, of this State an amount equal to the entire amount required to be raised by each such county, or city and county, respectively, under the provisions of section 6 of Article IX of the Constitution, and providing that all sums so apportioned shall be considered as though derived from county and city county school taxes for the support of county and city and county government and not money provided by the State within the meaning of said section, it is imperative that legislation providing for the making of such apportionments be enacted immediately if the public elementary and high schools of this State are to be given the support guaranteed by the Constitution. Without such immediate support the public elementary and high schools of this State will be unable to serve the citizens of this State, and their children, who would therefore be deprived of the benefits of the public school system.

CHAPTER 1051.

An act to amend section 5.63 of the School Code, relating to State teachers colleges.

[Approved by the Governor August 22, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1933, Ch 861.

SECTION 1. Section 5.63 of the School Code is hereby amended to read as follows:

5.63. Persons resident of another State may be admitted upon letters of recommendation from the Governor or Superintendent of Schools thereof. A tuition fee of seventy-five dollars for the first semester or part of a semester must be required by all teachers colleges for each such nonresident student registered therein; and a fee of thirty-seven dollars and fifty cents for each semester attended consecutively thereafter. In any teachers colleges in which the school year is divided into three periods, commonly referred to as quarters, each such nonresident student must be required to pay a tuition fee of thirty-seven dollars and fifty cents for each such period or part of a period, except that the tuition fee for each nonresident student who has attended and paid tuition fees for three such periods consecutively shall thereafter be twenty-five dollars for each such period.

Admission of resident of another State: Fees.

CHAPTER 1052.

An act making an appropriation for the support of junior college districts.

[Approved by the Governor August 25, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

SECTION 1. In addition to any moneys appropriated for apportionment to junior college districts by Item No. 194, chapter 278, Statutes of 1933, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to the State junior college fund the sum of seven hundred fifty thousand dollars ($750,000), or so much thereof as may be necessary for apportionment to the junior college districts of this State, in the manner prescribed by the School Code during the eighty-fifth and eighty-sixth fiscal years; provided, however, that not more than one-half of the amount appropriated by this act or by Item No. 194, chapter 278, Statutes of 1933, shall be expended during the eighty-fifth fiscal year.

Appropriation State junior college fund

Proviso.

CHAPTER 1053.

An act to amend section 3342 of the Civil Code, relating to liability of public officers, agents and employees, under unconstitutional statutes, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor August 25, 1933. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Section 3342 of the Civil Code is hereby amended to read as follows:

Stats 1933, Ch 248

Liability of public officers, etc., acting under statutes later declared unconstitutional.

3342. A State, county, district, or municipal officer, agent, or employee, or any officer, agent, or employee of any political subdivision, acting in good faith and without malice under the apparent authority of any law of this State, whether enacted by the Legislature or by the people of the State through initiative action, which law subsequently is judicially declared to be unconstitutional as in conflict with the Constitution of this State or of the United States, shall not be held civilly liable in any action in which he would not have been liable if such law had not been declared unconstitutional, nor shall he be liable to any greater extent than he would have been if such law had not been declared unconstitutional.

Supersedes Ch. 248, Stats. 1933.

SEC. 2. The provisions of this act shall supersede the provisions of section 3342 of the Civil Code contained in Chapter 248 of the Statutes of 1933. It is hereby declared to be the intent of the Legislature that said provisions contained in said chapter shall be without effect as to any portion thereof which conflicts with this act.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into effect immediately. The following is a statement of the facts constituting such necessity:

There are at the present time many irrigation, reclamation and other districts operating in this State under general statutes the constitutionality of which has never been determined by the higher State courts. For this reason the officers of such districts are hesitant about performing certain of their duties provided by said statutes, thereby jeopardizing the best interests of the people of such districts. The provisions of this act will relieve district officers, agents and employees of any greater liability which would result if the statute under which they act is subsequently declared unconstitutional.

CHAPTER 1054.

Stats 1909, p. 87, amended.

An act to amend sections 19 and 62 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended and to add thereto new sections to be numbered 21.1, 56.1, 133.1 and 136.1, all relating to the business of banking.

[Approved by the Governor August 25, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1933, Ch. 440.

SECTION 1. Section 19 of the act cited in the title hereof, is hereby amended to read as follows:

Sec. 19. The aggregate of paid-up capital together with the surplus, of every commercial bank, must equal the following percentages of its deposit liabilities: Capital and deposit liabilities.

(a) Ten per centum of any amount up to and including one million dollars.

(b) Five per centum of any amount in excess of one million dollars.

The aggregate of paid-up capital together with the surplus of every savings bank having a capital stock, and the reserve fund of every savings bank without a capital stock, must equal the following percentages of its deposit liabilities:

(c) Ten per centum of any amount up to and including one million dollars.

(d) Five per centum of any amount in excess of one million dollars up to and including three million dollars.

(e) Three per centum of any amount in excess of three million dollars up to and including twenty-five million dollars.

(f) One per centum of any amount in excess of twenty-five million dollars.

Any bank which maintains branch offices must, for each respective department, maintain an aggregate of paid-up capital and surplus equal to the foregoing percentages of its deposit liabilities, calculated on the basis of a separate total of such deposit liabilities for each city or town in which any such branch office may be maintained. The deposits shall not be increased if such proportion of paid-up capital and surplus or reserve fund to deposit liabilities is not maintained, and in no event shall said paid-up capital be less than the minimum paid-up capital provided by this act; provided, that such deposit liabilities shall be exclusive of the United States and postal savings deposits and deposits of the State of California, the counties, cities and counties, cities, towns, municipalities, irrigation districts and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California which are secured as required by law or are insured under Section 12B of the Federal Reserve Act, as amended. Branch offices.

SEC. 2. Section 62 of said act is hereby amended to read as follows: Stats 1933, Ch. 440.

Sec. 62. No savings bank shall, directly or indirectly, deal or trade in real or personal property in any other case or for any other purpose than is authorized by this act, and shall not contract any debt or liability for any purpose whatever other than for deposits, except as in this section provided. Savings banks may pay regular depositors, when requested by them, by draft upon deposits to their credit with other banks, and charge current rate of exchange for such drafts. No savings bank shall borrow money or pledge or hypothecate any of its securities, except to meet the immediate demands of its own depositors, and then only in pursuance of a resolution adopted by a vote of a majority of its board of directors, duly entered upon their minutes, wherein shall be recorded the ayes and Deals and liabilities. Drafts. Borrowing money, procedure.

nays upon each vote, also with the written approval of the Superintendent of Banks, and he shall have the authority to fix the amount to be borrowed, the amount and character of the securities to be pledged or hypothecated, and the term and rate of interest thereon; provided, that any savings bank may, for the purpose of performing its functions and transacting its business as authorized by this act, rediscount, with or without guarantee or indorsement, with the Federal Reserve Bank, or with any other bank, its acceptances, notes or any other securities, available for rediscount with Federal Reserve Bank, in any amount up to but not exceeding its capital and surplus or reserve without consent of the Superintendent of Banks, and shall not be considered as borrowed money within the meaning of this section; provided, also, that savings banks may, in the manner authorized by law, and without the previous approval of the Superintendent of Banks, borrow the moneys of the United States, the State of California, the counties, cities and counties, and cities, towns, municipalities, and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California, and receive such moneys on deposit; provided, however, that the total amount of moneys of the State of California, the counties, cities and counties, cities, towns, municipalities, and other public or municipal corporations of said State of California and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at one time shall not exceed three hundred per cent of its entire capital, including all of its departments; and, provided, further, that the total amount of moneys of the State of California, the counties, cities and counties, cities, towns, municipalities, and other public or municipal corporations of said State of California, and of any other governmental or political subdivision of the State of California, that any bank shall borrow, receive or have on deposit at any one time, secured by surety bonds, shall not exceed one hundred per cent of its capital; provided, also, that savings banks may, in the manner authorized by law, and without the previous approval of the Superintendent of Banks, borrow postal savings moneys of the United States, and receive such postal savings moneys on deposit; and, provided further, savings banks may borrow any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States, but only in pursuance of a resolution of a majority of its board of directors, duly entered upon their minutes, and without the previous approval of the Superintendent of Banks, but the fact of such transaction shall forthwith be reported in writing to the Superintendent of Banks. No excess loan made to any savings bank with or without pledge of assets shall be invalid or illegal as to the lender

Public moneys

Postal savings moneys.

Purchase of U. S. securities.

SEC. 3. A new section numbered 21.1 is hereby added to said act to read as follows: New section.

Sec. 21.1. No bank shall, directly or indirectly, by any device whatever, pay any interest on any deposit which is payable on demand; provided, that nothing herein contained shall be construed as prohibiting the payment of interest in accordance with the terms of any certificate of deposit or other contract heretofore entered into in good faith which is in force on the date of the enactment hereof; but no such certificate of deposit or other contract shall be renewed or extended unless it shall be modified to conform herewith, and every bank shall take such action as may be necessary to conform herewith as soon as possible consistently with its contractual obligations; provided, however, that this section shall not apply to any deposit of such bank which is payable only at an office thereof located in a foreign country, and shall not apply to any deposit made by a savings bank, nor to any deposit of public funds made by or on behalf of the State, or of any county, city and county, city, town, municipality or other public or municipal corporation of the State of California, with respect to which payment of interest is required under State law. The Superintendent of Banks shall for one year after the effective date of this section, from time to time, limit by regulation the rate of interest which may be paid by banks on time and savings deposits and may prescribe different rates for such payment on time and savings deposits having different maturities or subject to different conditions respecting withdrawal or repayment or subject to different conditions by reason of different locations; provided, that the Superintendent of Banks, in limiting and regulating such payment of interest, shall be guided as far as practicable by regulations adopted by the Federal Reserve Board for the limitation and regulation of the interest paid by member banks.

Prohibition against payment of interest on demand deposits

Regulation of interest rate.

No bank shall pay any time deposit before its maturity, or waive any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement.

SEC. 4. A new section numbered 56.1 is hereby added to said act to read as follows: New section.

Sec. 56.1. Any bank is hereby authorized and empowered to subscribe for and purchase Class A stock of the Federal Bank Deposit Insurance Corporation, created by the Federal Banking Act of 1933 and, with the approval of the Superintendent of Banks and upon his certification to said corporation that such bank is in a solvent condition, to become a member of the Temporary Federal Deposit Insurance Fund, created thereby.

Temporary Federal deposit insurance fund

Nothing in this act shall prohibit any such bank doing or performing any and all acts necessary or proper for the purpose of becoming and remaining such member; nor from becoming a stockholder in the Federal Bank Deposit Insurance Corporation, in the manner provided in the Federal

Certain alliances permitted.

Reserve Act as amended, nor from doing or performing any and all acts necessary or proper for the purpose of becoming and remaining such stockholder; nor from becoming a member of the Temporary Federal Deposit Insurance Fund, in the manner provided by said act, nor from making payments or contributions to said fund nor from doing or performing any and all acts necessary or proper, for the purpose of becoming and remaining a member of said fund; nor from investing any part of its capital or surplus or reserve fund in the capital stock of the Federal Bank Deposit Insurance Corporation, in accordance with the terms and provisions of the Banking Act of 1933, or in becoming a member of the Temporary Federal Deposit Insurance Fund, in accordance with the terms and provisions of the last mentioned act; provided, that such investments in, or payments for, or contributions to the capital stock of the Federal Bank Deposit Insurance Corporation, or the membership in the Temporary Federal Deposit Insurance Fund, shall in no way exceed the minimum amounts respectively required to join or maintain itself as a stockholder of such Federal Bank Deposit Insurance Corporation or as a member of said Temporary Federal Deposit Insurance Fund; provided, also that such investment, payments or contributions may be carried in either the commercial, savings or trust department or may be apportioned to any two or all three of such departments of any departmental State bank.

New section

SEC. 5. A new section numbered 133.1 is hereby added to said act to read as follows:

Stockholder's liability

Sec. 133.1. The liability imposed upon stockholders of banking corporations organized under the laws of the State of California by the provisions of chapter one hundred ninety-six, Statutes of 1931, shall not apply with respect to shares issued after the effective date hereof in any such corporation whose deposits are insured by Federal Bank Deposit Insurance Corporation pursuant to the Federal Reserve Act as amended.

New section.

SEC. 6. A new section numbered 136.1 is hereby added to said act to read as follows:

Definitions.

Sec. 136.1. Any bank whose deposits are insured by Federal Bank Deposit Insurance Corporation, pursuant to the Federal Reserve Act as amended, shall be referred to in this section as a "member bank," and Federal Bank Deposit Insurance Corporation shall be referred to in this section as the "corporation."

Procedure when member of Federal Deposit Insurance Corporation is closed

Whenever any member bank shall have been closed by act of its board of directors or by the Superintendent of Banks, on account of inability to meet the demands of its depositors, the Superintendent of Banks, after he has taken possession of the property and business thereof, as provided in section 136 hereof shall have the power, if he deems it advisable, to tender to the corporation an appointment as receiver of such closed member bank, and if the corporation accepts such appointment, the corporation and the new national bank to be organized by it as provided in subsection (1) of section 12B of the

Federal Reserve Act shall perform all of the functions and duties and shall have all the rights and privileges with respect to such closed member bank and the depositors thereof, which are prescribed by said subsection with respect to closed national banks holding stock in the corporation; provided that the rights of the depositors and other creditors thereof shall be determined in accordance with the applicable provisions of the laws of this State; and provided further that with respect to such closed member banks, the corporation shall possess all the powers and privileges given the Superintendent of Banks by the laws of this State with respect to the liquidation of a closed State bank, except in so far as the same may be in conflict with the provisions of said subsection.

Corporation subrogated to rights against closed bank.

Whenever any member bank shall have been closed by act of its board of directors or by the Superintendent of Banks on account of inability to meet the demands of its depositors, the corporation, whether or not it shall have been appointed receiver of such closed member bank, as herein provided, shall be subrogated to all rights against such closed member bank of the owners of such insured deposits and shall be entitled to receive the same dividends from the proceeds of the assets of such closed bank as would have been payable to each such depositor until such dividends shall equal what is defined by the said subsection as the insured deposit liability of such closed bank to such depositor, whereupon, all further dividends shall be payable to such depositor; provided, however, the rights of stockholders or members of any such bank shall not be altered or abridged thereby; and provided further that in such case, as provided in said subsection, the corporation shall organize a new national bank and shall make available to it the amount of the insured deposit liabilities of such closed member bank, and such new national bank shall assume such insured deposit liabilities of such closed member bank; and provided further that the right of the corporation to be so subrogated and to receive such dividends shall be recognized as the Superintendent of Banks may direct, either by allowance of claims by the Superintendent of Banks, by assignment of claims by depositors or by any other effective measure.

Organization of new national bank.

Powers of Superintendent of Banks

The Superintendent of Banks, after taking possession of the business, property and assets of any such closed member bank for the purpose of liquidation shall be entitled to offer, upon such terms and conditions as he may deem advisable, the assets of such bank for sale to the corporation or as security for a loan from the corporation. The proceeds of any such sale or loan shall be utilized for the same purposes and in the same manner as other funds realized from the liquidation of the assets of such bank.

CHAPTER 1055.

An act to provide for cooperation and coordination by the State and the governmental units thereof in the granting, conveying, transferring or leasing of land and the contracting of obligations with the United States government or any agency thereof under the provisions of the National Industrial Recovery Act.

[Approved by the Governor August 25, 1933. In effect immediately.]

The people of the State of California do enact as follows:

Certain conveyances to Federal agencies authorized.

SECTION 1. The State, by and through any officer thereof authorized to make conveyances, may convey, or may transfer or lease, and any State agency, political subdivision, public or municipal corporation, or district having the power to levy taxes or assessments, by and through its governing body may grant, convey, transfer or lease to the United States of America or to any duly authorized agency thereof, any property of the State or such governmental unit, as the case may be, whenever in the opinion of the California Public Works Committee, in the case of the State, or of the governing body, in the case of the governmental unit, it is necessary and desirable so to do in order to enable the State or the governmental unit, as the case may be, to avail itself of any of the benefits of any act of the Congress of the United States of America providing for unemployment relief or for the expenditure of funds of the United States government upon public projects in the several States.

Effect of existing laws.

SEC. 2. No laws of this State, ordinance of any county or city and county requiring the advertising or calling for bids or requiring the publication of notice of sale or prescribing terms of sale of public property shall be binding upon such board of supervisors in making any conveyance or carrying out any transaction authorized by this act.

Special election.

SEC. 3. A special election may be called at any time by the governing board of any county, city and county, city or town for the purpose of procuring the assent of the electors to the incurrence of a debt or liability directly or indirectly to the United States government in excess of the income and revenue of said local governmental unit for the current or succeeding year. Such debt or liability may be made transferable or assignable by the creditor thereon.

Conduct of election.

SEC. 4. Such special election shall be called, held and conducted, and the ballot shall be prepared, marked, voted, counted, canvassed, and the result shall be ascertained, and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto, and the law governing general elections shall apply in so far as the provisions thereof are applicable to such election, with the following exceptions:

(1) The governing board or body charged with the conduct of the election may consolidate any number of the precincts of the governmental unit in which the election is held. Where general election laws inapplicable.

(2) Such governing board shall appoint as officers of such election for each polling place one inspector, one judge, and one clerk, each of whom shall receive as compensation for their services a sum not to exceed five dollars, which sum shall be paid out of the treasury of such governmental unit, and with the consent of the United States government or the proper agency thereof, the governmental unit may be reimbursed out of the proceeds of the loan, if the loan is ratified.

(3) The notice of election and designation of election officers and polling places may be filed and posted by the county clerk or other officer charged with the duty of filing such notices at any time prior to the ninth day before such election.

(4) The governing board may issue its order designating the polling places and appointing the election officers at any time prior to the tenth day before such election.

(5) The county clerk or officer having similar duties in respect to said election shall allow each inspector of election to take the oath of office at any time prior to the fifth day before such election. If the oath is not taken before such time the clerk or officer must substitute and appoint an inspector and cause to be administered such oath to such inspector.

(6) No sample ballots need be mailed to any elector, but the form of said ballot, together with a brief statement of the date and purpose of the election shall be published at least once in a newspaper of general circulation in the county in which the governmental unit is located.

(7) In the case of any such governmental unit having a number of registered electors entitled to vote at elections of such governmental unit not in excess of ten thousand, no card stating the location of the precinct polling place of each elector need be mailed, but in lieu thereof there shall be published at least once in a newspaper of general circulation published in the county in which the election takes place or in a county in which is located a part of the governmental unit in which the election takes place a list giving the name of each elector, his precinct number and his polling place. Such list must be published at least once not more than ten days nor less than two days before the date such election is held. Where such cards are mailed, they must be mailed not more than ten nor less than two days before the date such election is held.

(8) If ballots are counted in the manner authorized by the provisions of section 1252a of the Political Code, a central counting place may be designated at any time at least four days prior to the date such election is held.

(9) The governing board, may, in its discretion, at any time prior to the election provide for a special meeting at any time after the first date following the election, and may canvass such returns in the manner and under the same con-

ditions as though the canvass were held on the first Monday following the election, or at such other time as is the case in general elections of such governmental unit.

(10) Ballots cast pursuant to sections 1357 to 1364 of the Political Code, must, in order to be counted be received by the county clerk or other official charged with the duty of receiving such ballots, within one day of the date of such election. Such absent voter ballots shall be canvassed not later than the day on which other ballots not cast under the provisions of sections 1357 to 1364 of the Political Code are cast.

Effect of act.

SEC. 5. This chapter, shall, for the purpose set forth in the first section thereof, supersede and prevail over all acts prescribing the conditions under which elections in the various governmental units of the State herein mentioned are prescribed.

School district elections.

SEC. 6. Special elections may be called at any time by the governing board of any school district, whether elementary, high school, district, or junior college, of whatsoever type or class, for the purpose of procuring the assent of the electors to the incurrence of a debt or liability to the United States government in excess of the income and revenue of said governmental unit for the current or succeeding year.

Conduct.

SEC. 7. Such special election shall be called, held and conducted, and the ballot shall be prepared, marked, voted, counted, canvassed, and the results shall be ascertained, and the returns thereof made in all respects and in accordance with the provisions of the Constitution applicable thereto, and the law governing elections in school districts for the purpose of submitting to the electors of the district the question of whether bonds of the district shall be issued and sold shall apply to such elections in so far as the provisions thereof are not inapplicable, with the following exceptions:

(1) The posting of the notices calling the election may be made at any time prior to nine days before the date such election is held. The publication in a newspaper of general circulation need be made only once, and such publication, if made, must be made not more than nine nor less than three days prior to the date the election is held.

(2) The governing board, may, in its discretion, at any time prior to the election provide for a special meeting at any time after the first day following the election, and may at such meeting canvass such returns in the manner and under the same conditions as though the canvass were held on the seventh day after the election.

Urgency.

SEC 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall take effect immediately.

The facts constituting such necessity are as follows: The boards of supervisors of certain counties are at the present

time negotiating with the proper Federal agencies to obtain Federal aid under acts of Congress providing for unemployment relief and for the expenditure of Federal moneys on public works projects. To make available to such counties the benefits of such acts the boards of supervisors thereof must have authority to grant or lease any county-owned property to the Federal government or to any agency thereof. Under the provisions of the National Industrial Recovery Act an immediate conveyance is necessary.

CHAPTER 1056.

An act to amend sections 89, 713, 731, 847, and 886 and the heading of Article 2, Chapter 4, Part 2, Division IV of the Fish and Game Code, and to add thereto sections 493.5, 733.5, 744, 867, 868 and 927.5, and to repeal sections 714 and 929 thereof, relating to fish and game.

[Approved by the Governor August 29, 1933 In effect October 25, 1933]

NOTE.—See Stats. 1933, Ch. 73.

CHAPTER 1057.

An act to prohibit sales under certain mortgages and deeds of trust for default in the payment of installments of the principal sum of obligations secured thereby which became due between May 8, 1933, and December 31, 1933, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought.

[Approved by the Governor August 29, 1933 In effect October 25, 1933]

The people of the State of California do enact as follows:

SECTION 1. No sale shall be made under any power of sale contained in any mortgage or deed of trust executed before May 8, 1933, upon real property improved with a single family dwelling, nor shall any sale be made under any final decree of foreclosure rendered in any action to foreclose a mortgage executed before May 8, 1933, upon real property improved with a single family dwelling, in any case in which the only default in the performance of the obligation for which said mortgage or deed of trust was given as security consists solely of the failure to pay when due installments of the principal sum of such obligation which became due according to the terms of the obligation between May 8, 1933, and December

Moratorium on certain sales under mortgages and deeds of trust

31, 1933, inclusive, until at least six months after the due date of the last installment of the principal sum of such obligation.

Exception

Nothing contained in this act shall prevent the acceleration, by reason of the nonpayment of taxes, interest or insurance, of the entire obligation secured by any such mortgage or deed of trust, nor prevent the sale thereunder by reason of such default.

Limitation of actions extended.

SEC. 2. In all cases in which the time within which an action upon any installment of the principal sum of an obligation, a sale for default in the payment of which is postponed by this act, would expire by virtue of section 337 of the Code of Civil Procedure prior to the time when such sale is permitted by this act, then such time in which such action may be brought is extended to and until three months after the date upon which such sale might be held under this act.

Effect of violation.

SEC. 3. Any sale of real property under a deed of trust or mortgage with power of sale made in violation of this act shall be voidable, except as against a bona fide purchaser or encumbrancer for value, at the instance of the record owner of such real property at the time of such sale; provided that any action to avoid such sale or deed executed pursuant thereto must be brought within one year of the date of such sale.

CHAPTER 1058.

Stats 1923, p 21, amended

An act to amend section 1 of "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended.

[Approved by the Governor August 29, 1933. In effect October 25, 1933.]

The people of the State of California do enact as follows:

Stats 1933, Ch. 195

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Deposit of State moneys in approved banks.

Section 1. All moneys under the control of the State Treasurer belonging to or in the custody of the State, shall, so far as possible, be deposited by the State Treasurer to the credit of the State in such State or National bank or banks in the State as the Treasurer, with the approval of the Governor and State Controller, shall select for the safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the State treasury; provided, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; and provided, further, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; and provided, further, that

such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus, of any depository bank. Any and all bids may be rejected by the Treasurer, with the approval of the Governor and State Controller, and new bids asked for. The expense of transportation of moneys to and from the State treasury to such depositories shall be borne by such depositories and they shall handle, collect and pay all checks, drafts and other exchange without cost to the State. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the State Treasurer; provided, however, that the Treasurer may with the consent of the Governor and Controller deposit any part of such moneys for a definite term and may agree with any depository bank or banks as to the period of time of any such deposit or deposits, but no such agreement shall provide for the deposit of any of said moneys for a longer period than one year; and, provided, further, that the State Treasurer is hereby authorized, under such conditions as he with the approval of the Governor, may fix, to deposit moneys in any bank or banks outside this State, necessary for the payment of the principal or interest of bonds, made payable outside of this State, at the place or places at which the same are payable. Anything in this act to the contrary, notwithstanding, no security shall be required in case of such part of such deposits as are insured under section 12B of the Federal Reserve Act, as amended.

CHAPTER 1059.

An act to amend sections 13.16 and 15.12 of the "Building and Loan Association Act," relating to the powers and duties of the Building and Loan Commissioner, and to building and loan associations, declaring the urgency thereof, and to provide that this act shall take effect immediately.

Stats 1931, p 483, amended.

[Approved by the Governor August 29, 1933. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Section 13.16 of the "Building and Loan Association Act" is hereby amended to read as follows:

Stats 1931, p 483

13.16. In liquidating the affairs of an association, the commissioner shall have power to collect all moneys due to, and claims of, such association and to give full receipt therefor; to release or reconvey all real or personal property pledged, hypothecated or transferred in trust as security for loans; to approve and pay all just and equitable claims; provided, that shares shall participate ratably with investment certificates in the case of any association in which shareholders shall have heretofore been granted the right and option by the association to exchange their shares for investment certificates of

Powers of commissioner on liquidation.

Court supervision

equal value; to commence and prosecute all actions and proceedings necessary to enforce liquidation; and on the order of the superior court of the county in which the principal office in this State of such association is located, given and made after a hearing on such notice as the court shall prescribe, to compound bad or doubtful debts or claims and to sell, convey and transfer real and personal property. If a purchaser for any bad or doubtful debt or claim can not be obtained and it appears improbable that recovery thereon can be had and that the costs of action to enforce collection of the same would probably be lost, the court may direct that suit thereon need not be brought. For the purpose of executing and performing any of the powers and duties hereby conferred upon him, the commissioner may in the name of such association or in his own name prosecute and defend any and all suits and other legal proceedings and may in the name of such association or in his own name as commissioner execute, acknowledge and deliver any and all deeds, assignments, releases, requests for reconveyance, and other instruments necessary and proper to effectuate any sale of real or personal property or other transaction in connection with the liquidation of such association; and any deed, assignment, release, request for reconveyance or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes as though the same had been executed by the officers of such association by authority of its board of directors. In case any of the real property so sold is located in a county other than the county in which the application to the court for leave to sell the same is made, the commissioner shall cause a certified copy of the order authorizing or ratifying such sale to be recorded in the office of the recorder of the county in which such real property is located.

Inventory of assets

Upon determining to liquidate an association, the commissioner shall cause an inventory of all the assets of such association to be made in duplicate, the original to be filed with the court and the duplicate in the office of the commissioner.

Notice to creditors

He shall cause notice to be given by publication once a week for four successive weeks in some newspaper of general circulation published at or near the principal place of business in this State of such association, to all persons having claims against it as creditors or investors or otherwise, to present and file same and make legal proof thereof at a place and within a time to be designated in such publication, which time shall be not less than two months after such first publication; and within ten days after such first publication he shall cause a copy of such notice to be mailed to all persons whose names appear of record upon its books as creditors or investors; and upon the expiration of the time fixed for the presentation of claims, the commissioner shall prepare or cause to be prepared in duplicate a full and complete schedule of all claims presented, specifying by classes those that have been approved

and those that have been disapproved and shall file the original with the court and the duplicate in the office of the commissioner. Not later than five days after the time of filing such schedule with the court, written notice shall be mailed to all claimants whose claims have been rejected. Action to enforce the payment of or to establish any rejected claim must be brought and service had within four months from and after the date of filing of the schedule of claims with the proper court; otherwise all such actions shall be forever barred. All claims of creditors, investors or other persons against the association or against any property owned or held by it must be presented to the commissioner in writing verified by the claimant or some one in his behalf within the period limited in the above-mentioned notice for the presentation of claims; and any claim not so presented shall be forever barred; provided, however, that the claim of any investor, appearing upon the books of the association to be a valid claim, presented after the expiration of the time fixed in said notice, shall be entitled to share in any dividends declared subsequent to the presentation of such claim.

Rejected claims.

Presentation of claims

The commissioner may under his hand and official seal appoint one or more special deputies to assist in the duties of liquidation and distribution under his direction and may also employ such special legal counsel, accountants and assistants as may be needful and requisite and fix the salaries and compensation to be allowed and paid to each. All such salaries and compensation with such other reasonable and necessary expenses as may be incurred in the liquidation shall be paid by the commissioner from the funds of such association in his hands. From the net realization of assets in excess of such salaries, compensation and expenses, the commissioner shall first pay all approved claims other than to shareholders and stockholders, without distinction or preference as between the claims of certificate holders and other creditors; and thereafter he shall distribute and pay dividends in liquidation first to the shareholders until their claims are fully paid or such assets or funds are exhausted, and second, if any such assets or funds remain, to the stockholders until such assets or funds are exhausted; provided, however, notwithstanding anything to the contrary herein contained, in the case of any association in which shareholders shall have heretofore been granted the right and option by the association to exchange their shares for investment certificates of equal value he shall distribute and pay dividends in liquidation to such shareholders without distinction or preference as between the claims of such shareholders and the claims of certificate holders and other creditors. Such distributions shall be made as funds are available therefor to the extent of ten per cent or more of the approved claims of the class of claimants then entitled to distribution, and shall continue until all the assets have been realized upon and a final dividend in liquidation shall be declared and paid. Upon the payment of a final dividend in

Employees.

Order of priority of claims

Final statement of liquidation.

liquidation, the commissioner shall prepare and file with the court a full and final statement of the liquidation, including a summary of the receipts and disbursements, and a duplicate thereof shall be filed in the office of the commissioner and after due hearing and approval by the court, the liquidation shall be deemed to be closed.

Stay of process, etc

The determination by the commissioner to liquidate any association, evidenced by filing written notice of such determination with the court, shall operate to stay or dissolve any or all actions or attachments instituted or levied within thirty days next preceding the taking of possession of such association by the commissioner, and pending the process of liquidation as herein provided no attachment or execution shall be levied or lien created upon any of the property of such association.

Disposition of balance

Whenever in the case of any association which shall have issued stock, the commissioner shall have fully liquidated all claims other than claims of stockholders, and shall have made due provision for any and all known but unclaimed liabilities, excepting claims of stockholders, and shall have paid all expenses of liquidation, then upon the written request of the holders of a majority of the stock of such association any surplus that may then remain in his hands, together with all the records and effects, shall be delivered to the association or its trustees, and thereafter such association or its trustees shall have title thereto free from any claim of the commissioner.

Stats 1931, p 483.

SEC. 2. Section 15.12 of the "Building and Loan Association Act" is hereby amended to read as follows:

Annual apportionment of profits To shares

15.12. Apportionment of profits; and reserve. Profits and losses shall be apportioned at least annually, and shall be apportioned to all shares in each class at the time of such apportionment, according to the actual or book value thereof; provided, that the directors of any such association may in their discretion provide that full paid shares shall be preferred to the full amount thereof as against all other shares either upon liquidation or dissolution or at any time during the life of such association. If the reserve fund shall not equal five per cent of the outstanding loans at the time of each apportionment of profits, the directors shall set aside, as a reserve fund, not less than five per cent of the net profits accruing since the last prior apportionment, and shall continue so to do until said fund shall amount to at least five per cent of the loans in force, at which figure said fund shall thereafter be maintained. Said reserve fund shall at all times be available to meet losses arising from any source.

To reserve.

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts which constitute such necessity:

There are numerous building and loan associations now, at the present time, in the process of liquidation and in order that shareholders in such associations shall be assured of full and complete protection by allowing them under the conditions set forth in this act to participate ratably with investment certificates and in order that building and loan associations may take advantage of recent Federal legislation and to prevent protracted and costly litigation, it is absolutely essential that this act take effect immediately and its provisions made immediately applicable to associations now in the process of liquidation.

CONCURRENT AND JOINT RESOLUTIONS

CONSTITUTIONAL AMENDMENTS

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

CHAPTER 1.

Assembly Concurrent Resolution No. 1—Relative to the selection of the Legislative Counsel.

[Filed with Secretary of State January 6, 1933.]

Legislative Counsel, selection.

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Senate and Assembly meet in joint session in the Assembly Chamber at 7.30 o'clock p.m. on the third day of January, 1933, for the purpose of selecting the Legislative Counsel, as provided and required by section 1 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 23, 1913.

Stats 1913, p 626.

CHAPTER 2.

Senate Concurrent Resolution No. 3—Relative to adjournment in respect to the memory of Calvin Coolidge.

[Filed with Secretary of State January 9, 1933.]

Adjournment in memory of Calvin Coolidge.

WHEREAS, In the wisdom of Providence the Honorable Calvin Coolidge, thirtieth President of the United States, has been called to the Great Beyond; and

WHEREAS, The news of his sudden passing comes as a severe shock to the people of California, who held him in high esteem and sincere affection, being ever mindful of his inspiring record of devoted service to his country; and

WHEREAS, The nation has sustained an irreparable loss because of the unique position the late former President occupied in our national life, his calm views on the problems of our time inspiring universal confidence; and

WHEREAS, It is fitting that on this occasion the California Legislature make due acknowledgment of Calvin Coolidge's public service and call attention to the high place he will occupy in American history; now therefore be it

Resolved by the Senate, the Assembly concurring, That when the respective houses of the Legislature of the State of California shall this day adjourn, they shall do so in respect to the memory of Calvin Coolidge, thirtieth President of the United States; and be it further

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly are hereby directed to convey to the family this expression of tribute from the Senate and Assembly of California.

CHAPTER 3.

Assembly Concurrent Resolution No. 2—Relative to approving a certain amendment to the charter of the city of Glendale, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 10, 1933.]

City of Glendale. Charter amendments.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Glendale, a municipal corporation in the county of Los Angeles, State of California; and

WHEREAS, The city of Glendale, in the county of Los Angeles, State of California, contains a population of over sixty-two thousand six hundred seven inhabitants and has been, ever since the year 1921, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article eleven of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-ninth day of March, 1921, and approved by the Legislature of the State of California on the eleventh day of May, 1921; and

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to section 8, article eleven of the Constitution of the State of California, by resolution adopted September 22, 1932, duly propose to the qualified electors of said city of Glendale six amendments to the charter of said city, designated as proposed charter amendments Nos. 1, 2, 2, 4, 5, and 6 (which appeared on the ballot as Nos. 1-A, 2-A, 3-A, 4-A, 5-A and 3-A), and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the eighth day of November, 1932, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendments Nos. 1, 2, 3, 4, 5 and 6 (which appeared on the ballot as Nos. 1-A, 2-A, 3-A, 4-A, 5-A and 6-A), were, and each of them was, on September 26, 1932, duly published in the Glendale News-Press, a daily newspaper of general circulation in the said city of Glendale and the newspaper designated by the said council for that purpose; and said six proposed charter amendments were printed in convenient pamphlet form, and from September 27, 1932, to November 7, 1932, both inclusive, a notice was published in said Glendale News-Press, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

Charter amendments.

WHEREAS, The said council of said city did by ordinance designated as Ordinance No. 1523, which was duly adopted on September 29, 1932, order the holding of a special municipal election in the city of Glendale on the eighth day of November, 1932, which said date was not less than forty days and not more than sixty days after the completion of the publication of said six proposed amendments aforesaid, which said ordinance was approved by the mayor of said city on September 29, 1932, and was published once a week for two weeks prior to the time for the holding of said election, to wit: On October 1 and October 7, 1932, pursuant to the provisions of the charter of the city of Glendale, in the Glendale News-Press, a daily newspaper printed and published in said city; and said council of said city did by said Ordinance No. 1523 order said special municipal election consolidated with the general State election to be held in said city on the eighth day of November, 1932; and

WHEREAS, Said special municipal election was held in said city of Glendale on the eighth day of November, 1932, which day was not less than forty days and not more than sixty days after said six proposed amendments to said charter had been published once in the Glendale News-Press; and

WHEREAS, Thereafter, the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, on November 30, 1932, duly certify to the council of said city of Glendale the result of the canvass of said returns of said special municipal election; and the council of said city did, by resolution adopted on December 8, 1932, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said special municipal election held on said eighth day of November, 1932, one of said proposed charter amendments received a majority of the votes of and was ratified by the qualified electors of said city voting thereon, to wit: charter amendment No. 5 (which appeared on the ballot as charter amendment No. 5-A), and that all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said charter amendment so ratified by the electors of the city of Glendale is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8, of article eleven of the Constitution of the State of California, and is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 5 (Also Known As No. 5-A).

That said charter be amended by adding thereto a new article to be designated as Article XXIV, said amendment to read as follows:

ARTICLE XXIV.

Civil Service Commission created.

Section 1 COMMISSION, CREATION AND ORGANIZATION OF.—A Civil Service Commission is hereby created, consisting of three qualified electors of the city of Glendale who shall be appointed by the council. They shall hold office for a period of three years from and after the first day of May of the year of their appointment and until their successors are appointed and qualified; provided, that of those first appointed, one shall be appointed to serve until the first day of May, 1933, one shall be appointed to serve until the first day of May, 1934, and one shall be appointed to serve until the first day of May, 1935, and until their respective successors are appointed and qualified; and provided further, that any person appointed to fill a vacancy shall be appointed to serve for the remainder of the unexpired term.

The commission shall elect two of its members chairman and chief examiner, respectively. The commission shall appoint a secretary, who may be an employee of the city of Glendale, and such other subordinates as the council may authorize.

Duties of the commission

Section 2: DUTIES OF THE COMMISSION.—The commission shall prescribe, amend and enforce rules for the classified service which shall have the force and effect of law; shall keep minutes of its proceedings and records of its examinations; and shall, as a board or through a single commissioner, make investigations concerning the enforcement and effect of this article and of the rules and efficiency of the service. It shall make an annual report to the council.

The rules shall provide:

(1) For the classification of all positions in the classified service.

(2) For open, competitive examinations to test the relative fitness of applicants for such positions;

(3) For public advertisement of all examinations;

(4) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination Such lists shall remain in force not longer than two years.

(5) For the rejection of candidates or eligibles who fail to comply with the requirements of the commission in regard to age, residence, sex, physical condition, or who have been guilty of crimes or infamous or disgraceful conduct, or who have attempted any deception or fraud.

(6) For the appointment of one of the three persons standing highest on the appropriate list.

(7) For a period of probation not to exceed six months before appointment or promotion is made complete, during which period a probationer may be discharged or reduced with the consent of the commission.

(8) For temporary employment of persons on the eligible lists until lists of the class covering the temporary employment is exhausted; and, in cases of emergency, for temporary employment without examination with the consent of the

commission after the eligible lists have been exhausted, but no such temporary employment shall continue longer than sixty days, nor shall successive temporary appointments be allowed; nor shall the acceptance or refusal to accept such temporary appointment on the part of a person on the eligible list be a bar to appointment to a permanent position from said eligible list.

(9) For transfer from one position to a similar position in the same class and grade or to a lower position upon request of the employee affected, and for reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced.

(10) For promotion based on competitive examination and records of efficiency, character, conduct, and seniority, provided that no person shall be eligible to take a promotional examination for a higher grade or classification until such person shall have served not less than two (2) years in the department and one year in the classification or grade he is in prior to the time of taking such examination.

(11) For suspensions for not longer than thirty days.

(12) For the adoption and amendment of rules only after public notice and hearing.

(13) For the adoption of such other rules, not inconsistent with the foregoing provisions of this section, as may be necessary and proper for the enforcement of this article.

Power to subpoena witnesses.

Section 3. POWER TO SUBPOENA WITNESSES.—In any investigation conducted by the commission, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation, and each commissioner shall have the power to administer oaths to such witnesses.

Examinations.

Section 4. EXAMINATIONS.—All applicants for office, places, or employments in the classified service shall be subject to examination, which shall be public, competitive, and free. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate, shall include or exclusively consist of tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations.

Suspension of competitive examination.

Section 5. SUSPENSION OF COMPETITIVE EXAMINATION.—In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person or recognized attainments, the commission may, after public hearing and by the affirmative vote of all its members, suspend competition, but no such suspension shall be general in its appli-

cation to such position, and all such cases of suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual report of the commission.

Preferences

Section 6. PREFERENCES.—In all tests and examinations, honorably discharged soldiers, sailors and marines, and widows of such, and the wives of disabled soldiers, sailors and marines, who themselves are not qualified, but whose wives are qualified to hold such positions, shall be given a preference of ten per cent on any age limitation. Any such person taking an examination or test for the purpose of first qualifying for the classified service shall in addition to all other credits, be given a preferential credit of ten per cent of the maximum rating for such examination.

Classified service.

Section 7. CLASSIFIED SERVICE.—The provisions of this article shall apply to all persons who are employees of, or are connected with the fire department or the police department, except special officers of the police department, and also to such other employees of the city as the council may in its discretion from time to time by ordinance designate.

Tenure of officers and employees in preesnt employment.

Section 8. TENURE OF OFFICERS AND EMPLOYEES IN PRESENT EMPLOYMENT.—All persons who, at the time of taking effect of this article, would be included in the classified service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All persons who, at the time of taking effect of this article, would be included in the classified service but who have been in the service of the city for a period of less than six months, shall, during the period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

Removal, suspension and reduction

Section 9. REMOVAL, SUSPENSION AND REDUCTION.—Any person removed, suspended, or reduced in rank or compensation may, within five (5) days after presentation to him of a copy of the order of removal, suspension, or reduction as herein provided, appeal to the commission from such order. The commission shall, upon request of the person so removed, suspended, or reduced in rank, within two (2) weeks from the filing of said appeal, commence the hearing thereof and shall thereupon fully hear and determine the matter and recommend either an affirmation, modification, or revocation of such order. The applicant shall be entitled to appear personally, produce evidence, and to have counsel. The finding and recommendation of the commission shall be certified to the official from whose order the appeal is taken, said finding or recommendation to be advisory only.

Section 10. CERTIFICATION OF APPOINTMENT.— The person or persons having authority of appointment shall notify the commission of any appointment made, and the commission shall certify such fact to the controller. The controller shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service until the appointment shall have been so certified. Certification of appointment.

Section 11. CONSTITUTIONALITY.—If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this article. The electors hereby declare that they would have passed this article, and such section, subsection, sentence, clause, and phrase, thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases are declared unconstitutional. If any portion of this charter relating to civil service should be held to be unconstitutional, the council shall by ordinance provide for a substitute for such portion in such maner as to remedy the defect. Constitutionality.

State of California, }
County of Los Angeles, } ss.

We, the undersigned, Frank P. Taggart, mayor of the city of Glendale, State of California, and G. E. Chapman, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said city of Glendale, submitted to the electors of said city at a special municipal election held in said city on the eighth day of November, 1932, has been compared by us and each of us, with the proposed amendment set forth in the resolution adopted by the council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Glendale this eighth day of December, 1932.

[SEAL]

FRANK P. TAGGART,
Mayor of the City of Glendale.

G. E. CHAPMAN,
City Clerk of the City of Glendale.

WHEREAS, Said proposed amendment has been and is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section 8 of Article XI of the Constitution of the State of California; now therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendment to said charter herein set forth, as submitted to and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said city of Glendale.

CHAPTER 4.

Assembly Concurrent Resolution No. 3—Approving ten certain amendments to the Charter of the City of Los Angeles in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at special elections held therein on the third day of May, 1932, and on the eighth day of November, 1932, respectively.

[Filed with Secretary of State January 10, 1933.]

City of Los Angeles Charter amendments.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of ten amendments hereinafter set forth to the charter of the city of Los Angeles, a municipal corporation in the county of Los Angeles, State of California, as set out in the certificate of the president of the council of the city of Los Angeles and city clerk of said city as follows, to wit:

State of California
County of Los Angeles } ss
City of Los Angeles

We, the undersigned, Charles H. Randall, president of the Council of the city of Los Angeles, State of California, and Robt. Dominguez, city clerk of said city, do hereby certify as follows:

That the city of Los Angeles, a municipal corporation of the county of Los Angeles, State of California, now is, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1925, and is now, organized and acting under a freeholders charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Stats. 1925, p. 1024).

That in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the council of the city of Los Angeles, being

the legislative body thereof, duly and regularly submitted to the qualified electors of said city of Los Angeles, a certain proposal to amend the charter of said city to be voted on by said qualified electors at a special election called and held for that purpose in said city on the 3d day of May, 1932, which said proposed amendment in words and figures is as follows, to wit:

CHARTER AMENDMENT NO. 1-A

That section 186 of the charter be amended to read as follows:

Fire and police pension fund created.

Section 186. For the purpose of providing and maintaining a fund to meet the payments of demands drawn for the payment of pensions and the expense of said department of pensions a fund is hereby created to be known as the fire and police pension fund.

Budget

The board of pension commissioners shall, annually, prepare a budget consisting of the estimated requirements for the next succeeding fiscal year to pay and discharge (a) disability pensions; (b) widows' pensions; (c) minors' pensions; (d) dependents' pensions and (e) administration expense.

In addition to the foregoing there shall be included in said budget a sum equal to four per centum of the estimated total pay rolls of the fire and police departments for those members of the said departments included within the pension provisions of this article, for the next succeeding fiscal year.

In the event that all payments made and to be made from said fire and police pension fund during any fiscal year shall exceed the total sum paid into said fund from all sources as hereinafter provided, then, and in that event, in addition to all sums heretofore provided to be included in said budget there shall be set up therein a sum equal to the difference between the amount of moneys paid from said fund and all moneys received into said fund during said fiscal year.

Tax levy.

For the purpose of providing funds to meet the budget of said fire and police pension fund as hereinabove described the city council shall levy annually a tax clearly sufficient to provide the total amount of all items in said budget.

Moneys to be paid into fund

There shall be paid into said fire and police pension fund the following moneys, to wit:

(a) All interest and earnings from the investment of said funds;

(b) All contributions and donations to the fire and police departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award;

(c) All fines imposed upon members of the fire and police departments for violations of rules and regulations of said department;

(d) All proceeds from the sale of unclaimed property;

(e) All deductions from the salaries of the members of the fire and police departments, as provided for in section 186½ hereof;

(f) All moneys received from taxes levied and collected for the use of said fund, as hereinbefore in this section provided.

Certificate. That said proposed amendment was, on March 22, 1932, published and advertised in accordance with section 8 of Article XI of the Constitution of the State of California in The Los Angeles Daily Journal, a daily newspaper of general circulation published in said city and the official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and until the date fixed for the election hereinafter described, viz., from March 22, 1932 to May 3, 1932, both inclusive, and as required by law, a notice was advertised and published in said The Los Angeles Daily Journal that such copies could be had upon application therefor at the office of the city clerk of the city of Los Angeles.

That such copies could be had upon application therefor at the office of the city clerk of said city until the date fixed for the election hereinafter described.

That in accordance with the provisions of the charter of the city of Los Angeles and ordinance No. 71.266 adopted by the council of said city at its meeting of April 18, 1932, approved by the mayor on April 18, 1932, and published in said The Los Angeles Daily Journal for five days prior to the holding of said election, there was held in the said city of Los Angeles on the 3d day of May, 1932, a special municipal election, which day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the proposed amendment aforesaid in The Los Angeles Daily Journal.

That pursuant to said charter and ordinance the said proposed charter amendment was submitted to the qualified electors of said city for their ratification at said election and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to the charter of said city hereinbefore set out.

That results of said election were duly and regularly canvassed and certified to and it was duly found, determined and declared by the proper officers of said city that a majority of the qualified electors of said city voting thereon had voted for and ratified said proposed amendment.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

We further certify that in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the council of the city of Los Angeles, being the legislative body thereof, duly and regularly submitted certain proposals for amendment of the charter of said city to be voted on by said qualified electors at a special

municipal election called and held for that purpose in said city on the 8th day of November, 1932, which said proposals were designated as proposed charter amendments numbers 1-A, 2-A, 3-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, 15-A, 16-A, 17-A, 18-A, 19-A and 20-A respectively. Certificate

That the said proposed amendments were, on September 28, 1932, published and advertised in accordance with section 8 of Article XI of the Constitution of the State of California in The Los Angeles Daily Journal, a daily newspaper of general circulation published in said city and the official paper of said city.

That copies of said proposed amendments were printed in convenient pamphlet form and until the date fixed for the election hereinafter described, viz., from September 28, 1932, to November 8, 1932, both inclusive, and as required by law, a notice was advertised and published in said The Los Angeles Daily Journal that such copies could be had upon application therefor at the office of the city clerk of the city of Los Angeles.

That such copies could be had upon application therefor at the office of the city clerk of said city until the date fixed for the election hereinafter described.

That in accordance with the provisions of the charter of the city of Los Angeles and ordinance No. 71,970 adopted by the council of said city at its meeting of October 17, 1932, approved by the mayor on October 17, 1932, and published in said The Los Angeles Daily Journal for five days prior to the holding of said election, a special municipal election was held in said city on the 8th day of November, 1932, which day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the proposed amendments aforesaid in The Los Angeles Daily Journal; and said council of said city did, by said ordinance No. 71,970, order said special municipal election consolidated with the general state election to be held in said city on the 8th day of November, 1932.

That thereafter the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and did on December 1, 1932, duly certify to the council of said city of Los Angeles the result of the canvass of said returns at said special municipal election, and the council of said city did, by resolution adopted December 2, 1932, duly declare the result of said municipal election as determined from the canvass of the returns thereof.

That the council of said city did by said resolution declare that said proposed amendments to the charter of the City of Los Angeles numbers 2-A, 3-A, 9-A, 10-A, 11-A, 13-A, 14-A and 15-A, and each and every one of them, were ratified by a majority of the electors of said city voting thereon, and that said proposed amendments numbers 1-A, 5-A, 6-A, 7-A, 8-A,

12-A, 16-A, 17-A, 18-A, 19-A and 20-A received less than a majority of the votes of the qualified electors voting thereon and were not ratified.

That said amendments to the charter so ratified by the electors of the city of Los Angeles are in words and figures as follows, to wit:

CHARTER AMENDMENT NO 2-A

That section 83 of the charter be amended to read as follows:

Departmental budgets.

Sec. 83. The board of each department referred to in Sec. 70, the finances of which are not included in the general budget, but which department itself has control of definite revenues or funds, as elsewhere in this charter set forth, shall, prior to the beginning of each fiscal year, adopt an annual departmental budget and make an annual department budget appropriation, covering the anticipated revenues and expenditures of said department. Such departmental budget shall conform as far as practicable, to the forms and times provided in this charter for the general city budget. Each such budget shall contain a sum to be known as the "unappropriated balance," which sum shall be available for appropriation by the board later in the ensuing fiscal year to meet contingencies as they may arise. A copy of such budget when adopted and of every resolution subsequently adopted making appropriation from said unappropriated balance shall promptly be filed with the mayor and controller, each. No expenditure shall be made or financial obligations incurred by any such department except as authorized by the annual departmental budget appropriation, or appropriations made subsequent to said annual budget, or as otherwise provided in this charter.

CHARTER AMENDMENT NO 3-A

That section 103 of the charter be amended to read as follows:

Civil service examinations.

Sec. 103. All applicants for office, places, or employments in said classified civil service shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, experience and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. No limitation or restriction whatsoever shall be imposed, excepting in the departments of fire and police, fixing a maximum age in excess of which persons shall be deprived from taking examinations for or being employed in the classified civil service. The board shall con-

trol all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

CHARTER AMENDMENT NO. 9-A

That section 223 of the charter be amended to read as follows:

Bond sinking fund

Sec. 223. The board shall each year apportion and set apart out of the revenue fund in the city treasury pertaining to each such municipal works an amount or amounts sufficient to pay at maturity all sums coming due in said year for principal and interest, upon all outstanding general bonds, issued for the purposes of the works, to which such revenue fund pertains, and also all sums coming due in said year for principal and interest upon all outstanding district bonds, issued for such purposes, or such part of the last mentioned sums as can be paid from moneys in said fund not appropriated to other purposes and the board finds are not required to meet outstanding obligations or liabilities payable out of said fund, including the principal and interest of general bonds; and said amounts shall be transferred forthwith into a special fund in the city treasury, to be designated by name indicating the nature or purpose of such special fund, and the money in such special fund shall be subject to apportionment by the controller, as may be required to make such payments on the principal and interest of said bonds, and for no other purpose. Any interest or increment received on the money in any such special fund shall be paid into such special fund and become a part thereof. The foregoing provisions of this section shall apply to all such bonds now outstanding or hereafter issued; provided, however, that payment out of revenue, as above provided, of the principal and interest of bonds issued subsequent to January 1, 1924, for securing water or electric energy from new sources, shall be required only to the extent determined by resolution of the board, approved by a majority vote of the council prior to the submission to the electors of the city of the proposition of authorizing such bonds. Such resolution shall be subject to amendment only by resolution of said board, approved by a majority vote of the council and assented to by a majority of the electors of the city voting on the question of approving such resolution at a general or special election at which such question shall be lawfully submitted. Except as in this section provided said board may, in its discretion, apply the moneys in such revenue funds to such purposes permitted by Sec. 221 of the charter, and in such order and such amounts, as in the exercise of such discretion it shall determine. Balances remaining unexpended in said revenue funds, and all sums receivable into said fund from unpaid bills of consumers and other similar sources at the close of any fiscal year, shall be available for appropriations for, and expenditures in, succeeding fiscal

years in like manner and for like purposes as revenues received during such succeeding years.

CHARTER AMENDMENT NO. 10-A

That section 224 of the charter be amended to read as follows:

Acquisition, etc., of municipal utilities

Sec. 224. The board shall also have power upon determining that the demands for service made upon and the financial condition of, the works with respect to which it proposes to exercise such power, justifies it in so doing, to borrow money under such procedure as may be prescribed by ordinance, and upon terms and conditions approved by the council and by the mayor, for the purpose of acquiring, constructing, reconstructing, repairing, extending, improving or operating works for supplying the city and its inhabitants with water or electric energy, and to issue notes, certificates or other evidences of indebtedness therefor, subject to the following provisions:

(1) The principal and interest of any indebtedness so created shall be payable only out of the revenue fund pertaining to the municipal works for or on account of which such indebtedness was created; excepting, however, that provision may be made for the payment of any such water or power indebtedness, or any part thereof, by the authorization and sale of general municipal or district bonds in the manner elsewhere prescribed in this charter.

(2) The whole amount of any such indebtedness shall be payable in not to exceed twelve years from the time of contracting the same; provided, that any such indebtedness, or part thereof, made payable after one year from the time of contracting the same shall be subject to the right of the board to pay the same with accrued interest thereon on any interest due date after said one year period.

(3) The total outstanding indebtedness incurred under the provisions of this section for the purpose of either of such municipal works must not exceed fifty per cent of the gross operating revenue from such works during the preceding fiscal year.

(4) The rates for service from the municipal works for or on account of which any such indebtedness is created shall be so fixed as to provide for payment at maturity of the principal and interest of such indebtedness in addition to all other obligations and liabilities payable from the revenue fund pertaining to such works.

CHARTER AMENDMENT NO. 11-A

That a new section be added to the charter to be numbered Sec. 224½, which shall read as follows:

Power to borrow money.

Sec. 224½. (1) The board is hereby authorized to borrow money from the federal government or the state government, or any duly authorized agency created by either of said governments and acting therefor, to defray the expenses of construction work in the department.

The principal and interest of such borrowed money shall be paid from the revenue fund pertaining to the municipal works for or on account of which such indebtedness was created, and the principal shall be repaid in not more than twenty equal annual payments, but no payments of principal need be required during the first three years following the date of any such loan.

(2) The board is hereby authorized to make contracts providing for expenditure or incurring financial obligations to be paid in whole or in part in succeeding fiscal years, for or on account of extensions and improvements of the works under the control of said department all payments under said contracts to be made out of the revenue fund pertaining to the municipal works for or on account of which such indebtedness was created. All such contracts not entered into with the United States government, or other governmental agencies, shall provide for the completion of all payments therein provided for within a period of time not exceeding twelve years from the date of such contract.

CHARTER AMENDMENT NO. 13-A

That section 307 of the charter be amended to read as follows:

Qualifications for office-holders

Sec. 307. No person shall be eligible to nomination or election to any office under this charter who at the time of his nomination and election is not a qualified elector of this city, and shall not have been a resident of the city for at least two years next preceding his nomination or election, and to be eligible to nomination or election to the office of member of the council, the person nominated or elected must have been a resident of the district from which he is nominated or elected for at least two years next preceding his nomination or election.

CHARTER AMENDMENT NO. 14-A

That section 320 of the charter be amended to read as follows:

Candidates' petitions.

Sec. 320. Said petition shall be presented to the city clerk not more than sixty days and not less than forty days prior to the primary nominating election, and the said clerk shall endorse thereon the date of such presentation. A filing fee equal to two per cent of the first year's salary shall be paid to the city clerk by each candidate for municipal office upon the presentation to him of said petition, except that the filing fee for a candidate for the office of member of the board of education shall be $12. The city clerk shall immediately pay into the city treasury all such fees. The said city clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If requested by him the council shall allow the clerk extra assistants in this work, and the provisions of this charter respecting the classified civil service of the city shall not apply to the persons

Filing fee.

so employed. The clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examination.

CHARTER AMENDMENT NO. 15-A

That section 321 of the charter be amended to read as follows:

City clerk's certificate.

Sec. 321. If, by the city clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The said clerk shall, within five days after such amendment, make like examination of the amended petition, and shall certify as to the result of his examination, but no further amendment shall be allowed; and provided further, that no amendment to such petition shall be allowed after the expiration of the time for filing nominating petitions, as set forth in section 320 of this charter.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct and exact copies thereof.

We further certify that in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the council of the city of Los Angeles, being the legislative body thereof, duly and regularly submitted to the qualified electors of said city of Los Angeles a certain proposal to amend the charter of said city to be voted on by said qualified electors at a special election called and held for that purpose in said city on the 8th day of November, 1932, which said proposed amendment in words and figures is as follows, to wit:

CHARTER AMENDMENT NO 21-A

That section 42 of the charter be amended to read as follows:

City attorney.

Sec. 42. (1) The city attorney must be qualified to practice in all the courts of this state, and he must have been so qualified for at least five years next preceding his election. He shall devote his entire time to the duties of his office.

Powers and duties

The powers and duties of the city attorney shall be as follows:

(2) The city attorney must prosecute and defend for the city all actions at law or in equity, and special proceedings, for or against the city, or in which it may be legally interested, or for any officer of the city in any action or proceeding, when directed so to do by the council.

(3) Whenever any cause of action at law or in equity or by special proceeding exists in favor of the city, the city attorney shall commence the same when within his knowledge or when directed so to do by the council. He shall give his advice or opinion in writing to any officer or board of the city, when

requested so to do by such officer or board; provided, that the council shall have control of all litigation of the city, and may employ other attorneys to assist the city attorney therein, with his approval in writing first had and obtained. Powers and duties.

The board of water and power commissioners, the board of harbor commissioners, or any board in control of a department of the city government operating a public utility owned by the city, may, with the approval of the council and city attorney, given in writing but not otherwise, employ (and fix the compensation of and other conditions of employment including termination of the same) other attorneys to assist the city attorney in performing his duties in relation to any such department. The compensation for such extra legal services shall be paid out of the special funds under the control of the department receiving such services.

(4) He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter, or by ordinance, before the same are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without such approval as to form by the city attorney. Except as otherwise in this charter provided, he shall approve in writing the draft of all contracts before the same are entered into by or on behalf of the city. The city attorney shall do and perform all such other things affecting or relating to his office as may be required of him by ordinance.

(5) The city attorney shall keep on file in his office copies of all written communications and opinions given by him to any officer, board or department; copies of all papers, briefs and transcripts used in causes wherein he appears, and books of record and registry of all actions or proceedings in his charge in which the city or any officer or board is a party or is interested.

(6) The city attorney shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violation of the provisions of this charter or the ordinances of the city, in the court of original jurisdiction, and on appeal.

(7) The city attorney shall draw complaints in such cases, and prosecute all recognizances and bail bonds forfeited in said cases. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other money accruing to the city of Los Angeles in said cases.

(8) Whenever it shall be authorized by the laws of this state, the city attorney shall prosecute any or all misdemeanor offenses arising upon violation of the laws of the state and appeals arising therefrom. He shall draw complaints for misdemeanors committed against the laws of this state, prosecute all recognizances and bail bonds forfeited in such misdemeanor cases and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the city or county of Los Angeles in said cases.

(9) Whenever the laws of the state shall so provide, if any person held in custody or restraint by any peace officer of

the city and charged with having committed any criminal offense against the provisions of the charter of this city, or the ordinances thereof, or with having committed any misdemeanor or other offense in the city of Los Angeles against the laws of the state, shall apply for a writ of habeas corpus, a copy of the application for such writ must in any such case be served upon the city attorney at such time and in such manner as may be provided by such laws, and it shall be the duty of the city attorney to conduct all proceedings connected with or relating to the application for or hearing upon such writ on behalf of the people.

(10) The city attorney may appoint such assistants, deputies, clerks, stenographers and other persons as the council, by ordinance, shall prescribe; provided, however, that each assistant must, at the time of his appointment, be qualified to practice in all of the courts of the state, and must have been so qualified at least two years next preceding his appointment.

That a new section be added to the charter to be numbered section 43, which shall read as follows:

City prosecutor's office abolished

That the office of the city prosecutor be and the same is hereby abolished. The city attorney is hereby declared to be the successor to the city prosecutor.

Repeals

That sections 51, 52, and 53 of the charter be and the same are hereby repealed.

Certificate.

That said proposed amendment was, on September 29, 1932, published and advertised in accordance with section 8 of Article XI of the Constitution of the State of California in The Los Angeles Daily Journal, a daily newspaper of general circulation published in said city and the official paper of said city.

Copies of said proposed amendment were printed in convenient pamphlet form and until the date fixed for the election hereinafter described, viz., from September 29, 1932, to November 8, 1932, both inclusive, and as required by law, a notice was advertised and published in said The Los Angeles Daily Journal that such copies could be had upon application therefor at the office of the city clerk of the city of Los Angeles.

That such copies could be had upon application therefor at the office of the city clerk of said city until the date fixed for the election hereinafter described.

That in accordance with the provisions of the charter of the city of Los Angeles and ordinance No. 71,995, adopted by the council of said city at its meeting of October 27, 1932, notwithstanding the objections of the mayor and published in said The Los Angeles Daily Journal for five days prior to the holding of said election, there was held in the said city of Los Angeles on the 8th day of November, 1932, a special municipal election, which day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the proposed amendment aforesaid in The Los Angeles Daily Journal; and said council of said city

did by said ordinance No. 71,995 order said special municipal election consolidated with the general state election to be held in said city on the 8th day of November, 1932.

That thereafter the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and did on December 1, 1932, duly certify to the council of said city of Los Angeles the result of the canvass of said returns at said special municipal election, and the council of said city did, by resolution adopted December 2, 1932, duly declare the result of said municipal election as determined from the canvass of the returns thereof.

That the council of said city did by said resolution duly find, determine and declare that a majority of the qualified electors of said city voting thereon had voted for and ratified said proposed amendment of the charter of said city hereinbefore set out and designated as charter amendment No. 21-A.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said city of Los Angeles to be affixed hereto this 5th day of December, 1932.

CHARLES H. RANDALL,
President of the Council of the City of Los Angeles.

[SEAL]

ROBT. DOMINGUEZ,
City Clerk of the City of Los Angeles.

AND WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with section 8 of Article XI of the Constitution of the State of California, now therefore be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each House voting therefor and concurring therein, that said amendments to the charter of the city of Los Angeles as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said city of Los Angeles.

CHAPTER 5.

Assembly Concurrent Resolution No. 4—Approving six certain amendments to the Charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto at a special municipal election held therein for that purpose on the twenty-fifth day of October, 1932.

[Filed with Secretary of State January 10, 1933.]

City of Palo Alto Charter amendments.

WHEREAS, The city of Palo Alto, in the county of Santa Clara, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year 1909, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city, at a special election held for that purpose on the twenty-first day of January A. D. 1909, and approved by the Legislature of the State of California on the twentieth day of February, 1909 (Statutes of 1909, page 1175); and

WHEREAS, The city council of the said city of Palo Alto did by ordinance duly adopted by said city council and approved by the mayor of said city on the eighth day of August, 1932, and pursuant to section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said city of Palo Alto, certain amendments to the charter of said city of Palo Alto, to be submitted to the said qualified electors at a special municipal election to be held in said city on the twenty-fifth day of October, 1932; said amendments being eight in number; and

WHEREAS, Said proposed amendments were, and each of them was, published in a daily newspaper printed and published in said city of Palo Alto, and having a general circulation therein, to wit: The Daily Palo Alto Times; said publication being on the twenty-ninth day of August, 1932; and

WHEREAS, Copies of said amendments were printed in convenient pamphlet form, and a notice that such copies may be had upon application therefor at the office of the city clerk of said city, was published each and every day from and after the publication of said amendments until the date fixed for the election upon said amendments in said daily newspaper of general circulation; and

WHEREAS, The city council of said city did, by said ordinance, duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in said city of Palo Alto on the twenty-fifth day of October, 1932; said day being not less than forty days and not more than sixty days after the completion of the advertising of said charter amendments in the official paper, to wit: The Daily Palo Alto Times, a daily newspaper of general circulation published and circulated in said city; and did provide in

said ordinance for the submission of the proposed charter amendments Nos. 23 to 30, inclusive, to the qualified electors of said city for their ratification at said election.

WHEREAS, Said election was duly called and held on said twenty-fifth day of October, 1932, and at said election the majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify six of the proposed amendments to said charter; and

WHEREAS, The city council of the said city of Palo Alto, in accordance with the law in such cases made and provided, did meet on Friday, the twenty-eighth day of October, 1932, at their usual time and place of meeting, and duly canvass the returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified six of said proposed amendments to the Charter of said city of Palo Alto, to wit:

Charter amendment number twenty-three;
Charter amendment number twenty-four;
Charter amendment number twenty-five;
Charter amendment number twenty-six;
Charter amendment number twenty-eight;
Charter amendment number thirty;

That said charter amendments so numbered are herein renumbered and to be known and designated as

Charter amendment number twenty-three;
Charter amendment number twenty-four;
Charter amendment number twenty-five;
Charter amendment number twenty-six;
Charter amendment number twenty-seven;
Charter amendment number twenty-eight; and

WHEREAS, The said six subsequent amendments to the charter so ratified by the majority of the qualified electors of said city voting at said election are in words and figures, to wit:

CHARTER AMENDMENT NUMBER TWENTY-THREE.

Article II of the Charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as section 25, and to read as follows:

Enumerated powers not exclusive.

SEC. 25 The enumeration of specific powers to be exercised by the city shall not be held to be exclusive of powers not enumerated, but the city may, at any time, exercise any power which it may deem to be necessary to promote the public welfare and which is not prohibited by the constitution and which it would have been competent to have specified herein. No act of the Legislature of the State of California concerning municipal affairs shall apply to the city of Palo Alto, but said city through its council may act in accordance with the provisions of any such law, either in whole or in part,

and, in its discretion, may adopt an alternative or cumulative procedure to that provided therein.

CHARTER AMENDMENT NUMBER TWENTY-FOUR.

The third paragraph of Section 3 of Article III of the Charter of the city of Palo Alto shall be amended to read as follows:

Election of councilmen

Thereafter on the second Tuesday in May of each odd numbered year, an election shall be held at which councilmen shall be elected to succeed the members whose terms expire on the first day of July next following.

CHARTER AMENDMENT NUMBER TWENTY-FIVE.

Section 12 of Article III of the Charter of the city of Palo Alto shall be amended to read as follows:

Budget.

Sec. 12. It shall be the duty of the council, with the advice of all boards, commissions or other administrative agencies, to formulate, and after a public hearing, adopt a budget for each fiscal year. After the adoption of a budget, transfers from one department appropriation to another may be made only by a majority vote of the council. This budget shall include the estimated receipts and expenditures of all public funds, except those which are trust funds, from whatever source they are derived, including particularly all receipts from taxes and utility services. All expenditures made on behalf of the city of Palo Alto, directly or through any agency, except those required to be made by State law, must be made in accordance with the authorization contained in the appropriation ordinance. The form in which this budget is adopted shall determine the method to be followed in all accounting by all representatives and administrative agents of the city of Palo Alto. The council shall determine the procedure for the payment of all demands against the city, and the duties of the city's several officers in respect thereto. Additional appropriations of receipts in excess of the total appropriations made by the budget may be made in case of urgent necessity by a two-thirds vote of the council.

CHARTER AMENDMENT NUMBER TWENTY-SIX.

Section 4 of Article IV of the Charter of the city of Palo Alto shall be amended to read as follows:

Treasurer, duties.

Sec. 4. Treasurer. The treasurer shall receive and safely keep all moneys belonging to the city and shall pay the same only upon warrants drawn by the auditor for claims which have been previously allowed either by the council or an administrative agent, provided that the approval of the council or an administrative agent shall not be necessary to pay the monthly salaries of officers and employees and other regular monthly payments and allowances authorized by the appropriation ordinance based on the budget estimates for the fiscal

year, or bond interest or other payments in which his duties are defined by any law under which said funds are procured and held by him. The treasurer shall deposit all or such portion of the public moneys as may be determined by the council in any bank within the State of California authorized by law to receive deposits of public money, said deposits to be made in accordance with the provisions of the Constitution of the State and the ordinances of the city of Palo Alto.

CHARTER AMENDMENT NUMBER TWENTY-SEVEN.

The second paragraph of Section 2 of Article VIII of the Charter of the city of Palo Alto shall be amended to read as follows:

Adoption of ordinances by initiative

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per centum of the entire vote cast at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty per centum of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The first and second paragraphs of Section 3 of Article VIII of the Charter of the city of Palo Alto shall be amended to read as follows:

Referendum

Sec. 3. Any ordinance or resolution, other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or general law, and excepting such ordinances or resolutions as may be declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health, or safety, shall be subject to a referendum as herein provided; provided further that the petition for such referendum be filed within thirty (30) days from the final passage of such ordinance or resolution, and the same shall not be effective during said period during which the same is subject to referendum.

The council may, of its own motion, submit any ordinance or question of policy to a referendum.

Petition.

Whenever a petition shall be presented to the council, asking that a particular ordinance or resolution named therein be submitted to a vote of the electors, and signed as required for an initiative petition in section 2 of this article, it shall be the duty of the council to reconsider such ordinance or resolution. If the council fail to entirely repeal such ordinance or resolution it shall be the duty of the council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and

until such election is held and the ordinance or resolution approved by the electors such ordinance or resolution shall be suspended and be inoperative. No ordinance or resolution subject to a referendum shall go into effect before thirty (30) days after its final passage by the council.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in section 2.

Repeal. All of section 4 of Article VIII of the Charter of the city of Palo Alto is hereby repealed.

CHARTER AMENDMENT NUMBER TWENTY-EIGHT.

Section 7 (as previously amended) of Article IX of the Charter of the city of Palo Alto shall be amended to read as follows:

Council members to hold but one city office. Sec 7. No member of the council shall hold any office or employment the compensation for which is paid out of moneys of this city; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the termination of his membership in the council, either by resignation or expiration.

WHEREAS, The said proposed amendments to the Charter of the city of Palo Alto so ratified are now submited to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with section 8 of Article XI of the State of California.

State of California,
County of Santa Clara, } ss.
City of Palo Alto.

Certificate. This is to certify that we, Earl C. Thomas, mayor of the city of Palo Alto, and Edward L. Beach, clerk of the city of Palo Alto, have compared the foregoing proposed and ratified amendments to the Charter of the city of Palo Alto with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose, on Tuesday, the twenty-fifth day of October, 1932, and find that the foregoing is a full, true, correct and exact copy thereof and of each of them; and we further certify that the facts set forth in the preamble preceding such amendments to said Charter are and each of them is true.

That as to all of said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In Witness Whereof, We have hereunto set our hands and caused the corporate seal of the city of Palo Alto to be attached, this seventh day of December, 1932.

[SEAL]

EARL C. THOMAS,
Mayor of the City of Palo Alto.

E. L. BEACH,
City Clerk of the City of Palo Alto.

AND WHEREAS, The said six amendments so ratified as hereinbefore set forth have been duly presented, and submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring (a majority of all members elected at each house voting for the adoption of this resolution, and concurring therein), That the said six amendments to the said Charter of the city of Palo Alto hereinbefore set forth as presented and submitted to, and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to the said Charter of said city of Palo Alto. Ratification.

CHAPTER 6.

Assembly Joint Resolution No. 1—Relative to ratification of an amendment to the Constitution of the United States, proposed by the Congress of the United States of America, relating to fixing the commencement of the terms of President and Vice President and members of Congress and fixing of time of assembling of Congress.

[Filed with Secretary of State January 10, 1933]

WHEREAS, The seventy-second Congress of the United States of America, at its first session, has adopted Senate Joint Resolution No. 14, two-thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and members of Congress and fixing the time of the assembling of Congress. Resolution of Congress

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following

amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States as provided in the Constitution:

"Article _____

Commencement of terms of President, Vice President and members of Congress.

"Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

"Sec. 3. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

"Sec. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

"Sec. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

"Sec. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

AND WHEREAS, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several States; therefore be it

Ratification.

Resolved by the Assembly and Senate, jointly, at its fiftieth session, commencing on the second day of January, 1933, a majority of all the members elected to each House of said Legislature voting in favor thereof, That the said proposed amendment be and the same is hereby ratified by the Legislature of the State of California.

Resolved, further, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the president of the Senate of the United States, and the speaker of the House of Representatives of the United States.

CHAPTER 7.

Assembly Concurrent Resolution No. 6—Approving certain amendments to the charter of the city of Pasadena, a municipal corporation of the State of California, situated in the county of Los Angeles, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 11, 1933.]

City of Pasadena Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Pasadena, a municipal corporation of the county of Los Angeles, State of California, as set out in the certificate of the chairman of the board of directors and the city clerk of the city of Pasadena, as follows, to wit:

Certificate of Ratification by Electors of the City of Pasadena of Certain Charter Amendments.

State of California
County of Los Angeles } ss.
City of Pasadena.

We, the undersigned Edward O. Nay, chairman of the board of directors of the city of Pasadena, State of California, and Bessie Chamberlain, city clerk of said city, do hereby certify and declare as follows:

That the city of Pasadena, a municipal corporation of the county of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3500 inhabitants, and has been ever since the year 1901 and now is organized, existing and acting under a freeholders' charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, 1900, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1901, (Statutes of 1901, page 884).

That in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, the

board of directors of the city of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 3024 adopted on the twenty-fourth day of September, 1932, duly proposed to the qualified electors of the city of Pasadena certain amendments to the charter of said city to be submitted to said qualified electors at a special municipal election to be held in said city not less forty (40) nor more than sixty (60) days after the publication of said ordinance, which said election was called, authorized and provided for by said board of directors by Ordinance No. 3046 adopted on the fourteenth day of October, 1932, which said ordinance called said special municipal election for the submission of said amendments to be held in said city on the eighth day of November, 1932, which said amendments were and are and each of them was and is in words and figures as follows: "that Section Three (3) of Article One (1), Articles Three (3), Four (4), Five (5), Eight (8), Seventeen (17), Eighteen (18), Sections Two (2), Nine (9), Thirteen (13) and Fourteen (14) of Article Twenty (20), and Article Twenty and One-Half (20½) of the Charter of the City of Pasadena be repealed, and that Sections One (1) and Two (2) of Article One (1), Article Two (2), Articles Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fifteen (15), Sections Two (2) and Four (4) of Article Sixteen (16), Sections Ten (10) and Eleven (11) of Article Nineteen (19), Sections One (1), Six (6), Seven (7), Eight (8), Eleven (11) and Twelve (12) of Article Twenty (20), Articles Twenty-one (21), Twenty-two (22) and Twenty-three (23) of said Charter be amended to read respectively as follows:

Article 1.

Boundaries of city.

Section 1. The boundaries of the City of Pasadena shall be the boundaries as established at the time of the adoption of this section and more particularly by resolution of the Board of Supervisors of Los Angeles County at its meeting of May 14, 1886, and as ratified at an election held for that purpose on June 7, 1886, certificate of said ratification having been filed with the Secretary of State of the State of California, June 19, 1886, and as said boundaries subsequently have been or may hereafter be changed in the manner authorized by law.

General Powers.

General powers

Section 2. The said city shall continue vested with all the property of every kind now belonging to it and shall have the power:

1. To have perpetual succession.

Seal

2. To have and use a corporate seal and alter it at pleasure.

Sue and be sued

3. To sue and be sued in all courts and places and in all actions and proceedings whatever.

4. To create offices other than those established by this charter and abolish the same whenever the public convenience or necessity may require, and to prescribe and alter the duties pertaining to the offices thus created, and to provide for the appointment, removal and compensation of the officers to fill the same, and to consolidate, separate and reconsolidate any two or more offices except that the office of City Controller or any similar office shall not be consolidated with any other office whose accounts the City Controller or other such officer is required to audit or supervise, and to suspend any officer of the city pending trial against whom any criminal proceding or any civil action for the recovery of any money due the city has been commenced. Create offices

5. To organize, maintain and equip all departments of the city government necessary to protect life and property and maintain the welfare, safety, health, order and the proper conduct of all city affairs. Departments.

6. To prescribe the manner in which, the times at which. and the places where elections shall be held in such city, and to appoint the officers to conduct such elections and provide for their compensation. Elections

7. To levy and collect taxes upon all taxable property within the city for all municipal purposes; provided, that the taxes levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said city, or for school purposes, shall not, except as hereinafter provided, exceed one dollar on each hundred dollars' worth of taxable property in the said city, as shown by the assessment roll. Provision may be made by ordinance for the assessment of property for taxation and/or for the collection of city taxes by county officers. Taxes

8. To levy taxes exceeding the limit permitted in this charter, provided, that before such levy can be made the proposition to make such levy shall have been first approved by two-thirds of the qualified electors of the city voting on the proposition at an election called for that purpose by the legislative body of the city.

9. To levy and collect, or cause to be levied and collected assessments upon property to pay for the acquiring, grading, regrading, laying out, opening, widening, extending, improving, reconstructing and maintaining of rights of way, streets, alleys, sidewalks, crossings and other highways and public squares and places, for the construction, reconstruction and maintenance therein and thereon of sewer, water, storm water, gas and other pipes, mains and conduits, and cables, wires, conduits, poles, posts, standards and other appurtenances for the distribution of electric current for domestic and commercial use telephone and telegraph service and other public utilities whether or not enumerated herein or of a like character with those specified; for the planting, maintenance and care of trees and shrubbery therein, for the removal of Assessments.

grass, weeds or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material.

Create indebtedness.

10. To create, subject to the restrictions and limitations in the Constitution of the State of California and in this charter hereinafter contained, indebtedness not exceeding in all fifteen per centum of the assessed value of all the real and personal property in the said city subject to assessment for taxation for municipal purposes, to pay the costs of municipal improvements, the acquisition of public utilities or for any purpose whatever requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy.

Laws and regulations.

11. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state.

License businesses.

12. To license for the purpose of regulation or revenue or both, places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of said city and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades, callings, occupations and kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress or prohibit hawking and peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, planing mill, rolling mill, oil well, tank or refinery, foundry, brickyard, slaughterhouse, butcher shop and the keeping of bees, cattle or poultry within the limits or within any designated portion of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, saloons, bars, barrooms, or other places where spirituous, malt, vinous or other intoxicating liquors are sold or given away, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

Ordinances.

13. To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city and for carrying into effect the provisions of this charter. The power to enact general penal ordinances (except rate ordinances) in the exercise of the police power vested in the city shall be limited to the months of September and March of each year, provided, however, such ordinances may be passed at other times by unani-

mous vote of all members of the legislative body when imperatively demanded for the immediate preservation of the public peace, health or safety.

Penalties. 14. To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; provided, however, that such fine shall not exceed the sum of Five Hundred Dollars ($500.00), and such imprisonment shall not exceed six (6) months.

Hold property. 15. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description both within and without the limits of said city and control and dispose of the same for the common benefit.

Sale of personal property. 16. To provide for the sale of personal property belonging to the city when such property is not needed by or suited to the use of the city.

Receive donations, etc. 17. To receive bequests, devises and donations of property of every kind either absolutely or in trust for charitable or other purposes and do all acts necessary to carry out the purpose of such bequests, devises and donations and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

Public buildings. 18. To acquire, erect, construct, maintain, alter and relocate public buildings and such other public structures or services as may be needed for the common benefit.

Public parks. 19. To acquire, improve and maintain public parks, playgrounds, swimming pools, golf links, tennis courts and any and all facilities of whatever kind or character necessary or convenient for the public recreation and amusement, and to regulate the same.

Water works. 20. To acquire, construct and maintain water works, dams, pipes, pipe lines, aqueducts, hydrants and appurtenant works for supplying the city and its inhabitants with water, and to acquire and maintain the right to supply water to persons who live without the city limits.

Eminent domain. 21. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights and water works, within or without the corporate limits, necessary or convenient for the use of the said city or its inhabitants.

Gas and electric works 22. To acquire, construct and maintain gas and/or electric works and to purchase gas or electric current for supplying the city and its inhabitants with light, heat and power.

Municipal utilities 23. Jointly with one or more other municipal or public corporations to acquire, construct and/or administer water, water rights and works for utilizing the same, public utilities, electrical energy, power lines, works and/or services, parks, and works for the disposition of garbage, sewage, storm water or refuse matter, and to that end to incur bonded indebtedness and to provide by contract with such municipal or public corporations for the manner of financing such acquisition,

construction and/or operation. Such contract may provide for the contributions to be made by each party thereto, and for the division and apportionment of the expenses of acquisition, construction and/or operation of such properties, rights, works and/or services, and the division and apportionment of the benefits, service and produce therefrom, and may provide for an agency to effect such acquisition and/or construction, and/or carry on such operation, and for the powers and methods of the procedure for such agency including the method by which such agency may contract, which method shall not be limited to or controlled by the provisions of this charter. Such contract may contain such other and further stipulations and provisions as may be necessary or convenient to accomplish the purpose hereof.

"Public corporation" defined.

The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any public agency thereof, or this or any state or any political district or subdivision thereof.

This grant shall be liberally construed.

Sewer farms.

24. To acquire, construct and maintain sewer farms, sewers, drains and all other works necessary for the disposition of sewage and to construct and maintain garbage crematories and other works for the disposition or destruction of garbage and refuse matter.

Telephone, etc.

25. To acquire, construct and maintain works for supplying the city and its inhabitants with telephonic, telegraphic and radio communication service.

Street railways.

26. To acquire, construct, maintain and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary and proper in the operation, management and control of the same.

Regulate sale of gas and electric energy.

27. To regulate the use and sale of gas, electric and other energy in the city, and to provide for the inspection of meters therefor.

Telephone service

28. To regulate telephone service and the use of telephones.

Underground service

29. To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys and public places of the city.

Public vehicles.

30. To establish stands for public vehicles carrying passengers, freight or express for hire, and regulate the charges of such public vehicles, and require schedules for such charges to be posted in or upon such public vehicles.

Aircraft.

31. To regulate the construction, use and operation of aircraft in and over the city, and landing places therefor.

Speed of trains, etc.

32. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street railways companies using the public streets of the city; to

require railroad companies to station flagmen, install signals, place gates or construct viaducts at all such street crossings as it may deem proper, to require street cars to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive, or propel motorcycles, bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Street railroads.

33. To regulate street railroads, their tracks and cars; to compel the owners of two or more such roads using the same street for any distance, not exceeding five blocks, to use the same tracks and to divide equitably the cost of construction and the cost of maintenance thereof between them.

Franchises.

34. To grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, busses and/or other means of public conveyance, to lay gas or water pipes, to erect poles and wires, or lay conduits for transmitting electric energy for lighting or power purposes along or upon the public streets and highways of the city; provided, however, that all such rights and franchises shall be granted subject to all the restrictions and limitations in this charter contained relating to the granting of franchises.

Streets, etc.

35. To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, surface, resurface and improve streets, alleys, sidewalks, crossings and other highways and public squares and places and to make provisions for draining, cleaning and sprinkling the same.

Boulevards

36. To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets in the city.

Street names

37. To provide for the naming of streets and the numbering of houses.

Street lights

38. To provide for the lighting of the streets and public buildings and places of the city and to regulate such lighting.

Ornamental trees.

39. To prohibit the injury to or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

Billboards

40. To regulate, license or prohibit the construction and use of billboards, advertising devices and signs adjacent to, on or near the streets, alleys and public places of the city, and to regulate or prohibit the exhibition of banners, flags, placards or signs on or over the streets, sidewalks, or public places of the city.

Building regulations.

41. To regulate the height, depth, width, length, thickness, design, the manner and method of use, occupancy, ventilating, heating, lighting and fire prevention and protection and all other details of the construction of and the materials used in all buildings, chimneys, stacks, foundations, foundation walls, party walls, outside walls, partitions, bathrooms, water closets,

privies, vaults, basements, cellars, signs, advertising structures and/or all other structures, together with the entrances to and exits from all such structures.

To regulate the location, size, material, insulation and method of installation of all wires used for conducting electricity for light, power, sound and/or other purposes, and to regulate the current and potential of the current carried and to be carried by all such wires.

To regulate the location, size, thickness, strength, material and insulation of all pipes, ducts, drains and sewers which contain and which are used in carrying, supplying and draining water, gas sewage, drainage, refrigeration, steam, compressed air, electric wires and/or which are used for any other purpose.

To prevent the erection, construction, maintenance, use and/or occupancy of buildings, walls, chimneys, stacks, wires, pipes, poles, towers, fire escapes and/or any other structures, which are insecure and/or unsafe and which do not comply with the regulations established by the city, and to provide for their summary abatement and/or destruction.

This subdivision shall not and nothing in this charter shall be taken or construed as exempting or withdrawing any public school building from regulations made by the legislative body pursuant to this or other similar grants of power, but such buildings and/or structures and the electrical wiring and plumbing installations therein shall be subject to any such regulations equally and to the same extent as other buildings.

Fire escapes

42. To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fires.

Fire protection.

43. To prevent the construction and to cause the removal of dangerous chimneys fireplaces, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fire.

Fire limits.

44. To prescribe fire limits and determine the character and heights of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within said fire limits.

Exits, etc.

45. To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind and to regulate and/or prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or open places therein.

Blasting

46. To regulate or prohibit the operation of blasts and blasting and the construction and operation of derricks, windlasses and other structures, apparatus and operations hazardous to life and property, and to regulate the operation and provide for the inspection of freight and passenger elevators,

boilers, engines, dynamos and other apparatus generating steam or electricity and/or other energy.

Explosives.

47. To regulate or prohibit the loading or storing of gunpowder and other combustible and explosive materials in the city and the transportation of the same through the streets of the city.

Lodging houses

48. To regulate lodging, tenement and apartment houses and to prevent the over-crowding of the same and to require the same to be put and kept in proper sanitary condition.

Fire prevention.

49. To make, adopt and enforce all necessary rules and regulations for the prevention of fires, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and general welfare, and preserve the health of the inhabitants of the city.

Health regulations

50. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce the same within the city; to regulate, control, and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Cemeteries

51. To regulate the establishment and maintenance of cemeteries, mausoleums, crematories and any other place where dead bodies are interred or disposed of, and to exclude them from the city or any portion thereof.

Nuisances

52. To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome business or establishments within the city.

Dairies.

53. To provide for and regulate the inspection of all dairies either within or without the city limits that offer for sale or sell any of their products in the city.

Markets.

54. To establish, license or regulate markets and market houses.

Food inspection.

55. To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent the bringing into the city, or having or keeping within the city of such unsound, spoiled, adulterated or unwholesome products.

Bread regulations.

56. To provide for the inspection of and to regulate the sale of bread within the city and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations

Hay, etc.

57. To provide for and regulate the manner of weighing hay, straw, and coal and the selling of the same, and the measuring and selling of firewood within the city.

Weights and measures

58. To provide for the inspection and sealing of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Vagrants, etc.

59. To restrain or punish vagrants, mendicants, street beggars and lewd persons, and prevent diseased, maimed, injured, or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness and all obnoxious, offensive, immoral, indecent and disorderly conduct and practices in the city.

Weeds

60. To require or provide for the removal from property, lands or lots, all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provision for the enforcement of such lien by the sale of such lots or lands, or otherwise.

Indigent and disabled.

61. To provide for the care of indigent persons and persons disabled by age, disease or accident.

Prisoners.

62. To make arrangements for the care, feeding and clothing of all persons imprisoned by municipal authority or sentenced to imprisonment by any court or courts of the city, and to provide that all such persons shall work upon the streets, or do other public work.

Animals

63. To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

64. To license and regulate the keeping of animals and fowls, and to prevent the same from running at large, and to authorize the destruction thereof.

Pounds.

65. To establish pounds and pound districts and restrain the running at large of poultry, horses, mules, cattle, swine, sheep and other animals, and to authorize the destruction and sale of the same.

Residual powers.

66. To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is made in this charter, as the legislative body may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.

67. To pass ordinances upon any other subject of municipal control, or to carry into force or effect any other powers of the municipality.

Police powers.

68. To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the

municipal government whether such powers are herein expressly enumerated or not.

69. The enumeration of powers in this charter shall not be construed to exclude other powers except where so expressly provided herein.

Article 2.

Offices and Officers.

Elective officers.

Section 1. ELECTIVE OFFICERS. The elective officers of the city shall be the members of the legislative body.

Appointive officers

Section 2. APPOINTIVE OFFICERS. The appointive officers of the city shall be:

City Manager
Assistant City Manager
City Assessor, Tax and License Collector
City Attorney
City Clerk
City Controller
City Engineer and Superintendent of Streets
Health Officer
City Librarian
City Prosecutor
City Treasurer
Judge of the Police Court.

Such other officers as are or hereafter may be provided by law.

Until different provision is made by this charter or by ordinance, the offices in existence at the time of the adoption of this amendment shall continue, but the legislative body may at any time, except as to the office of City Manager, abolish, consolidate, separate or reconsolidate such offices, and may provide for other offices, departments, boards and positions.

Subordinate officers and employees.

Section 3. SUBORDINATE OFFICERS AND EMPLOYEES. There shall be such assistants, deputies, clerks, stenographers and other attaches as shall be provided for by ordinance, except that there may be only one Assistant City Manager. Assistants, deputies, clerks, stenographers and other attaches shall perform such duties as shall be assigned to them by the heads of their respective offices or departments. Except as otherwise provided in this charter or by ordinance, assistants and deputies shall have the power to perform any duty and exercise any power of the officer under whom such assistant or deputy serves in the name of such officer.

Qualifications, duties and compensation.

Section 4 QUALIFICATIONS, DUTIES AND COMPENSATION. Except as otherwise provided in this charter, the qualifications, powers and duties of all city officers and employees may be fixed by ordinance, and the compensation of all officers and employees shall be fixed by ordinance, but special contracts may be made for temporary or special services in the same manner as other contracts. In fixing compensa-

tion for any office or employment it shall be sufficient to fix a maximum or a maximum and minimum amount, and in such event the appointing officer or person at the head or in charge of any office or department may fix the amount to be paid persons in such office or department within the limits prescribed by ordinance, and any compensation so fixed shall be deemed fixed by ordinance within the meaning of this charter; provided that in all offices and departments subject to the control and supervision of the City Manager the action of the department head in fixing any compensation shall be subject to the approval of the City Manager. No compensation shall consist of fees or commissions from any source to be collected and retained by the person collecting them but all compensation shall be in a definite amount except as to any allowance for traveling and incidental expenses, and shall be paid from the city treasury; provided that such compensation may be made payable exclusively in whole or in part from any fund or funds, even though such fund or funds be derived in whole or in part from fees, and any compensation so payable shall not be paid from any other source if the designated fund or funds shall be insufficient

Official bonds.

Section 5. OFFICIAL BONDS. (a) Any city officer or employee may be required before entering upon the discharge of his official duties to give and execute to the city such official bond as may be required by general law, this charter, ordinance, or resolution of the legislative body. The form and/or amount of any such bond may be prescribed by ordinance or if not so prescribed, may be fixed by the legislative body and the premium thereon shall be paid by the city. An additional or different bond or an additional or different surety may be required at any time

(b) Every such bond must be approved as to form by the City Attorney and all bonds excepting the bond of the City Controller must be approved by the City Manager and City Controller. The bond of the City Controller must be approved by the City Manager. The approval of every official bond must be endorsed thereon and signed by the officers approving the same. Upon the approval of a bond, it must be recorded in the office of the City Clerk in a book kept for that purpose. After having been recorded, the bond of the City Controller shall be filed and kept in the office of the City Clerk. All other official bonds shall be filed and kept in the office of the City Controller.

(c) No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond.

(d) Every such bond shall contain a condition that the principal will perform all official duties which then are or thereafter may be imposed upon or required of him by law, this charter, ordinance or resolution of the legislative body, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such. All such bonds shall be

executed by a qualified corporate surety except that the legislative body by resolution may authorize any such bond to be executed by two or more personal sureties who in such event shall justify in the amount required for such bond, but when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for portions thereof, not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of such bond.

(e) Every surety upon an official bond, other than such qualified corporate surety, must make an affidavit which shall be endorsed upon such bond, that he is a resident of the County of Los Angeles, and that he is the owner of real estate therein and that he is worth in real property situated in said county, exclusive of incumbrances thereon, double the amount of his undertaking, over and above all sums for which he is already liable or in any manner bound, whether as principal, endorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the aforesaid officers whose duty it is to approve such bonds.

Appointment and tenure.

Section 6. APPOINTMENT AND TENURE. (a) The City Manager, Assistant City Manager, City Attorney, City Librarian, Judge or Judges of the Police Court, and City Prosecutor shall be appointed and may be removed by the legislative body. The legislative body may also provide by ordinance for the manner of appointment and removal of the City Controller, and his assistants, deputies and/or employees in his department. Except as otherwise provided all other officers, heads of departments and employees shall be appointed and may be removed by the City Manager, but the appointment and removal of the City Clerk shall be subject to the approval of the legislative body. Assistants, deputies, clerks, stenographers and other employees in the departments of the City Attorney, City Librarian, Judge or Judges of the Police Court and City Prosecutor shall be appointed and may be removed by the officer or head of the department under whom they serve, but in offices and departments under the supervision and control of the City Manager, with the exception of the Assistant City Manager, all appointments and removals shall be subject to his approval.

(b) Where any office is created by the legislative body, the incumbent of which is to serve without compensation or to receive as compensation only the necessary expenses of the office, such office may be filled and vacated as the legislative body shall provide. In all cases not otherwise provided for, the City Manager shall have the power of appointment and removal.

(c) The tenure of any appointive officer, assistant, deputy or employee shall not be affected by any change of personnel

in the office or body under which he serves, but all such officers, assistants, deputies and employees shall continue in their offices or employments until their death, resignation or removal. No appointive officer, assistant, deputy or employee shall be appointed or removed for religious or political reasons. In making appointments the appointive power shall consider only the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed.

Financial interest.

Section 7. No officer or employee of the city shall be financially interested, directly or indirectly, in any contract in which the city is a party or which is made by any officer of the city in behalf of the city. Any such contract in which any such officer or employee is interested shall be void. Any violation of this section by any such officer or employee shall be a misdemeanor and be punishable as such and upon conviction the office of such officer or employee shall be declared vacant by the legislative body of the city. Such vacancies shall be filled as is herein provided for the filling of other vacancies.

Oath—Qualifying.

Section 8. OATH—QUALIFYING. Within ten (10) days after receiving his certificate of election or appointment, every officer, assistant and deputy shall qualify by furnishing any bond required and by taking, subscribing and filing with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of California, and I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

Board of directors.

Section 9. BOARD OF DIRECTORS. (a) There shall be a Board of Directors consisting of seven members, each of whom shall be a qualified elector residing in the district from which he is elected, who shall be nominated and elected as provided in this charter. The directors in office on January 1, 1933, shall continue as such until the end of their respective terms as heretofore fixed, and until their successors are elected and qualify. Three members shall be elected at the general municipal election in April 1933, and four members shall be elected at the general municipal election in April 1935. The term of office of such directors and their respective successors shall be four years beginning at twelve o'clock noon on the first Monday in May next following their election, and until their respective successors are elected and qualify.

Vacancies.

(b) VACANCIES. If any vacancy occurs in the Board of Directors, the remaining members of the Board shall appoint a qualified elector resident in the unrepresented district to fill such vacancy during the remainder of the unexpired term.

Compensation

(c) COMPENSATION. Each member of the Board of Directors shall receive the sum of Ten Dollars ($10.00) for each meeting of the Board which he shall attend, provided that no member of the Board shall receive compensation in excess of Fifty Dollars ($50.00) in any one calendar month.

(d) POWERS. The Board of Directors shall be the legislative body of the city and shall be empowered to fix the time and place of its meetings, to compel the attendance before it of witnesses, and the production of papers in any matter under investigation, to judge of the qualifications and election of its own members, to punish any member or other city officer by a fine of not exceeding Fifty Dollars for disorderly or contemptuous behavior in its presence, and to make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this charter necessary for the municipal government and the management of the affairs of the city for the execution of the powers vested in the city, and for carrying into effect the provisions of this charter. Powers

The Board of Directors shall have the power to create and establish a Library Board of such number as the Board of Directors may choose to manage the Public Library System of said City, and to define the powers and duties of the members of said Board.

The Board of Directors shall have power to create and establish a City Planning Commission of such number as the Board may choose, and except as is or may hereafter be provided by this charter, define the powers and duties of said Commission.

(e) ORGANIZATION AND PROCEDURE. All meetings of the Board of Directors shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal on every vote. Each member of the Board of Directors shall have the right to vote on all questions coming before the Board. Four of the members of the Board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the Board may have previously prescribed. No ordinance, resolution or other action, except an order to adjourn for lack of a quorum or to compel the attendance of absent members, shall be valid unless it receive the affirmative vote of four members. Any hearing to be held or business to be transacted at any meeting adjourned for want of a quorum by less than four directors may be held or transacted at the meeting to which such meeting is adjourned with like effect as though held or transacted at such meeting. The Board of Directors shall elect from its membership a Chairman and a Vice Chairman. Every ordinance and resolution adopted by the Board of Directors shall be signed by the Chairman, or in his absence, by the Vice Chairman, or shall be signed by four members of the Board of Directors. Organization and procedure

The Chairman of the Board of Directors shall preside at all meetings of the Board of Directors. He shall act as chief executive of the city in performing all acts required to be performed by the chief executive of the city under the terms of

general laws of the State authorizing the incurring of indebtedness by the city, or any district thereof, for municipal improvements and the issuance of bonds therefor. He shall execute on behalf of the city and sign all deeds, leases and other instruments conveying real property of the city or any estate or interest therein. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor of the State for military purposes. At any time when there shall be no regularly appointed, qualified and acting City Manager or Assistant City Manager, or during the absence or disability of the City Manager or of both the City Manager and Assistant City Manager, if there be an Assistant City Manager, the Chairman of the Board of Directors shall act as City Manager.

In the event that in the judgment of the Board of Directors the performance of the duties of City Manager shall encroach upon the time of the Chairman of the Board to an extent justifying compensation in addition to that received by him as a member of the Board, the Board of Directors may provide additional compensation for such services provided that the rate of compensation to the Chairman of the Board shall in no event exceed the rate of compensation at the time fixed for the City Manager.

The Vice Chairman of the Board of Directors, in the absence of the Chairman or in case of his inability to act, shall exercise the powers and perform the duties of the Chairman.

Ordinances and resolutions

(f) ORDINANCES AND RESOLUTIONS: Ordinances and resolutions are the formal acts of the legislative body of the city reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which being less formal in character, require only to be duly passed by the legislative body and spread upon the minutes. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced.

The enacting clause of all ordinances shall be "The People of the City of Pasadena ordain as follows."

All ordinances adopted under this charter shall be published in the English language at least once in a newspaper published in the City of Pasadena, and until such publication no ordinance shall take effect; provided that any ordinance prescribing a comprehensive zoning system regulating the use of property throughout the city and within zones or districts established by such ordinance may refer to a map or plat for the boundaries and descriptions of said zones; provided that any such map or plat so referred to by such ordinance must be published as a part of such ordinance, and no further description of said boundaries or descriptions of said zones may be made; and ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar work, where such rules and regulations have been printed as a

code in book or pamphlet form, may adopt such code or portions thereof by reference thereto without further publication or posting thereof; provided, however, that not less than three (3) copies of such code shall have been filed, for use and examination by the public, in the office of the City Clerk prior to the adoption thereof. The recital in the ordinances that such three copies have been so filed shall be conclusive evidence of such filing.

City manager and assistant city manager

Section 10. CITY MANAGER AND ASSISTANT CITY MANAGER. (a) The City Manager and Assistant City Manager shall be appointed and their compensations shall be fixed only at regular meetings of the Board of Directors and upon the affirmative vote of not less than five members of the Board. The affirmative vote of not less than five members of the Board of Directors shall also be required to remove the City Manager or Assistant City Manager from office. In the absence or disability of the City Manager or if at any time there be no regularly appointed, qualified and acting City Manager the Assistant City Manager shall act as City Manager.

(b) The administrative and executive functions, powers and duties hereinafter set out are hereby delegated to and vested in the City Manager. He shall have the power and it shall be his duty—

1. To coordinate and administer the various functions of the city for the purpose of eliminating duplication of system and labor, and to secure the maximum efficiency in the performance of municipal functions.

2. To see that the provisions of this charter and all laws and ordinances of the city are enforced.

3. Subject to the charter to exercise supervision and control over all departments, divisions and offices created by the charter, or by ordinance of the city, excepting the City Attorney, the City Prosecutor, and the Police or Municipal Judge or Judges, and persons in their offices, and the Public Library system.

4. Except when his removal is under discussion, to attend all meetings of the Board of Directors, but he shall have no power to vote as a member thereof.

5. To recommend to the Board of Directors for adoption such measures and ordinances as he shall deem necessary or expedient.

6. To see that all terms and conditions imposed in favor of the city or its inhabitants in any contract or in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as are necessary to protect and enforce such terms and conditions.

7. To prepare and publish notices inviting bids in all instances in which such notices are required by this charter. All such bids shall be filed in the office of the City Clerk. The City Manager shall fix a time for the receipt of bids and a

time and place for the opening thereof. The City Manager may delegate the opening of bids to the City Clerk, provided, however, that the opening shall be set and conducted at a place and time at which the public and representatives of bidders may be present if any thereof so desire. The City Manager shall fully tabulate the results of such bidding and report the tabulation thereof to the Board of Directors together with his recommendation thereon.

8. To prepare and submit to the Board of Directors the annual budget.

9. To keep the Board of Directors at all times fully advised as to the financial condition and needs of the city.

10. To approve or reject as to surety all bonds filed as required by law in connection with any public work or contract.

11. It shall be competent for the Board of Directors to instruct the City Manager in all matters of policy, and any action, determination or omission of the City Manager shall be subject to review by the Board of Directors, but no such action, determination or omission shall be overruled or modified by a vote of less than five members of the Board of Directors, nor shall any otherwise valid contract previously made by the City Manager be subject to review.

12. He shall be the custodian of the City Hall and of all personal property, the custody of which has not been otherwise provided for.

The city assessor, tax and license collector.

Section 11. THE CITY ASSESSOR, TAX AND LICENSE COLLECTOR:

(a) The City Assessor, Tax and License Collector shall be at least thirty years of age, a citizen of the State of California, a resident of the City and shall devote his entire time during business hours to the official business of his office. The City Assessor, Tax and License Collector shall exercise all the powers and perform all the duties conferred and imposed by law, this charter or by ordinance upon the City Assessor and the Tax and License Collector in the assessment of property for taxation and the levy and collection of taxes and the collection of licenses and fees in the city. He may be appointed Deputy City Treasurer without compensation in addition to the compensation fixed for his office, except as to incidental expenses.

(b) The City Assessor, Tax and License Collector shall receive and collect all city taxes, general and special, all license taxes and other branches of the city revenue not otherwise herein provided for; he shall prepare, sign and issue all city license certificates, and he shall keep proper books showing all moneys collected by him as City Assessor, Tax and License Collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which books shall be properly indexed, and shall be at all suitable times open to public inspection, and shall do and perform such other duties as may be required of him by this charter or by ordinance.

He shall pay all moneys collected by him as City Assessor, Tax and License Collector into the city treasury daily and report to the City Controller all licenses issued and license charges collected.

(c) In the event that provision shall be made for the assessment and collection of city taxes by county officers, the duties of the City Assessor, Tax and License Collector shall be performed by said officers and in such manner as may be provided by law, and the legislative body shall provide by ordinance for the collection of license fees and taxes.

City attorney

Section 12. CITY ATTORNEY. (a) The City Attorney shall be a citizen of the State of California, a resident of the city and admitted to practice as an attorney at law in all the courts of said state, and shall have been actually engaged in the practice of his profession for at least five years immediately prior to his appointment.

(b) The City Attorney shall represent and advise the legislative body of the city and all city officers in all matters of law pertaining to their offices, and shall represent and appear for the city and all city officers and may represent and appear for any ex-city officer in any or all civil actions and proceedings in which the city or any officer or ex-officer thereof in or by reason of his official capacity is concerned or is a party, but the legislative body shall have control of all legal business and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

He shall be in attendance at every regular meeting of the legislative body and shall give his advice or opinion in writing whenever requested to do so by the legislative body or any of the boards or officers of the city. He shall approve the form of all bonds given to and all contracts made by the city, endorsing his approval thereon in writing. Whenever required by the legislative body or any member thereof, or at the request of the City Manager he shall draft any and all proposed ordinances for the city and amendments thereto; and shall do and perform all such things touching his office as the legislative body may require of him. On vacating the office he shall surrender all books, papers, files and documents pertaining to the city business to his successor.

City clerk

Section 13. CITY CLERK. The City Clerk shall be at least thirty years of age, a citizen of the State and shall have been a resident and qualified elector of the city for the five years next preceding the day of his appointment. He shall have the custody of and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall record in the manner prescribed by law all resolutions that are not published. He shall keep all the books properly indexed and open to public inspection when not in actual use. He shall perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits

and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his entire time to the duties of his office.

City controller.

Section 14. CITY CONTROLLER. (a) The City Controller shall be at least thirty years of age, a citizen and qualified elector of the State of California for a period of three years next preceding the day of his appointment; he shall have completed an advanced accounting course and shall have had at least five years of practical experience in accounting. He shall number and keep a record of all demands approved by him, showing the date of approval amount and name of original and present holder, on what account allowed and out of what funds payable and by what officer or board it has been previously approved. He shall be always acquainted with the exact condition of the city treasury. He shall on application of any person indebted to the city or any officer or person holding money payable into the treasury or desiring to pay money therein, receive such payment and issue a receipt therefor except where such payment is required by law to be made to some other officer, and shall pay all moneys so received by him to the City Treasurer who shall furnish a receipt to the City Controller for the money so received. He shall report to the legislative body of the city the condition of the various funds and of the amount of money in the treasury each month and oftener if required. He shall keep a complete set of books for the city in which shall be set forth in a plain and business-like manner every money transaction of the city so that he can tell at any time the exact condition of the city's finances. He shall make an annual report to the legislative body of the city showing the sources from which the city's revenue was derived and how expended. He shall countersign all licenses and/or permits issued by any city officer or board whereon money is to be paid to such officer or board for the use of the city, and shall issue all financial forms in blank to the proper officer or board. He shall approve and sign all warrants and demands upon the city treasury, except as otherwise in this charter provided. Except as otherwise provided by this charter or by ordinance he shall prescribe a system of books and records to be kept by each department of the city government to the end that he may have a complete and accurate knowledge of the business transactions of the city and of the several departments, and be able to keep full and accurate records of the same. The City Controller may at any time apportion among the several funds of the city all public moneys in the city treasury not otherwise by law specifically apportioned and appropriated, and shall immediately notify the treasurer of such apportionment. No apportionment so made shall be thereafter changed so as to render any outstanding warrant unpayable according to its terms because of an insufficient balance in the fund from which it should be paid. He shall discharge such other duties as may be required of him by law, by this charter, or by ordinances of the city. He shall have

authority to take affidavits and administer oaths necessary to the transaction of the city's business.

(b) Any interest, profit or increment received on any moneys derived from the sale of any bonds of any municipal improvement district in the city formed under an act of the Legislature of the State of California approved April 20, 1915, entitled, "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities therein; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," Statutes 1915, page 99 as amended, or from the sale of any general bonds of the city issued for any purpose for which the Water Fund or Municipal Light and Power Fund created by this charter may be used, shall be added to and become part of such bond fund or shall be used in the payment of principal and interest of said bonds. Any interest, profit or increment received on moneys raised by taxation for the payment of principal and interest on any such bonds shall also be used for the payment of such principal and interest. Any interest or profit derived from moneys in the Water Fund or Municipal Light and Power Fund, and Fire and Police Pension Fund shall be paid and credited to the fund from which derived. All interest, profit or other increment derived from any public moneys and not otherwise disposed of by this charter shall be paid and credited to the general fund. Stats. 1915, p. 99.

(c) Any moneys in the city treasury payable to any person whose whereabouts are unknown and for which no claim shall be made for a period of more than two years, shall be transferred to the general fund or such other fund as may be designated by the legislative body of the city.

Section 15. CITY ENGINEER AND SUPERINTENDENT OF STREETS. City engineer and superintendent of streets.

(a) The City Engineer and Superintendent of Streets shall be a citizen of the State of California, a resident of the city and shall have had not less than five years practical experience as a civil engineer prior to his appointment. He shall devote his entire time during business hours to official business. He shall have and exercise all the powers and duties imposed upon or vested in him by this charter, and shall perform the duties of the Superintendent of Streets in any proceeding under the general laws of the State, and shall have such other powers and duties as may be authorized by law.

(b) The City Engineer shall perform all the engineering and surveying required in carrying on of the public works and improvements done under the direction of the legislative body or any department of the city government. All maps, plats, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be and continue to be the property of the city. He shall be the cus-

todian of, and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indexes thereto. He shall have the final decision, unless otherwise provided by ordinance, as to the proper locality and height of telegraph, telephone, electric light and other poles, as well as the proper alignment and height above the ground of all telephone, telegraph, electric light and other wires, the depth below the surface and alignment of all gas, water, sewer and other pipes and conduits, and the grade and proper alignment of all street railroad tracks.

(c) It shall be his duty to see that the laws, ordinances, orders and regulations relative to the public streets and highways are fully carried into execution, and the penalties for a breach thereof are rigidly enforced. He shall superintend and direct the sweeping, cleaning and sprinkling of the streets and the cleaning and flushing of all sewers, and keep himself informed of the condition of all public streets and highways. He shall have the general care of and frequently inspect the streets and highways of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances and laws pertaining to street obstruction. He shall frequently inspect all public works pertaining to street improvement while the same are in course of construction, inspect and approve or reject all material used in such construction whether done by contract or otherwise, and shall at once report to the legislative body all deviations from contracts and use of improper material and bad workmanship in such construction. He shall perform such other duties as are required of him by this charter, by the ordinances of the city or the general laws of the State.

City treasurer.

Section 16. (a) CITY TREASURER. The City Treasurer shall be at least thirty years of age, a citizen of the State of California, a resident of the city, and shall devote his entire time during business hours to official business. Before entering upon the duties of his office he shall execute a bond with a qualified corporate surety, in favor of the city, for an amount not less than One Hundred Thousand Dollars, conditioned upon the faithful performance of his duties and proper accounting for all public moneys coming into his hands.

(b) The City Treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise, and all public money collected by any other officer shall be promptly remitted to the City Treasurer, and he may pay the same out, on demands properly audited, in the manner provided for in this charter, and without such auditing he shall disburse no public money whatever, except the principal and interest on the bonded indebtedness of the city when the same shall be payable; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance; he shall make a monthly statement

to the legislative body of the city of all his receipts and disbursements during the preceding month, and shall do all things required of him by this charter and the ordinances of the city.

(c) The City Treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the city or allow the same, except as herein provided, to pass out of his custody; provided, however, that the City Treasurer may deposit city moneys with such banks and upon such terms and conditions as may be authorized and provided by the general laws of the State of California.

(d) When authorized to do so by the legislative body of the city he may invest any public funds in his custody in any interest bearing security that is at the time a legal investment for public funds under the general laws of the State of California, and may in the same manner dispose of such securities and invest in others. No city officer shall be personally liable for any loss to the city growing out of any such investment unless such loss shall be the loss of the securities themselves due to the negligence of such officer. Any such security shall be considered as money in the hands of the City Treasurer except as herein provided.

Revolving funds

Section 17. (a) REVOLVING FUNDS. The legislative body of the city may authorize a revolving fund for the use of any city officer or department. Any such fund shall be established by resolution, a certified copy of which shall be transmitted to the City Controller and City Treasurer. It shall be the duty of the City Controller thereupon to draw his warrant in favor of the officer or head of the department for the amount named in such resolution, and said warrant shall be paid by the City Treasurer.

(b) The officer or department head entrusted with such fund shall be personally responsible therefor, and shall give account of said fund at any time on demand of the City Controller or legislative body of the city. Such funds shall not be expended except for services, transportation or material, the securing or purchase of which is a legal charge against the city. Demand shall be made upon the city for the reimbursement of said fund in the same manner that other demands are made. All sums received in satisfaction of said demands shall be returned to the revolving fund.

(c) The legislative body of the city may at any time reduce or discontinue any revolving fund established by its order. Whenever any revolving fund is ordered reduced the officer using the same shall immediately return to the City Treasurer the amount necessary to reduce the fund as ordered by the legislative body. If the revolving fund is discontinued the officer using the same shall immediately refund the same to the City Treasurer. In either event a reasonable time shall be allowed the officer to reimburse himself by demand on the city for expenditures from said fund legally made.

Health officer.

Section 18. HEALTH OFFICER. The Health Officer shall hold the degree of Doctor of Medicine from an institu-

tion of good standing and shall be licensed to practice medicine in the State of California. In addition, the Health Officer shall either hold the degree of Doctor of Public Health or shall have had at least three years' experience in public health administrative work. He shall have all the powers and shall be subject to all the duties conferred on Boards of Health and all health officers by the general laws of the State, and shall have such other powers and duties as may be conferred by ordinance.

The Health Officer may administer oaths on matters connected with the Health Department.

Article 9.

Streets.

Streets

Section 1. The legislative body of the city may by ordinance prescribe a method or methods of procedure for establishing and/or altering the grade of any public highway in the city and for assessing the cost of making such change upon the property benefited thereby, and may thereafter in like manner amend, repeal and re-establish any such method or methods. Such methods shall not be exclusive but the city may in any case proceed under any law of the State of California applicable, but when any proceeding has been begun under any ordinance or statute, such ordinance or statute shall govern such proceeding until completion.

Expense.

Section 2. The legislative body shall have the same powers as prescribed in Section 1 of this Article to provide methods and undertake proceedings for establishing and altering the official grades of highways wherein the work and any damages occasioned thereby to which any property owner is entitled under the Constitution of the State of California, shall be at the expense of the City to be paid out of any fund available therefor and not assessed against the property benefited.

Intersections

Section 3. The cost of improving all intersections of public streets or highways within the city including the construction of public works within such intersections, shall be paid out of the general or other appropriate fund of the city, and shall not be included in any special assessment for such work or improvement. The cost of said improvements or construction in said intersections which shall be chargeable to the city as provided herein shall be based upon the frontage of intersecting streets, such frontage to bear the same unit frontage cost as assessed upon the property frontage. In case of irregular intersections or in any case not clearly covered by the foregoing provisions the City Engineer and Superintendent of Streets shall determine the space which shall be considered as included in an intersection and the amount of work in or on such intersection to be charged to the city and the frontage which shall be used as a basis for the computation of the cost to be paid by the city and not to be assessed upon

the property otherwise chargeable, and his decision shall be final.

Improvement work.

Section 4. Except as otherwise herein or by ordinance of the city provided, the general law or laws of the State of California now in force, or which may hereafter be adopted by the Legislature of this State, providing for the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any street, square, lane, alley, court or place within municipalities, for condemning and acquiring any and all land and property necessary or convenient for such purposes, for the paving, curbing, guttering, sidewalks, lighting and other improvements of streets, squares, lanes, alleys, courts or places, for construction of sewer, water, storm water or other mains, ditches, pipes or conduits for wires for street lighting, police and fire signaling and communication of similar nature, and for the transmission or distribution of electrical energy for domestic, commercial and power purposes, for the maintenance, reconstruction, repair and/or operation of any improvement or public work in and/or on any public highway, for the planting, maintenance or care of shade trees or shrubbery upon or along streets, lanes, alleys, courts, rights of way and places within municipalities, and for the eradication of weeds and removal of rubbish within municipalities, and for the levying and collection of assessments upon the property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent such assessment, are hereby made a part of this charter; provided, however, that the legislative body of the city shall have power at any time by ordinance to provide substitute or alternate systems and procedures for the accomplishment of any or all of such work, and the carrying out of such purposes, and to abandon and readopt such systems and procedures. Any such system or procedure may provide for competitive bidding on any such work, or on the contract for any such purpose, in which bidding the city is hereby authorized to participate, or may provide for the performance of any or all such work or the carrying out of any or all such purposes by the city without competitive bidding, using services, labor or material furnished by the city. Any such system or procedure may also provide for the assessment of the amount of the successful bid with incidental expenses, or in the event that the work shall be done by the city without competitive bidding, the amount of the cost and expenses thereof, upon property fronting on the street wherein such work shall be done, or in the district benefited by such work, and for the issuance and enforcement of bonds representing such assessments and constituting liens upon lands so assessed prior to all other liens except state, county and municipal taxes, and prior assessment liens. Such bonds shall be payable in substantially equal annual installments extending over a period not exceeding ten (10) years bearing interest at a rate not exceeding seven (7) per cent per annum, payable semi-annually. In any such

Bonds.

system or procedure providing for the doing of any such work without competitive bidding, provision shall be made for the filing, in a public office, of a certificate showing in detail the items of cost and expense and for the publication of a summary thereof and for an opportunity on the part of assessed persons to appeal from the assessment and acts of officers in connection therewith to the legislative body of the city. In any such procedure or system provision may be made for the exemption from assessment of public property used in the exercise of any public function and for the levying of the total assessment upon other property fronting on the street wherein such work shall be done, or in the district declared to be benefited by such work, regardless of such exempted property, or for the payment by the city of any assessment levied against such public property, and may also provide for the payment by the city of any amount or proportion of the cost of such work or the limitation of the assessment to be levied therefor and/or the payment of any balance by the city. Any ordinance adopted by the city providing a procedure or system for the construction either by contract or by the city of public works or street improvements under any local assessment plan, may provide appropriate procedure for re-assessment according to benefits in the event that the legislative body of the city or any court of competent jurisdiction shall determine any assessment levied thereunder or any bonds issued representing such assessment to be void or unenforcible for want of sufficient authority for its issuance, or for irregularities or illegalities in any proceeding.

Bids. The city shall have power to bid in response to advertisement inviting proposals for the construction of any public works or street improvement under any and all street improvement statutes and ordinances now existing or which may hereafter be adopted; to enter into contracts with the City Engineer and Superintendent of Streets of the city in accordance with the provisions of any and all such statutes and ordinances; to do all things necessary and convenient to be done in carrying out such contracts, to sue for the recovery of moneys due on assessments levied in proceedings wherein the city has so contracted, and to take and enforce the collection of and to foreclose bonds creating liens upon land to secure payment of such assessments, and to sell and dispose of such bonds at public or private sale for such amounts as shall be approved by the legislative body of the city. When acting as such contractor, the city shall not be required to furnish or file any certified check or bidder's bond or bond to secure claims of laborers or materialmen, or to secure the faithful performance of any contract.

Nothing herein contained shall prevent the city from doing anything provided for in this section at the general expense of the city and paying the cost thereof out of any available fund without assessment of any property for the cost of any such work.

The city may incur bonded debt for the purpose of providing a revolving fund to be used for financing the construction of public works and street improvements under any procedure authorized in this section. Revolving fund

Section 5. The legislative body of the city shall have power by ordinance to require, or provide, or adopt general law or laws, for the planting, maintenance or care of grass plots, parkings and/or trees between the sidewalk and roadway in any street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision for enforcement of such lien by the sale of property or otherwise. Parkings, etc.

Section 6. The legislative body of the city shall have power by ordinance to require or provide for the removal of grass, weeds, or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise. Weeds.

Section 7. The legislative body of the city shall have power by ordinance to require the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to construct sewer, water or gas, or other mains or conduits, to connect their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provision for the enforcement of such lien by the sale of such property or otherwise. Such connection may be required to be made at the principal main or conduit or at the curb or boundary of that portion of the highway intended mainly for vehicular traffic or at the boundary line between such abutting property and such highway. Service connections.

Article 10.

Contracts.

Section 1. (a) The City of Pasadena shall not be, and is not bound by any contract except as hereinafter provided unless the same shall be made in writing by order of the legislative body of the city and signed by some officer in behalf of the city thereunto authorized by the legislative body. The approval of the form of all contracts shall be endorsed thereon by the City Attorney before the execution thereof. The legislative body of the city may authorize any officer of the city to bind the city without advertising, contracts in writing, or previous approval by the legislative body of each specific item, for the payment for supplies, labor or other valuable consideration furnished to the city, in amounts not exceeding $100 in any one contract, and by order duly adopted by vote of five members of the legislative body may authorize the City Manager to bind the city without advertising, contracts in writing or previous action by the legislative body on each specific item, for the payment for supplies, Contracts. General provisions.

labor or other valuable consideration to be furnished to the city, in amounts not exceeding $2500 in any one contract, and by such order so adopted may authorize the City Manager and the presiding officer of the legislative body by their joint action to so bind the city for such purposes in amounts not exceeding $5000 in any one contract; provided, however, that the legislative body may, by motion, authorize the City Manager or other officer of the city to enter into a contract on behalf of the city, in writing or otherwise, without advertising for bids, for labor, material or supplies for actual emergency work.

(b) The legislative body of the city may by ordinance provide a method or methods for the sale and/or exchange of personal property not needed in the city service, or not fit for the purpose for which intended. Such method may provide for the conveyance of the title of the city by any city officer or officers, and for the disposition of the money or property received by the city in such sale or exchange. Such method or methods shall not prevent the legislative body from authorizing or making any such sale or exchange in any particular case and shall be subject to amendment, repeal and re-enactment.

(c) The respective managers or superintendents of the public utilities operated by the city may contract for the sale of the products, commodities and/or service of their respective departments by the city upon general forms approved by the City Manager and City Attorney and at rates fixed by the legislative body of the city.

(d) The restrictions and provisions of this section shall not apply to labor or services rendered by any person in the employ of the city at salary or wages fixed by ordinance.

Notice for bids

Section 2. Except as otherwise provided in this charter, all contracts for goods, merchandise, stores, supplies, materials, substance or printing for the city or for any of the departments or public institutions thereof, must be made by the legislative body of the city with the lowest and best bidder after the publication for at least three days in a newspaper published in said city of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice.

Bids.

Section 3. All bids must be accompanied by cash, a certificate of deposit or certified check or draft or a cashier's check or draft of or on some responsible bank in the United States for an amount equal to five per centum of the bid; the said certificate of deposit or certified check or draft or cashier's check or draft must be in favor of and payable at sight to the City Clerk. If the bidder to whom the contract is awarded shall for ten days after such award, fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check or draft and pay the same or any cash deposited into

the treasury, and under no circumstances shall such cash or certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Security

Section 4. The legislative body of the city shall require the deposit of adequate security for the faithful performance of every contract. Any bond required by the city as such security shall be approved as to form by the City Attorney.

Bids.

Section 5. All bids must be placed in a sealed envelope and delivered to the City Clerk and opened by the City Manager or City Clerk at the time and place stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The Clerk shall return to the unsuccessful bidders their certificates of deposit, drafts, checks or cash. He shall retain the certificate of deposit, check, draft or cash of the successful bidder until after the approval of the bond or other security furnished by such bidder for the faithful performance of his contract, and then shall return such certificate of deposit, check, draft or cash to such successful bidder.

Official advertising

Section 6. All contracts for official advertising shall be let annually in a like manner to the lowest responsible bidder publishing a daily newspaper of general circulation in the city; provided, that the said newspaper shall have been in existence at least two years at the time of awarding said contract.

Award or rejection

Section 7. In any case the legislative body may reject any and all bids. If any contractor fails to enter into any contract awarded to him, or if any contract is not performed by the contractor or his sureties, the legislative body may abandon the matter or may readvertise the original proposal or a modification thereof, or the unfinished portion thereof, as herein provided, or may award the contract to the bidder who submitted the next lowest and best bid to that previously accepted with the consent of such bidder and without readvertising for bids, but no such reaward shall be made more than ninety days after the opening of such bid.

Article 11.

Claims and Demands.

Claims and demands.

Section 1. All claims and demands whatever against the City of Pasadena, except interest and/or principal on bonds and regular compensation of city officers and employees fixed by ordinance, shall be paid only on demands as herein provided.

Section 2. Every demand shall be presented to the City Controller and shall be numbered by him.

Items.

Section 3. No demand can be approved by any board or officer, audited or paid unless it specify each several item, with the date and amount thereof.

Auditing.

Section 4. No payment can be made from the city treasury, or out of the public funds of said city, unless authorized by law, nor unless the demand, or portion thereof, which is paid be duly audited as in this charter provided. The term "audited" as used in this charter, with reference to demands upon the treasury, is to be understood to mean that said demands have been presented, passed upon and approved as required by law, and this must appear upon the face of the paper representing the demand, or else it is not audited.

Deductions

Section 5. No demand shall be approved by the City Controller in favor of any person or officer, or the assignee of any person or officer, who is indebted to the city without first deducting the amount of such indebtedness, nor in favor of any officer having the collection, custody, or disbursement of public funds who shall have failed to account to the city as required by law; nor in favor of any officer who shall have neglected to make his official returns or report in writing, in the manner and at the time required by law, or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the legislature regulating the duties of such officer on being required in writing to comply therewith by the City Manager or the legislative body; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the City Controller may examine any officer receiving a salary from the treasury, on oath, touching such absence.

Record

Section 6. The City Controller must number and keep a record of all demands on the treasury approved by him, or to which his objections have been overruled, showing the number, date, amount and name of the original and present holder, on what account allowed, out of what fund payable, and by what officer or board it has been previously approved; and it shall be a misdemeanor in office for the City Controller to deliver any demand to the claimant with his approval thereon, until this requisite has been complied with.

Payment.

Section 7. Every lawful demand upon the treasury audited and allowed as in this charter required, shall in all cases be paid upon presentation, if there be sufficient money in the treasury applicable, to the payment of such demand, and the demand cancelled with a punch cutting the word "cancelled" therein, and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose.

Payment of bonds.

Section 8. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of bonds issued by the city, and the interest due thereon, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

Payrolls.

Section 9. The compensation of city officers and employees fixed by ordinance, other than traveling and incidental expenses, shall be paid upon payrolls for the several offices and departments of the city under such rules and regulations as may be established by ordinance.

Claims

Section 10. Except as herein otherwise provided, the legislative body of the city may prescribe by ordinance the manner in which claims against the city shall be presented, audited and paid.

Public moneys collected

Section 11. All public moneys collected by any officer or employee of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or any other cause or pretense.

Claims for damages

Section 12. No suit shall be brought upon any claim for money or damages, whether founded on tort or contract, against the City of Pasadena, or any department thereof, until a demand for the same has been presented as provided herein or in any ordinance herein authorized, and rejected in whole or in part.

Except in those cases where a shorter period of time is otherwise specified by law, all claims for damages against the city, or any department thereof, must be presented within six months after the occurrence, event or transaction upon which any such claim is founded. All other claims or demands, except for payment of principal and/or interest on bonds, shall be presented within six months after the last item of the account or claim accrued.

Any claim rejected in whole or in part by the City Controller or other officer except the legislative body of the city whose approval may be required, may be presented to the legislative body of the city within thirty (30) days after such rejection, and must be so presented before the bringing of any suit against said city or any officer, board or department thereof in his or its official capacity, and suit on any claim shall be brought within six months after the rejection of such claim in whole or in part by such legislative body. When any claim is in part allowed and in part rejected by said legislative body, the claimant may refuse to accept such partial allowance and bring suit for the entire amount of such claim, but if any such partial allowance is accepted, no suit shall be brought or maintained upon such claim.

Article 12.

Revenue and Taxation.

Estimate of expenditures

Section 1. On or before the fifteenth day in April in each year the several heads of departments, offices, boards and commissions shall prepare an estimate in writing of the amount of expenditure, specifying in detail the object thereof, required in their respective departments, offices, boards and commissions during the next fiscal year, and file said estimate with the officer or body whose duty it is to prepare the annual budget.

Equalization of assessments.

Section 2. Between the first Monday following the first day of January and the fifteenth day of May of each year the Assessor shall complete his list or assessment roll and shall attach his certificate thereto and deliver it and the books and maps he may have accompanying the same and all the original lists of property given to him to the City Controller, and the City Controller shall thereupon notify the legislative body and the City Clerk shall thereupon notify the taxpayers of the fact and of the time the legislative body will meet to equalize assessments, by publication of such notice in a daily newspaper published in the city, and in the meantime the assessment roll, books, maps and other papers accompanying the same must remain in the office of the City Controller for the inspection of all persons interested.

Section 3. The mode of making assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be prescribed by the ordinances of the city.

Board of Equalization

Section 4. The legislative body of the city shall, at the time and in the manner required by the ordinances of the city relative thereto, sit and act as a Board of Equalization, and shall have as regards the equalization of said lists powers similar to those conferred by law upon Boards of Supervisors or other officers empowered by law to equalize county taxes.

Meetings.

Section 5. The meetings of said Board of Equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment on said lists, both as to real and personal property, provided that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed valuation of which shall be increased, and such owner or owners shall have the right to be heard before the board, under oath. When such assessment list or roll has been equalized it shall be returned to the City Controller.

Estimate.

Section 6. On or before the first Monday in June in each year the officer charged with the preparation of the annual budget shall prepare and transmit to the legislative body an estimate of the probable expenditure of the city for the succeeding fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts together with the amounts needed for salaries and the wants of all the departments of the municipal government, in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses, and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of such fiscal year.

Budget.

Section 7. The legislative body of the city shall annually between the fifteenth day of June and the fifteenth day of

August, make and adopt a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the legislative body may determine.

Taxes.

Section 8. The legislative body of the city must cause to be raised annually according to law and collected by tax the amounts appropriated in said budget less the estimated amounts to be received from fines, licenses and other sources of revenue.

Particular appropriations.

Section 9. (a) Not less than five nor more than fifteen thousand dollars shall be appropriated each year for promotion, publicity and entertainment purposes for the benefit of the city.

In the conduct of the Water Department, the Municipal Light and Power Department, and/or other business or proprietary enterprises of the city, the expenses of conducting the said enterprises shall include the cost of advertising and publicity such as are ordinarily incident to the conduct of a business enterprise and shall not be charged to the appropriation herein provided for promotion, publicity and entertainment purposes but shall be in addition thereto.

(b) Not less than five thousand dollars shall be appropriated each year for public charity, provided that the use of any funds appropriated for such purpose shall be limited to needs not entitled to be met from county or state aid.

(c) A sufficient amount may be included in the general fund each year to pay the necessary current expenses of the city government until the receipt of tax moneys the following year.

Funds.

Section 10. The legislative body shall before fixing the rate of the annual city tax, establish by ordinance separate funds representing bonds for which the city is required to levy taxes, special taxes authorized under this charter and the several departments requiring municipal expenditures, including a general fund, and state the amount required for each fund, and the whole amount of the taxes and revenue of the city not otherwise provided for by law shall be apportioned accordingly, and no transfer shall be made except of balances in excess of requirements or from the general fund to meet deficiencies in any fund unless otherwise provided in this charter.

Tax levy.

Section 11. The legislative body shall, on or before the first Monday of September in each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all property, both real and personal, in the city necessary to raise sufficient revenue to pay the expenses of conducting the public business of the city, pay principal and interest on any bonds for which taxes must be levied, and any special taxes authorized under this charter, for the current fiscal year; provided, that the rate of taxes so levied shall not exceed in any one year one dollar for each one hundred dollars upon the assessment roll, exclusive of what may be necessary for the payment of the principal

and interest of the bonded indebtedness of the city or for school purposes or for any special tax authorized by the people of the city as herein provided.

Budget. Section 12. In case the legislative body shall fail to adopt a budget at the time and in the manner provided by this charter, then the budget as recommended by the City Manager for the expenses of conducting the business of the city government shall be in effect. If the legislative body shall adopt a budget as herein provided but shall fail to establish funds and/or to fix and levy taxes as herein provided, such budget shall be acted upon as hereafter in this section provided. The City Controller shall add to the budget the amount required to meet the interest and sinking fund for the bonded indebtedness of the city and of special districts therein and shall calculate a rate, but not exceeding the limit elsewhere in this charter provided, of taxation upon each one hundred dollars of valuation which, with the total amount estimated by the City Controller to be received from fines, licenses and other sources of revenue, will be sufficient to raise the necessary revenue for the ensuing fiscal year. If necessary, in order to keep the tax rate within said tax limit, the City Manager shall reduce items in said budget sufficient to keep the budget within the tax limit and shall so notify the City Controller in writing. The City Controller shall thereupon give public notice of said action and rate of taxation by publication at least three times in a newspaper of general circulation in the city; and the tax rate calculated by said City Controller, as hereinabove provided for, shall be the rate of taxation of the city and the budget, and said tax rate shall thereupon have full force and effect as if said appropriations had been made and said rate of taxation fixed by action of the legislative body as hereinbefore provided.

Assessment list. Section 13. As soon as the legislative body has fixed the rate of taxes for the year, or as soon as the rate has been fixed as provided in Section 12 of this Article, the City Controller must complete and enter in a separate column in the assessment book the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the City Tax and License Collector, and charge the City Tax and License Collector with the full amount of the taxes levied.

Lien. Section 14. Every tax so levied shall be and constitute a lien upon the real property situated in said city so assessed or owned by the person against whom such assessment is made, or by the unknown owner of such property when assessed to an unknown owner. The lien shall not be satisfied nor discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

Collection of tax.

Section 15. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and County taxes levied in Los Angeles County. The mode and manner of collecting such municipal taxes and enforcing such tax lien, and the proceedings thereafter, shall be prescribed by ordinance and shall conform as nearly as practicable to the general law governing county taxes; provided, however, that the legislative body by ordinance may regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made and executed by any such officer in pursuance thereof shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of county taxes.

Tax sales.

Section 16 All sales for delinquent taxes shall be made to the City of Pasadena unless otherwise regulated by ordinance.

Extension of time

Section 17. The legislative body may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

Fines and forfeitures.

Section 18. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, in civil cases, may be recovered in the name of the city, and together with all other moneys collected or received by any officer of the city under said laws, shall be for the use of the city.

Reports.

Section 19. No officer shall be required to send or transmit any statement or report to any State officer or board.

Filing.

Section 20. All papers and instruments required to be filed or recorded with or by the County Recorder by the revenue or taxation laws of this State, shall, under this charter and ordinances authorized hereunder be, in like manner and with like effect, filed with and recorded by the County Recorder of Los Angeles County.

Special tax.

Section 21. Whenever the legislative body shall determine that the public interest requires the construction or acquisition or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge or other public improvement or utility, the cost of which, in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt or levy a special tax for such purpose, and proceed therein as provided in Section Eighteen of Article Eleven of the Constitution of this State and general law or laws thereof, provided that such indebtedness shall not bear more than six per cent interest per annum, payable semi-annually, and that no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor.

Provisions governing

Section 22. Except as herein otherwise provided, all matters pertaining to taxes shall be regulated by ordinance. If the time for assessing property for county taxation shall be changed by law, the time for doing any act prescribed by this article may be changed by ordinance to the end that property shall be assessed at the same time for the purpose of city and county taxation.

Fiscal year.

Section 23. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following. If the fiscal year of the counties of the State shall be changed a like change of the fiscal year of the city may be made by ordinance, and in such event such changes may be made by ordinance in the dates prescribed in this article as shall be necessary to conform thereto.

Article 13.

Franchises.

Franchises.

Section 1. Plenary control over all primary and secondary uses of its streets and other public places is vested in the city. Franchises may be granted to persons, partnerships, corporations, or other legal entities capable of exercising the privilege conferred, upon such terms, conditions, restrictions or limitations as may be prescribed by ordinance, but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred, nor shall any franchise be granted for a longer period than twenty (20) years, unless there be reserved to the city the right to take over at any time the works, plant and property constructed under the grant at their physical valuation and without compensation for franchise or good will. The legislative body of the city may by ordinance adopted by unanimous vote of all its members, provide a method whereby franchises may be granted and from time to time in like manner change the method so provided. In the absence of such provision the method provided by the general laws of the State shall apply.

Penalty

The exercise by any person, partnership, corporation, association or other legal entity, and/or by any person acting for or on behalf of such person, partnership, corporation, association or other legal entity, of any privilege for which a franchise is or may be required without procuring such franchise, shall be a misdemeanor for which such person, partnership, corporation, association or other legal entity and/or any person acting for or on behalf of such person, partnership, corporation, association or other legal entity shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

Article 15.

Judicial Department.

Police court.

Section 1. There is hereby created and established in and for the City of Pasadena a Police Court.

Judges.

Section 2. (a) There shall be a judge of said court, and such additional judges as may be provided for by ordinance. A judge of the Police Court shall be a police magistrate and shall have all the powers given by law to a police magistrate not inconsistent with this charter. If there be more than one judge there may be as many sessions of the court as there are judges thereof, and the judges may adopt rules not inconsistent with law governing the business of said court.

(b) A judge of the Police Court shall be a citizen of the State, and a resident and qualified elector of the city. He shall have been duly admitted to practice as an attorney-at-law by the Supreme Court of the State of California, and shall have been actually engaged in the practice of the profession of law for a period of two years next preceding his appointment.

Clerk of police court.

Section 3. The office of Clerk of the Police Court may be created and its powers and duties defined by ordinance. There shall be such other officers, clerks, stenographers and other attaches of said court as may be provided by ordinance. The Clerk of the Police Court and any other officers and attaches of said court shall be appointed and may be removed by the judge or by a majority of the judges if there be more than one.

Jurisdiction.

Section 4. The said Police Court shall have jurisdiction in all cases of misdemeanor where the offense is committed in the City of Pasadena, and shall have exclusive jurisdiction in all cases of misdemeanor where the offense charged is a violation of a city ordinance and of all proceedings for the collection of any license tax or fee imposed by a city ordinance.

Powers.

Section 5. In the exercise of his jurisdiction a Police Judge may punish persons guilty of contempt of court and may issue warrants of arrest, subpoenas, venires, executions and all other process necessary and proper and may administer oaths.

Disqualification.

Section 6. In all cases in which a Judge of the Police Court is disqualified under the laws of this state, and in case of his absence, sickness or inability to act, any Police Judge or Justice of the Peace of the County of Los Angeles may act in his place and stead upon the written request of said judge or of a majority of the judges of said court, if there be more than one.

Record.

Section 7. A record of the proceedings of the Police Court in all matters and cases before said court shall be kept, and all fines and other money received by any officer of said court belonging to the city shall be paid weekly into the city treasury. On the first Monday of each month an exact and detailed account in writing of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city, verified by a judge

of the court or the clerk thereof, shall be filed with the City Controller.

Quarters. Section 8. The city shall furnish a suitable room for said Police Court, and shall also furnish the necessary dockets and blanks for the use of said Court.

Fees. Section 9. All fees received or collected by the said Court shall be the property of the city.

Practice and procedure. Section 10. The rules of practice and mode of proceeding in the Police Court shall be the same as are, or may be, prescribed by law for Justices' Courts in like cases, and which would be applicable in the City of Pasadena under the general laws of the State of California; and appeals may be taken to the Superior Court of the County from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justices Courts.

Juveniles. Section 11. The legislative body of the city shall have power to provide by ordinance for the separate detention and trial of, and a probation system for persons who would come within the provisions of the juvenile court law of the State of California, if tried in any court created by general law.

Parole. Section 12. The Judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this court, provided, that said parole so granted may be revoked at any time by the Judge within six months after the granting of the same and the sentence imposed against such person shall thereupon be carried into execution.

Parole board. Section 13. A parole board may be created and its powers defined by ordinance to act in all or in any class or classes of cases of persons convicted in the Police Court. If such board is created the powers of the Judge given by Section 12 of this article shall be modified accordingly.

Traffic bureau. Section 14. TRAFFIC BUREAU. The judge or a majority of the judges of the Police Court, if there be more than one judge, may adopt a schedule of fines for violations of the traffic laws in cases where reckless driving or intoxication are not involved, and where there has been no personal or property damage as a result of such violation. Such fines may be paid immediately if accompanied by a written plea of guilty by the person accused.

Municipal court. Section 15. MUNICIPAL COURT. The City shall have power to establish a Municipal Court under the provisions of Stats 1925, p. 648. Chapter 358, Statutes of 1925 of the State of California, and statutes amendatory thereto, upon the question of the establishment of said court being presented to the qualified electors in the manner therein provided.

Article 16.

Board of Education.

Board of education. Section 2. The members of this Board shall hold office for the term of four years, and until their successors are elected and duly qualified. They shall be elected on the first Friday

in June following each regular municipal election: three members being elected in June 1933, two in June 1935, and thereafter three and two members shall be alternately elected. The officers of the election for members of the Board of Education shall receive the sum of Six Dollars ($6.00) as compensation for their services; such compensation and any other expense incurred in the conduct of said election shall be a charge upon the School District and not upon the city.

In the preparation of ballots for the election of members of the Board of Education, there shall be printed, stamped or written the name of each candidate for such office who has officially announced himself ten days prior to the date of the election by filing or having filed with the Secretary of the Board of Education a written statement signed by him that he is a candidate for the office of member of the Board of Education.

In all other matters the election of members of the Board of Education shall be governed by the general law of the State relating to the election of city Boards of Education.

Compensation.

Section 4. Each member of the Board of Education shall be paid out of the general fund of the city the sum of Ten Dollars ($10.00) for each and every meeting of the Board attended by him as compensation for all services rendered by him; provided, however, that there shall not be paid to any member for any one calendar month a sum greater than Fifty Dollars ($50.00).

Article 19.

Elections.

Canvass of votes.

Section 10. On the first Monday after the election and at their usual time and place of meeting, the Board of Directors shall meet and canvass the returns and declare the result. In the event that any election held hereunder shall be consolidated with any special election with which such election may be consolidated by law or with any general election and any proposition to be voted on thereat shall be printed upon a ballot containing other propositions, the returns of the election held hereunder may be made with the returns of such special or general election to the Board of Supervisors or other body whose duty it is to canvass the returns thereof, with the consent of said board or body thereto, and the results of the election held hereunder may be canvassed and certified to the Board of Directors of the city at the time and in the manner provided by law for the canvass and certification of the returns of such special or general election.

Election certificate.

Section 11. After the result of an election is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor and certify the same either by depositing said certificate with the postage prepaid in the United States Post Office in Pasadena addressed to the person elected or appointed, or by personally delivering said certificate of election or appointment to

said person elected or appointed in which latter event a written statement of such personal delivery shall be endorsed upon said certificate by the City Clerk and proof of the receipt of such certificate shall be endorsed thereon by the person elected or appointed to whom such delivery was made, and such person must within ten (10) days after receiving said certificate file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the City Clerk.

Article 20.

Miscellaneous provisions.

Miscellaneous Provisions.

Approval of subdivisions.

Section 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets or alleys, or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the legislative body of the city and the City Engineer and Superintendent of Streets for their approval, and if such legislative body and City Engineer and Superintendent of Streets approve the same, such approval shall be endorsed upon said map or plat, the approval of the legislative body being evidenced by the certificate of the City Clerk, and a duplicate copy of such map or plat as approved shall be placed on file in the office of the City Engineer and Superintendent of Streets, and no street, alley or public place hereafter opened and by such map or plat shown as such shall become or be dedicated as a public street, alley or place or be subject to any public improvement without such approval or endorsement. The legislative body may prescribe by ordinance all conditions to be complied with prior to its approval of any such map or plat.

Effect.

Section 6. All ordinances and resolutions of the city and all regulations or rules prescribed by or for the government of any of its departments, officers or employees, which are in force at the time any amendments to this charter shall become effective in the year 1933 and which are not inconsistent with this charter as amended, shall continue in force until altered, amended or repealed.

Actions begun.

Section 7. All rights, actions, proceedings, prosecutions and contracts of the city or any of its departments or officers in progress, begun, or in existence at the time any amendments to this charter adopted shall become effective in the year 1933, are hereby preserved and shall continue to be valid, and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

Penalty.

Section 8. Any violation of any provision of this charter not herein otherwise specifically provided for, shall be a misdemeanor and punishable as such.

"City council" defined

Section 11. Wherever the words "City Council" appear in this charter, the same shall be deemed to be the Board of Directors or other existing legislative body of the city.

Incumbents.

Section 12. Until different provision is made the officers of the city in office at the time any amendments to this charter shall become effective in the year 1933 shall continue to hold office and discharge the duties pertaining to their offices prescribed by law at the time of the taking effect of any such amendments.

Article 21.

Initiative.

Initiative: Petition.

Section 1. Whenever there shall be presented to the legislative body of the city a petition signed by a number of city electors equal to ten per centum of the votes cast in the city at the last preceding general State or general city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city, such proposed ordinance must be submitted to the vote of the electors at the next general city election unless the said ordinance shall have been adopted more than thirty days prior to such election.

Special election.

Section 2. Whenever there shall be presented to the legislative body of the city a petition signed by a number of city electors which shall equal thirty per centum of the votes cast at the last preceding general State or general city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city at a special election to be called for that purpose, such special election shall be called, and such proposed ordinance must be submitted to the vote of the electors at such special election, unless the legislative body within thirty days after having received said petition shall duly adopt such ordinance.

Alternative ordinance.

Section 3. The legislative body of the city at such general or special election may submit an alternative ordinance for the choice of the electors, and any number of proposed ordinances may be voted on at the same election.

Signatures.

Section 4. The signatures to such petition need not all be appended to one paper, but each signer shall add to his name his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Ballots.

Section 5. The tickets used at such elections in voting on such ordinances shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance).

Necessary vote.

Section 6. If a majority of the votes cast upon the question of such ordinance shall be in favor of the adoption thereof, the legislative body, within twenty days from the time of such election, shall proclaim such fact by publishing such proclamation attached to a copy of such ordinance at least once in the English language, in a newspaper published in the city, and

thereupon such ordinance shall have the same force and effect as an ordinance passed by the legislative body and the same shall not be repealed by the legislative body of the city.

The legislative body of the city may submit a proposition for a repeal of such ordinance or for amendments thereto, to be voted upon by the electors of the city at any general or special election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Expenditure of money

Section 7. No initiative ordinance providing for the expenditure or disposition of public money or for an increase in salaries of any city officer or employee shall take effect until the beginning of the fiscal year next following the date of its adoption.

Article 22.

Referendum.

Referendum

Section 1. The legislative body of the city may submit to a referendary vote of the qualified electors of the city at any general or special election any proposed ordinance that the legislative body itself might adopt. Such submission shall be governed by Sections 8, 9 and 10 of this article.

Exemptions

Section 2. No general penal ordinance passed by the legislative body in the exercise of the police powers vested in the city, and no ordinance granting any franchise shall go into effect until the expiration of thirty days from its publication except an ordinance required for the immediate preservation of the public peace, health or safety which shall contain a specific statement showing its urgency, and which is passed by a unanimous vote of the legislative body, ordinances relating to public improvements the cost of which is to be assessed against property benefited thereby, ordinances calling elections, ordinances fixing the compensation of city officers and employees, and legislative acts providing for tax levies or appropriations for the usual current expenses of the city. No grant of any franchise, however, shall ever be construed as an emergency measure, but all grants of franchises shall be subject to a referendary vote as hereinafter provided.

Referendary petition.

Section 3. At any time within the thirty days mentioned in the preceding section a petition addressed to the legislative body and signed by the qualified electors of said city equal in number to at least fifteen per cent of the number of votes cast at the last general municipal election may be filed with the City Clerk, demanding the submission of any such ordinance passed by the legislative body to a vote of the qualified electors of such city. Any such petition shall be known as a Referendary Petition and shall contain the ordinance in full, the submission of which to a vote is thereby demanded. Such petition as to form and verification shall conform to the requirements of this charter for initiative petitions.

Certificate.

Section 4. Within ten days from the date of filing a Referendary Petition, the City Clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary he may employ extra help for that purpose. He shall attach to said petition his certificate showing the result of such examination. If the petition shall be found to be sufficient, the Clerk shall submit the same to the legislative body without delay.

If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. Within ten days after the date of filing such amendment, the City Clerk shall make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

Suspension of ordinance

Section 5. If the City Clerk shall be unable to make a certificate to the sufficiency or insufficiency of any Referendary Petition within thirty days after the publication of the ordinance, the submission of which to referendary vote is thereby demanded, such ordinance shall be suspended from taking effect within the expiration of said thirty days and until the date of the certificate of the City Clerk to the sufficiency or insufficiency thereof.

Ordinances in effect.

Section 6. If by certificate of the City Clerk such petition is certified to be sufficient such ordinance shall not go into effect until it shall be adopted by vote of the electors of the city, as hereinafter provided, but if by such certificate such petition is certified to be insufficient, such ordinance shall go into effect upon the date of such certificate, provided, however, that no such ordinance shall take effect before the time fixed by Section 2 of this article.

Special election

Section 7. Upon the presentation to the legislative body by the City Clerk of a Referendary Petition, the ordinance, the submission of which to a referendary vote is thereby demanded, must be either repealed by the legislative body without delay or submitted to a vote of the qualified electors of the city for approval or rejection at the next general municipal election occurring subsequent to forty days from the date of the presentation of such Referendary Petition to the legislative body, provided that if before such general election, and subsequent to said forty days, a special election shall be held for any other purpose, then such ordinance shall be so submitted at such special election, or in the discretion of the legislative body at any special election called for that purpose.

Ballots

Section 8. Whenever any ordinance is submitted to a referendary vote, as herein provided, there shall be printed on the ballots to be used at such election the words "Shall the Ordinance (stating the nature of the ordinance) be adopted," and opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed in separate lines in voting squares. If an elector shall stamp a cross

(+) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (+) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same. The provisions of this section shall apply where an ordinance is submitted to a referendary election at the initiative of the legislative body, as provided in Section 1 of this article.

Majority vote.

Section 9. No ordinance that has been submitted to a referendary vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof, and if such ordinance so submitted shall receive the votes of a majority of such qualified electors voting thereon, it shall be deemed to be adopted and shall take effect upon the declaration by the legislative body of the result of the election at which it shall have been so submitted, provided, however, that any ordinance so adopted shall be subject to amendment or repeal by the legislative body at any time after one year from the date of its adoption by unanimous vote of the legislative body, but such amendment or repeal shall be subject to a referendary vote in the same manner as other ordinances.

Propositions.

Section 10. Any number of ordinances proposed by initiative petitions, or referred by Referendary Petition or upon the initiation of the legislative body may be voted upon at the same election, either general or special, provided that there shall not be held at any period of six months more than one election called for the purpose of submitting an ordinance or ordinances proposed by initiative petitions, but if an election be called for any other purpose within said period, said ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances adopted at the same election by vote of the qualified electors of the city conflict, then the ordinance receiving the highest affirmative vote shall prevail.

Section 11. After an election based on a Referendary Petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Article 23.

Recall.

Recall

Section 1. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent in the manner herein provided.

Petition

Section 2. Proceedings for the recall of an officer shall be begun by a petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least 25 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, and shall be addressed to the legislative

body of the city and filed with the City Clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

Certificate.

Section 3. Within ten days from the date of filing such petition the City Clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, he may employ extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall submit the same to the legislative body without delay and the legislative body shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the legislative body that a sufficient petition is filed.

Nomination statement.

Section 4. On or before the 15th day preceding the election ordered by the legislative body, any candidate for the office held by an incumbent sought to be removed, shall file with the City Clerk a dated, signed and sworn nomination statement, giving his name and address and stating that he is a candidate for election to the office, naming it, then held by the incumbent thereof at the forthcoming election; that he is a resident of the city election district in which the incumbent of the said office resided at the time he was elected to the said office; that he is legally qualified to fill the said office; that if elected he will qualify for and accept the said office and that he requests that his name be placed upon the ballot at the said election. Every such nomination statement shall be accompanied by a nomination paper signed by duly qualified electors residing in the city election district in which the candidate resides equal in number to at least ten per centum (10%) of the number of votes cast in said election district at the last preceding general election. Each such nomination paper shall be in substantially the following form:

Nomination paper.

Nomination Paper

The undersigned, duly qualified electors residing in the _____ election district of the City of Pasadena at the places set opposite our respective names, do hereby request that the name of _____ be placed on the ballot as a candidate for member of the Board of Directors from the _____ election district of said city at the recall election of _____, 19__.

We further state that we know him to be a qualified elector of the said city residing within the said election district, and a man of good moral character and qualified in our judgment for the duties of such office.

Names of Qualified Electors	Number	Street
_____	_____	_____
_____	_____	_____

Each signer of such nomination paper shall add thereto after his name the address at which he is resident, and before any such nomination paper shall be presented for filing there shall be added, before or after each signature, the designation of the city election precinct in which such person is a registered voter. Such designation need not be added by the signer. Every such nomination paper or section thereof shall be verified upon oath or affirmation by the person who obtained the signatures appearing thereon. Such verification shall show that the affiant personally obtained each of the signatures thereto and that to the best of his knowledge and belief each such signature is the genuine signature of the person whose name it is and that the address appended is the residence of such person.

Upon presentation of such nomination statement and nomination paper the City Clerk shall file the same and ascertain their sufficiency. If found to be insufficient any such statement or nomination paper shall be returned forthwith to the person who presented the same who may submit an amended statement or nomination paper on or before the 10th day prior to the said election. The City Clerk shall ascertain the sufficiency of such amended document. When a sufficient nomination statement and nomination paper for any candidate shall be found by the City Clerk to have been presented within the time allowed, certification to that effect shall be made on the face of such documents and the same shall be transmitted forthwith to the legislative body and the City Clerk shall cause the name of such candidate to be placed upon the ballot at the said election.

Notice, conduct of election.

Section 5. The legislative body shall make or cause to be made publication of notice, and all arrangements for holding of such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any

person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the City Clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the person who receives the highest number of votes should fail to qualify within ten days after receiving notification of election the office then shall be deemed vacant and the vacancy filled by the remaining members of the legislative body as otherwise provided in this charter in the case of vacancies on the legislative body. If the incumbent receives the highest number of votes he shall continue in office.

And as a separate proposal that Section Eight (8) of Article Ten (10) of said Charter be amended to read as follows:

Resident labor.

Section 8. (a) Every contract for work to be done at the expense of the City of Pasadena, or of any improvement district in said city formed under the provisions of any ordinance of the city, whether such work be done directly under such contract or indirectly under subcontract, subpartnership, day labor, station work, piece work or any other arrangement whatever, shall contain a provision that preference in the performance of manual labor under such contract or other arrangement shall be given to bona fide resident of the City of Pasadena.

(b) Any provision of this charter inconsistent herewith is hereby superseded.

That each of said proposed amendments was on the twenty-fourth day of September, 1932, published and advertised in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, in the Pasadena Star-News, a daily newspaper of general circulation published in the said city of Pasadena, and the official newspaper of said city.

That copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the said election upon said amendments, and as required by section 8 of Article XI of the Constitution, a notice was published in said Pasadena Star-News that such copies might be had upon application therefor at the office of the city clerk of the city of Pasadena.

That such copies could be had upon application therefor at the office of said city clerk until the date fixed for said election.

That in accordance with the provisions of the charter of the said city of Pasadena and said ordinances of the legislative body thereof, there was held in the said city of Pasadena on the eighth day of November, 1932, a special municipal election, and that pursuant to said ordinances the said proposed charter amendments and each of them were severally sub-

mitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of said amendments, and each of them, and did ratify each of the said proposed amendments to the charter of the said city hereinabove set out.

That the results of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers of said city that a majority of the qualified electors of said city voting on said amendments and each thereof, had voted for and ratified each of said proposed amendments.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said city of Pasadena to be affixed hereto this twenty-seventh day of December, 1932.

[SEAL]

EDWARD O. NAY,
Chairman of the Board of Directors
of the City of Pasadena.

BESSIE CHAMBERLAIN,
City Clerk of the City of Pasadena.

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with said section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Pasadena as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said city of Pasadena.

CHAPTER 8.

Senate Concurrent Resolution No. 1—Approving certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the qualified electors of said city and county, at a general election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 12, 1933.]

San Francisco Charter amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred thirty-two, and is now organizing and acting under a Freeholders' Charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City and County at an election held for that purpose on the twenty-sixth day of March, one thousand nine hundred thirty-one, and approved by the Legislature of the State of California on the thirteenth day of April, one thousand nine hundred thirty-one (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said City and County, namely the board of supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco five certain amendments to the charter of said City and County of San Francisco by the submission of five proposals, numbered from one to five, inclusive, entitled as follows, to wit:

Charter Amendment No. 1.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said City and County by amending section 149 thereof, providing for emergency appointments in the classified service.

Charter Amendment No. 2.

Describing and setting forth a proposal to the qualified elecelectors of the City and County of San Francisco, State of California, to amend the charter of said City and County by amending section 7 thereof, relating to qualifications of officers and employees.

Charter Amendment No. 3.

Providing for the creation of an emergency reserve fund for the disposition of unencumbered balances, for the making of supplemental appropriations, for the creation of a cash reserve fund to meet City and County expenses which must be paid prior to the receipt of tax payments, for temporary

Charter amendments.

transfers or loans therefor based on and in anticipation of tax and other revenue collections, and for emergency loans in any fiscal year to be repaid out of the income and revenue of such fiscal year.

Charter Amendment No. 4.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said City and County by adding a new section to be known as section 129.1.

Providing the manner in which the Public Utilities Commission may borrow money for the construction of one or more improvements, or extension to or the repair or reconstruction of the property of a public utility owned and operated by the City and County for the purpose of supplying the City and County of San Francisco and its inhabitants, or the territory outside of the City and County, or the inhabitants in said territory, with water, and to issue notes, bonds, certificates or other evidences of indebtedness evidencing the amount so borrowed and which shall be payable solely out of the revenue of said utility.

Limiting the total indebtedness outstanding at any one time to $5,000,000. Authority to borrow money under this section shall cease at the expiration of five (5) years after date of approval of this amendment by the Legislature.

Charter Amendment No. 5.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said City and County by amending section 142 thereof, relating to positions.

WHEREAS, Said five proposals aforementioned containing said proposed amendments to said charter were in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, published for one day after their order of submission in "The San Francisco News," a daily newspaper of general circulation in the City and County of San Francisco and the official newspaper of said City and County; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in a paper of general circulation in the City and County of San Francisco, "The San Francisco News," that such copies could be had on application therefor to the office of the Board of Supervisors; and

WHEREAS, The said legislative authority of said City and County, ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the eighth day of November, one thousand nine hundred thirty-two, the said five several proposals to amend the charter of the City and County of San Francisco; and

Charter amendments

WHEREAS, Said general election was held in said City and County of San Francisco on the eighth day of November, one thousand nine hundred thirty-two, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in "The San Francisco News," newspaper, said general election having been held within six months next preceding a regular session of the Legislature; and

WHEREAS, On the fourteenth day of November, one thousand nine hundred thirty-two, and thereafter at meetings duly convened in accordance with law, the Board of Supervisors of said City and County duly and regularly canvassed the returns of said general election and duly declared the results thereof, said board being by law authorized to canvass the returns of said general election; and

WHEREAS, Thereafter, to wit on the twenty-eighth day of November, one thousand nine hundred thirty-two, said Board of Supervisors duly approved the "official statement of votes cast at the general election held in the City and County of San Francisco, State of California, on Tuesday, the eighth day of November, one thousand nine hundred thirty-two, for charter amendments"; and

WHEREAS, At said general election so held on the eighth day of November, one thousand nine hundred thirty-two, four of said proposed amendments were ratified by a majority of the electors of said City and County voting thereon, to wit: Charter amendments numbered one, two, three and five, and that the other amendment received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, The said four charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows, to wit:

Charter Amendment No. 1.

Emergency Appointments.

Amending Section 149 of the Charter, which proposes to permit employees engaged by the City during unemployment emergency to be exempt from civil service examinations during such emergency period.

CHARTER AMENDMENT NO. 1.

Section 149.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 149 thereof, providing for emergency appointments in the classified service.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County of San Francisco at the general election to be held on the 8th day of November, 1932, a proposal to amend Section 149 of the Charter of said City and County as follows:

Emergency Appointments.

Emergency appointments.

Section 149. When no list of eligibles is available for a position in the class requisitioned by the appointing officer, the Commission may certify for civil service temporary appointment an eligible from another list deemed by the Commission to be suitable to temporarily provide the service desired; or may authorize the appointing officer to make a non-civil service emergency appointment thereto for a period not exceeding ninety days and only until a regular appointment under the provisions of this Charter can be made. If a non-civil service emergency appointment is authorized, the Commission shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, it shall report to the Mayor the estimated cost thereof, and the Mayor shall request and the Supervisors shall make supplemental appropriation therefor in the manner provided herein for supplemental appropriations. No person shall be compensated under any non-civil service emergency appointment or appointments as authorized under the provisions of this paragraph for a period exceeding ninety days in any fiscal year, and no claim or warrant therefor shall be approved, allowed or paid for any compensation in excess of such ninety days.

Declaration of emergency.

Whenever the Board of Supervisors by a three-fourths vote of all its members shall declare that an unemployment emergency exists throughout the City and County because of extraordinary conditions due to unemployment, and shall fix the period during which such unemployment emergency shall be officially recognized, the Civil Service Commission shall then have power to exempt from civil service examinations during such emergency period all places of employment that may be created by special appropriation to relieve such unemployment emergency; provided, that no action shall be taken under the provisions of this paragraph that will adversely affect the rights of civil service eligibles for employment in the usual temporary and permanent positions that are provided for in the Annual Salary Ordinance. The Civil Service Commission shall adopt special rules for the government of appointments to the emergency positions that may be created under the authority of this paragraph.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 23, 1932.

Ayes: Supervisors Breyer, Canepa, Colman, Gallagher, Hayden, McSheehy, Miles, Peyser, Power, Roncovieri, Shannon. Stanton.

Absent: Supervisors Brown, Havenner, Spaulding.

I hereby certify that the foregoing order was adopted by the Board of Supervisors of the City and County of San Francisco.

J. S. DUNNIGAN, Clerk.

Charter Amendment No. 2

Qualifications of Officers and Employees

Amending Section 7 of the Charter, making it mandatory on all officers and employees of the City and County to maintain their residence in said City and County, defining the term "resident" and allows such officers and employees to reside outside the City and County for three months in any calendar year and longer under certain conditions.

CHARTER AMENDMENT NO. 2

Section 7

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 7 thereof, relating to qualifications of officers and employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County of San Francisco at the general election to be held on the 8th day of November, 1932, a proposal to amend Section 7 of the Charter of said City and County as follows:

Qualifications of Officers and Employees

Qualifications of officers and employees.

Section 7. No person shall be a candidate for any elective office, nor shall be appointed as a member of any board or commission or as an officer of the City and County unless he shall have been a resident of the City and County for a period of at least five years and an elector thereof for at least one year immediately prior to the time of his taking office, unless otherwise specifically provided in this Charter. All employees of the City and County shall be citizens and shall have been residents thereof, for at least one year prior to the appointment, unless otherwise specifically provided in this Charter, and members of the fire and police departments shall be citizens and shall have been residents of the City and County for at least five years next preceding appointment, and every elected officer, member of any board or commission and employee, including members of the fire and police departments, shall continue to be a resident of the City and County during incumbency of office or employment, and upon ceasing to be such resident, shall be removed from such office or employment; provided that where competent citizens who are residents of the City and County cannot be secured to fill positions outside of the City and County, then non-resident citi-

zens may be appointed to fill such positions; and provided, also, that positions requiring expert or technical training may, on the recommendation of the department head and the Mayor, and with the approval of the Civil Service Commission and the Board of Supervisors, be exempted from the requirements of this section. A "resident" within the intent and purpose of this section, means one who actually lives within the City and County and maintains an abode therein, where such resident with his family, if any, customarily spends the night, provided, however, that residence outside the confines of the City and County for a period not to exceed three months in any calendar year, or absence of a resident from the City and County upon any bona fide journey, whether for business or pleasure and for whatever length of time, or absence of a resident while in the performance of any duties as an elected or appointed official or employee of the State of California or the Government of the United States, shall not be within the contemplation of this section; provided, however, that any officer or employee of the City and County may live outside the City and County of San Francisco upon the authorization of the Director of Health, filed in the office of the Civil Service Commission, and granted on account of the ill health of said officer or employee or the ill health of a member of the immediate family of said officer or employee

"Resident" defined.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 23, 1932.

Ayes: Supervisors Canepa, Colman, Gallagher, Havenner, Hayden, McSheehy, Miles, Peyser, Power, Roncovieri, Shannon, Stanton.

Absent: Supervisors Breyer, Brown, Spaulding.

I hereby certify that the foregoing order was adopted by the Board of Supervisors of the City and County of San Francisco

J. S. DUNNIGAN, Clerk.

Charter Amendment No. 3

Creation of Cash Reserve Fund for Payment Prior to Tax Payments

Amending Sections 79, 80 and 81 of the Charter, providing for an emergency reserve fund and authorizing the borrowing of money in anticipation of the payment of taxes.

CHARTER AMENDMENT NO. 3

Providing for the creation of an emergency reserve fund for the disposition of unencumbered balances, for the making of supplemental appropriations, for the creation of a cash reserve fund to meet City and County expenses which must be paid prior to the receipt of tax payments, for temporary transfers

or loans therefor based on and in anticipation of tax and other revenue collections, and for emergency loans in any fiscal year to be repaid out of the income and revenue of such fiscal year.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 79, 80 and 81 thereof, relating to an emergency reserve fund, the disposition of unencumbered balances, the making of supplemental appropriations, the creation of a cash reserve fund to meet City and County expenses which must be paid prior to the receipt of tax payments, temporary transfers or loans therefor based on and in anticipation of tax and other revenue collections, and to emergency loans in any fiscal year to be repaid out of the income and revenue of such fiscal year.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County of San Francisco, at the general election to be held on the 8th day of November, 1932, a proposal to amend the Charter of said City and County as follows:

That Section 79 of said Charter be amended to read as follows:

Emergency reserve fund.

Emergency Reserve Fund.

Section 79. The tax rate may be fixed by the Board of Supervisors so as to produce, by a specifically designated rate, as recommended by the Mayor in any proposed annual budget and the appropriation ordinance therefor, an amount necessary for an emergency reserve fund, which fund is hereby created, for the purposes of meeting any emergency as defined in Sections 16 or 25 of this Charter. Appropriations for such emergency reserve fund shall be made only on the recommendation of the department head concerned, the approval of the Chief Administrative Officer or the board or commission in charge of such department, the recommendation of the Mayor to the Board of Supervisors that such appropriation be made, and the vote of three-fourths of the Board of Supervisors.

The balance in said emergency reserve fund at the end of any fiscal year shall be maintained and carried forward in said fund The annual appropriation for said fund and the annual tax rate therefor shall not exceed one per centum of the amount of the levy required to meet all other expense appropriations unless and until the accumulated and unencumbered balance in said fund shall amount to a sum not to exceed 3 per centum of the tax levy required to meet all other expense appropriations in the then current fiscal year. The Board of Supervisors, on the recommendation of the Mayor, may make appropriations to and may levy taxes for said emergency reserve fund in excess of said three per centum of the tax levy for all other purposes.

That section 80 of said Charter be amended to read as follows:

Fund Balances—Supplemental Appropriations

Disposal of fund balances

Section 80. Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the City and County for any such fiscal year, including such balances in revenue and expense appropriations provided under the provisions of section 78 of this Charter for libraries, parks and squares, playgrounds and civil service in any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than annual appropriations, and together with revenues collected or accruing from any source during any such fiscal year, in excess of the estimated revenue from such source as shown by the annual budget and the appropriation ordinance for such fiscal year, shall be transferred by the Controller, at the closing of such fiscal year, to a "cash reserve fund" which is hereby created and which may be used only in the manner authorized by Section 81 of this Charter; provided, however that when the balance in said cash reserve fund shall equal ten (10) per centum of the current or the last preceding tax levy, no such transfer shall be made by the Controller except on the recommendation of said Controller, the approval of the Mayor and the authorization of the Board of Supervisors, by majority vote.

Such unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates, as hereinbefore in this section defined, when not transferred to the cash reserve fund as hereinbefore in this section required or authorized, shall be held as surplus.

Supplemental appropriation

Such surplus shall be taken into account as revenue of the ensuing fiscal year; provided, however, that any such surplus created in the fiscal year 1933–34 or created or existing in any subsequent fiscal year may be appropriated by the Board of Supervisors at the last meeting of such Board in any month, by means of an ordinance designated as a supplemental appropriation ordinance, on the recommendation of the Chief Administrative Officer, or any board, commission or elective officer, respectively, and the approval and submission by the Mayor of a supplemental budget estimate or request, in the same manner and subject to the same conditions, except time, as provided in this Charter for the submission and approval of the annual budget and the appropriation ordinance.

That Section 81 of said Charter be amended to read as follows:

Cash Reserve Fund and Temporary Loans

Cash reserve fund.

Section 81. The Board of Supervisors, by annual tax levy, may gradually build up the cash reserve fund authorized and created by the provisions of Section 80 of this Charter. Said fund shall be used exclusively (1) for the payment in any fiscal year of legally budgeted expenditures for such year in

anticipation of the collection, after the close of such fiscal year, of legally collectible taxes and other revenues as set forth in the budget and the appropriation ordinance for such fiscal year, and (2) for paying that portion of the authorized expenses of the City and County for any fiscal year, which, as certified to said Board by the Controller, becomes due and payable and must be paid prior to the receipt of tax payments for such fiscal year; provided, that such cash reserve fund shall not at any time exceed the estimated expenditures for the first five months of the then current fiscal year, less the amount of estimated revenues and receipts from sources other than tax rate revenues.

Temporary loans from other funds.

In the event that funds are not available in such a cash reserve fund to meet authorized expenditures of any fiscal year, the Board of Supervisors, on the recommendation of the Controller and the Mayor, and the written approval of the officer, board or commission responsible for the management and control of the fund from which it is proposed that the temporarily idle balances be transferred or loaned may, by ordinance, authorize the Treasurer to make temporary transfers or loans for specified periods of idle unencumbered balances in any fund in his custody, except a pension fund, at not less than the then current rate of interest paid by the banks to the City and County on City and County funds deposited with such banks. Such approval by the officer, board or commission concerned shall specify that the amount proposed to be transferred or loaned from such fund will not be needed for the purpose of such fund prior to the date specified for its return. The fund from which such transfer or loan is made shall be charged or encumbered with the amount of such transfer or loan and such amount shall not be considered as available in such fund for any other appropriation or encumbrance for which any expenditures or payments must be made prior to the date on which the transfer or loan is repaid. Any transfer or loan made as herein authorized during the first half of any fiscal year shall be repaid prior to the first day of January of said year, and any transfer or loan made during the remaining one-half of said fiscal year shall be repaid prior to the 15th day of May of said year. Such loans shall be secured by and made solely in anticipation of the collection of taxes levied or to be levied for the current fiscal year, and such loans shall constitute the first demand on and shall be repaid from the first tax collections for such current fiscal year; provided, however, that tax anticipation loans made as hereinafter in this section authorized, shall constitute a prior lien on said taxes levied or to be levied or collected.

Borrowing money.

When funds shall be needed for the immediate requirements of the City and County in any fiscal year in accordance with appropriations made as authorized by this Charter for such fiscal year, which payments may be made in advance of the receipt of income for such fiscal year, and when funds therefor cannot be made available as hereinbefore in this section

Borrowing money.

authorized, the Board of Supervisors, on the recommendation of the Controller and the approval of such recommendation by the Mayor, shall have power, by ordinance, to borrow funds on notes or other evidences of indebtedness on behalf of the City and County in aggregate amount not to exceed twenty-five (25) per centum of the estimated tax receipts for such current fiscal year. All such notes or other evidences of indebtedness shall be offered at public sale by the Board of Supervisors after not less than two days of advertising, not less than three days after the last day on which such advertising is published. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the City and County; provided, however, that the rate of interest to be paid shall not exceed the sum of six (6) per centum per annum. The repayment of any sum so borrowed from any person, firm or corporation pursuant to the authority of this section, shall constitute a first lien and charge against the taxes collected during the half of the fiscal year in which said money was borrowed and shall be repaid to the person, firm or corporation from the first moneys received from said taxes. All such notes issued for funds borrowed prior to December 31 in any fiscal year to be repaid not later than said December 31, and all other such notes for other funds borrowed in any fiscal year shall be repaid not later than the 15th day of May of such fiscal year, the intention of this paragraph of this section being that the making of said loans shall be solely for the purpose of anticipating receipt of income. The Mayor, in preparing the consolidated budget estimate as provided by this Charter, shall include therein a separate amount sufficient to meet the interest to be paid on any funds borrowed under authority of this section.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 23, 1932.

Ayes: Supervisors Breyer, Canepa, Colman, Gallagher, Havenner, Hayden, McSheehy, Miles, Peyser, Power, Roncovieri, Stanton.

Absent: Supervisors Brown, Shannon, Spaulding.

I hereby certify that the foregoing order was adopted by the Board of Supervisors of the City and County of San Francisco.

J. S. DUNNIGAN, Clerk.

Charter Amendment No. 5

Positions

Amending Section 142 of the Charter, to exempt from civil service persons employed upon construction work outside the City and persons employed for expert professional temporary services; all with the consent of the Civil Service Commission.

Charter Amendment No. 5

Section 142

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 142 thereof, relating to positions.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County of San Francisco at the general election to be held on the 8th day of November, 1932, a proposal to amend Section 142 of the Charter of said City and County as follows:

Section 142. All positions in all departments and offices of the City and County, including positions created by laws of the State of California, where the compensation is paid by the City and County, shall be included in the classified civil service of the City and County, and shall be filled from lists of eligibles prepared by the Civil Service Commission, excepting (1) positions in which attorneys and physicians are employed in their professional capacity to perform only duties included in their professions, but exclusive of any administrative or executive position for which such professional status constitutes only part of the qualifications therefor; (2) inmate or institutional help, or part-time services, where the compensation including the value of any allowances in addition thereto is less than eighty dollars ($80.00) per month; and (3) persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from said classified civil service by an order of the Civil Service Commission; and (4) persons employed in positions in any department for expert professional temporary services, and when such positions are exempted from said classified civil service for a specified period of said temporary service, by order of the Civil Service Commission; and (5) such positions as, by other provisions in this Charter, are specifically exempted from, or where the appointment is designated as exclusive of, the civil service provisions of this Charter. Civil service positions.

The civil service rights, acquired by persons under the provisions of the Charter superseded by this Charter, shall continue under this Charter.

Where existing positions that have heretofore been exempt from civil service examinations are now made subject to examination by this Charter, the incumbents of such positions who have held such positions for a period of one year continuously next preceding the time that this Charter shall go into effect, shall be continued in their positions as if appointed thereto after examination and certification from a list of eligibles and shall be governed thereafter by the provisions of this Charter.

Any person holding a salaried office under the City and County, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office

under the government of the United States, or of this State, or who shall hold any other salaried office connected with the government of the City and County, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the City and County.

Ordered Submitted, Board of Supervisors, San Francisco, Sept. 23, 1932.

Ayes: Supervisors Breyer, Canepa, Colman, Havenner, Hayden, McSheehy, Miles, Peyser, Power, Roncovieri, Stanton.

Absent: Supervisors Brown, Gallagher, Shannon, Spaulding.

I hereby certify that the foregoing order was adopted by the Board of Supervisors of the City and County of San Francisco.

J. S. DUNNIGAN, Clerk.

State of California }
City and County of San Francisco } ss.

This is to certify that we, J. Emmet Hayden, President of the Board of Supervisors of the City and County of San Francisco, and J. S. Dunnigan, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals, submitting the same to the electors of said City and County at a general electon held on Tuesday, the eighth day of November, One Thousand Nine Hundred Thirty-two, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

In Witness Whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this 20th day of December, One Thousand Nine Hundred and Thirty-two.

[SEAL] J. EMMET HAYDEN,
President of the Board of Supervisors of the City and County of San Francisco.

J. S. DUNNIGAN,
Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore, be it

Ratification.

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 9.

Senate Concurrent Resolution No. 5—Relative to requesting the Governor to make application to the Reconstruction Finance Corporation for the loan of money to be used in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment.

[Filed with Secretary of State January 12, 1933.]

Loan from R. F. C. for labor camps

WHEREAS, Indigent, nonresident, transient unemployed seek in California a haven during the winter months and burden the relief agencies and welfare facilities of the counties of the State beyond the ability of the latter properly to care for them, to the detriment of the needy and unemployed residents of our counties; and

WHEREAS, There is dire need for an expansion of the California labor camp relief program to furnish relief to fifteen thousand men instead of the seven thousand at present provided for and if this is done the county relief facilities will thereby be relieved of their present burden to the extent of such increase; and

WHEREAS, The available funds of the State, including moneys derived from private sources, are inadequate to care for this increase and the additional sum of $587,785 will be required; and

WHEREAS, The Government of the United States through the Emergency Relief and Construction Act of 1932 has made available to the States the sum of three hundred million dollars to be used in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment, which sum has been appropriated to be loaned to the governors of the several States upon their application and is to be repaid to the Government of the United States by making annual deductions, beginning with the fiscal year 1935, from regular apportionments made from future Federal authorizations in aid of the States for the construction of highways and rural post roads; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is hereby requested to apply to the Reconstruction Finance Corporation under the provisions of subdivision (c) of section 1 of Title I of the Emergency Relief and Construction Act of 1932 for the sum of $587,785 to be used for an expansion of California labor camps; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit a copy of this resolution to the Governor.

CHAPTER 10.

Assembly Concurrent Resolution No. 10—Approving the charter of the county of San Diego, State of California, which was submitted to the qualified electors of said county and voted for and ratified by them at a general election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 17, 1933.]

County of San Diego. Charter.

WHEREAS, The county of San Diego was at all times herein mentioned and is now, a public corporation and a political subdivision of the State of California; and

WHEREAS, The said county of San Diego has not been at any time herein mentioned, and is not now consolidated with any city; and

WHEREAS, The board of supervisors of the said county of San Diego did, on the seventh day of March, 1932, by the unanimous vote of all the members of said board, adopt an ordinance, by the terms of which it was declared that the public interest required the election of a board of fifteen (15) freeholders under the provisions of section 7½ of Article XI of the Constitution of the State of California for the purpose of preparing and proposing a charter for the said county; and

WHEREAS, Thereafter, to wit: On the fourth day of April, 1932, the board of supervisors of said county of San Diego did adopt an ordinance calling for and proclaiming the election of the said board of fifteen (15) freeholders at a special election to be held in said county on the third day of May, 1932, said date being not less than twenty (20) days nor more than sixty (60) days after the adoption of said ordinance and which said ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct, and which ordinance, prior to such election, was published, as required by Article XI, section 7½ of the Constitution, five (5) times in the San Diego Sun, a daily newspaper, printed, published and circulated in said county as follows, to wit: Commencing on the eighth day of April, 1932, and ending on the thirteenth day of April, 1932, both days inclusive; and

WHEREAS, Said candidates for election as members of said board of freeholders were duly and regularly nominated by petition, in the same manner as is provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections; and

WHEREAS, Thereafter, to wit: On the third day of May, 1932, a special election was duly and regularly held and conducted in said county of San Diego for the purpose of electing said board of fifteen (15) freeholders pursuant to the ordinance, as adopted by said board of supervisors and in accordance with all the requirements of Article XI, section 7½ of the Constitution of the State of California; and

San Diego charter.

WHEREAS, Thereafter, to wit: On the sixteenth day of May, 1932, the result of said special election held on the said third day of May, 1932, for the purpose of electing said board of fifteen (15) freeholders, was declared by the board of supervisors of the said county of San Diego, and the said board of fifteen (15) freeholders was therein declared to be elected; and

WHEREAS, Thereafter, and within one hundred and twenty days (120) from the said sixteenth day of May, 1932, to wit, on the third day of September, 1932, the said board of fifteen (15) freeholders did complete the preparation of and did propose a charter for the said county of San Diego, and did sign the same in duplicate by a majority of the members of said board of fifteen (15) freeholders, and did file one copy of the same in the office of the county clerk of said county and the other copy of the same in the office of the county recorder thereof; and

WHEREAS, Thereupon, and commencing within fifteen (15) days after the said third day of September, 1932, to wit, on the sixteenth day of September, 1932, and ending on the twenty-fifth day of September, 1932, both dates inclusive, the board of supervisors of the said county of San Diego caused the said proposed charter to be published for at least ten (10) times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county; and

WHEREAS, Thereafter, and not less than thirty (30) nor more than sixty (60) days after the said twenty-fifth day of September, 1932, to wit, on the eighth day of November, 1932, a general election did occur and was held in the State of California and in the county of San Diego; and

WHEREAS, The board of supervisors of the said county of San Diego did, on the twenty-sixth day of September, 1932, adopt an ordinance, by the terms of which it was provided that the said proposed charter should be submitted to the qualified electors of the said county at the said general election to be held on the eighth day of November, 1932; and

WHEREAS, The said proposed charter was duly and regularly submitted to the qualified electors of the county of San Diego, at said general election held on the eighth day of November, 1932; and

WHEREAS, At said general election a majority of the qualified electors of the county of San Diego voting thereon, did vote in favor of and duly ratify the said proposed charter; and

WHEREAS, The board of supervisors of the county of San Diego, after canvassing the returns of the said election, duly found and declared that the majority of such qualified electors voting thereon at said general election had voted in favor of and ratified the said proposed charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection, as a whole, without power of alteration or amendment in accordance with the provisions of section 7½ of Article XI of the Constitution of the State of California; and

WHEREAS, The proposed charter so ratified is in words and figures as follows, to wit:

PROPOSED CHARTER OF COUNTY OF SAN DIEGO

We, the People of the County of San Diego, do ordain and establish for its government this

CHARTER

Article I. County Powers and Rights.

County powers and rights.

Section 1: The County of San Diego, as it now exists, is a body corporate and politic and as such has all the powers specified by the Constitution and laws of the State of California, and by this Charter, including any rights to acquire and operate public utilities in the manner that may be provided by general law and such other powers as are necessarily implied.

Section 2 The corporate name shall be "County of San Diego"

Corporate name

which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. The boundaries of the County shall be and remain as the same are now described and set forth in Section 3945 of the Political Code of the State of California, until changed in the manner provided by general law.

The County Seat shall be and remain in the City of San Diego until changed in the manner provided by general law.

Board of supervisors Powers.

Section 3: The powers mentioned in Section 1 hereof, can be exercised only by a Board of Supervisors consisting of five members, or by agents and officers acting under their authority, or by authority of law, or by this Charter.

Article II. Supervisor Districts and Elections.

Supervisor districts and elections.

Section 4: The County of San Diego is hereby divided into five (5) Supervisor Districts which are established as follows:

District Number 1: shall comprise the area within voting precincts as follows, to wit:

Precincts 26 to 34 inclusive, 36, 79, 81 to 126 inclusive, 128, and 191 to 202 inclusive, in the City of San Diego, all as the same existed on the third day of May, 1932.

District Number 2: shall comprise the area within voting precincts as follows, to wit:

Precincts 35, 37 to 59 inclusive, 63 to 78 inclusive, 80, 127, 129 to 143 inclusive, 146, 147, 148, 150 to 157 inclusive, 161 and 162, in the City of San Diego, all as the same existed on the third day of May, 1932.

District Number 3: shall comprise the area within voting precincts as follows, to wit:

Precincts 159, 160, 163 to 165 inclusive, 167 to 190 inclusive, 203 to 220 inclusive, 229 to 251 inclusive, and 255, in the City of San Diego, all as the same existed on the third day of May, 1932. Supervisor districts

District Number 4, shall comprise the area within voting precincts as follows, to wit:

Borego, Julian, Descanso, Jacumba, Boulevard, Hipass, Campo, Potrero, Dulzura, Lyons, Japatul, Alpine, Lakeside 1 and 2, Meridian 1 and 2, Hillsdale, Dehesa, Harmony, Jamul, Loma Alta, Jamacha, El Cajon, El Cajon Outside, Grossmont, Spring Valley, Lemon Grove 1 and 2, Greenwood, Bonita, Otay, Nestor, San Ysidro, South San Diego, Coronado 1 to 9 inclusive, Chula Vista 1 to 8 inclusive, Sweetwater, National City 1 to 12 inclusive, Chollas, and Voting Precincts 62, 144, 145, 149, 158, 166, 221 to 228 inclusive, 252 to 254 inclusive, 256 to 258 inclusive, in the City of San Diego, all as the same existed on the third day of May, 1932.

District Number 5: shall comprise the area within voting precincts as follows, to wit:

Las Flores, De Luz, Fallbrook 1 and 2, Vallecitos, Pala, Palomar, Oak Grove, Warner's, Mesa Grande, Bear Valley, Valley Center, Bonsall, San Luis Rey, Oceanside 1 to 6 inclusive, Carlsbad 1 to 3 inclusive, Vista 1 and 2, San Marcos, Oakdale, Citrus, San Pasqual, Bernardo, Grape, Escondido 1 to 5 inclusive, Olivenhain, Leucadia, Encinitas, Cardiff, Solana, Aliso, Del Mar, Linda Vista, Poway, Ramona 1 and 2, Ballena, Foster, Santee, La Mesa Heights, La Mesa 1 to 5 inclusive, Mission, Kensington 1 to 4 inclusive, and Voting Precincts 1 to 25 inclusive, and 60 and 61 in the City of San Diego, all as the same existed on the third day of May, 1932.

Section 5: The Board of Supervisors may hereafter change the boundaries of any Supervisor District as provided by the laws of the State of California and if they shall hereafter so change such boundaries, then to the extent that population will permit, at least two (2) of such districts shall comprise areas outside of the City of San Diego, the population of which areas shall, as nearly as possible, be divided equally between such two (2) districts. Failure of the Board of Supervisors to redistrict the County in the manner provided by general law, and by this Charter, within one (1) year after each Federal census, shall constitute misconduct in office.

Section 6: Each Supervisor District shall be represented by one (1) Supervisor, who shall be nominated and elected by and from their respective districts at the time and in the manner and for the terms now or hereafter provided by general law, except as the same may be changed or modified by this Charter, and each shall hold office until his successor has qualified.

Each Supervisor must have been an elector of San Diego County for not less than five (5) years immediately preceding his filing of nominating petition for said office, must be an elector of the district he represents and must have been such

an elector for at least one (1) year immediately preceding his filing of nominating petition, and must reside therein during his incumbency.

Vacancies

Section 7: Whenever a vacancy occurs in the Board of Supervisors such vacancy shall be filled by appointment made by a majority vote of the remaining members of the said Board, and if they shall fail so to make such appointment within thirty (30) days from the occurrence of such vacancy, then the Governor shall make such appointment, and such appointee shall hold office until the election and qualification of his successor. In such case, a Supervisor shall be elected at the next general election, to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding such election.

Organization of board

Section 8: The Board of Supervisors shall elect a Chairman who shall preside at all meetings of the Board; and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as Chairman Pro Tem. Any member of the Board may administer oaths, when necessary in the performance of his official duties. A majority of all the members shall constitute a quorum and no act of the Board shall be valid or binding unless a majority of all the members of the Board concur therein.

Other offices

Section 9: No Supervisor shall, during the term for which he shall have been elected or appointed, or for one (1) year thereafter, be eligible for appointment to any County office or position carrying compensation.

Salary of supervisors

Section 10 Each Supervisor shall receive a salary of Three Hundred and Fifty ($350 00) Dollars per month, payable monthly, and each shall devote such of his time as may be necessary to the faithful performance of his duties.

Article III. General Powers of the Board of Supervisors.

General powers of the board of supervisors

Section 11: The Board of Supervisors shall have all the jurisdiction and powers which are now or which may hereafter be granted by the Constitution and laws of the State of California, or by this Charter.

Duties of board of supervisors

Section 12: It shall be the duty of the Board of Supervisors:

(a) To appoint or to provide for appointment, by ordinance, unless otherwise provided by this Charter, all County or Township officers other than elective officers, and all officers, assistants, deputies, clerks and employees whose appointment is not specifically provided for by this Charter.

(b) To establish, by ordinance, the number of assistants, deputies, clerks and other persons to be employed from time to time in the several offices and institutions of the County, and the time at and for which they shall be appointed.

(c) To establish, by ordinance, the compensation of all elective and appointive officers and all officers, assistants, dep-

uties, clerks and employees, unless such compensation is otherwise fixed by this Charter. Duties of supervisors.

The compensation of any elective County or Township officer shall not be increased nor decreased during the term of office for which he was elected, nor within ninety (90) days preceding his election; except that any such officer may consent to a decrease in such compensation.

(d) To establish, by ordinance, the number of Justices of the Peace and Constables for each Township. The Board may also establish, by ordinance, the number and the compensation of such other judges and inferior officers of such inferior courts as are now or may hereafter be provided by the Constitution or by general law.

(e) To establish, by ordinance, as public necessity may require, offices other than those required by the Constitution and the laws of the State, and provide for the appointment of persons to fill the same, and fix the compensation therefor.

(f) To require all County or Township officers or employees handling funds for the County, or any other County or Township officer or employee when deemed expedient, before or after entering upon the duties of the office or service, to give adequate bond for the faithful performance thereof in such penal sum as may be fixed by the Board, the premium for which shall be paid by the County.

(g) To establish and adopt, by ordinance, a complete Administrative Code which shall be the rules and regulations pertaining to and prescribing in detail the duties and systems of office, institutional and departmental management, accounts and reports for each of the offices, institutions and departments of the county, all of which rules shall not be inconsistent with general law and the provisions of this Charter.

(h) To fill, by appointment, vacancies occurring in elective County offices, and they shall fill any such vacancy except when otherwise provided by this Charter, and the appointee shall hold office until the election and qualification of his successor. In such case there shall be elected, at the next general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding such election.

(i) To suspend from office in their discretion, any County official against whom an indictment is returned based on official misconduct, or an offense involving moral turpitude or infamous crime. In the event of such suspension, they shall appoint a person to fill such vacancy until such action is finally determined, and such appointee shall qualify and give such bond as may be determined by the Board of Supervisors.

(j) To provide, by ordinance, for the formation of Road Districts for the care, maintenance, repair and supervision only of roads, highways and bridges; and for the formation of highway construction divisions for the construction only

of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such district and divisions and for raising revenue therein for such purposes by taxation, upon the assent of a majority of the qualified electors of such district or division voting at an election held for that purpose; for the incurring of indebtedness therefor by the County, district or division, for such purposes respectively, by the issuance and sale by the County, of bonds of the County, district or division, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the County, district or division, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds (⅔) of the qualified electors of the County, district or division, as the case may be, voting at an election held for that purpose, nor unless before, or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty (40) years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds shall, except insofar as the same shall be otherwise prescribed in this Charter, conform to the general laws for the authorizing and incurring of bonded indebtedness by the County, so far as applicable; provided further, that the construction, care, maintenance, repair and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

(k) To provide for the formation of districts for the acquisition and operation of public utilities in the manner as now or as may hereafter be prescribed by general law.

Article IV. County Officers Other Than Supervisors.

County officers other than supervisors

Section 13: The Elective County Officers, other than members of the Board of Supervisors, shall be:

Assessor;
Coroner and Public Administrator;
County Clerk;
District Attorney and County Counsel;
Recorder;
Sheriff;
Superintendent of Schools;
Tax Collector;
Treasurer;

each of whom shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law.

The Tax Collector shall be ex officio License Collector.

The County Clerk shall be ex officio Clerk of the Superior Court, Clerk of the Board of Supervisors, and Registrar of Voters.

The Coroner shall be ex officio Public Administrator.

Appointive county officers

Section 14: The Appointive County Officers shall be:
Agricultural Commissioner;
Auditor and Controller;
Board of Education (members of);
Board of Law Library Trustees (members of);
County Surveyor and Road Commissioner;
Fish and Game Warden;
Livestock Inspector;
Probation Officer;
Purchasing Agent;
Sealer of Weights and Measures.

Such other officers as are now, or may hereafter be required by law, shall also be appointive.

Section 15: There is hereby created the office of Controller. The Auditor shall be ex officio Controller, and the Auditor shall be appointed by a majority vote of the Board of Supervisors. Such appointment shall be made solely on the basis of qualifications by training and experience. He may be removed by a four-fifths (4/5) vote of the Board of Supervisors.

Section 16: There is hereby created the office of Road Commissioner. The County Surveyor shall be ex officio Road Commissioner, and the County Surveyor shall be appointed by a majority vote of the Board of Supervisors. Such appointment shall be made on the basis of qualifications determined by training and experience. He may be removed by a four-fifths (4/5) vote of the Board of Supervisors.

Section 17: There is hereby created the office of County Counsel. The District Attorney shall be ex officio County Counsel.

Section 18: There is hereby created the office of County Purchasing Agent. He shall be appointed by a majority vote of the Board of Supervisors. Such appointment shall be made on the basis of qualifications determined by training and experience. He may be removed by a four-fifths (4/5) vote of the Board of Supervisors.

Section 19: All elective and appointive officers shall have the power to appoint such deputies and employees as the Board of Supervisors may, by ordinance, authorize; but all such appointments, when made by appointive officers, shall be subject to confirmation by the Board of Supervisors.

All such deputies and employees shall hold office and may be removed at the pleasure of the appointing power.

Article V. Township Officers.

Township officers

Section 20: The Supervisors shall divide the County into Townships, as public convenience may require, for the purpose of providing for Justices of the Peace and Constables; provided, that no incorporated city shall be divided so as to be in more than township.

Section 21: Justices of the Peace shall be nominated and elected at the times and in the manner and for the terms now or hereafter provided by general law. Any vacancy occurring in the office of Justice of the Peace shall be filled by appointment, made by a majority vote of the Judges of the Superior Court of the County of San Diego, and such appointee shall hold office until the next regular general election.

Justices' courts.

Section 22: The Supervisors shall provide proper Court rooms for said Justices

In Townships having a population of over 30,000, the Board of Supervisors shall provide a Central Justice Clerk and such other deputy clerks, reporters and other assistants as it shall deem necessary and proper for the transaction of the business of the Court. The said Central Justice Clerk and his deputies shall be authorized to administer oaths and, in civil actions, to issue, sign, certify and file all pleadings, transcripts, records and proceedings which are required to be issued, signed, certified or filed by the Justices of the Peace, and in criminal matters pending before said Justices of the Peace, to file all papers, issue subpoenas, prepare bonds, justify bail when the amount has been fixed by the Court; and may administer and certify orders and attest and authenticate such acts in substantially the following form:

Justice of the Peace.

By ---
Central Clerk.

By ---
Deputy.

said Central Justice Clerk shall exact in advance and collect, all fees which are allowed by law for any official services of the Justice of the Peace, and shall collect all fines and forfeitures in criminal cases.

Section 23: In Townships having more than 30,000 population, the Justices of the Peace shall devote their entire time to the affairs and duties of their Courts, and shall not engage in the practice of law nor act as an attorney for any person. No person shall act as Justice of the Peace in Townships having a population of more than 30,000, unless such person shall be an attorney who shall have been admitted to practice before the Supreme Court of the State of California for at least five (5) years.

Section 24: In Townships having a population of less than 30,000, the Board of Supervisors shall provide for such clerks and other assistants as it shall deem proper.

Section 25: All clerks and other assistants of the Justice Court of any of the Townships in this County, shall be appointed by the Justice or Justices of the respective Townships, except as otherwise provided by this Charter.

Section 26: In each township there shall be as many Justices of the Peace as public necessity may require, and not more than one Constable for each Justice's Court, together with such clerks, deputy constables and other officers as may be authorized by the Board of Supervisors; provided however, that if the Legislature shall substitute some other system of inferior courts for and in place of the system of courts of Justices of the Peace now established, then, upon the establishment of such inferior courts, the office of Constable in each township shall cease to exist.

Compensation

Section 27: The compensation of Township Justices of the Peace, Constables, deputies, clerks and other authorized employees, shall be fixed by the Board of Supervisors, and must be by salary alone, which need not be uniform for the several Townships, nor proportionate to the population therein. Their duties and qualifications shall be such as may be prescribed by general law, or by this Charter.

Section 28: Constables and their deputies shall be appointed by the Sheriff, subject to the approval of the Board of Supervisors.

Section 29: Every Township Justice of the Peace, Justice Clerk and Constable, shall make settlement of and pay into the County Treasury, all fees collected by him, in the manner and at the times specified in Section 37 of this Charter. The fees to be so paid into the Treasury by each Constable shall include all fees charged and collected by him for service of any writ or process of any Court, or for any act or service done or rendered by him, or which he has power, or which it is his duty to do or render in his official capacity; and every Justice of the Peace, Justice Clerk and Constable, shall enter in the fee book kept by him all such fees charged and collected by him, and pay the same into the County Treasury, as above provided, without deduction for any such acts or services purporting or claimed to have been done or rendered by him as a private citizen.

Article VI. Duties of Officers.

Duties of officers

Section 30: Each County or Township Officer, Board or Commission shall have the powers and perform the duties nor or hereafter prescribed by general law or by this Charter.

Section 31: The County Counsel shall represent and advise the Board of Supervisors and all County, Township and School District officers in all matters pertaining to their duties, and it shall be his duty to defend or prosecute any and all civil actions and proceedings in which the County, or any officer in his

official capacity is concerned or is a party, except when such officer is a defendant in any action prosecuted by the State or County; and when so ordered by the Board of Supervisors shall institute proceedings for the collection of delinquent unsecured personal property taxes.

He shall also act as attorney for the Public Administrator in the matter of all estates in which such officer is executor, administrator with the will annexed, or administrator, and the County Counsel shall, in every such matter collect the attorney's fee allowed therein by law and pay the same into the County Treasury.

Purchasing agent

Section 32: The Purchasing Agent shall perform the duties and have the powers prescribed by this Charter and by ordinance of the Board of Supervisors; and shall supervise the work of such assistants as may be employed in such purchasing department, furnish to the Board of Supervisors such reports and information relative to said purchasing department as said Board shall require, establish such methods and procedures as may be necessary for the practical conduct of the purchasing department, and perform such other acts as may be deemed necessary by the Board of Supervisors.

(a) All purchases of every kind and character shall be made by the Purchasing Agent, except as hereinafter provided, and no purchase of any property for the use of the County or any department thereof shall be valid or binding upon the County, unless made by the Purchasing Agent as herein provided, or unless made, in cases of emergency, by some official or person who may be authorized by the Board of Supervisors to sign requisitions and said purchases later approved by the Purchasing Agent, or subsequently ratified and confirmed by a vote of four-fifths (4/5) of the members of the Board of Supervisors. Purchases shall be made by the Purchasing Agent only upon requisition signed by some official authorized by the Board of Supervisors to sign such requisitions. The Board of Supervisors may direct the Purchasing Agent to purchase in quantity, from time to time, such commodities as are in frequent demand by the various departments of the County, and to keep on hand a specified minimum supply of said commodities. Payment for such commodities shall be made out of the Purchasing Department Revolving Fund as hereinafter described.

(b) No member of the Board of Supervisors, or other officer of the County of San Diego, shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Purchasing Agent in the performance of his duties under this Charter Except for purposes of inquiry, no member of the Board of Supervisors shall deal directly with the Purchasing Agent for the purpose of purchasing supplies, but all requests, orders and official business with the Purchasing Agent shall be made and carried on by the Board of Supervisors only as a Board in regular session convened. A violation of this provision shall constitute misconduct in office

(c) The Board of Supervisors shall establish for the use of the Purchasing Agent out of any unappropriated funds of the County, a revolving fund of not less than Twenty-five Thousand ($25.000.00) Dollars, to be known as the Purchasing Department Revolving Fund. Payment for supplies, materials and equipment purchased in quantity to be issued as needed, shall be made out of said revolving fund. As such supplies, materials, furnishings, equipment and personal property are issued, said revolving fund shall be reimbursed from time to time from the budgeted funds of the department to which said supplies, materials or equipment are issued.

(d) The Board of Supervisors shall establish for the use of the Purchasing Agent a petty cash fund of not less than One Thousand ($1.000.00) Dollars, from which payment may be made for emergency purchases as hereinbefore described, and for such miscellaneous purchases as the Purchasing Agent may require. An order from the Board of Supervisors shall be sufficient authority for the Purchasing Agent to pay for emergency purchases out of said petty cash fund. The Auditor shall draw a warrant to reimburse said petty cash fund upon presentation of a statement, with bills attached, of disbursements by the Purchasing Agent from said petty cash fund.

(e) No formal purchase order shall be issued by the Purchasing Agent until the County Auditor shall have certified that sufficient money is available in the proper fund to pay for the purchase, except in the case of emergency purchases, as provided in sub-section (a) of this section.

Section 33: The Road Commissioner, subject to such rules and regulations as shall be prescribed by the Board of Supervisors, shall have direction and control over all work of construction, maintenance and repair of roads, highways and bridges, other than work done under contract, and it shall be his duty to examine and inspect contract work as the same progresses, and see that the same is properly performed and, when completed, to file his written approval thereof with the Board of Supervisors.

He shall also have control and management of all County rock quarries and gravel pits, and of all other materials, property and instrumentalities necessary for and connected with the construction, maintenance and repair of roads, highways and bridges.

The employment of labor on any of the said work shall be subject to such rules and regulations as may be prescribed by the Board of Supervisors and set forth in the Administrative Code.

Auditor and controller.

Section 34: The Auditor and Controller shall perform all the duties and shall have all the powers conferred by general law and this Charter. He shall be the chief accounting officer of the County and shall exercise general supervision over the accounts of all County, Township and School District officers, commissions, boards and employees of the County

Auditor and Controller.

charged in any manner with the receipt, collection or disbursement of public funds, or of other funds, handled in their capacity as County officials or employees. He shall have the power and it shall be his duty, to prescribe the method of installing, keeping and rendering accounts of, and the financial reports to be rendered by the several County, Township and School District officers, boards, commissions and employees of the County. He shall have full access to all books of account, all records, contracts, correspondence and all other documents and papers pertaining to financial transactions of the County and its departments

(a) The Controller shall keep accounts showing the financial transactions of all departments, offices and other subdivisions of the County Such accounts and accounting procedure shall be adequate to record: (1) all budgeted revenue and appropriations, together with additions or transfers thereto, and to show at all times the amount of encumbrances, expenditures or transfers therefrom and the balances therein; (2) all revenues accrued and liabilities incurred; (3) all cash receipts and disbursements; and (4) all transactions affecting the custody or disposition of value.

(b) The Controller shall determine, where practicable, the unit cost of work done by the County, for the purpose of determining whether similar work could be done under public contract at a lower cost. The Controller shall devise adequate systems of internal check of all departments and offices of the County relative to the custody, collection or disbursement of public funds.

(c) The Controller shall make a monthly report, not later than the 20th day of each month, showing a summary statement of revenues and expenditures for the preceding calendar month and for that portion of the fiscal year ending on the last day of such preceding month. Such statement shall be detailed as to assets, liabilities, income, expenditures, appropriations and funds in such manner as to show the financial condition of the County and of each department, office, bureau or division thereof, for that portion of the fiscal year to and including the preceding calendar month, and with comparative figures for the similar period in the preceding fiscal year. The Controller shall, at the same time, prepare statements showing the cash position of the County and the unencumbered balance in each fund. A copy of each report and annual reports compiled therefrom, and special fiscal reports as requested, shall be transmitted to the Board of Supervisors and all department heads concerned and to two (2) local daily newspapers, and shall be kept on file in the Controller's office.

(d) The Controller shall audit the accounts of all County, Township and School District officers, boards, commissions and employees of the County charged in any manner with the custody, collection or disbursement of public or other funds. The Controller shall audit monthly all accounts and moneys

coming into the hands of the County Treasurer. He shall make an audit monthly of each departmental revolving fund authorized by this Charter, or by the Board of Supervisors. Auditor and Controller.

When requested by the Board of Supervisors or any officer, board or commission for its own department, he shall audit the accounts of any such officer or department. On the death, resignation, removal, expiration of term or retirement of the head of any department or office, or any officer or employee charged with the receipt, collection or disbursement of public funds, he shall forthwith make an audit of the accounts of such department, officer or employee, and file copies of his report of such audit with the County Clerk and the Board of Supervisors.

(e) The Controller must at least once in every six (6) months examine all official bonds and investigate the sufficiency and solvency of the sureties thereon and forthwith report, in writing, the facts to the Board of Supervisors. Upon receipt of such report, the Board shall take such action as shall be necessary to protect the County, and may require new bonds and may suspend any officer or employee until a sufficient bond is filed and approved. The Board of Supervisors shall make similar periodic examination of the Controller's bond.

(f) The Board of Supervisors shall order an annual audit of the Controller's books of accounts, records and transactions, to be made by one or more certified public accountants. The report of such annual audit for the fiscal year shall be printed and a copy thereof furnished to each member of the Board of Supervisors and to the Controller, and to such citizens as may apply therefor.

(g) It shall be unlawful for any officer or employee of the County to refuse to permit the Controller, or his deputy, to have access to any books, accounts or records in the custody of said officer or employee, for the purpose of making an audit or investigation as authorized by this Charter; or to refuse, neglect or fail to aid and assist such Controller in making such investigation or audit; or to refuse to comply with rules pertaining to systems or methods of accounting. Any officer or employee who refuses, wilfully hinders, obstructs, or prevents an audit or investigation, or compliance with rules as herein provided, shall be deemed guilty of misconduct in office Upon written complaint of the Controller, filed with the Board of Supervisors, the Board of Supervisors shall, if such complaint is found true, immediately suspend such officer or employee from his office, without pay, and the said suspension without pay shall continue until the reasonable requests of said Controller for an investigation or audit shall have been fully complied with, and until said Board of Supervisors shall order the suspension lifted.

Section 35: No money shall be drawn from the Treasury of the County, nor shall any obligation for the expenditure of any money be incurred except in pursuance of appropriations or transfers made as provided by general law or this Charter.

All claims against the County including salaries, wages and compensation for personal service shall be prepared as required by general law and this Charter and approved by the responsible official, and shall be supported by proper invoices, bills, pay roll or other necessary data. All such claims shall be audited by the Auditor and if he finds the same correct and proper in all particulars and clearly within the purposes for which the appropriation item to which it was charged was made and there is an adequate balance in such appropriation fund to meet the payment, he shall draw and approve the warrant therefor.

Prior to his approval of such warrant, the Auditor may make investigation and inspection of the quality, quantity and condition of service, material, supplies or equipment received by any officer or department for which payment is to be made by such warrant, and if in his opinion the claim is not legal, he shall withhold approval of the same and forthwith return such claim, together with a statement of his action thereon, and reason therefor, to the responsible official.

Article VII. Budget and Finance.

Budget

Section 36: On or before the 10th day of June of each year, every Department, Office, Court, District, Board and Commission of the County shall prepare and file with the Auditor of the County an estimate, in writing, of the probable monthly requirements of each in detail for the fiscal year, including a schedule of employment positions and compensations showing any increases or decreases requested in the number of such positions or rates of compensation therefor, and showing the necessities of said department or office to be provided for in the treasury. If the anticipated expenses or costs of any department or office shall, in any one month, exceed one-twelfth (1/12) of the total amount of the budget of said department or office, such differential amount shall be so set forth in the estimate by the department or office head.

On or before the 30th day of July of each year, the Auditor of the County of San Diego shall prepare and transmit to the Board of Supervisors, accompanied with the estimates and reports of each Department, Office, Court, District, Board and Commission which he shall require to be delivered to him by the heads of each department or office, as hereinabove provided, an estimate of the probable necessities of the County for the fiscal year, giving the amount required to meet the interest and sinking fund for any and all outstanding bonded indebtedness, together with the amount needed for salaries and probable wants of all departments and offices of the County government in detail, and showing the necessity for each of the several funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury and be collected from fines, licenses and other sources of revenue exclusive of tax on property, and shall give an estimate of

what amount will be required to be levied and raised by tax upon all property in the County in order to meet the necessities of such fical year, said estimates to be based upon, where practical, the resources and expenditures of the preceding fiscal year; and at the same time, the Auditor shall also report to the Board of Supervisors the balance on hand in the County Treasury in each of the several funds. The said estimates, with such revisions or changes as shall have been made therein, shall constitute the preliminary budget for the fiscal year.

Said preliminary budget, in which shall be set forth the Auditor's tabulation, shall, on or before the 10th day of August of each year be printed or mimeographed in full in pamphlet form in quantities sufficient to supply one copy to each taxpayer requesting the same; and the Board of Supervisors shall, on or before such date, cause to be published a notice that said budget is available to taxpayers, and designating the time and place at which the Supervisors will meet for the purpose of fixing the fiscal budget, as provided by general law.

Adoption of budget.

On or before the 30th day of August of each year, the Board of Supervisors shall adopt a budget ordinance, which shall fix and determine the amount of money to be expended by each office or department during the fiscal year, and it shall appropriate such sums of money as may be necessary to carry on the various departments and offices of the County government during such fiscal year. Said budget ordinance shall further provide a budget for each office or department, and shall make it unlawful for any office or department, except when authorized by a majority vote of the Board of Supervisors, to expend during any one month of such fiscal year more than one-twelfth (1/12) of the amount allotted for said office or department for said fiscal year, unless such expenditure is provided for in the departmental or office budget.

Disposal of fees, etc.

Section 37: All County and Township officers, employees, boards and commissions by whom fees are collected for the performance of official duties, or otherwise, and all officers or employees collecting or receiving moneys pertaining to or for the use of the County, shall pay or transmit all such fees and moneys, without deduction therefrom, into the County Treasury, daily, and shall thereupon be credited by the Treasurer and Auditor with the amount so paid; and shall on or before the 5th day of each month, make an accounting and settlement with the Auditor and Treasurer, setting forth in detail the fund allocation of the moneys so collected and paid in; except that such daily payment or transmittal may, in the discretion of the County Controller, not be required when the aggregate of moneys so collected shall be less than Fifty ($50.00) Dollars, or where the headquarters of the officer, board or employee making such collections is so located as to make such daily payment or transmittal infeasible.

Failure so to pay or transmit moneys so collected to the County Treasurer shall constitute misconduct in office, punishable by suspension or removal therefrom.

Article VIII. Labor and Employment.

Labor and employment.

Section 38: In the employment of persons in the service of the County, where sex does not actually disqualify, and where the quality and quantity of service is equal, there shall be no discrimination in selection or compensation on account of sex.

Section 39: The time of service of all laborers or workmen or mechanics employed upon any public works, whether said work is done by contract or otherwise, shall be limited and restricted to eight (8) hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood or other calamity endangering life or property, or except to work upon public, military or naval defenses in time of war; provided that in the event of any other number of hours being established through the State by any Constitutional or Legislative provision, then such other number of hours shall be the constituted number of hours for the County.

Section 40: In fixing compensation, the Board of Supervisors shall at least annually, by ordinance, provide in each instance for the payment of not less than the prevailing or general current rate of compensation or wages paid by private employers in the County of San Diego for similar quality or quantity of service, in case such prevailing compensation or wages can be ascertained.

Section 41: It shall be unlawful to knowingly employ, engage or appoint any person to serve in the public service who is not a native-born or fully naturalized citizen of the United States, and no warrant shall be issued or approved by the Auditor for the payment of any salary or wage to any person, until there shall have been filed with the Auditor an affidavit that such person is such a citizen of the United States; except that this section shall not apply (a) to the employment of any native-born woman of the United States who has married an alien; (b) to the employment of any specialist or technical expert temporarily employed by any department of this County, and engaged in special teaching, investigation or research; (c) in cases of extraordinary emergencies caused by fire, flood or other calamity endangering health, life or property; (d) to work upon public, military or naval defenses in time of war.

Penalty.

A violation of this section shall constitute a misdemeanor, and any person convicted thereof shall be punished by a fine of not exceeding Five Hundred ($500.00) Dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

Vacation

Section 42: Every person who shall have been in the service of the County, or any Township thereof, continuously for one (1) year, shall be allowed an annual vacation of not to exceed

two (2) calendar weeks, with full pay, which vacations may not be accumulated from year to year.

Prisoners.

Section 43: Enforced labor without compensation, as a penalty for the commission of public offenses is hereby prohibited. The net earnings of all County prisoners, based upon such compensation as may be fixed by the Board of Supervisors and which compensation need not be the prevailing rate of compensation for similar services performed, shall go to the support of their dependents, and if such prisoners have no dependents, such net earnings shall accumulate and be paid to them upon their discharge.

Section 44. The Laws of the State of California pertaining to labor on public works as they now are and as they may hereafter be, are hereby applicable to all such public works in this County.

Article IX. Constabulary Department.

Sheriff and constables

Section 45: There is hereby created a Constabulary Department, consisting of the Sheriff and of all Constables, who are hereby made ex-officio Deputy Sheriffs.

Section 46: The Sheriff shall be the head of said department, and shall so organize the same as to give the County efficient and effective police protection. Each Constable shall be subject to the orders of the Sheriff and must serve processes within his township or elsewhere, and shall also perform all the duties required of him by law.

Section 47: The Sheriff shall, except when otherwise requested by either party to any action, send all processes to be served in civil matters to the Constable nearest to the point of service, who shall charge for such service mileage at the rate of fifteen (15¢) cents per mile one way only from that point, and not from the County seat, and such other fees as provided by law.

Article X. Welfare.

Public welfare

Section 48: The Board of Supervisors shall create a Department of Public Welfare, which department shall be administered by a Board of Public Welfare, consisting of nine (9) members, five (5) members of which shall be the County Supervisors, who shall appoint four (4) additional members not more than two (2) of whom shall be of the same sex and all of whom shall have a general knowledge of welfare work and all of whom shall serve without compensation. One of said appointees, as indicated by the Board of Supervisors making the appointment, shall serve for one (1) year, one for two (2) years, one for three (3) years, and one for four (4) years, and upon the resignation or expiration of the term of each, his or her successor shall, in like manner be appointed for a term of four (4) years and upon the resignation or expiration of the term of each his or her successor shall, in like manner be appointed for a term of four (4) years.

Public Welfare.

Section 49. It shall be the duty of the Board of Public Welfare to act in an advisory capacity to the Board of Supervisors in regard to all County social welfare work, including that of all charitable and correctional institutions receiving any support from County funds.

Section 50: The Board of Public Welfare shall, with the approval of the Board of Supervisors, appoint a Director of Public Welfare who shall have the following qualifications:

He shall be a graduate of an accredited school of Social Welfare and shall have had, at the date of his appointment, at least two (2) years of experience in the field of social welfare; or, if not a graduate as hereinbefore provided, he shall have had at least five (5) years' experience in approved social welfare agencies. Any person appointed to this office shall also have the essential qualifications of administrative ability necessary to carry out the work of public welfare as herein authorized.

Section 51: There shall be established a County Hospital Committee consisting of seven (7) members, appointed in the following manner: two (2) members shall be appointed by the San Diego County Medical Society, subject to the approval of the Board of Supervisors; two (2) members shall be appointed by the Board of Supervisors, subject to the approval of the San Diego County Medical Society; one (1) member shall be a County Supervisor appointed by the Board of Supervisors; one (1) member shall be the Director of Public Welfare; and these six (6) members shall appoint a seventh and remaining member by a majority vote; and all of which members shall serve without compensation and all of whom shall hold office at the pleasure of the appointing power.

The County Hospital Committee shall act in an advisory capacity to the Board of Supervisors in matters pertaining to the operation of the County Hospital, County Infirmary and County Farm, and it shall be their duty to appoint the medical staff of the said institutions, including in such staff a superintendent and all medical professional assistants, internes and nurses, all of which appointments shall be subject to confirmation and approval by the Board of Supervisors. It shall also be the duty of said committee in conjunction with the Board of Public Welfare, to investigate the status and eligibility of all applicants for treatment by or admission to any of the said institutions.

Section 52: The Board of Public Welfare and the County Hospital Committee may make and provide all necessary rules and regulations not inconsistent with general law and this Charter pertaining to the conduct of the departments, and such rules and regulations, together with the duties of the Director of Public Welfare, shall, when approved by the Board of Supervisors, be set forth in the administrative Code

Article XI. Public Health.

Public health.

Section 53: The Board of Supervisors shall create a Department of Public Health, which department shall be administered by a Board of Health, consisting of nine (9) members, five (5) members of which shall be the County Supervisors who shall appoint four (4) additional members, two (2) of whom shall be licensed to practice medicine in the State of California and two (2) of whom shall have a general knowledge in the field of health and sanitation, and all of whom shall serve without compensation.

Section 54: The Board of Health may make and provide all necessary rules and regulations not inconsistent with general law and this charter pertaining to the conduct of the department, and such rules and regulations shall, when approved by the Board of Supervisors, be set forth in the administrative Code.

Article XII. Probation Department.

Probation department

Section 55: The Probation Committee shall consist of seven (7) members, three (3) of whom shall be County Supervisors, together with four (4) others, not more than two (2) of whom shall be of the same sex, all to be appointed by the judges of the Superior Court, and all of whom shall serve without compensation.

Section 56: The Probation Committee, the Probation Officer, and all deputies and assistants, shall perform the duties imposed upon them by general law.

Section 57: The appointment of the Probation Officer shall be made by the Judge of the Juvenile Court, subject to approval by the Probation Committee.

Article XIII. Consolidation of City and County Offices.

Consolidation of city and county offices.

Section 58: The Board of Supervisors may provide, by ordinance, that any of the officers, boards, departments, bureaus and commissions of the County may perform all the duties and functions of similar and corresponding offices of any municipality in the county when such municipality, in conformity with the laws of the State of California, so requests such performance. The compensation to be paid therefor to the County of San Diego shall be fixed by ordinance of the Board of Supervisors, and shall not exceed the estimated actual cost to the County of performing such service.

Article XIV. Initiative and Referendum.

Initiative and referendum

Section 59: The Initiative and Referendum provisions of the Constitution and general laws of the State of California shall be applicable to this charter.

Article XV. Recall.

Recall

Section 60: Any elective or appointive County or Township officer may be recalled by the electors at any time after he has held his office for six (6) months, and provided that no other recall petition has been filed against him within a like period. Such recall shall be effected as follows:

(a) A petition demanding the election or appointment of a successor to the person sought to be recalled shall be filed with the County Clerk, which petition shall be signed by qualified electors equal in number to at least fifteen (15%) per cent of the entire vote cast within the County for all candidates for the office of Governor of the State at the last preceding election at which a Governor was elected (or at least twenty-five (25%) per cent of such vote cast within the district or township for which the officer sought to be recalled was elected or appointed, in case of an official not elected by, or appointed for the County at large) and shall contain a statement of the grounds on which the recall is sought. No insufficiency of form or substance in such statement shall affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his occupation and place of residence, giving street and number, or if no street or number exist, then such designation of his residence as will enable the location to be readily ascertained. To each separate paper of such petition shall be attached an affidavit made by a qualified elector of the County (or particular subdivision of the County as the case may be), stating that the affiant circulated that particular paper and saw written the signatures appended thereto, and that according to the information and belief of the affiant, each of said signatures is genuine and the signature of a qualified elector of the County, or particular subdivision thereof, as the case may be.

(b) Within ten (10) days from the filing of such petition the County Clerk shall, from the records of registration, determine whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing such determination.

(c) If such certificate shows the petition to be insufficient, it may be supplemented within ten (10) days from the date of the certificate by the filing of additional papers, duplicates of the original petition, except as to the names signed. The County Clerk shall, within ten (10) days after such additional papers are filed, ascertain from the records of registration and certify whether or not the names to such petition, including such additional papers, are still insufficient, and if insufficient, no action shall be taken thereon, but the petition shall remain on file as a public record. The failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect. If required by the County Clerk, the Board of Supervisors shall authorize him

to employ, and shall provide for the compensation of, persons necessary in the examination of said petition and supplementing petition, in addition to the persons regularly employed by him in his office. In case the County Clerk is the officer sought to be recalled, the duties in this Section provided to be performed by him, shall be performed by some other person designated by said Board of Supervisors for that purpose. Recall

(d) If the petition shall be found to be sufficient, the County Clerk shall submit the same to the Board of Supervisors, without delay, whereupon the Board shall forthwith call a special election, which shall be held at a date not less than thirty-five (35) nor more than forty (40) days after the date of the order calling the same, at which the said recall shall be submitted to a vote of the electorate, unless within not more than sixty (60) days, nor less than thirty-five (35) days from the date of the call there shall occur a general, special or primary election, in which event it shall be submitted at such election. If the vacancy occur in said office after a recall petition is filed and the office is elective, the election shall nevertheless proceed as in this Section provided One petition is sufficient to propose the recall of one or more officials and the election of successors to such thereof as are elective.

(e) Nomination for any elective office under such recall election shall be made by petition in the manner prescribed by Section 1188 of the Political Code, except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the participation in a primary election be a bar to signing such petition. Upon the sample ballot which shall be mailed to each voter at least ten (10) days prior to the election, there shall be printed, in not more than two hundred (200) words, the reasons for demanding the recall of the officer as set forth in the recall petition, and upon the same ballot the printed statement of the officer, justifying himself, in not more than two (200) hundred words.

(f) There shall be printed on the recall ballot as to every officer whose recall is to be voted on, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of Office)?" Following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each in which the voter, shall, by stamping a cross (+) indicate his vote for or against such recall. On such ballots under each question there shall also be printed, if the officer sought to be recalled be an elective officer, the names of those persons who shall have been nominated as candidates to succeed him in case he shall be recalled at such election, but no vote shall be counted for any candidate for said office unless the voter also voted on the question of the recall of the person sought to be recalled therefrom. The name of the person sought to be recalled shall not appear on the ballot as a candidate for the office.

(g) If a majority of those voting on said question of the recall of any incumbent shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor, and the officer so recalled shall be ineligible for two (2) years thereafter to hold any County office. Should said officer be retained in his office, he shall be reimbursed from County funds for his expenses in such recall election, provided that the amount of such reimbursement shall not exceed the amount he is permitted to spend for election, under the Purity of Elections Act now in force. The canvassers shall canvass the votes for candidates for said office and declare the result in like manner as in a general election.

(h) If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten (10) days after receiving the certificate of election, the office shall be deemed vacant and shall be filled in the manner provided by this Charter. If the incumbent of an appointive office be recalled at such election, his successor shall be appointed immediately after the canvassing of the vote.

(i) No petition can be filed for the recall of any appointive official of the County until and after there shall have been filed with and acted upon by the Board of Supervisors a complaint, in writing, asking the removal of such official and setting forth the reasons therefor. Such complaint shall be considered, and finally acted upon by the Board of Supervisors within twenty (20) days after the date of its filing.

(j) No informalities in conducting recall elections shall invalidate such elections if they have been conducted fairly and in substantial compliance with and conformity to the requirements of general law and of this Charter.

Section 61: The results of such elections may be contested and recount had in the manner provided for general elections under general law.

Article XVI. General Provisions.

County attorneys

Section 62: The District Attorney, County Counsel, and their deputies shall not engage in any private law practice, and they shall devote all their time and attention during business hours to the duties of their respective offices.

Public administrator

Section 63: The Public Administrator of the County shall not act as a private administrator, executor or administrator with the will annexed. A violation of this section shall constitute misconduct in office.

Officers not to be interested in contracts

Section 64: No attorney, agent, officer, majority stockholder or employee of any firm, association or corporation doing business under and by virtue of any franchise granted by, or

contract made with the County, shall, nor shall any person doing such business, nor shall any person financially interested in any such franchise or contract, be eligible to, or hold any County office.

Inducement to purchase.

Section 65: Every person employed by or holding any County office who shall, directly or indirectly, ask for, solicit, charge, take, accept, collect or receive, and every person who shall give or offer, directly or indirectly, any moneys, benefits, proceeds, emoluments, or things of value, whether arising from, derived through, or because of, or resulting from, any purchase, or induced by or as a reward for the recommendation or approval of any purchase by any person employed by or holding any County office, is guilty of a misdemeanor and upon conviction, shall be punished by a fine not exceeding Five Hundred ($500.00) Dollars, or imprisonment in the County Jail for not exceeding one (1) year, or both such fine and imprisonment.

Candidate to forfeit office

Section 66: Any elective or appointive officer or employee of the County of San Diego, or Township thereof, who becomes a candidate for election by the people to any other public office or position, shall automatically forfeit such County or Township office or position The Supervisors shall declare the office of such candidate vacant, and such vacancy shall thereafter be filled in the manner by this Charter provided.

Nepotism.

Section 67: No officer or head of any department shall employ under him or in his department, nor shall there be employed under him or in his department at any time, more than one person related to such officer or head of department by consanguinity or marriage. A violation of this section shall be deemed misconduct in office.

Tenure of present officers

Section 68: Nothing in this Charter is intended to affect, or shall be construed as affecting the tenure of office of any of the elective officers of the County or of any district, Township or division thereof, in office at the time this Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law; nor shall anything in this Charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected. The successors of each and all of such officers shall be elected or appointed, and their compensation established or changed as in this Charter provided, and not otherwise.

Motor vehicles

Section 69: The Board of Supervisors shall cause all motor vehicles belonging to the County to have painted conspicuously, on each side, the words "Property of San Diego County," together with the name of the department to which said motor vehicle belongs, except that such motor vehicles as may be designated by the Sheriff, District Attorney and Probation Officer, in their respective departments, with the approval of the Board of Supervisors, as necessary for confidential depart-

mental investigations, may be exempted from the foregoing provisions.

Every department shall cause to be kept a record showing the daily use of each motor vehicle, the time of going out, the number of miles travelled, and time of its return to the garage.

It shall be the duty of the person in charge of motor vehicles to keep a record of the amount of gasoline used in each motor vehicle, together with a record of the repairs thereon required.

All records required by this section shall be filed in the office of the County Auditor on or before the 5th day of each month.

A violation of any provision of this section shall constitute misconduct in office.

Traveling expenses.

Section 70: Whenever any person in the service of the County is required to travel in the performance of his duty, he shall in addition to his regular compensation, be reimbursed for his actual necessary expenditures for transportation, the hire of conveyances and for lodging and meals. Such expenditures shall be a County charge and upon the filing of an itemized account thereof, claims therefor shall be audited, allowed and paid in the same manner as other County claims.

The Board of Supervisors shall fix a maximum price to be be paid for such lodging, meals and transportation, which shall be uniform and applicable to all persons alike, including members of the Board of Supervisors.

Courts.

Section 71: Nothing contained in this Charter shall affect or be construed as affecting, the offices or courts of the City Justices of the Peace of the various cities in the County of San Diego, as said offices or courts now exist, or as may be hereafter provided by law, or with the duties and powers of the County Clerk pertaining to preparing and supplying ballots, sample ballots and the index of the Great Register of the County.

Section 72: Where a procedure for the exercising of any rights or powers belonging to a county is provided by Statute of the State of California, such procedure shall be followed unless a different procedure is provided in, or enacted by authority of, this Charter.

Section 73: The term General Law, where it is employed in this Charter, shall be construed to mean the Constitution, Statutes and Codes of the State of California.

Constitutionality

Section 74: If any section, sub-section, sentence, clause, or phrase of this Charter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Charter; it being hereby expressly declared that this Charter, and each section, sub-section, sentence, clause and phrase thereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, sub-sections, sen-

tences, clauses or phrases be declared invalid or unconstitutional.

Section 75: This Charter shall take effect on the first day of July, 1933, after its approval by the Legislature of the State of California, and may be amended as provided by the Constitution of the State of California. Takes effect.

CERTIFICATE.

Whereas, The County of San Diego in the State of California, on the 3rd day of May, 1932, pursuant to the provisions of section 7½ of Article XI of the Constitution of the State of California, did elect Certificate

Harry C. Clark, Robert R. Hamilton, Frank A. Frye, Jr., G. W. Anderson, John J. Brennan, Charles B. DeLong, John L Fox, Mary E. Gemmell, Thomas B. Getz, U. S. Grant, Stanley M. Gue, James Hervey Johnson, Felix Landis, Joseph H Pendleton and Don M Stewart, a Board of Fifteen (15) Freeholders, to prepare and propose a Charter for the government of said County;

Be it known that, in accordance with said provisions of the Constitution of the State of California, said Board of Freeholders has prepared and hereby proposes the foregoing as and for a Charter for said County of San Diego.

In witness whereof, we have hereunto set our hands in duplicate this 31 day of August, 1932.

Harry C Clark
Robert R. Hamilton
Frank A. Frye, Jr.
G. W. Anderson
John J Brennan
Charles B. DeLong
John L. Fox
Mary E. Gemmell
Thomas B. Getz
U. S. Grant
James Hervey Johnson
Felix Landis
Joseph H. Pendleton
Don M. Stewart

State of California }
County of San Diego } ss.

I, J. B. McLees, County Clerk of the County of San Diego, do hereby certify that the foregoing is a full, true and correct copy of the Proposed Charter for the County of San Diego, prepared and proposed by a duly qualified Board of fifteen (15) Freeholders, duly elected on the 3rd day of May, 1932, and that a copy of said charter was duly filed in my office on the 3rd day of September, 1932, said copy having been duly signed by a majority of the members of said Board and that said proposed charter was duly published for ten (10) times in the San Diego Union, a daily newspaper of general circulation printed, published and circulated in the County of San Diego, and that the first publication thereof was made within fifteen (15) days after the date of the filing of the said charter in my office, to-wit, on the 16th day of September, 1932, and that the last publication thereof was completed on the 25th

day of September, 1932, and that after such publication, said charter was duly submitted to the qualified electors of the County of San Diego at the general election held on the 8th day of November, 1932, and that at said election a majority of such qualified electors voted and duly ratified the same.

In witness whereof, I hereunto set my hand and affix my seal this 31st day of December, 1932.

[SEAL] J. B. McLEES,
County Clerk.

State of California }
County of San Diego } ss.

I, O. M. Swope, County Recorder of the County of San Diego, do hereby certify that the foregoing is a full, true and correct copy of the Proposed Charter for the County of San Diego, prepared and proposed by duly qualified Board of fifteen (15) Freeholders duly elected on the 3rd day of May, 1932, and that a copy of said charter was duly filed in my office on the 3rd day of September, 1932, said charter having been duly signed by a majority of the members of the said Board.

In witness whereof I hereto set my hand and affix my seal this 31st day of December, 1932.

[SEAL] O. M. SWOPE,
County Recorder.

and

WHEREAS, Said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, and in accordance with section 7½ of Article XI of the Constitution of the State of California;

Now, therefore, be it

Ratification

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each House voting for the adoption of this resolution and concurring therein), That said charter of the county of San Diego as presented to, adopted and ratified by the qualified electors of said county of San Diego, be, and the same is, hereby approved as a whole as and for the charter of the said county of San Diego.

CHAPTER 11.

Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the city of Porterville, a municipal corporation, in the county of Tulare, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of April, 1931.

[Filed with Secretary of State January 17, 1933.]

City of Porterville. Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the charter of the city of Porterville, a municipal corporation in the county of Tulare, State of California, as hereinafter set out in the certificate of the president of the city council and ex officio mayor and the city clerk of said city of Porterville;

State of California }
County of Tulare, } ss.
City of Porterville. }

We, the undersigned, Kline Buckley, president of the city council, and mayor of the city of Porterville, and W. R. Means, city clerk of the city of Porterville, do hereby certify and declare as follows:

That the city of Porterville is a municipal corporation in the county of Tulare, State of California, and is now and at all times hereinafter referred to was a city containing a population of more than thirty-five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said city of Porterville is now organized, existing and acting under a freeholder's charter adopted under and by virtue of section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on October 5, 1926, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the twenty-seventh day of January, 1927, (Statutes 1927, chapter 27, page 2172);

That in pursuance of section 8 of Article XI of the Constitution of the State of California, and on its own motion, the council of the city of Porterville, being the legislative body of said city, by and in pursuance of a certain resolution passed by the city council on the third day of February, 1931, by more than a two-thirds vote of said city council duly submitted to the qualified electors of said city of Porterville, a certain resolution or proposal for the amendment of the charter of said city "proposing an amendment to the city charter of the city of Porterville by adding thereto a new section to be known as section 51-A creating a general reserve fund and

fixing a date for the election at which such proposed amendment to said city charter shall be submitted to the qualified electors of the city of Porterville" to be voted on by said qualified electors at a general municipal election held in said city on the seventh day of April, 1931, which said amendment was in words and figures as follows, to wit:

"Resolution Proposing an Amendment to the city charter of the city of Porterville by adding thereto a new section to be known as section 51-A Creating a General reserve fund and fixing a Date for the election at which such proposed amendment to said city Charter shall be Submitted to the Qualified Electors of the city of Porterville.

Be it resolved, That the Legislative Body of the City of Porterville, Tulare County, California, to wit, the City Council of said City, does hereby propose that the City Charter of the said City of Porterville, be amended in the following particulars, to wit:

New section

That a new section be added to said City Charter to be numbered and known as Section 51-A, and to read as follows: "Section 51-A. General Reserve Fund.

"General reserve fund."

The City Council shall maintain a permanent revolving fund to be known as the General Reserve Fund, for the purpose of keeping the payment of the running expenses of the city on a cash basis Said fund shall be maintained in an amount sufficient to meet all legal demands against the Treasury for the first four months, or other necessary period of each fiscal year prior to the collection of taxes. The Council shall have power to transfer from the General Reserve Fund to any other fund or funds, such sum or sums as may be required for the purposes of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the General Reserve Fund be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Fund exceeds thirty per cent of the total amount of the General Budget for that year, the Council may appropriate such excess for any City purpose without returning the same.'

BE IT FURTHER RESOLVED that said proposed amendment to said City Charter be published once in the Porterville Evening Recorder, the official paper of said City, and that the resolution to amend said City Charter as hereinabove specified, be submitted to the qualified voters of the City of Porterville at the general municipal election to be held in said City on Tuesday, the seventh day of April, 1931.

I, W. R. MEANS, City Clerk of the City of Porterville, do hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Porterville at a regular meeting of said City Council held on the third day of February, 1931, by the following vote:

Ayes: Councilmen M. E. DeWitt; C H. Doyle, J. Frank Hallford, A. L Stone.

Noes: Councilman—None. Certificate.
Absent: Councilman Edw. F. Halbert.

W. R MEANS,
City Clerk of the
City of Porterville."

That said proposed amendment was published and advertised in accordance with the provisions of section 8, Article XI of the Constitution of the State of California, in the Evening Recorder, which was then and there a daily newspaper printed and circulated at and within the city of Porterville, County of Tulare, State of California, and the official paper of said city;

That said city council caused copies of said proposed amendment to be printed in convenient pamphlet form and kept in the office of the city clerk of said city, and did until the date fixed for the election upon said amendment advertise in said Evening Recorder a notice that such copies might be had upon application therefor;

That the council of the city of Porterville, the legislative body of said city by this certain resolution passed on the third day of February, 1931, did provide by resolution for the submission of the proposed amendment to the charter to the qualified electors to said city for their ratification at the general municipal election to be held on Tuesday the seventh day of April, 1931; that said general municipal election was duly called and held on the seventh day of April, 1931, at which said election a majority of the qualified electors, voting thereon, voted in favor of the ratification of said proposed amendment to the charter of the city of Porterville hereinbefore set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly authorized that a majority of the qualified electors voting thereon had voted for and in favor of and had ratified said proposed amendment to said charter, as hereinbefore set forth, and that we and each of us further certify that we have compared the foregoing and enclosed and ratified amendment to the charter of the city of Porterville with the original resolution and proposal submitting the same to the electors of said city at the election held on the seventh day of April, 1931, and that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the city of Porterville to be affixed hereto this first day of November, 1932.

KLINE BUCKLEY,
President of the City Council and Ex Officio Mayor.

W. R. MEANS,
City Clerk of the City of Porterville.

[SEAL]

WHEREAS, said proposed amendment has been and is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to said charter herein set forth as submitted to and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the charter of said city of Porterville.

CHAPTER 12.

Senate Concurrent Resolution No. 4—Relative to requesting the Governor to make application to the Reconstruction Finance Corporation for the loan of money to be used in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment.

[Filed with Secretary of State January 17, 1933.]

Governor to apply for loan from R F C

WHEREAS, The current period of economic instability, unemployment and the influx into California of indigent nonresident unemployed, has occasioned widespread and unusual economic distress; and

WHEREAS, The revenues of the State, the funds of its political subdivisions and contributions from private sources are inadequate to furnish necessary relief; and

WHEREAS, The Government of the United States, through the Emergency Relief and Construction Act of 1932 has made available to the States the sum of three hundred million dollars to be used in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment, which sum has been appropriated to be loaned to the governors of the several States upon their application and is to be repaid to the Government of the United States by making annual deductions, beginning with the fiscal year 1935, from regular apportionments made from future Federal authorizations in aid of the States for the construction of highways and rural post roads; and

WHEREAS, The Governor of the State has created the board of supervisors of each county a fact finding body to determine the amount of supplemental relief necessary in each county to be obtained to furnish adequate relief and work relief in the respective counties of the State; and

WHEREAS, Several boards of supervisors have certified to the Governor the inadequacy of existing funds, including moneys from State, local and private contributions, to furnish adequate relief, and have requested the Governor by resolution to make application to the Reconstruction Finance Corporation for additional moneys under the provisions of subsection (c) of section 1 of Title I of the Emergency Relief and Construction Act of 1932, and have resolved that the conditions in the respective counties are serious enough to justify pledging of future regular apportionments of Federal authorizations in aid of the States for the construction of highways and rural post roads; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is hereby respectfully requested to apply to the Reconstruction Finance Corporation for a loan of moneys to the Governor, under the provisions of subdivision (c) of section 1 of Title I of the Emergency Relief and Construction Act of 1932, for the benefit of counties when the county board of supervisors of any county, by resolution certify to the Governor the need of such funds; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit a copy of this resolution to the Governor.

CHAPTER 13.

Assembly Concurrent Resolution No. 21—Recommending that the State and all local governmental agencies therein confine purchases of all kinds to American made products.

[Filed with Secretary of State January 20, 1933.]

Purchase of American-made goods.

WHEREAS, The United States by reason of its diversity of climate and topography produces nearly every product needed for consumption therein; and

WHEREAS, American business should be encouraged to the greatest possible extent in order that American workmen may be furnished employment and be able to maintain the present high standard of living in this country; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby recommends that all State purchases be made of American made goods, and to that end all State offices are hereby earnestly requested to purchase goods made in this country; and be it further

Resolved, That all local governmental agencies follow said policy of patronizing American industry and purchasing American made goods.

CHAPTER 14.

Senate Concurrent Resolution No. 8—Approving certain amendments to the charter of the County of Tehama, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 20, 1933.]

County of Tehama Charter amendments

WHEREAS, Proceedings have been had for the proposal, ratification and adoption of amendments to the charter of the County of Tehama, State of California, as set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the County of Tehama, to wit:

State of California }
County of Tehama } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF TEHAMA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF TEHAMA COUNTY, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF TEHAMA, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY ON THE 8TH DAY OF NOVEMBER, 1932.

Preamble.

Be it known that:

WHEREAS, The County of Tehama, State of California, has at all times mentioned herein been and now is a political subdivision of the said State of California, and is now and has been since the 9th day of March, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 26th day of October, 1915, and approved by the Legislature of the State of California, on the 9th day of March, 1917 (Statutes 1917, page 1877, et seq.); and

WHEREAS, On the 12th day of September, 1932, the Board of Supervisors of said County of Tehama, pursuant to the provisions of section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said county certain amendments to the charter of said county by the submission of proposals for such amendments to said electors at the general election held November 8, 1932, and at the same time said board duly ordered that said proposals be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published ten times in the Red Bluff Daily News and Times-Sentinel, a daily newspaper of general circulation printed, published and circulated in said county; and in said proposals, said proposed

amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and Tehama charter.

WHEREAS, Thereafter, said proposals were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: September 17, 19, 21, 23, 26, 28, 30, October 3, 4 and 6, 1932, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, Immediately subsequent to the said publication, said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said form and title is hereinafter set forth, and in which said form and under which said title said proposals appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to November 8, 1932, the County Clerk of said county duly filed in his office a notice of election, in which, among other things and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said county at said general election November 8, 1932; and said clerk caused a copy of said notice to be posted in a prominent place in his office and by the title said proposals appeared upon said ballot; and on said notice said proposals appeared in the form and by the title prescribed by the Board of Supervisors and in the form and by the title said proposals appeared upon said ballot; and

WHEREAS, At said general election said proposals were duly submitted to the vote of the qualified electors of said county, and appeared on the general ballot at said election in the following form, to wit:

CHARTER AMENDMENT No. 1, Amending section 13 of Article II of the Charter of the County of Tehama relating to supplies and materials for county and district officers, providing submission of estimates for fiscal year requirements, advertising for bids and award of contracts for furnishing same.

CHARTER AMENDMENT No. 2, Amending Article III of the Charter of the County of Tehama relating to county offices, consolidation thereof, election thereto, and ineligibility of certain persons as deputies or assistants or employees thereof

CHARTER AMENDMENT No. 3, Amending Article IV of the Charter of the County of Tehama relating to salaries of county officers, appointment of deputies, assistants and other employees and fixing their terms and compensation, removal of county officers and employees after charge for cause and hearing, limiting expenses of offices and depart-

Tehama charter

ments, and providing for regular stated meetings of the Board of Supervisors.

CHARTER AMENDMENT No. 4, Amending Article VII of the Charter of the County of Tehama relating to judicial townships, officers thereof, compensation and providing for rent and office expense thereof.

CHARTER AMENDMENT No. 5, Repealing section 8 of Article IX of the Charter of the County of Tehama relating to the ineligibility of any elective county officer serving more than eight years out of any twelve years.

CHARTER AMENDMENT No. 6, Amending Article VIII of the Charter of the County of Tehama relating to roads and highways, providing for the appointment of a county road engineer and ex officio county surveyor, fixing his term and compensation and defining his powers and duties.

And opposite each proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO" with voting squares, thereafter and in addition thereto said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The County Clerk of said Tehama County mailed a printed copy of said proposed amendments inclosed in an envelope with a sample ballot to each qualified elector within the said County of Tehama, at least ten days prior to the said 8th day of November, 1932; and

WHEREAS, The returns of said general election held in the County of Tehama on the said November 8, 1932, at which election said proposals were submitted to the vote of the qualified electors of said county, were made to and canvassed by the Board of Supervisors of the County of Tehama, and it appeared, therefrom and was so declared by the Board of Supervisors that 3331 votes were cast in favor of said proposed amendment No. 1, and that 1090 votes were cast against said proposed amendment No. 1; that 3139 votes were cast in favor of said proposed amendment No. 2, and that 1156 votes were cast against said proposed amendment No. 2; that 3158 votes were cast in favor of said proposed amendment No. 3, and that 1145 votes were cast against said proposed amendment No 3; that 2872 votes were cast in favor of said proposed amendment No 4, and that 1334 votes were cast against said proposed amendment No. 4; that 2685 votes were cast in favor of said proposed amendment No. 5, and that 1704 votes were cast against said proposed amendment No. 5; that 2484 votes were cast in favor of said proposed amendment No. 6, and that 1956 votes were cast against said proposed amendment No. 6, and it appeared therefrom that a majority of the qualified electors of Tehama County voting thereon,

at such general election, voted in favor of each of said proposed amendments above set forth, and said Board of Supervisors thereupon ordered and declared that said proposed amendments were ratified; and

WHEREAS, Said amendments so ratified by the electors of said County of Tehama at said general election held on November 8, 1932, are now submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section 7½ of Article IX of the Constitution of the State of California; now

Therefore, the undersigned, G. L. Childs, Chairman of the Board of Supervisors of the County of Tehama, State of California, and H. M. Kopplin, County Clerk and ex officio Clerk of the Board of Supervisors of Tehama County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said charter of said county, so ratified by the majority of the electors voting thereon at said general election held on the 8th day of November, 1932, as submitted to said electors are in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

Amendment No. 1.

Section 13 of Article II of the Charter of the County of Tehama is hereby amended to read as follows:

Materials and supplies

SECTION 13. Each county or District official or employee needing supplies or material during the fiscal year, must file with the Clerk of the Board of Supervisors on or before the first day of June of each year an estimate of all the supplies or material that he will need during the fiscal year. Before the first day of July following, the Board of Supervisors must advertise for bids for the furnishing of any and all supplies or material or such thereof as may in the opinion of the Board of Supervisors be required, and at such times as such supplies or material may be needed. Such advertisement may be made in such manner as may be prescribed by the Board of Supervisors and shall state that itemized lists of such supplies or material are on file in the office of the County Clerk and there may be inspected. Contracts must be let to the lowest responsible bidder. The Board of Supervisors shall reserve the right to reject any or all bids and readvertise, provided, that if no bids are received, such materials and supplies for which no bids are received may be bought on the open market.

Amendment No. 2.

Article III of the Charter of the County of Tehama is hereby amended to read as follows:

County officers.

SECTION 1. The County Officers, other than Supervisors shall be a sheriff, a county clerk, a treasurer, a recorder, a

license collector, a tax collector, a public administrator, a coroner, a surveyor, a road engineer, a district attorney, an auditor, an assessor, a superintendent of schools, an agricultural commissioner, a bee inspector, a sealer of weights and measures, a county physician, a health officer, a probation officer, and such others as are or shall be provided for by the Constitution, or by General Law, or by this Charter.

Offices consolidated.

SECTION 2. The following county offices are hereby consolidated:

(a) The public administrator shall be ex officio coroner.

(b) The clerk shall be ex officio recorder.

(c) The assessor shall be ex officio tax collector and license collector.

(d) The county physician shall be ex officio county health officer.

(e) The agricultural commissioner shall be ex officio sealer of weights and measures and bee inspector.

(f) The road engineer shall be ex officio surveyor.

Officers elected.

SECTION 3. At every general election after the ratification of this amendment and every four years thereafter, a sheriff, a clerk and ex officio recorder, a treasurer, an assessor and ex officio tax collector and license collector, a district attorney, an auditor, a coroner and ex officio public administrator, and a superintendent of schools shall be elected whose terms shall begin at noon on the first Monday after the first day of January next succeeding their election and end on the first Monday after the first day of January four years thereafter. All elective county officers shall hold office until their successors are elected and qualified.

Powers and duties

SECTION 4. Each county officer shall have the powers and perform the duties now or hereafter prescribed by general law as to such officer, except as otherwise provided by this charter, and shall have and perform such other powers and duties as are or shall be prescribed by this charter.

Nepotism

SECTION 5. No person shall be eligible for appointment as a deputy, clerk, attache, assistant or employee, other than day laborer, who is related through consanguinity or affinity nearer than the fourth degree to any county officer who shall have the power of making such appointment, or who is a member of a board or other body having such power.

SECTION 6. This amendment shall go into effect on the first Monday in January, 1935.

Amendment No. 3.

Article IV of the Charter of the County of Tehama is hereby amended to read as follows:

Salaries

SECTION 1. The annual salaries of each of the following county officers shall be as follows, to wit:

Sheriff	$2,400.00
County Clerk and Recorder	2,400.00
Assessor, tax collector and license collector	2,400.00

Treasurer	$2,000.00
Auditor	2,000.00
District Attorney	2,000.00
Superintendent of Schools	1,800.00
Each Supervisor	1,200.00
Physician and health officer	1,200.00

SECTION 2. The salary of the agricultural commissioner, bee inspector and sealer of weights and measures shall be Five Dollars per day, and not to exceed One Thousand Dollars in any one year.

Powers of board of supervisors.

SECTION 3. Subject to the provisions of this charter, it shall be the duty of the Board of Supervisors, by ordinance adopted from time to time to fix and regulate the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed from time to time, in the several offices of the county, and also, by ordinance, subject to the provisions of this charter, to prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which they shall be appointed, the terms if any, for which they shall be appointed, and the manner of their appointment and removal.

SECTION 4. Subject to the provisions of this charter, it shall be the duty of the Board of Supervisors, by ordinance adopted to provide for the manner of appointment, for the term of office, and for the amount of compensation and the manner and times of payment of such compensation of all officers whose compensation is not provided for in this charter.

SECTION 5. Subject to the provisions of this charter, it shall be the duty of the Board of Supervisors by ordinance adopted from time to time to provide for and limit the amount of mileage, transportation and traveling expenses of the several county officers, assistants, clerks, attaches and other persons to be employed, provided, however, that the compensation provided in this charter for each supervisor and for the county physician and health officer shall be in full for all services, mileage, transportation and expenses within the County of Tehama.

SECTION 6. It shall be the duty of the Board of Supervisors to remove from office any county or township officer, or any assistant, deputy, clerk, attache or employee who shall, upon complaint made by any person in writing, and after written notice to such officer, assistant, deputy, clerk, attache or employee in such manner and form as may be directed by such Board of Supervisors, and upon hearing of such charges by such Board of Supervisors, be found by such Board of Supervisors to have used or taken for his personal gain, use, benefit, pleasure or enjoyment any county equipment, supplies, property or other thing of value, including automobiles, petroleum products and other supplies purchased by or charged to the said County of Tehama, or which may have been after such use or taking charged to said County or paid

for by said County, anything to the contrary in this charter notwithstanding.

SECTION 7. The Board of Supervisors shall meet on each Monday at 10 o'clock in the morning at the court house of the County of Tehama.

SECTION 8. All provisions of this Charter in conflict with the provisions of this Article are hereby repealed.

Amendment No. 4.

Article VII of the Charter of the County of Tehama is hereby amended to read as follows:

Townships and township officers

SECTION 1. The Board of Supervisors shall divide the County of Tehama into Judicial Townships not exceeding two in number and in one of which shall be situated the entire city in which the county seat is situated.

SECTION 2. There shall be one justice of the peace in each judicial township of the county.

SECTION 3. The sheriff of the County of Tehama shall perform the duties of the constable in the judicial township in which the county seat is situated; and there shall be one constable in the remaining judicial township.

SECTION 4. The justices of the peace and constables provided for by this charter shall be nominated and elected at the time and in the manner and for the terms provided by general law.

SECTION 5. The justice of the peace in the township in which the county seat is situated shall receive as salary the sum of one hundred dollars per month and all other justices of the peace and constables in the county shall receive as salary the sum of seventy-five dollars per month, provided that the Board of Supervisors may by ordinance submitted to and approved by the electors of the county at any general or special election change the compensation of the justices of the peace and constables.

SECTION 6. The Board of Supervisors may allow to each of the Justices of the Peace in the County of Tehama, not to exceed the sum of $300.00 per year for rent and office expenses, payments therefor to be made only upon verified claims presented.

SECTION 7. This amendment shall go into effect on the first Monday in January, 1935.

Amendment No. 5.

Repeal.

Section 8 of Article IX of the Charter of the County of Tehama is hereby repealed.

Amendment No. 6.

Article VIII of the Charter of the County of Tehama is hereby amended to read as follows:

SECTION 1. The County Road Engineer shall be ex officio County Surveyor. County road engineer.

SECTION 2. The Road Engineer shall be appointed by the Board of Supervisors for a term of four years at a salary not to exceed three thousand dollars per annum. He may be removed from office at any time by the Board of Supervisors for inefficiency, neglect of duty, misconduct in office, or other good cause shown.

SECTION 3. The County Road Engineer shall:

(a) Have all the powers and perform all the duties of the County Surveyor, and Road Commissioner prescribed by law or the provisions of this charter. Powers and duties.

(b) Make all surveys, maps, plans, specifications and estimates necessary or required for the construction, improvement, maintenance and repair of the county highways and bridges subject to the approval of the Board of Supervisors.

(c) Examine and inspect the work performed on such roads, highways and bridges and report to the Board of Supervisors as to whether or not the work has been done in accordance with the plans and specifications and contracts therefor.

(d) Approve and certify to the progress, estimates and allowances for work performed under all contracts for the construction, improvement and maintenance or repairs of county roads, highways and bridges.

(e) Inspect or cause to be inspected, all county roads, highways and bridges within the county, and, under the general direction of the Board of Supervisors, keep such roads, highways, and bridges clear of obstructions and in good repair; employ all men, teams, trucks, and all help necessary therefor, when the same is not let by contract and report to the Board of Supervisors with respect to such inspection and such work from time to time as required by said Board of Supervisors, certify to the correctness of all pay rolls for work done by day labor or force accounts on county roads, highways and bridges.

(f) Have control and management under the general supervision of the Board of Supervisors of all county rock quarries, oil pits, depots, gravel pits and other materials, property, implements, instruments, tools, machinery and other appurtenances necessary for the construction, improvement, maintenances and repair of county roads, highways and bridges and for the plans therefor.

(g) Devote his entire time to the performance of his duties to the exclusion of all other business occupations. He shall not be either directly or indirectly interested in any contracts or work, nor shall he be so interested in the purchase of supplies, tools or materials of any kind used in the carrying out of any of his duties under this charter.

(h) Act as county purchasing agent, when and if the Board of Supervisors shall pass an ordinance creating that office, his duties to be prescribed by such ordinance.

(i) Prepare annually a proper budget showing in detail the needs of the county for constructions, improvement, maintenance or repair of county roads, highways and bridges for the ensuing year as provided by section 13, Article II of this Charter.

(j) Make a written report to the Board of Supervisors on the first of each month in which he shall state the amount and character of work done during the preceding month, the progress of any contract under way, approximate cost of the work, and matters of interest pertaining to same.

(k) The Board of Supervisors shall appoint and employ such district foreman and assistants and laborers as may be needed and fix their compensation. Appointments shall be made only upon the recommendation of the road engineer.

(l) Make requisition upon the Board of Supervisors for the purchase of all tools, implements, machinery, materials and supplies required to carry out the provisions of this article, and said requisition shall state plainly the estimated cost of the article or articles to be purchased.

(m) Approve all proper claims for the purchase of tools, implements, machinery, materials and supplies required to carry out the provisions of this article before such claims are audited and passed; and no claims against the county for work done on its roads, highways, streets, bridges or in connection with the same, or for materials, supplies, implements or machinery used for or in connection therewith, shall be passed by the Board of Supervisors or paid for by the Treasurer of the County unless they shall have endorsed thereon the written approval of the Road Engineer and the Auditor.

Construction contracts.

SECTION 4. The work of building, maintaining or keeping in repair of any or all roads, highways and bridges may be let on contract by the road engineer subject to approval by the Board of Supervisors, and the county may furnish machinery and materials for the use of contractors, whose contracts call for labor only, whenever, in the judgment of the road engineer and Board of Supervisors, the best interests of the county may be served.

SECTION 5. All contracts for construction, maintenance or repair of roads, highways or bridges, amounting to one thousand dollars or more must be let to the lowest bidder upon bids called for as provided by general law and this charter.

Qualifications for engineer.

SECTION 6. Only a competent and experienced engineer who shall have had at least three years practical experience in road construction shall be eligible for appointment as County Road Engineer. He need not be an elector of the county but must reside therein during the term of his office. Such appointee must first have been recommended to the Board of Supervisors by a lay committee of five county taxpayers who shall be appointed in the following manner: two to be appointed by the Superior Judge or judges; two by the Board of Supervisors and one to be selected by a majority of the four committeemen so named. All of such committeemen shall

serve without compensation at the pleasure of the Board, and shall inquire into the qualifications of all applicants, and who shall two weeks prior to the time announced for the appointment by the Board of Supervisors, certify one or more of the applicants to the Board of Supervisors.

SECTION 7. The Board of Supervisors shall provide for and assign to the Road Engineer a suitable office or offices in the Courthouse or some place conveniently located with reference thereto together with all office tools, implements and other equipment necessary for the performance of the duties herein prescribed.

SECTION 8 When this article shall become effective, it shall be the duty of the Road Engineer to prepare a plat on which shall be classified into three classes, all main county highways, which shall be named; all secondary county roads, which shall be numbered, and all by roads which shall be designated in a manner prescribed by the Board of Supervisors. He shall keep a record of all such roads and highways in his office.

A single road district shall be formed comprising all the territory within Tehama County and all road funds received by the county, either by direct taxation or from the State gasoline tax, or otherwise, shall be allocated to three classes of roads according to the needs of each class as recommended by the Road Engineer and approved by the Board of Supervisors.

SECTION 9. This amendment shall go into effect on the first Monday in January, 1935, provided, however, that in the event of the death or removal from office of the present elected county surveyor, after the ratification of this amendment by the State Legislature and prior to the first Monday in January, 1935, a vacancy shall occur in the office of County Surveyor, the provisions of this article shall immediately go into effect. Amendment takes effect

We further certify hereby that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true.

And, for and on behalf of said County of Tehama, we, being hereinbefore duly authorized, do hereby require the Legislature of the State of California, to approve said amendments to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of Tehama County, State of California, this tenth day of January, 1933.

G. L. CHILDS,
Chairman of Board of Supervisors of the County of Tehama, State of California.

ATTEST:

H. M. KOPPLIN,
County Clerk and ex officio Clerk of the Board of Supervisors of Tehama County, California.

WHEREAS, Said proposed amendments to the charter of the County of Tehama, have been and are now submitted to the Legislature of the State of California, for approval or rejection as a whole without power of alteration and amendment, in accordance with section 7½ of Article XI of the Constitution of the State of California, now, therefore, be it

Ratification

Resolved by the Senate of the State of California, the Assembly thereof concurring, A majority of the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the County of Tehama, and each of them as proposed, adopted and ratified by the electors of the County of Tehama, and as herein set forth, be and the same are hereby approved as a whole, without alteration or amendment for and as amendments to and as part of the charter of the County of Tehama.

CHAPTER 15.

Senate Joint Resolution No. 4—Relative to memorializing and petitioning Congress to enact legislation transferring certain oil lands in Kern County, California, from the jurisdiction of the Navy Department to the jurisdiction of the Department of the Interior.

[Filed with Secretary of State January 23, 1933.]

Retransfer of land in naval petroleum reserve No. 2.

WHEREAS, On September 27, 1909, by Presidential Executive order of that date, certain lands in Kern County, California, were withdrawn from entry and, by Presidential Executive order of September 2, 1912, Naval Petroleum Reserve No. 2 was created therefrom embracing originally 31,181 acres, of which 19,620 acres were or have been patented to private parties, and 9,991 acres have been leased to private parties for operation and are being operated under the provisions of the general leasing act of February 25, 1920 (c. 85, 41 Stats. 450), and 570 acres remain unleased; and

WHEREAS, by the act of June 4, 1920, 41 Stats. 812, 813, the Secretary of the Navy was directed to take possession of all properties within the Naval Petroleum Reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there were no pending claims or applications for permits or leases under the provisions of the said general leasing act of February 25, 1920, or pending applications for United States patents under any law, and to conserve, develop, use and operate the same in his discretion, directly or by contract, lease or otherwise; and by the act of February 25, 1928, 45 Stats. 148, jurisdiction over and the administration and enforcement of all oil and gas leases on lands in Naval Petroleum Reserves, issued pursuant to the provisions of sections 18 and 18 (a) of the said general

leasing act of February 25, 1920, were transferred to the Secretary of the Navy; and

Naval petroleum reserve

WHEREAS, Section 35 of the said general leasing act provides that thirty-seven and one-half per cent (37½%) of all amounts derived by the Federal Government from bonuses, royalties and rentals on leased oil or gas lands or deposits within the public domain shall be paid, at stated intervals, by the Secretary of the Treasury to the State within the boundaries of which such leased lands or deposits are located, for the use by said State, or the subdivisions thereof, for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, and that fifty-two and one-half per cent (52½%) of the amounts derived from such bonuses, royalties and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902, and that all moneys accruing to the Federal Government from bonuses, royalties and rentals from Naval Petroleum Reserve lands shall be deposited in the United States treasury as "miscellaneous receipts"; and

WHEREAS, Neither the State of California, nor Kern County, California, nor the Navy Department of the United States, nor the said reclamation fund, receives any benefit from or part of the amounts derived by the Federal Government from bonuses, royalties or rentals on said lands within said Naval Petroleum Reserve No. 2; and

WHEREAS, By the enactment of the said acts of June 4, 1920, and February 25, 1928, the Navy Department of the United States is empowered to enter into the business of producing petroleum and its products from the said Naval Petroleum Reserves, particularly from said Naval Petroleum Reserve No. 2; and if such operation shall be engaged in by the Navy Department one of the results thereof will be to deprive Kern County, California, and the State of California, annually of tax revenues in excess of $250,000, and this although the quality of the petroleum producible from said lands in said Naval Petroleum Reserve No. 2 is such that neither the said petroleum nor the gas produced from said lands can be used by the Navy except for purposes of sale; and

WHEREAS, The extensive and continued production of petroleum and gas from the patented lands in said Naval Petroleum Reserve requires the continued production of petroleum from the government lands in said reserve to prevent the drainage and depletion thereof by the aforesaid production on the patented lands, and the necessity for such continued production from the government lands effectually prevents and will continue to prevent the said lands from being or becoming a petroleum reserve in any sense; and

WHEREAS, So long as jurisdiction over said lands and the administration and enforcement of oil and gas leases therein remain in the Navy Department, the formulation and enforce-

ment of any state-wide conservation program to which the State of California has heretofore committed itself by appropriate legislation, with respect to oil and gas production from the lands aforesaid, may be prevented because of the inability of the lessees to secure cooperation from the said Navy Department in respect of the duration of their tenure of the said leased lands; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, Jointly, That the Legislature of the State of California hereby memorializes and petitions Congress to enact legislation restoring the public lands within the external boundaries of Naval Petroleum Reserve No. 2 as now constituted, to the public domain of the United States, and transferring the jurisdiction over and the administration thereof and of all leases thereof, to the Secretary of the Interior, and revoking and repealing any and all Executive orders and acts of Congress creating or confirming the creation of said Naval Petroleum Reserve No. 2; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, to the Vice President of the United States, and to each member of the Senate and the House of Representatives of the United States.

CHAPTER 16.

Senate Concurrent Resolution No. 10—Providing a rule for the Legislative Counsel Bureau, relating to requests for bills, constitutional amendments and resolutions.

[Filed with Secretary of State January 24, 1933.]

Rule for Legislative Counsel Bureau.

Resolved by the Senate of the State of California, the Assembly concurring, That the Legislative Counsel be, and he is hereby instructed to prepare and keep on file, in a book to be maintained for that purpose, a complete record of all requests made for the preparation of bills, constitutional amendments and resolutions, the name of the author, and the subject matter to be covered by such bill, constitutional amendment or resolution.

Requests shall be numbered and entered in the order received, and bills, constitutional amendments and resolutions prepared pursuant to requests, shall be delivered in the order requested.

All such records shall be open to the inspection of any member of the Legislature, but shall not be subject to inspection by others.

Information concerning any such bill, constitutional amendment or resolution, other than set forth in such record, shall not be given out by the Legislative Counsel Bureau, except with the consent of the author

CHAPTER 17.

Senate Concurrent Resolution No. 11—Relative to the death of Carlos K. McClatchy.

[Filed with Secretary of State January 24, 1933.]

Death of C K McClatchy

WHEREAS, The members of the Legislature have learned with deep sorrow and regret of the untimely death, on January 17, 1933, of Carlos K. McClatchy, one of California's noted editors and newspapermen, and the son of Charles K. McClatchy, the dean of California journalism, and

WHEREAS, Carlos K. McClatchy, as editor of the Fresno Bee and vice president and general manager of the McClatchy newspapers, has carried forward the tradition of a vigorous, independent journalism, dedicated to the public service, and has ever worked fearlessly for the welfare of the State of California and the people thereof; now therefore be it

Resolved by the Senate, the Assembly concurring, That the members of the Legislature of the State of California extend to the family of the deceased their deepest sympathy in this hour of bereavement; and be it further

Resolved, That this resolution be spread upon the minutes of the Senate and Assembly and that suitably engrossed copies be transmitted to the members of the family

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CHAPTER 18.

Assembly Concurrent Resolution No. 22—Approving two certain amendments to the charter of the city of Stockton, State of California, ratified by the qualified electors thereof, at a special municipal election held therein on Tuesday, November 8, 1932.

[Filed with Secretary of State January 24, 1933.]

City of Stockton Charter amendments.

WHEREAS, The city of Stockton, in the county of San Joaquin, State of California, contains a population of over forty-seven thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders' charter adopted under and by virtue of section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders' charter is printed in full in chapter 7 of Concurrent and Joint Resolutions and Constitutional Amendments passed at the regular

Stocktor charter.

session of the Forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of certain amendments to the charter of the city of Stockton as set out in the certificate of the mayor and the city clerk of the city of Stockton, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 8TH DAY OF NOVEMBER, 1932, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

State of California,
County of San Joaquin, } ss.
City of Stockton.

We, Con. J. Franke, Mayor of the City of Stockton, and B. L. Trahern, City Clerk of the City of Stockton, do hereby certify as follows:

That the said City of Stockton in the County of San Joaquin, State of California, is now and at all of the times mentioned herein was a city containing a population of more than forty-seven thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders' charter adopted pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the 28th day of November, 1922, and approved by the Legislature of the State of California on the 24th day of January, 1923 (Stat. 1923, page 1321), and filed with the Secretary of State of the State of California on January 29, 1923; and

That pursuant to Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Stockton, the legislative body of said city did on its own motion and pursuant to the provisions of said article and section of the Constitution of the State of California duly propose to the electors of the City of Stockton two amendments to the charter of said city and order that said amendments be submitted to the electors of said city at the special municipal election to be held in said city on the 8th day of November, 1932; and

That said two proposed amendments were and each of them was on the 24th day of September, 1932, duly published in the Stockton Daily Independent, a daily newspaper published and circulated in the City of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said City Council; and

That said proposed amendments were printed in pamphlet form and on September 25, 1932, and on every day thereafter, on which the Stockton Daily Independent was published, to and including November 8, 1932, a notice was published in said newspaper that printed copies of said proposed amendments could be had by application at the office of the City Clerk of said City; and

That said City Council did by Resolution No. 10,265, which was duly adopted on the nineteenth day of September, 1932, order and direct that said amendments be voted upon at the Special Municipal Election to be held in said city on November 8, 1932; and

That said special municipal election was held in the said City of Stockton on the 8th day of November, 1932, which said day was more than forty days and less than sixty days after said proposals of amendments to the charter of said City of Stockton had been published once in said Stockton Daily Independent as aforesaid; and

That at such special municipal election held as aforesaid on said 8th day of November, 1932, a majority of the qualified voters of said City of Stockton voting thereon voted in favor of said proposals of amendments to the charter of the City of Stockton and duly ratified the same; and

That the City Council of said City of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the City of Stockton voting thereon had voted for and ratified the said proposals of amendments to the charter of the City of Stockton; and

That said proposals of amendments to the charter of the City of Stockton ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to wit:

AMENDMENT No. 1.

That Sec 20 of Article XXII, be, and the same is hereby repealed. Repeal

AMENDMENT No. 2.

That Sec. 7 of Article XXII, be amended to read as follows, to wit:

Sec. 7. The city auditor shall examine all payrolls, bills, and other claims and demands against the City of Stockton, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed, and duly certified; and that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted; that the payment has been legally authorized and that there is money in the treasury to make payment. The city auditor shall require every claim to be supported by oath as to the validity of said claim and for such purposes may examine Payment of claims and demands.

witnesses under oath; and if he finds it fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor.

If there be not sufficient money in any fund to pay the demands made against said fund, said demand shall be registered in a book to be kept by the City Auditor, showing its number, when presented, date, amount, name of payee, and on what account allowed and out of what fund payable, and when so registered, the demand shall be returned to the party presenting it with the endorsement of the word "Registered" dated and signed by the City Auditor. All registered demands shall be payable in the order of their registration.

That the foregoing is a full, true and correct copy of said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city as aforesaid, on file in the office of the city clerk of said city of Stockton.

In witness whereof, Con. J. Franke, mayor of the city of Stockton, and B. L Trahern, City Clerk as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Stockton to be thereunto affixed on this 5th day of January, 1933.

[SEAL]

CON. J. FRANKE,
Mayor of the City of Stockton.

B. L. TRAHERN,
City Clerk of the City of Stockton.

WHEREAS, Said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Assembly of the State of California, the Senate concurring, a majority of the members elected to each house voting therefor and concurring therein. That said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city as aforesaid after being presented to, adopted and ratified by the qualified electors of said city of Stockton as hereinabove fully set forth be and the same are and each of them is hereby approved as a whole without amendment or alteration as amendments to and a part of the charter of the city of Stockton.

CHAPTER 19.

Assembly Concurrent Resolution No. 23—Approving four certain amendments to the charter of the city of Stockton, State of California, ratified by the qualified electors thereof, at a special municipal election held therein on Tuesday, May 31, 1932.

[Filed with Secretary of State January 24, 1933.]

City of Stockton Charter amendments.

WHEREAS, The city of Stockton, in the county of San Joaquin, State of California, contains a population of over forty-seven thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders' charter adopted under and by virtue of section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders' charter is printed in full in Chapter VII of Concurrent and Joint Resolutions and Constitutional Amendments passed at the regular session of the Forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of certain amendments to the charter of the city of Stockton as set out in the certificate of the mayor and the city clerk of the city of Stockton, to wit.

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 31ST DAY OF MAY, 1932, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

State of California,
County of San Joaquin, } ss.
City of Stockton.

We, Con. J. Franke, Mayor of the City of Stockton, and B. L. Trahern, City Clerk of the City of Stockton, do hereby certify as follows:

That the said City of Stockton in the County of San Joaquin, State of California, is now and at all of the times mentioned herein was a city containing a population of more than forty-seven thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Stockton is now and at all of the times herein mentioned was organized and existing under a free-

Stocktor charter.

holders' charter adopted pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the 28th day of November, 1922, and approved by the Legislature of the State of California on the 24th day of January, 1923 (Stat. 1923, page 132), and filed with the Secretary of State of the State of California on January 29, 1923; and

That pursuant to Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Stockton, the legislative body of said city, did on its own motion and pursuant to the provisions of said article and section of the Constitution of the State of California duly propose to the electors of the City of Stockton four amendments to the charter of said city and order that said amendments be submitted to the electors of said city at the special municipal election to be held in said city on the 31st day of May, 1932; and

That said four proposed amendments were and each of them was on the 14th day of April, 1932, duly published in the Stockton Daily Independent, a daily newspaper published and circulated in the City of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said City Council; and

That said proposed amendments were printed in pamphlet form and on April 15, 1932, and on every day thereafter, on which the Stockton Daily Independent was published, to and including May 31, 1932, a notice was published in said newspaper that printed copies of said proposed amendments could be had by application at the office of the City Clerk of said City; and

That said City Council did by Resolution No. 10,113, which was duly adopted on the twenty-fifth day of April, 1932, order and direct that said amendments be voted upon at the Special Municipal Election to be held in said city on May 31, 1932; and

That said special municipal election was held in the said City of Stockton on the 31st day of May, 1932, which said day was more than forty days and less than sixty days after said proposals of amendments to the charter of said City of Stockton had been published once in said Stockton Daily Independent as aforesaid; and

That at such special municipal election held as aforesaid on said 31st day of May, 1932, a majority of the qualified voters of said City of Stockton voting thereon voted in favor of said proposals of amendments to the charter of the City of Stockton and duly ratified the same; and

That the City Council of said City of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the City of Stockton voting thereon had voted for and ratified the said proposals of amendments to the charter of the City of Stockton; and

That said proposals of amendments to the charter of the City of Stockton ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to wit:

AMENDMENT No. 1.

That Sec. 8 of Art. III, be amended to read as follows, to wit:

Sec. 8 To acquire by purchase, condemnation or otherwise, within or without the City, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, lease, encumber and dispose of the same for the common benefit. Public land

AMENDMENT No. 2.

That Sec. 41 of Art. V, be amended to read as follows, to wit:

Sec. 41. To provide for the lease of any land now or hereafter owned by the City, after publication of the ordinance authorizing the same which shall state explicitly the terms and conditions of the proposed lease; provided that no such lease shall be for a longer period than 50 years. Lease of public land

AMENDMENT No. 3.

That Sec. 13 of Art. IV, be amended to read as follows, to wit:

Sec. 13. To constitute an ordinance, a bill must before final action thereon, be passed to print and published at least once in the official newspaper of the city; provided that ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring or other regulations having to do with the public health, safety, or welfare, where such rules and regulations have been printed as a code in book form, may be adopted by the City Council in whole or in part, by reference thereto, without further publication thereof, provided, however, that not less than three (3) copies of such code shall be filed, for use and examination by the public, in the office of the City Clerk at least six days prior to the adoption thereof; if any amendment is made to any proposed Ordinance, the Ordinance as amended must be published at least once before its final adoption. Ordinances

AMENDMENT No. 4.

That Sec. 25 of Art. XXIX, be amended to read as follows, to wit:

Sec. 25. No exclusive franchise, right or privilege shall ever be granted by the city, or the city council, in, upon or along the waterfront, but any franchise, right or permit for a railroad track in, over or along the waterfront shall be subject to the right of any other railroad or railroads to use the same Franchises

upon payment of a reasonable compensation; provided, that this section shall not prevent the city from granting any such exclusive franchise, right or privilege to a Port District.

That the foregoing is a full, true and correct copy of said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city as aforesaid, on file in the office of the city clerk of said city of Stockton.

In witness whereof, Con. J. Franke, mayor of the city of Stockton, and B. L. Trahern, City Clerk as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Stockton to be thereunto affixed on this 5th day of January, 1933.

[SEAL]

CON. J. FRANKE,
Mayor of the City of Stockton.

B. L. TRAHERN,
City Clerk of the City of Stockton.

WHEREAS, Said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate concurring, a majority of the members elected to each house voting therefor and concurring therein, That said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city as aforesaid after being presented to, adopted and ratified by the qualified electors of said city of Stockton as hereinabove fully set forth be and the same are and each of them is hereby approved as a whole without amendment or alteration, as amendments to and as part of the charter of the city of Stockton

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CHAPTER 20.

Assembly Concurrent Resolution No. 25—Approving a certain amendment to the charter of the city of Inglewood, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 24, 1933.]

City of Inglewood Charter amendments.

WHEREAS, Proceedings have been duly and regularly had and taken for the proposal, adoption and ratification of that certain amendment hereinafter set forth to the charter of the city of Inglewood, a municipal corporation in the county of Los Angeles, State of California; and

Inglewood charter.

WHEREAS, the city of Inglewood, in the county of Los Angeles, State of California, contains a population of over three thousand five hundred (3500) inhabitants and has been, ever since the year 1927, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article eleven of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of December, A. D. 1926, and approved by the Legislature of the State of California, on the nineteenth day of January, A. D. 1927, and filed with the Secretary of said State January 27, 1927; and

WHEREAS, The legislative body of the said city, namely: The council of said city, did, pursuant to section 8, article eleven of the Constitution of the State of California, by resolution adopted August 29, 1932, duly propose to the qualified electors of said city of Inglewood an amendment to the charter of said city, designated as "Proposed amendment to the charter of the city of Inglewood, California," and ordered that said amendment be submitted to said qualified electors of said city at a special municipal election to be held in said city on the eighth day of November, 1932, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said proposed amendment to the charter of the city of Inglewood, was, on September 13, 1932, duly published in the Inglewood Daily News, a daily newspaper of general circulation, printed, published and circulated in the said city of Inglewood, and the newspaper designated by said council for that purpose; and

WHEREAS, Said proposed amendment to the charter of the city of Inglewood, California, was printed in convenient pamphlet form, and from September 24, 1932, to November 7, 1932, both inclusive, a notice was published in each issue of said Inglewood Daily News, a daily newspaper of general circulation, printed, published and circulated in said city, that such copies of the proposed amendment to the charter of the city of Inglewood had been printed in convenient pamphlet form and could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, Such printed copies of said proposed charter amendment as aforesaid were available to everyone applying therefor at the office of the city clerk, at all times from and after September 24, 1932, and to and including the eighth day of November, 1932; and

WHEREAS, The said council of said city did by ordinance designated as Ordinance No. 533, which was duly adopted on September 26, 1932, order the holding of a special municipal election in the city of Inglewood, on the eighth day of November, 1932, which said last mentioned date was not less than forty days and not more than sixty days after the completion of the publication of said proposed amendment aforesaid, which said ordinance was approved by the mayor of said city on September 26, 1932, and was published once in the Inglewood Daily

News, a daily newspaper of general circulation, printed, published and circulated within said city, within ten (10) days after the final passage and adoption thereof to wit, on the twenty-ninth day of September, 1932, and was republished in said Inglewood Daily News at least twice, which said two publications were not less than ten (10) days nor more than fifteen (15) days prior to the date of said election to wit, on October 26, 1932 and on October 27, 1932, pursuant to the provisions of the charter of said city of Inglewood; and said council of said city did by said Ordinance No. 533 order said special municipal election consolidated with the general State election to be held in said city on the eighth day of November, 1932; and

WHEREAS, Said special municipal election, pursuant to notice duly and regularly given, was duly and regularly held in said city of Inglewood on the eighth day of November, 1932, which day of election was not less than forty days and not more than sixty days after said proposed amendment to said charter had been published once in the Inglewood Daily News; and that at said election a majority of the qualified voters voting on said amendment voted in favor thereof and for the ratification thereof; and

WHEREAS, Thereafter the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did on the thirtieth day of November, 1932, duly certify to the council of said city of Inglewood the result of the canvass of said returns of said special municipal election; and the council of said city did, by resolution adopted on December 5, 1932, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said special municipal election held on said eighth day of November, 1932, said proposed amendment to the charter of the city of Inglewood, California, was ratified by a majority of the electors of said city voting thereon; and

WHEREAS, The said proposed amendment to the charter of the city of Inglewood, California, so ratified by the electors of said city of Inglewood is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8, of article eleven of the Constitution of the State of California; and is in words and figures as follows, to wit:

"CHARTER AMENDMENT. That Section 4 of Article XIII be amended to read as follows:

Article XIII.

JUDICIAL DEPARTMENT.

Jurisdiction of police courts

'Section 4: The said Police Court shall have jurisdiction concurrently with the Justice's Court in the Township in which said City of Inglewood is situate, of all civil and criminal actions and/or proceedings arising within the corporate limits

of the City of Inglewood, and which might be tried in said Justice's Court. Police court.

'The said Police Court shall have exclusive jurisdiction:

'First: Of all proceedings for the violation of any ordinance of the city, both civil and criminal.

'Second: Of any action for the collection of any taxes or assessments levied for any city purposes when the amount of the tax or assessment sought to be collected against the person assessed is less than Three Hundred Dollars ($300.00), but no lien upon the property taxed or assessed for the nonpayment of the taxes or assessments can be foreclosed in such action.

'Third: Of any action for the collection of money payable to the City or from the City to any person, when the amount sought to be collected, exclusive of interest and costs, is less than Three Hundred Dollars ($300.00).

'Fourth: For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs, is less than Three Hundred Dollars ($300.00).

'Fifth: For the recovery of personal property belonging to the city when the value of the property, exclusive of the damages for the taking or detention, is less than Three Hundred Dollars ($300.00).' ''

State of California)
County of Los Angeles) ss.

We, the undersigned, Raymond V. Darby, mayor of the city of Inglewood, State of California, and Otto H. Duelke, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify: That the foregoing proposed and ratified amendment to the charter of said city of Inglewood, submitted to the electors of said city at a special municipal election held in said city on the eighth day of November, 1932, has been compared by us and each of us, with the proposed amendment set forth in the resolution adopted by the council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Inglewood, this third day of January, A. D. 1933.

RAYMOND V. DARBY,
Mayor of said City of Inglewood, California.

[SEAL]

OTTO H DUELKE,
City Clerk of the City of Inglewood, California.

WHEREAS, The said proposed amendment to the charter of the city of Inglewood voted for and ratified as hereinbefore set forth has been and is now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said amendment to the charter of the city of Inglewood, California, as proposed to and adopted and ratified by the electors of the said city of Inglewood, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to, and as a part of the charter of the said city of Inglewood.

CHAPTER 21.

Assembly Concurrent Resolution No. 20—Approving the charter of the city of San Buenaventura, a municipal corporation in the county of Ventura, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of January, 1932.

[Filed with Secretary of State January 26, 1933.]

City of San Buenaventura Charter

WHEREAS, Proceedings have been duly had in and by the city of San Buenaventura, a municipal corporation in the county of Ventura, State of California, for the preparation, proposal, adoption and ratification of a charter for the government of said city of San Buenaventura, all set out in the following certificate of the mayor and the city clerk of said city of San Buenaventura, to wit:

Certificate of Adoption.

State of California }
County of Ventura } ss.
City of San Buenaventura }

We, the undersigned, George V. Hartman, mayor of the city of San Buenaventura, county of Ventura, State of California, and Ruth E. Meilandt, clerk of said city, do hereby certify and declare as follows:

That said city of San Buenaventura, in the county of Ventura, State of California, is now, and at all times herein referred to was, a city containing a population of more than 3,500 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

San Buenaventura charter

That said city of San Buenaventura is now, and at all times herein mentioned was, duly organized and existing under the general laws of the State of California, as a city of the fifth class;

That on the eighth day of September, 1931, pursuant to the provisions of section 8 of Article XI of the Constitution of the State of California, the city council of the said city of San Buenaventura, which was then the legislative body of said city, did, by a vote of more than two-thirds of all of its members, to wit, by a unanimous vote of all of the members thereof, pass and adopt a resolution calling a special election to be held in said city on the thirteenth day of October, 1931, for the purpose of choosing a board of fifteen freeholders to prepare and propose a charter for the government of said city of San Buenaventura, and gave due notice of said election as required by the provisions of law applicable thereto;

That at said election, held on the thirteenth day of October, 1931, a board of fifteen freeholders, all of whom were electors of said city of San Buenaventura and had been such electors for more than five years next preceding the said election, all of whom were eligible as candidates under said election, and who had been nominated as provided by law, were chosen or elected by the qualified electors of said city of San Buenaventura, as such board of freeholders, to prepare and propose a charter for the government of said city; that the names of said freeholders so chosen were as follows:

Joseph M. Argabrite
J. E. Barker
James S. Blackstock
A. C. Gates
George V. Hartman
Floyd Hickey
J. H. Hinsdale
John A. Lagomarsino
John J. MacGregor
Joseph E. Noyes
George C. Power
J. E. Rains
Merle J. Rogers
Robert M. Sheridan
Harle M. Walker, Jr.

That the returns of said election were canvassed and the result thereof declared by the city council of said city of San Buenaventura on the nineteenth day of October, 1931;

That in pursuance of said provisions of said Constitution of the State of California, and within due and legal time pursuant to section 8 of Article XI of the Constitution of the State of California, the said board of freeholders did prepare and propose a charter for the government of said city of San Buenaventura, which said charter was signed by a majority, to wit, by thirteen of the members of said board of freeholders, and

San Buenaventura charter

was filed in the office of the city clerk of said city of San Buenaventura, on the second day of November, 1931;

That said board of freeholders did, before said filing, fix and designate on such proposed charter the seventh day of January, 1932 as the date upon which said charter should be submitted to the electors of said city of San Buenaventura for ratification by them;

That thereupon said city council of said city of San Buenaventura, by resolution, duly called and ordered the holding of a special municipal election to be held in said city of San Buenaventura, on the seventh day of January, 1932, and gave notice of the holding of said election as required by law; that at said election there was submitted to the qualified electors of said city, the question whether said proposed charter prepared and filed by said board of freeholders should be ratified and adopted as the charter for the government of said city of San Buenaventura;

That within fifteen days after the filing of said charter, said city council caused the same to be published once, to wit, on the sixth day of November, 1931, in the Ventura Free Press then and there a newspaper of general circulation printed published, and circulated, within said city, there being no official paper of said city;

That said city council caused copies of said proposed charter to be printed in convenient pamphlet form, and to be placed in the office of the city clerk of said city for public distribution; that said printing and placing was completed at once and within fifteen days after the filing of said proposed charter; that beginning on the fourteenth day of November, 1931, and continuing until the date fixed as aforesaid for the election upon said charter, said city council advertised a notice that such copies of said charter could be had from the city clerk of said city on application therefor; that said advertisement appeared in a daily newspaper of general circulation, printed, published, and circulated, in said city of San Buenaventura, namely, in the Ventura Free Press, as often as said newspaper was issued, from November 14, 1931, to January 7, 1932, both days inclusive;

That said election was duly and regularly held on the seventh day of January, 1932, and that at said election the majority of the qualified electors voting thereon, voted in favor of said proposed charter, and for the ratification and adoption thereof;

That the city council of said city of San Buenaventura at its regular meeting held in the time, form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined and declared, that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than a majority of the qualified voters of the city of San Buenaventura;

That said charter, so prepared, proposed, filed, and ratified, as herein set forth, together with the certificate and signatures of thirteen of the members of the board of fifteen freeholders attached thereto, is in words and figures as follows, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF SAN BUENAVENTURA BY THE BOARD OF FREEHOLDERS ELECTED ON THE THIRTEENTH DAY OF OCTOBER, 1931.

Article I.

NAME OF CITY.

Name of city.

Section 1. Name: The municipal corporation now existing and known as "The City of San Buenaventura" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of San Buenaventura" and by such name shall have perpetual succession.

Article II.

BOUNDARIES.

Boundaries

Section 1. Boundaries: The boundaries of the City of San Buenaventura shall continue as now established until changed in some manner authorized by law.

Article III.

RIGHTS AND LIABILITIES.

Rights and liabilities

Section 1. Rights and Liabilities: The City of San Buenaventura shall remain vested with and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Article IV.

POWERS OF CITY.

Powers of city.

Section 1. Powers: The City of San Buenaventura, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the Constitution of the State of California and which it would be competent for this Charter to set forth particularly or specifically, and the specification herein of any particular powers shall not be held to be exclusive of or any limitation upon this general grant of powers.

Article V.

ELECTIONS.

Elections

Section 1. Elections: The first general municipal election for officers under this Charter shall be held on the tenth Tuesday following the approval of this Charter by the Legislature and a general municipal election for the election of officers shall be held on the 2nd Tuesday of April of each odd numbered year beginning with the year 1933. All other municipal elections that may be held by authority of this Charter, or of the general laws, shall be known as special municipal elections.

Calling for elections

Section 2. Calling for Elections: The Council shall by ordinance order the holding of all elections. Such ordinance shall establish precincts for the holding of such elections, either by adopting or consolidating precincts established for holding general elections or by setting forth their boundaries, and shall specify the objects and time for holding such elections, and the number and the names of the officers of election and the polling place for each voting precinct. The number of election officers at each precinct shall not exceed six, at least three of whom shall be present at all times during the election. Said ordinance shall be published once in the official newspaper, not more than sixty days nor less than twenty days before the time appointed for holding the election, and no other notice thereof need be given.

Nominations

Section 3. Nominations: The mode of nomination of officers to be voted for at any general municipal election shall be as follows:

(1) Not earlier than the sixtieth day nor later than twelve o'clock noon on the twentieth day before any general municipal election electors of the city may, by written nomination paper present names of candidates for election. Each candidate shall be proposed by not less than five nor more than ten qualified electors, but only one candidate shall be named in any one nomination paper. No elector may sign more than one nomination paper for the same office, but each seat on the board of councilmen shall be deemed a separate office. Any person or persons may circulate a nomination paper.

(2) The signatures to each nomination paper shall all be appended on the same sheet of paper and each signer shall add thereto his occupation, date and place of residence. All such nomination papers shall be filed with the city clerk not later than twelve o'clock noon on the twentieth day before such election, and shall have annexed thereto an affidavit of the person who circulated the same to the effect that he saw all the signatures appended thereto and knows that they are the bona fide signatures of the persons whose names they purport to be. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the nomination and also accept the office in the event of his election.

(3) Upon the filing of such nomination paper the city clerk shall immediately examine the great register, and therefrom shall ascertain whether such paper is signed by the requisite

number of qualified electors, and shall, within five days of said filing attach his certificate thereto showing the result of his examination.

(4) It shall not be necessary to print or send out sample ballots or polling place cards for any election, but, in case of an election to fill offices, the city clerk shall publish a list of the names of the nominees, in alphabetical order, and the respective offices for which they have been nominated, once in the official newspaper at least ten days before the election.

Filing the returns

Section 4. Filing the Returns: The returns of each election precinct shall be filed with the clerk, and no person shall be permitted access to them until canvassed by the Council. On the first Monday after any election, and at the usual hour and place of meeting, the Council shall meet and canvass the returns and declare the result. After having been canvassed the returns shall be sealed up by the clerk for six months and no person shall have access to them except on order of a court of competent jurisdiction.

Notifying the successful candidates

Section 5. Notifying the Successful Candidates: After the result of an election is declared, the clerk, under his hand and official seal, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.

Provisions of State law to apply.

Section 6. Provisions of State Law to Apply: The Council may, by ordinance, make further provisions as to the manner of holding and conducting elections. The provisions of the laws of the State of California relating to elections, the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter, or by such ordinance; provided, that no primary elections shall be held for municipal officers.

Terms for city councilmen

Section 7. Terms for City Councilmen: Members of the Council shall hold office for a period of four years from and after eight o'clock P.M. of the fourth Monday in April following the day of election, and until their successors are elected and qualified; provided, that the four members of the Council receiving the highest number of votes for said offices at the first general municipal election under this Charter shall serve from eight o'clock P.M. on the second Monday following the day of election until eight o'clock P.M. of the fourth Monday of April, 1937, and the remaining three highest shall serve to 1935, at the same time of the month and day and until their successors are elected and qualified; and provided further, that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

First election.

Section 8. First Election: The Council of the City of San Buenaventura in office at the time this Charter is approved by the Legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes on the first Monday after the election, and declare the result.

Initiative, referendum and recall

Section 9. Initiative, Referendum and Recall: Ordinances may be recalled from office under and in pursuance of the propassed by the Council, under and in accordance with the Constitution and general laws of the State, and any elective officer may be initiated, or the referendum exercised on ordinances visions of the Constitution and general laws: provided, however, that if a minority of the Council are sought to be recalled no candidate or candidates shall be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; provided further, that should a majority or more of the Council be sought to be recalled the general provisions of the State law applicable to recall of officers shall apply. Petitions for exercising the initiative, referendum or recall may be circulated and/or deposited for signatures in not less than three public places in the City, to be designated by the Council. Notice of the deposit thereof shall be given by publication three or more times in the official newspaper. The Council shall provide by ordinance the detailed procedure for carrying out the provisions of this section.

Article VI.

OFFICERS, DEPUTIES AND EMPLOYEES AND THEIR COMPENSATION.

Officers

Section 1. Officers: The officers of the City of San Buenaventura shall be seven members of the Council, five members of the Board of Education, five Library Trustees, a City Manager, a City Attorney, a Police Judge, a City Controller who shall be Ex-Officio City Clerk, a City Treasurer who shall be Ex-Officio City Tax Collector, a City Assessor, a City Engineer, a Chief of Police, a Fire Chief, a Health officer, and such other officers or boards under the control of the Manager as the Council may create by ordinance. The members of the Council shall be elected from the City at large, as provided in this Charter; the members of the Board of Education shall be elected from the San Buenaventura School District at large; provided, however, that all qualified electors of the San Buenaventura School District shall have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employees appointed as provided in this Charter, shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers is vested in the Council, such appointment and any removal must be made by a four-sevenths vote of the Council.

Compensation.

Section 2. Compensation: The members of the Council, the Library Trustees, and the Board of Education, shall serve with-

out compensation. The compensation of all appointive officers and employees of the City, except officials and members of boards, commissions and committees, serving gratuitously, shall be fixed or changed by the annual appropriation ordinance adopted by four-sevenths vote of the Council, and, except the office of Manager, upon the recommendation of the Manager only. No officer or employee shall be allowed any fee, perquisite, emolument or stipend, in addition to, or save as embraced in, the salary or compensation fixed for such office by the Council, and all fees received by such officer in connection with his official duties shall be paid by him into the City Treasury.

Classification and standardization.

Section 3. Classification and Standardization: The Council shall by ordinance, with the co-operation and assistance of the Manager, provide for a systematic classification of positions and a standardization of salaries of all paid appointive officers and employees of the City.

Eligibility for office.

Section 4. Eligibility for Office: No person shall be eligible for election to, or to hold, any elective office of said City unless he shall have been a resident and an elector thereof or of territory legally annexed thereto, on or prior to the date of such election or appointment, for at least three years next preceding his election thereto, or his appointment to fill a vacancy therein; provided that said qualification as to residence in the City shall not apply to members of the Board of Education.

Disability of councilmen.

Section 5. Disability of Councilmen: No councilman shall be eligible during the term for which he was appointed or elected or within six months thereafter, to hold any other office or employment with the City, except as a member of any board, commission or committee thereof, of which he is constituted such member by general law or by this Charter.

Not to be interested in contracts.

Section 6. Financial Interest: No officer, appointee, or employee of the City, shall be interested in any contract or transaction with the City, or with any department, board, officer or employee thereof, nor become surety for the performance of any contract or sub-contract made with or for the City, upon any bond given for the performance thereof to the City, or contractor. No officer, appointee, or employee shall receive any commission, money or thing of value, for or by reason of any dealings with or services for the City by himself or others, except his lawful compensation as such officer, appointee or employee. The violation of any of the provisions of this section shall be a misdemeanor and shall also work the forfeiture of such office or employment on order of the Council or court of competent jurisdiction.

Article VII.

LEGISLATIVE, THE COUNCIL, POWERS AND DUTIES.

Legislative power

Section 1. Legislative Power: The legislative power of the City of San Buenaventura shall be vested in the people

through the initiative and referendum, and in a body to be designated the Council.

Meetings

Section 2. Meetings: The Council shall meet in the Council Chambers at the City Hall in regular session on the Monday following their election, at eight P.M. and shall organize as herein required. Thereafter the Council shall meet at such times as have been or may be prescribed by ordinance or resolution, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be held in the City Hall, unless, by reason of fire, flood, or other disaster, said City Hall cannot be used for that purpose, and all meetings shall be open to the public. Special meetings may be called by the Mayor, by three members of the Council, or by the Manager, but notice of every such meeting must be served personally upon every member not joining in the call, and upon the Manager, if not called by him, or left at the place of residence or of business of such person to be so served, not less than eight hours before the time of such special meeting.

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting. All meetings of the Council and all records thereof, shall be open to the public, and no citizen shall be denied the right personally or through counsel, to present grievance, or offer suggestions for the betterment of municipal affairs.

Quorum

Section 3. Quorum: Four members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered, unless four members of the Council concur in said action.

General powers of the council.

Section 4. General Powers of the Council: Subject to the provisions and restrictions in this Charter contained, and the valid delegation by this Charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State of California, or which now or hereafter it would be competent for this Charter to specifically enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

Special powers.

Section 5. Certain Powers and Duties Enumerated: The Council shall:

1. Judge of the qualifications of its members and of election returns;

2. Establish rules for its proceedings;

3. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the

appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money.

4. Choose one of its members as presiding officer, to be called Mayor. His term as Mayor shall be two years. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the City on public and ceremonial occasions. He shall have power to administer oaths and affirmations, but shall have no power of veto. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem. and he shall, for the time being, have the powers of the Mayor.

5. Appoint a City Manager, a City Attorney, a Police Judge, and five Library Trustees.

Ordinances

Section 6. Ordinances. The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of San Buenaventura." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of San Buenaventura". At least five days must elapse between the introduction and the final passage of any ordinance; provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought up for final passage; provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, regular or special, and, if passed by a five-sevenths vote, shall become effective immediately upon publication. A final vote on any other ordinance, or any vote on any appropriation, must be taken only at a regular or adjourned regular meeting. Every ordinance must be signed by the Mayor, attested by the Clerk, and published once in the official newspaper.

When ordinances go into effect

Section 7. When Ordinances Go Into Effect: Except as otherwise provided in this Charter, every ordinance and every measure passed by the Council granting any franchise or privilege, shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure; provided, however, that no such ordinance or measure shall go into effect in less than thirty days from its final passage. But ordinances declared by the Council to be necessary as emergency measures, as hereinbefore provided, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

Amending ordinances

Section 8. Amending Ordinances: No ordinance shall be amended by reference to its title, but the sections thereof to be amended shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Section 9. Public Work and Supplies:

Public work and supplies

1. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City, by an officer or officers authorized to sign the same, and must be countersigned by the controller, who shall number and register the same in a book kept for that purpose.

Progressive payment of contracts.

2. Progressive Payment of Contracts: Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such payment. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at any time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion and acceptance of the work.

Public work to be done by contract

3. Public Work to be Done by Contract. In the erection, improvement and repair of all public buildings and works, and in furnishing any supplies or materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of one thousand dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions; the first of which shall be at least ten days before the time for opening bids; provided, however, the Council may by a five-sevenths vote reject any and all bids, if deemed excessive, and re-advertise for bids, or provide for the work to be done or supplies or materials purchased under the direction of the Manager, provided the total cost submitted by the Manager shall not exceed the lowest acceptable bid submitted. In case no bid is received the Council may likewise provide for the work to be done or supplies or materials purchased under the direction of the Manager.

Advertising and printing

4. Newspaper Advertising and Printing. The Council shall advertise annually for the submission of sealed proposals or bids from newspapers of general circulation printed and published in the City, for the publication of all ordinances and other legal notices or matters required to be published. A contract shall be awarded to the responsible bidder submitting the lowest bid on the basis of the bona fide subscription list of paying subscribers of said publication within the city limits of said City. The determination of the Council as to the lowest bid shall be final and conclusive. The newspaper to which such contract is awarded shall, during the life of such contract, be designated as the "official newspaper" for the purposes of this Charter. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character. Failure of the Council to designate an official newspaper shall not invalidate any publication, where the same is otherwise in conformity to law or this Charter.

In lieu of newspaper advertising the Council may issue and publish a bulletin containing such matter as is required by law to be published, sending the same by mail to the registered voters of the City, to their addresses as the same shall appear on the great register of Ventura County, and shall also post printed copies of such advertisement in three public places in the City of San Buenaventura at least five days before action is taken in response to said publication. Such mailing and posting shall be conclusively deemed to be of the same effect as if the advertisement had been fully published in the official newspaper of the City.

Illegal contracts

5. Illegal Contracts. No officer or employe of the City shall be or become directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, nor shall he receive any gratuity or advantage from any contractor or person furnishing labor or materials for the same. Any contract with the City in which any such officer is or becomes interested may be declared void by the Council.

No officer or employe of the City shall aid or assist a bidder in securing a contract to furnish labor, materials, or other supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another or give or withhold information from any bidder not given or withheld from all other bidders, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed or material or supplies furnished than has, respectively, been performed or received.

Any officer or employe violating any of the provisions of this section shall be guilty of a misdemeanor and shall also forfeit his office or employment on order of the Council or court of competent jurisdiction.

If at any time it shall be found that any person, firm or corporation to whom a contract has been awarded by the City has, in presenting any bid, colluded with any other party or parties, then the contract so awarded shall, if the Council so elect, be null and void and the contractor and his bondsmen shall be liable to the City for all loss and damage which the City may suffer thereby. In such event the Council may advertise anew for bids for said work or supplies.

Hours and minimum wages

6. Hours and Minimum Wages. The time of service of any laborer, workman or mechanic employed upon any of the public works of the City, or upon work done for said City, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said City, or for any contractor or subcontractor doing work under contract upon any public work aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight

hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon any public, military or naval defenses or works in time of war. The minimum wage of any laborer, workman or mechanic employed upon any public work, whether so employed directly by the City and its officers, or by contractor or subcontractor, or by any other person or persons, shall be the scale of wages then generally prevailing in the City for like work.

Preference to citizens of the city.

7. Preference to Citizens of the City. (a) When laborers, workmen or mechanics are employed upon any public work, whether so employed directly by the City and its officers, or by contractors or subcontractors, or by any other person or persons, such laborers, workmen or mechanics whenever available must be qualified electors of the City; and married men must be given preference over unmarried men.

(b) When making purchases for any department of the City, local merchants shall be given the preference, quality and price being commensurate.

Contracts for lighting or heating

8. Contracts for Lighting or Heating. No contract for lighting streets or for heating or lighting public buildings, places or offices, shall be made for a longer period than one year, nor shall any contract to pay for such utility at a higher rate than the minimum price charged to any other consumer be valid.

Vacancies in the council.

Section 10. Vacancies in the Council. Any member of the Council who is absent from all meetings thereof for two consecutive months, unless excused by the Council, shall forfeit his office. Any vacancies occurring in the Council shall be filled by a person appointed by a four-sevenths vote of the Council. Said person appointed shall serve during the unexpired term or until his successor is elected at the next succeeding municipal election, and qualified.

Committees of council.

Section 11. Committees of Council The Council shall appoint such standing and other committees as it deems necessary.

Sale or lease of city property.

Section 12. Sale or Lease of City Property. No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of five-sevenths of all the members and no lease of any city property shall be made for a period longer than five years, except by ordinance adopted by a five-sevenths vote of the Council.

Official bonds

Section 13. Official Bonds. The Council shall, by ordinance, determine what officers and other persons in the service of the City shall give bond for the faithful performance of their duties, and shall fix the amounts of such bonds and each of such officers and other persons shall before entering upon the duties of his office or employment, execute a bond to the City in the penal sum provided by such ordinance, including in the same bond the duties of all offices of which he is made by this Charter, or otherwise, ex officio incumbent. Such bonds must be examined and approved by the Council. All bonds when approved shall be filed with the Controller, except

the Controller's bond, if any, which shall be filed with the Treasurer. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds, except as herein otherwise provided. In all cases where surety company bonds are approved by the Council the premium therefor shall be paid by the City.

Oath of office.

Section 14. Oath of Office. Every officer of the City, before entering upon the duties of his office, shall take and file with the Controller the constitutional oath of office, except that the oath of the Controller and Ex-Officio City Clerk shall be filed with the City Treasurer.

Records.

Section 15. Records. The Controller as ex-officio City Clerk, or his deputy, shall keep, under the direction of the Council, a full and true record in a book, of all proceedings of the Council, and of the Board of Equalization. He shall keep a book, marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate, shall be prima facie evidence of the contents of such ordinances and of the passage and publication thereof. He shall also keep an index to the minutes of the Council and to said ordinance book. The Controller shall be the custodian of the City Seal and shall affix the same to all official certificates made by him and to other papers when directed by the Council to attest or execute the same. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this Charter, or by ordinance or resolution.

Examination of records.

Section 16. Examination of Records. The Council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, from time to time, without notice, examine the books, records, and reports of the Controller and of all other officers and employees who receive or disburse city money, and of such other officers and departments as the Council may direct. The final report at the end of the fiscal year shall be made in triplicate and one each thereof shall be filed with the Controller, Council, and City Attorney. Any officer, clerk or employee who shall refuse to give all required assistance and information to such accountant or submit to him for examination such books, papers and records of his office as may be required, shall forfeit his office, by order of the Council or court of competent jurisdiction.

Article VIII.

POLICE COURT.

Police judge

Section 1. Police Judge. There shall be a Police Judge (who must be an elector of the City) appointed by the Council. He shall be the judge of the Police Court, which is hereby

established. The Police Court shall have jurisdiction, concurrently with the Justices' Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the City and which might be tried in such Justice's Courts; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City is not more than one hundred dollars, the trial must be by the court; in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the City is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

Powers of judge.

Section 2. Powers of Judge. The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations. He shall make such periodical reports as the Council may require.

Inability to act.

Section 3. Inability to Act. In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, he may call upon any Justice of the Peace residing in the County of Ventura to act in his stead.

Justice of the peace

Section 4. Justice of the Peace The Council may, by ordinance, appoint any Justice of the Peace of the township in which the City of San Buenaventura is located, as Police Judge thereof, regardless of his residence.

Records

Section 5. Records. The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said Court. Separate dockets shall be kept for civil and criminal cases. All records, files, and other property of the Police Court under the preceding charter of the City shall be the records, files, and property of the Police Court of said City created by this charter.

Continuity of proceedings

Section 6. Continuity of Proceedings. All actions and proceedings pending and undetermined in the Police Court under said preceding charter, shall be proceeded with, heard, tried and determined in said Police Court herein established, before the Police Judge thereof, as if such action or proceeding had been originally commenced therein.

Article IX.

CITY MANAGER.

Qualifications.

Section 1. Qualifications. The Manager shall be the administration head of the city government. He shall be chosen by the Council without regard to political consideration and solely with reference to his executive and administrative qualifications. No one shall be eligible for appointment thereto who has not served as City Manager, or as an assistant or deputy thereof for at least one year, or who has not had at least three years experience in a responsible executive position. He need not be a resident of the State of California at the time of his appointment, but promptly thereafter he shall become and thereafter remain, during his incumbency, an actual resident of the City.

Before entering upon his duties the Manager shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City in the sum of five thousand dollars, the premium of which shall be paid by the City. Said bond shall be to the satisfaction of the Council and the approval of the Mayor shall be endorsed thereon.

Term

Section 2. Term. The Manager shall be appointed for an indefinite term, but shall be removable at the pleasure of the Council, by a four-sevenths vote thereof. Upon any vacancy occurring in the office of the Manager subsequent to the first appointment hereunder, the Council shall, at its next meeting thereafter, adopt a resolution of its intention to appoint a Manager, which resolution shall be published once in the official newspaper of said City, and no such appointment shall be made until at least four weeks shall have elapsed after such publication and must be made within sixty days thereafter. This provision, however, shall not affect the appointment of a Manager pro tem as herein provided.

Powers and duties.

Section 3. Powers and Duties. The powers and duties of the Manager shall be:

1. To see that all ordinances are enforced.

2. To appoint all heads of departments, and other city officers and employees, and remove the same at pleasure, and to have general supervision and control over the same, except as otherwise provided in this Charter. All of such appointments shall be made upon merit and fitness alone.

3 To exercise general supervision over all privately owned public utilities operated within the City so far as the same are subject to municipal control.

4. To see that the provisions of all franchises, leases, contracts, permits and privileges, granted by the City, are fully observed, and to report to the Council any violation thereof.

5. To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

6. To act as purchasing agent for all departments of the City except those of Public Library and Education; and in those departments he shall assist in making purchases when

requested to do so by the respective boards in control thereof. All purchases shall be made by requisition signed by the Manager.

7. To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the city government, except of the Council and Board of Education.

8. To keep the Council advised as to the needs of the City.

9. To prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including the annual report of all the departments of the City.

10. To prepare, or cause to be prepared, plans and specifications for work which the Council may order, coming under his supervision; and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

11. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned or operated by the City.

12. To have general supervision over all City property and its use by the public or City employees.

13. To make such recommendations to the Council or Board of Equalization regarding the annual assessment roll as he may deem advisable.

14. To devote his entire time to the discharge of his official duties.

15. To appoint such advisory boards as he may deem desirable to advise or assist him in his work, provided, the members of such board shall receive no compensation.

16. To perform such other duties as may be required by this Charter or as the Council may require of him.

17. From time to time, in order to facilitate the prompt, economical and efficient dispatch of city business, to organize the work of the departments under his control, to assign assistants, deputies, and employees from any office or department of the City government to perform work or service in connection with any other office or department thereof, or to work in more than one of said offices or departments; provided that no such change shall affect the powers or duties of any elective officer of the city.

Seats at council meetings.

Section 4. Seats at Council Meetings. The Manager and such other officers of the City as may be designated by vote of the Council shall be entitled to seats with the Council, but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before the Council.

Manager pro tem

Section 5. Manager Pro Tem. In case of the absence of the Manager, or his temporary disability to act as such, the Council shall appoint a Manager pro tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided, however, that a Manager pro tem shall have no authority to appoint or

remove any City officer or employee except with the five-sevenths vote of the Council.

Interference in administration

Section 6. Interference in Administration. No member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Manager in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for Manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any City office or employments. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction; provided, however, that nothing herein contained shall be construed as prohibiting the Council, while in open session, discussing with or suggesting to the Manager, fully and freely, anything pertaining to city affairs and for the best interests of the city. Neither the Manager nor any person in the employ of the City, shall take any part in securing, or shall contribute any money toward the nomination or election of any candidate for a municipal office.

Nepotism.

Section 7. Ineligible Persons. No person related to the Manager by consanguinity or affinity within the third degree, shall hold any appointive office or employment with the City.

Article X.

CITY ATTORNEY.

City attorney.

Section 1. City Attorney: The City Attorney shall be appointed or removed by the Council. He shall be an elector of said City, admitted and qualified to practice before the Supreme Court of the State of California, and shall have been in actual practice in California for at least three years next preceding his appointment. The City Attorney shall be legal adviser of the Council, and all other city officials, boards and departments, and when requested in writing for a legal opinion by any city official or the head of any department of the City (except the Board of Education) concerning City business, his opinion must be given in writing. He shall prosecute all violations of City ordinances and shall draft all ordinances, resolutions, contracts, and other legal documents and instruments required by the Council or the Manager.

Approval of bonds and contracts.

Section 2. Approval of Bonds and Contracts. He shall approve, as to form, all official and other bonds given to or for the benefit of said City, and all contracts with said City, and no contract shall become enforceable as against said City without the endorsement thereon of such approval.

Attendance at council meetings.

Section 3. Attendance at Council Meetings. He shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

Inability to act

Section 4. Inability to Act. When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the Council, appoint some other qualified attorney temporarily to act in his place, and whenever, in the judgment of the Council, the interests of the City require it, it may, upon recommendation of the Manager, employ assistant counsel.

Records

Section 5. Records. The City Attorney shall deliver all books, records, papers, documents, and personal property of every description, owned by the City, to his successor in office, and the City shall provide a means of safe-guarding the same.

Additional powers and duties

Section 6. Additional Powers and Duties. He shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance, or imposed upon the chief legal officer of municipalities by law.

Article XI.

HEALTH OFFICER.

Health officer

Section 1. Health Officer. The Health Officer shall be a duly licensed physician under the laws of the State of California, or a person trained in public health work. He shall have all the powers and be subject to all the duties conferred upon health officers and boards of health by the general laws of the State, and such other powers and duties as may be conferred by ordinance.

Article XII.

CHIEF OF POLICE.

Chief of police

Section 1. Chief of Police. The Chief of Police shall have general command and control over the police force He shall have power to appoint, subject to the approval of the Manager, such police officers and other employes as may be authorized by the Council.

Article XIII.

FIRE CHIEF.

Fire chief.

Section 1. Fire Chief. The Fire Chief shall have general control over fire protection and prevention. He shall have power to appoint, subject to the approval of the Manager, such firemen and other subordinates as may be authorized by the Council.

Article XIV.

CITY ENGINEER.

City engineer.

Section 1. City Engineer. The City Engineer must be a civil engineer, who has practiced his profession not less than three years. All other things being equal, an engineer who has had special training or experience in municipal engineering shall be appointed to this office, if practicable; he shall possess the same power of making surveys, plats and certificates, as is given by law to city engineers and to county surveyors. He shall be the custodian of and shall be responsible for all maps, plans, profiles, field notes, and other records and memoranda belonging to the City and pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn over the same to his successor, taking from him duplicate receipts therefor, one of which he shall file with the Clerk. All maps, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office, or that he may have received from his predecessor, shall remain the property of the City.

Street superintendent.

Section 2. Street Superintendent. The City Engineer may be ex officio Street Superintendent, and as such shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City and used for street construction and repair. He may employ such foremen, laborers and other employes, subject to the approval of the Manager, as the Council may authorize. The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State. Nothing herein contained shall prevent the Manager himself from acting as ex officio City Engineer and/or Street Superintendent and filling such offices as herein provided.

Article XV.

BOARD OF EDUCATION.

Board of Education

Section 1. Board of Education. The control of the Public School Department of the City shall be vested in a Board of Education, which shall consist of five members elected from the district at large.

Powers and duties

Section 2. Powers and Duties. The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and laws of the State of California.

Election and term

Section 3. Election and Term. The members of the Board of Education shall serve for terms of three years from the first day of May in each year and until their successors are elected and qualified. At the first regular school election held

on the last Friday in March, next following the approval of this Charter by the Legislature, there shall be elected by the electorate of the San Buenaventura School District at large five members of the Board of Education, provided that the two candidates receiving the largest number of votes shall serve until the first day of May of the third year after such approval; the two candidates receiving the next highest number of votes shall serve until the first day of May of the second year after such approval and the one candidate receiving the next highest number of votes shall serve until the first day of May of the first year after such approval; and thereafter at each annual school election there shall be elected members of the Board of Education to fill the terms of members expiring in that year. All vacancies in the Board of Education shall be filled by a vote of the remaining members of the Board of Education for the unexpired term thereof.

Secretary. Section 4. Secretary of the Board. The Superintendent of City Schools shall be ex-officio Secretary and Clerk of the Board of Education.

Article XVI.

LIBRARY BOARD.

Library trustees Section 1. Library Trustees. The control and administration of the Public Library of said City shall be vested in the Board of Library Trustees, which shall consist of five members, appointed as in this Charter provided.

Section 2. Powers and Duties. The powers and duties of the Library Board shall be such as are prescribed by the Constitution and laws of the State of California.

Article XVII.

FISCAL ADMINISTRATION.

Expenditures and indebtedness Section 1. Expenditures and Indebtedness. No money shall be expended and no indebtedness shall be incurred on behalf of the City, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council, or in case of bonds, by vote of the people.

Controller. Section 2. Controller. The Controller shall be the general accountant of the City. he shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to accounts and contracts of the City, its disbursements, revenues, and other financial affairs. He shall keep an account of all moneys paid into and out of the Treasury, and shall draw and sign all warrants on the Treasurer for payment of money out of the treasury, except as otherwise provided in this Charter, by ordinance or by general law.

All orders for the purchase of goods, materials and supplies, and all orders or contracts proposed to be entered into by the City by virtue of which any money shall or may become pay-

able by the City, except contracts the expense of which is to be paid by assessments upon properties benefited or affected thereby, shall before becoming effective on behalf of the City, be presented to the Controller and have endorsed thereon his certificate that there remains unexpended and unapplied in the City Treasury, as provided by this Charter, a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expense to be incurred during the then current fiscal year under said order or contract as estimated by the Board or Officer making the same or that adequate provision therefor has been made in the tax levy, or by other revenues to be received by the City as estimated in the budget. It shall be the duty of the Controller to make such endorsement upon every such contract or order so presented to him if there remains unexpended and unapplied the said estimated amount in any appropriation, fund or tax levy, or other estimated revenue applicable thereto, and thereafter he shall hold and retain the same amount to pay the expense to be incurred under said order or contract until the same is fully performed and expense paid.

Treasurer.

Section 3. Treasurer. The City Treasurer shall safely keep as received by him, and pay out as directed in this Charter, all moneys belonging to the City and all moneys received by or coming into the hands of any officer, board, department or employee of the City, and shall keep an exact account of receipts and disbursements.

Presentation of demands

Section 4. Presentation of Demands. All demands against the City shall, before being paid, be presented to and approved by the proper Board, Commissioner or Officer, as herein provided. Demands against the Library Fund shall be presented to the Board of Library Trustees, demands against funds in the control of the Board of Education shall be presented to the Board of Education, demands for which no appropriation has been made shall be presented to the Council; and all other demands shall be presented to the Manager; provided, that any person dissatisfied with the refusal of the Manager to approve any demand, in whole or in part, may present the same to the Council, and the approval of such demand by a five-sevenths vote of the Council shall have the same effect as its approval by the Manager. The Council may provide for a petty cash fund of not more than One Hundred ($100.00) Dollars to be paid to the Manager and used by him for payment in cash of expenditures provided for in the budgets that can not conveniently be paid otherwise. He shall account to the Council for all moneys paid by him out of said fund when making demand for the replenishment of the same, and at such other times as the Council may require, and they shall thereupon be charged against the proper appropriations.

Warrants on treasury.

Section 5. Warrants on Treasury. All demands approved by the proper Board, Commission or officer shall be presented to the City Controller, who shall examine the same; and if

the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the Treasurer therefor, payable out of the proper fund. Objections of the Controller to any demand may be overruled by five-sevenths vote of the Council, and the Controller shall thereupon draw his warrant as directed by the Council. Such warrants, when presented to the Treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six per cent per annum. The Controller shall draw his warrants for payment of municipal or other bonds payable out of funds in the Treasury upon presentation and surrender of the proper bonds or coupons, without approval of any Body or Officer. The Council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the City, not in conflict herewith.

Actions against city.

Section 6. Actions Against City. No payment shall be made from the Treasury of the City, except as otherwise provided by law or this Charter, except on demands presented and approved and warrants drawn as herein or by ordinance provided. No action shall be brought on any claim or demand for money or damages against the City or any Board, Commission or Officer thereof, until a demand for the same has been presented as provided in this Charter or by ordinance and rejected in whole or in part. If rejected in part, action may be brought to recover the whole. Nor shall any action be brought upon any such demand that has been approved in whole, as herein or by ordinance provided, but nothing herein contained shall prevent the holder of any demand from resorting to proceedings to compel any Officer, Board or Commission to act upon a demand or to pay a demand that has been properly allowed.

Inventory of city property

Section 7. Inventory of City Property. At the time for preparing and submitting the budget, as prescribed in this Charter, a complete inventory of all personal property belonging to the City shall be prepared and filed with the City Clerk, and such inventory shall be submitted to the Council by the Manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the Manager, and all chief officials and department heads of the City shall be responsible for making and transmitting to the Manager a full and correct inventory of all City personal property in their possession or under their control.

Estimates and budget

Section 8 Estimates and Budget. The fiscal year of the City shall begin on the first day of July. On or before the

first day of June or each year, the Manager shall submit to the Council a proposed budget for the Public Service Department and a proposed budget for all other departments to be known as the General Budget. Said Budgets shall include estimates for all the revenues and expenditures of the City departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information: Estimates and budgets.

1. A detailed estimate of the expense of conducting each department and office of the City for the ensuing fiscal year; showing the objects of expenditure such as personal service, contractual service, materials and supplies, equipment, capital outlays and fixed charges; and further consolidated under funds, organization units and character of expenditures.

2. Expenditures for the corresponding items for the current year and last preceding fiscal year with reasons for increases and decreases recommended as compared with appropriations for the current year.

3. The total value of supplies and materials on hand at the date of the preparation of the estimate.

4. The total amount of City debt outstanding together with a schedule of maturities of bond issues by departments, and a statement of the borrowing capacity of the City.

5. A statement of the amounts which should be appropriated:

(a) For interest on the City debt.

(b) For paying off any serial bonds maturing during the year or for sinking fund requirements.

(c) For other fixed charges.

6 An estimate of the amount which should be appropriated for contingent or emergency purposes.

7 An itemization of all anticipated revenues of the City from sources other than taxes, shown by departments.

8 An item to be known as "unappropriated balance," which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise. The budget shall also contain an item to be known as the "cash basis fund" which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements prior to the receipt of taxes.

9. An estimate of the amount of money to be raised from taxes, the tax rate, and bond issues which, with revenue from other sources, would be necessary to meet the expenditures proposed.

10 A long-time program of proposed activities, developments and improvements listed in order of relative importance and specifying whether the work is to be done by bond issue or by taxation

11. Such other information as may be required by the Council or as the Manager may deem advisable to submit.

12. Sufficient copies of such proposed budgets, shall be prepared and submitted, that there may be copies on file in the office of the Controller for the inspection of the public and one copy of each budget furnished each member of the Council. The Council shall have power to revise, correct, or modify said proposed budgets in any particular.

Appropriations

Section 9. Appropriations. After considering said proposed budgets, the Council shall fix a time for holding a public hearing upon the same and shall publish a notice of the time fixed for said hearing one time in the official newspaper at least ten days before the time of hearing. After said hearing the Council may further correct or modify said proposed budget and shall by resolution, adopt a Public Service Budget and a General Budget and authorize the tax levy to meet the total estimated expenses for the fiscal year less the amounts to be raised by bond issues and revenues collected from other sources; provided, however, that the total rate of such tax levy for any and all purposes, other than the bonded debt of the City and special assessments within the City, shall in no event exceed the total aggregate tax rate allowed under all laws now or hereafter applicable to cities of the Fifth Class; provided, however, that such limitation may be altered by ordinance adopted by vote of the people. Such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budgets so adopted.

Transfer of appropriations

Section 10. Transfer of Appropriations. At any meeting after the adoption of the budget or budgets, the Council, by a vote of four members, may amend or supplement such budget or budgets, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Section 11. Taxation. The Council shall have power by ordinance to provide a system for the assessment, levy and collection of all City taxes, which system shall conform as nearly as may be to the general laws of this State provided for the assessment, levy and collection of county taxes. All taxes levied, together with any penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed and every tax upon personal property shall be a lien upon the real property of the owner thereof. The said liens shall attach as of the first Monday in March of each year.

County may perform fiscal functions

Section 12. County May Perform Fiscal Functions. The Council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Ventura of any function of the City relating to the assessment of property for taxation, and equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for municipal improvements, the sale of property for nonpayment of taxes

levied for municipal purposes or for nonpayment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes and may repeal any such ordinance.

Cash basis fund

Section 13. Cash Basis Fund. The Council shall create and maintain a revolving fund, to be known as the cash basis fund, for the purpose of placing the payment of the running expenses of the City on a cash basis. For this purpose the Council shall provide that, from all the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount thereof shall be sufficient to meet all legal demands against the City for the first four months or other necessary period of the succeeding fiscal year. The Council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the cash basis fund be returned before the end of the fiscal year.

Special taxes and bonds.

Section 14. Special Taxes and Bonds. Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes which can not be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the City shall be had in such a manner and form and under such conditions as shall be provided from time to time by general laws.

Limit of bonded indebtedness

Section 15. Limit of Bonded Indebtedness. The bonded debt of the City shall at no time exceed a total of fifteen per cent of the assessed valuation of all property taxable for City purposes; provided, however, that bonds issued for the acquisition, extension, betterment or maintenance of municipally owned public utilities shall not be considered in fixing such limitation.

Depreciation fund.

Section 16. Depreciation Fund. The Council shall annually set aside from the income derived by the City from its revenue producing public utilities, as a separate depreciation fund for each of said public utilities, a sum which, according to the estimate of the Manager, and approved by the Council, shall be sufficient to meet the normal depreciation in said public utility. Such funds shall be used only for the replacement, betterment, and extensions of the plants and equipment of said public utilities respectively.

Section 17. Public Service Sinking Fund. A fund to be known as the Public Service Sinking Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department a sufficient amount each year to cover the total amount of payments falling due that year, for principal and interest of all bonds issued for the acquisition, improvement or extension of public utilities operated by the City. The Council shall fix from time to time the percentage of the receipts of the Public Service Department required to cover the principal and interest of such bonds, and such percentage of said receipts shall be credited by the City Treasurer to said Public Service Sinking Fund; provided, however, that if, in the opinion of the Council, the total amount necessary for said Sinking Fund can not conveniently be taken from the receipts of said Public Service Department, nothing in this section shall affect or impair their power, after so declaring, to levy such taxes as may be necessary to provide for interest and principal of such bonds.

Bond retirement fund

Section 18. Bond Retirement Fund. Any surplus from the income of such revenue producing public utilities remaining after providing for said Depreciation Fund and said Public Service Sinking Fund shall be used only (first) for the retirement of the bonded debt issued for the public utility producing the same, and (second) to the retirement of any other bonded debt of the City.

Special deposit fund.

Section 19. Special Deposit Fund. There is hereby created a fund to be known as the Special Deposit Fund, wherein shall be deposited all moneys received by the City or any Department, Officer, or Board thereof for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue to the City from the depositor, and all moneys deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor should he become entitled to the return thereof, in such manner as the Council may, by ordinance, prescribe, or, upon default being made in the payment of such costs, charges or damages, or in the performance of any of such conditions, acts or things, may be declared forfeited in whole or in part and be disposed of as the Council may direct.

Utility funds

Section 20. Utility Funds. Accounts shall be kept for each public utility owned or operated by the City, distinct from other city accounts and in such manner as to show the true and complete financial results of such City ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the City of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and, in the case of City operation, all operating expenses of

every description. The accounts shall show as nearly as possible the value of any service furnished or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The Council shall annually cause to be made and printed for public distribution a report showing the financial results of such City ownership or ownership and operation, which report shall give the information specified in this section, and such other information as the Council shall deem expedient.

Special assessments.

Section 21. Special Assessments. The acquisition, improvement, widening and opening of streets or alleys, the planting of trees, and the making of any other public improvement may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the Council may by ordinance adopt a method and procedure for such improvements; for the laying of pipes, or conduits; or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon except State, County and Municipal taxes, but no such ordinance shall prevent the Council from proceeding under general laws in whole or in part for said purposes.

Illegal approval of payments.

Section 22. Illegal Approval of Payments. Every officer who shall wilfully approve, allow or pay any demand on the Treasury not authorized by law, shall be liable to the City individually and upon his official bond for the amount of the demand so approved allowed and paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City, by order of the Council or a court of competent jurisdiction.

Deposit of money collected

Section 23. Deposit of Money Collected. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the City in his official capacity, or by any department of the City for the performance of any official duty, and all moneys accruing to the City from any source, and all moneys directed by law, or by this Charter, to be paid or deposited in the Treasury, shall be paid into the Treasury within forty-eight hours. The Treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the depositor who must file the duplicate with the Controller.

Counting the city's money.

Section 24. Counting the City's Money. The Mayor, Controller and Manager shall together count the money and other securities in the Treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts which should be in the Treasury according to the books of the City. They shall make a written report thereof to the Council at its first regular meeting thereafter.

Article XVIII.

INALIENABLE RIGHTS OF THE CITY.

Inalienable rights of the city

Section 1. Inalienable Rights of the City. The City hereby declares inalienable its rights in and to its waterfront, all tidelands and submerged lands within the limits of the City, as the same now or hereafter exist, whether filled or unfilled, and all improvements thereto now or hereafter made. The City hereby specifically reserves to itself the right to appoint harbor commissioners, to create or be a part of a harbor district and to take any and all other steps that it may from time to time deem advisable for the improvement and maintenance of its waterfront and harbor and for the development and conduct of port facilities and commerce. However, nothing in this paragraph shall be construed as prohibiting the Council, in its discretion, and upon such terms as it may prescribe, from leasing any portion of the waterfront for public recreational purposes for a term not exceeding ten years; provided further, that a lease may be made for such other purposes and/or for a longer period if such lease be submitted to the electors and approved by a vote of two-thirds of those voting thereon.

Article XIX.

FRANCHISES

Power to grant.

Section 1. Power to Grant. Plenary control over use of all property owned, leased or controlled by the City is vested in the Council. Franchises, permits or privileges may be granted to persons, firms or corporations, upon such terms, conditions, restrictions or limitations as may be prescribed by the Council by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred, nor shall any franchise be granted for a longer period than fifty (50) years, provided that in all franchises there shall be reserved to the City the right to take over, for public operation, at any time the works, plant and property of all public utilities within the City, except steam railroads and pipe lines originating outside and passing through and not serving the City, constructed under the grant, at their physical valuation and without compensation for franchise value, good will, going concern, earning power,

increased cost of production, severance damage, or increased value of property occupied by its plant and equipment. Provided, that every franchise or other permit shall be granted subject to the right of and in the City at any time, upon reasonable notice, to change the grade, location, alignment or use, of any street or place in or over which such franchise or permit is exercised or operated without liability or obligation on the part of said City in any wise occasioned by any change of location of the pipes, poles, lines or other equipment of such franchise or permit required by such change of grade, location, alignment or use. The Council may by ordinance adopted by five-sevenths vote of all its members provide a method whereby franchises may be granted, terminated or extended, and from time to time in like manner change the method so provided. The Constitution and general laws of the State of California shall be applicable in all cases arising outside of the provisions of the ordinances of the Council providing for the granting or termination of franchises.

Indeterminate franchises

Section 2. Indeterminate Franchises. Indeterminate franchises may also be granted, subject always to the right of the City at any time and upon six months' notice in writing, to acquire and possess the property of the grantee.

Rights of city.

Section 3. Rights of City. All grants, renewals, extentions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the City:

1. To repeal the same by ordinance at any time for non-use, or for failure to begin construction within the time prescribed, or other violation of the terms of the franchise;

2. To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;

3. To regulate the rates and charges of all public utilities under its jurisdiction;

4. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

5. To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility, and to require annual and other reports by each such public utility; provided, that if the Railroad Commission of the State of California or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the State or throughout any district of which the City is a part, the forms so prescribed shall be controlling so far as they go, but the Council may prescribe more detailed forms for the utilities within its jurisdiction;

6. To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

Establishment of public utilities.

Section 4. Establishment of Public Utilities. The City may establish, acquire, lease and/or operate, or cease to operate and dispose of public utilities and quasi-public utilities, at its own option in the manner provided by the laws now

existing or hereafter enacted, or by the majority vote of the registered qualified electors of the City in the manner provided by ordinance enacted by the Council by the affirmative vote of five members of such Council. All amendments of such ordinances shall require a like vote. In such ordinances the Council may define what are public utilities and quasi-public utilities. In acquiring public utilities and quasi-public utilities the City may purchase the same subject to existing bond issues and other obligations thereof, whether secured by mortgages or trust deeds against the property of such utilities or not, and may assume and pay such obligations as part of the purchase price.

Article XX.

MISCELLANEOUS PROVISIONS.

General law applicable

Section 1. General Law Applicable. All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter or with ordinances or resolutions adopted in pursuance of this Charter, shall be applicable to the City.

Officers and employees

Section 2. Continuing Officers and Employees. Except as otherwise provided herein, the term of all elective officers holding office when this Charter is approved by the Legislature shall terminate upon such approval; the incumbents of such offices however, shall thereafter continue to hold and perform the duties of their respective offices until removed therefrom by the Council or officer to whom the power of removal is hereby committed and until the appointment and qualification of their respective successors. All deputies, police officers, firemen, and other employes of the City at the time this Charter is approved by the Legislature, shall continue in their respective offices or positions or employment, subject to removal and control as in this Charter provided.

Section 3. Full Time of Officers and Employes. All officers and employes of the City shall devote their entire time to the discharge of their official duties and shall do no private work which will incur any expense on the part of the City, unless otherwise provided by resolution of the Council.

Continuity of rights and obligations

Section 4. Continuity of Rights and Obligations All vested rights of the City shall continue and shall not in any manner be affected by the adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this Charter, unless otherwise herein expressly provided. All contracts entered into by the City for its benefit prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this Charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Invalidity. Section 5. Invalidity. If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Freeholders. Section 6. Ineligibility. The members of the Board of Freeholders which framed this Charter shall be ineligible for any remunerative office hereunder for a period of two years after the adoption of this Charter.

Charter in effect. Section 7. Charter in Effect. For the purpose of nominating and electing all elective officers and all purposes connected therewith, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes it shall take effect on the second Monday after the election of the first City Council thereunder at 8:00 O'clock P. M., provided, that all ordinances, regulations and resolutions in force at the time of the approval of this Charter by the Legislature, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be amended or repealed; and provided further, that the members of the Council and of the Board of Education in office at the time of the approval of this Charter by the Legislature, shall continue to hold office and discharge the duties thereof until the election and qualification of the Councilmen and members of the Board of Education respectively under this Charter.

Woman employees. Section 8. Nothing in this Charter shall be construed as prohibiting the election or appointment of women to any office or employment or as a member of any board or commission, and the words used in this Charter in the masculine gender shall include the feminine

Construction of charter. Section 9. In case of any uncertainty as to which officer or employe of the city, under the provisions of this Charter, is the successor of an officer or employe of the City under the provisions of the Charter in effect prior to the date on which this Charter takes effect, the Council shall by resolution determine such question. The Council may, by ordinance, enact any further legislation not in conflict with the provisions of this Charter necessary or convenient to accomplish the succession of this Charter to the charter of the City in effect prior to the date on which this Charter takes effect

Amendments. Section 10. Amendments. This Charter may be amended in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California.

Certificate.

WHEREAS, The City of San Buenaventura for years last past has been and now is a city containing more than three thousand and five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

Certificate.

WHEREAS, On the thirteenth day of October, 1931, at a special municipal election duly and regularly called and held on that day in said city, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did duly choose and elect Joseph M. Argabrite, J. E. Barker, James S. Blackstock, A. C. Gates, George V. Hartman, Floyd Hickey, J. H. Hinsdale, John A. Lagomarsino, John J. MacGregor, Joseph E. Noyes, George C. Power, J. E Rains, Merle J. Rogers, Robert M. Sheridan and Harle M. Walker, Jr., who were all electors of said city and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said city; and

WHEREAS, The result of said election of freeholders was duly declared by the legislative body of the City of San Buenaventura on the nineteenth day of October, 1931, and the said electors thereafter duly qualified as such freeholders in accordance with law;

Be it known, that in pursuance of the provisions of said Constitution and within the period of one hundred and twenty days after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing as and for the charter of the City of San Buenaventura; and

Be it further known, that the said Board of Freeholders hereby requests said legislative body of the City of San Buenaventura to cause the publication of the said proposed charter as provided in said Section 8 of Article XI of said Constitution, and fixes Thursday, the 7th day of January, 1932, as the date for holding a special municipal election in said city, at which the proposed charter shall be submitted to the qualified electors of the City of San Buenaventura for their ratification and adoption.

If the Legislature of the State of California approve this charter, it shall thereupon become the charter and organic law of the City of San Buenaventura;

In witness whereof, we, the duly elected, qualified and undersigned freeholders of the City of San Buenaventura, County of Ventura, State of California, have hereto set our hands at the City of San Buenaventura, County of Ventura, State of California, on this 30th day of October, 1931.

J. E. BARKER,
Chairman.
ROBERT M. SHERIDAN,
Secretary.

Freeholders of the City of San Buenaventura, County of Ventura, State of California:

J. E. Barker
John A. Lagomarsino
George C. Power
J. E. Rains
James S. Blackstock
George V. Hartman
Merle J. Rogers
Joseph E. Noyes

Robert M. Sheridan
Floyd Hickey
J. H. Hinsdale
Joseph M. Argabrite
John J. MacGregor

Attest:

ROBERT M. SHERIDAN
Secretary of the Board of Freeholders

We do hereby further certify and declare that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the city of San Buenaventura and the city council of said city in the matter of the election of a board of freeholders as contemplated in section 8 of Article XI of the Constitution of the State of California, and in the preparation, proposing, filing, voting upon, and canvassing the returns, and declaring the result of said election in the matter of the proposed charter for the government of the city of San Buenaventura; that the said charter as hereinbefore set forth is a full, true and correct copy of the charter as prepared and proposed by the said board of freeholders and filed in the office of the city clerk of said city of San Buenaventura, California, on the second day of November, 1931; and that the certificate or proposal of the said board of freeholders attached thereto, is a full, true and correct copy of said certificate or proposal of the said Board of Freeholders of the said City of San Buenaventura.

In witness whereof we have hereunto set our hands and hereunto affixed the seal of the said city of San Buenaventura, this fourteenth day of March, 1932.

[SEAL]

GEORGE V. HARTMAN
Mayor of the city of San Buenaventura, California

RUTH E. MEILANDT
City clerk of the city of of San Buenaventura, California

WHEREAS, Said proposed charter has been and is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with section 8 of article eleven of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter herein set forth, as submitted to and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, without alteration or amendment, for and as the charter of the city of San Buenaventura, State of California.

CHAPTER 22.

Senate Concurrent Resolution No. 6—Approving the charter of the city of Oroville, ratified by the qualified electors of said city, at a special election held therein, on the twenty-second day of October, 1931.

[Filed with Secretary of State January 27, 1933.]

City of Oroville Charter.

WHEREAS, The city of Oroville, in the county of Butte, State of California, is now and at all times herein referred to, was a city containing a population of more than three thousand five hundred inhabitants as ascertained by a census duly taken by the United States of America, in 1930; and

WHEREAS, Said city of Oroville is now and at all times herein mentioned was a municipal corporation duly organized and existing under the general laws of the State of California, as a city of the fifth class; and

WHEREAS, Proceedings have been duly had in and by the said city of Oroville, for the preparation, proposal, adoption and ratification of a charter for the government of the said city of Oroville, all as set out in the following certificate of the president of the board of trustees and the city clerk of said city of Oroville, to wit:

State of California. }
County of Butte, } ss.
City of Oroville. }

We, the undersigned, Sam Marks, president of the board of trustees of the city of Oroville, county of Butte, State of California, and James G. Nisbet, city clerk of said city of Oroville, do hereby certify and declare as follows:

That the city of Oroville in the county of Butte, State of California, is now and at all times herein referred to was a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last census taken by the United States of America in 1930.

That said city of Oroville is now and at all times herein mentioned had been duly organized and was existing under the general laws of the State of California, as a city of the fifth class.

That pursuant to the provisions of section 8, Article XI of the Constitution of the State of California, the board of trustees of the city of Oroville, which was then and there the legislative body of said city, at a regular meeting of said board, by a two-thirds vote of all its members, passed a resolution submitting to the electors of said city the proposition of choosing a board of fifteen freeholders to prepare and propose a charter for the government of said city of Oroville.

That said proposal for choosing said board of fifteen freeholders was duly submitted to the electors of said city of Oroville at a special election held on the twenty-first day of

January, 1931, said board of trustees having given notice of said election as required by law. Oroville charter.

That at said election a board of fifteen freeholders was chosen by the electors of said city of Oroville to prepare and propose a charter for said city, the names of said freeholders so chosen as determined and declared by a resolution of the board of trustees of said city passed and adopted on the twenty-sixth day of January, 1931, being as follows, to wit:

Alfred R. Hoke, Ray Hunter, Douglas Jacobs, Henry Karkmeyer, Scott Lawton, Samuel Marks, Ellsworth Meyer, Edward F. Mitchell, William McNamee, James Chester Nisbet, William Palmer, Robert S. Powers, Charles G. Thunen, Frank Tuhey, Louis J. Weed.

That said board of freeholders duly qualified and took their oath of office. That before the expiration of one hundred and twenty days after the result of said election said board of freeholders determined and declared that said period of one hundred and twenty days was an insufficient time for the preparation and proposal of a charter for the government of said city, and thereupon requested the board of trustees of said city to consent to extend said period sixty days.

That said board of trustees prior to the expiration of said period of one hundred twenty days duly consented that said period of one hundred twenty days be extended for an additional sixty days, and within said extended period, to wit: on July 14, 1931, the board of freeholders duly prepared and proposed a charter for the government of said city of Oroville, which charter was thereafter engrossed, signed by all the members of said board of freeholders, and on July 29, 1931, duly filed in the office of the city clerk of the city of Oroville.

That said board of freeholders before such filing fixed and designated on said charter the twenty-second day of October, 1931, as the date upon which the said charter should be submitted to the electors of the city of Oroville for their ratification or rejection.

That said board of trustees by resolution passed at a regular meeting held on August 3, 1931, caused said charter to be published once as required by law in "Oroville Mercury-Register," which was then and there a newspaper of general circulation published and circulated in said city, there being no official paper of said city of Oroville. That said publication was duly made on August 5, 1931, and within fifteen days of the filing of the proposed charter with the city clerk of the city of Oroville. That said board of trustees also caused copies of said proposed charter to be printed in convenient pamphlet form and kept in the office of the city clerk of said city, and also published a notice in "Oroville Mercury-Register" that such copies of said charter could be had from the city clerk upon application therefor.

That on the twenty-first day of September, 1931, the board of trustees of the city of Oroville by resolution, duly ordered

Oroville charter.

that a special election be held in the city of Oroville on the twenty-second day of October, 1931, at which there should be submitted to the qualified electors of said city the question whether said charter so proposed, prepared and filed by said board of freeholders should be ratified and adopted as the charter for the government of the city of Oroville.

That said board of trustees duly gave notice of the holding of said special election in the manner provided by law and said special election was duly and regularly held in the said city of Oroville on the twenty-second day of October, 1931, which was more than sixty days after the completion of the publication of the proposed charter in said "Oroville Mercury-Register," and that at said special election a majority of the qualified electors voting thereat cast their ballots in favor of the ratification and adoption of such charter.

That the board of trustees of said city of Oroville at a meeting thereof held as required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of the electors voting at said election had cast their ballots in favor of such proposed charter and for the ratification and adoption thereof, and that said charter had been and was ratified by a majority of the qualified electors of said city of Oroville.

That the charter so prepared, proposed, filed and ratified as herein set forth, together with the signatures of the board of freeholders, attached thereto, is in words and figures as follows, to wit:

PROPOSED CHARTER OF THE CITY OF OROVILLE.

To the Honorable City Council
of the City of Oroville.

WHEREAS, the City of Oroville for many years last past has been and now is a city containing a population of more than three thousand five hundred inhabitants; and

WHEREAS, on the 21st day of January, 1931, at an election duly held in said City, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect:

Alfred R. Hoke
Ray Hunter
Douglas Jacobs
Henry Karkmeyer
Scott Lawton
Samuel Marks
Ellsworth Meyer
Edward F. Mitchell
William McNamee
James Chester Nisbet
William Palmer
Robert S. Powers
Charles G. Thunen
Frank Tuhey
Louis J. Weed

who were all electors of said City and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said City; and Oroville charter.

WHEREAS, in pursuance of the provisions of said Constitution, and within the period of one hundred and twenty days, and a further sixty days granted by the City Council, after the result of said election was declared, the Board of Freeholders has prepared and does now propose the following as and for the Charter of said City of Oroville.

Proposed Charter of the City of Oroville.

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Proposed Charter of the City of Oroville.

ARTICLE I. Section No. 1.

NAME.

Name

The municipal corporation now existing and known as the "CITY OF OROVILLE" shall remain and continue a body politic and corporate in fact and in law, by the name of the "CITY OF OROVILLE" and by such name shall have perpetual succession.

ARTICLE II. Section No. 1.

BOUNDARIES.

Boundaries

The boundaries of the City of Oroville shall continue as now established, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE III. Section No. 1.

POWERS OF THE CITY.

Powers of the city.

The City of Oroville may appear, sue and defend in all courts and places in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may, subject to the restrictions contained in this charter, purchase, receive, hold and enjoy, sell, lease and convey real and personal property; receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes; and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, or lease or otherwise dispose of the same in accordance with the terms of any gift, bequest or trust; may improve any river or channels flowing through the City or adjoining the same; widen, straighten and deepen the channels thereof, and remove obstructions therefrom; construct and maintain embankments and other works to protect the City from overflow.

All rights and titles to property, all rights and obligations under contracts or trusts, and all causes of action of any kind in any court or tribunal vested in the City of Oroville or in any officer or employee thereof in his official capacity, at the time this charter becomes effective, as well as all liabilities in contract or tort and causes of action involving the same in so

Powers of city.

far as they effect the city and/or any officer or employee thereof in his officia capacity which shall be outstanding at the time this charter becomes effective, shall continue without abatement or modification by reason of any provision hereof.

All ordinances or resolutions in force at the time this charter takes effect and not inconsistent therewith shall continue in force until amended or repealed.

All public improvements or other proceedings legally authorized prior to this charter shall be carried to completion under previously existing laws, or under this charter.

The powers or duties vested in city officers, boards or commissions by law superseded by this charter shall be exercised, continued and carried out by their successors or by other city officers, boards or commissions, consistent with the provisions of this charter.

All functions of the city, and the powers and duties of officers and employees charged with the performance therefor, as these shall have been apportioned among departments and officers, and institutions, utilities, bureaus or other subdivisions thereof, as existing at the time this charter shall go into effect, shall continue to be the functions of such departments and offices and the powers and duties of officers and employees assigned thereto, except as in, or under the authority of, this charter otherwise specifically provided.

The legally authorized officers and employees of each of said departments and officers or subdivisions thereof shall continue as the officers and employees of said departments and offices or subdivisions thereof, subject to the conditions governing their respective appointments to such positions, and except as in this charter otherwise provided; and where part of the functions and duties of any department or office are, by this charter, transferred or placed in any other department or office, the persons performing such functions and duties, shall be transferred therewith.

The compensations legally authorized for the several officers and employees shall be continued subject to the other provisions of this charter.

The city may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, officers and employees and shall have all rights and powers appropriated to a city, subject only to the restrictions and limitations provided in this charter, including the power to acquire and construct plants, works, utilities, areas, highways and institutions outside the boundaries of the city, and maintenance and operations of the same, and the exercise of functions or maintenance of services outside the boundaries of the city, including the expenditure of funds therefor through any agency.

The specification or enumeration in this charter or particular powers shall not be exclusive.

The exercise of all rights and powers of the city when not prescribed in this charter shall be as provided by ordinance or resolution of the City Council.

ARTICLE IV. Section No. 1.

ELECTIONS.

Elections.

General elections shall be held in the City of Oroville on the second Monday in April of each odd numbered year, under and pursuant to the general laws governing elections in cities of the fifth class, so far as the same may be applicable, and except as herein otherwise provided; subject, however, to the provisions of ARTICLE XXX, Section No. 7 hereof, as to the first officers elected hereunder.

At least twenty days before the day of election each candidate for an elective office shall file with the City Clerk a statement containing the following information in the order herein set forth:

(a) His name.
(b) The office for which he is a candidate.
(c) His present residence and occupation.

ARTICLE V. Section No. 1.

INITIATIVE, REFERENDUM, RECALL.

Initiative, referendum, recall.

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that initiative, referendum or recall petitions, must be signed by at least 25% of the number of electors voting at the last general municipal election.

ARTICLE VI. Section No. 1.

OFFICERS AND EMPLOYEES.

Officers and employees.

The officers of the City of Oroville shall be a Mayor, six members of the council, a city clerk, a city assessor, a city attorney, a city treasurer, a tax collector, a city engineer, a street superintendent, a judge of the city court, a chief of police, a fire chief, a health officer, a planning commission, a park, playground and recreation commission and a board of five library trustees; provided the council may by ordinance provide for such subordinate officers, assistants, deputies, clerk and employees as it deems necessary.

The members of the council shall be elected from the city at large and shall hold office for four years and until their successors are elected and qualified.

The city clerk shall be appointed and hold office at the pleasure of the board.

The members of the council and the mayor shall receive as compensation five (5) dollars for each regular meeting

The city treasurer shall be elected and shall hold office for four years, and until his or her successor is elected and qualified.

All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this charter or as the council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

City manager.

(a) Provided further that if, at any time, it appears to be for the best interest of the City of Oroville that a City Manager be appointed, a proposal therefor, either by resolution of the city council or by initiative of the people, which shall provide the powers duties and maximum salary to be paid such City Manager, shall be submitted to a vote of the electors at a general municipal election.

OFFICERS AND EMPLOYEES.

(b) Upon a majority vote of the electors of the city of Oroville in favor thereof, the said proposal shall become immediately effective, and the city council must within six months thereafter appoint a city manager to carry out the provisions of this section.

(c) Where the appointment of any officer, assistant, deputies, clerks or employees is vested in the council the appointment and removal must be made by a five-sevenths vote of the members. Where any such appointment is vested in any other body the appointment and removal must be made by a four-fifths vote of the members of such body.

No increase or reduction shall be made in the compensation paid any appointive officer unless made by a five-sevenths vote of the council or a four-fifths vote of such other body.

ARTICLE VII. Section No. 1.

THE COUNCIL.

The council

The legislative body of the City of Oroville shall consist of a mayor and six persons elected at large which body shall be known as the Council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held therein every odd numbered year as hereinbefore provided.

They shall hold office for a period of four years from and after the Monday next succeeding the day of their election and until their successors are elected and qualified; provided, the respective terms of the members of the first council elected under this charter shall be as follows, the three persons elected by the highest number of votes shall hold office for four years, the three persons elected by the next highest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes their term shall be fixed by lot.

The members of the council and the mayor shall receive as compensation five (5) dollars for each regular meeting attended, provided, however, that the total sum to be received by any one councilman shall not exceed the sum of ten (10) dollars per month.

The members of the council shall not be elected or appointed to any office or employment with the city, except as otherwise provided in this charter.

In the event of resigning they shall not be entitled to vote on the selection of their successors.

The Council shall have the power by ordinance to provide for and appoint such other commissions and officials as may seem in its discretion necessary and proper, such officers shall serve at the discretion of the council, and at a salary to be fixed by the council.

The Council shall have the power by ordinance to combine any city offices, which in its discretion seems for the best interests of the City.

Section No. 2.

MEETINGS. Meetings.

The Council shall meet at eight o'clock P. M., on the first Monday following the general municipal election and canvass the returns thereof.

The new members shall then be inducted into office. The council shall choose one of its number to serve as vice mayor and he shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The official so chosen shall hold office subject to the pleasure of the council.

The council shall hold a regular meeting at least once a month at such time as it shall fix by ordinance.

Special meetings may be called by the mayor or three councilmen at any time by written notice left at the residence or place of business or delivered personally to each member at least three hours before the time specified for the meeting.

All meetings of the council shall be held in the city hall unless the council by ordinance provides for another meeting place, and all meetings shall be open to the public.

The council shall adopt rules for conducting its proceedings.

Section No. 3.

QUORUM.

A majority of the council shall constitute a quorum for the transaction of any business, except as herein otherwise provided, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Quorum

ORDINANCES.

All proposed ordinances introduced in the council shall be in printed or typewritten form. Ordinances.

The enacting clause of all ordinances passed by the council shall read as follows: "The council of the City of Oroville do ordain as follows."

The affirmative vote of a majority of the council shall be necessary to adopt any ordinance, resolution or claim against the city, which vote shall be taken by ayes and noes and entered upon the record.

No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting.

A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purposes are retained.

All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall be published twice in a daily newspaper printed and published in the City of Oroville, before becoming effective; provided, any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, and if passed by a five-sevenths vote shall become effective immediately

ARTICLE VIII. Section No. 1.

MAYOR.

Mayor

The mayor shall be elected and shall hold office for four years and until his successor is elected and qualified.

The Mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he shall assume general control of the city government, and all its branches and be responsible for the suppression of disorders and the restoration of normal conditions.

Section No. 2.

MAYOR.

In the name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments to which the city is a party, and he shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable and appropriate to have the city represented officially thereat.

He shall preside at all meetings of the council and shall vote as a member of the council, and shall receive such compensation as is hereinbefore provided for members of the council.

Section No. 2.

RIGHT OF SUBPOENA.

Right of subpoena.

The Mayor or Vice Mayor shall have power to administer oaths and affirmations concerning any demand upon the

treasury, and in all matters relating to the duties of the City Council, and to witnesses examined in any investigation had by said council, or by any committee thereof duly authorized to make such investigation. Said Mayor or Vice Mayor may issue subpoenas under his hand and the seal of such city, attested by the city clerk, to compel the attendance of witnesses before such City Council or committee thereof.

ARTICLE IX. Section No. 1.

PLANNING COMMISSION.

Planning commission.

There shall be a Board of Planning Commissioners consisting of the Mayor as an ex officio member without vote, except in the case of a tie, one other member of the council, the City Engineer and four citizens to be appointed by the council to serve for four years each, without compensation.

The City Planning Commission shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

No ordinance shall be adopted by the council creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the Board of City Planning Commissioners for report and recommendation.

It shall be the duty of the Planning Commission, within thirty days from the receipt of any such request from the council for its recommendation in regard to any such ordinance, to make and file its report thereon with the council, and should said Board of City Planning Commissioners recommend against the approval of any such ordinance herein mentioned, the council may adopt such ordinance only upon a five-sevenths vote of the whole of said council.

Should the Board of City Planning Commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein said council may adopt such ordinance by a majority vote of the whole board.

All plans for the location of public parks or public playgrounds shall be submitted to the City Planning Commission for report and recommendation. Such report shall be advisory only.

The department shall make reports and recommendations to the council and to the various departments of the city government on all matters involving the location of such public improvements.

The City Planning Commission shall initiate studies and make reports and recommendations to the council and the

various departments of the city government on subjects related to the opening and widening of streets and other physical conditions, connected with the development and expansion of the city.

It shall each year render to the Mayor and Council a report of its activities during the preceding year, and its proposals for the future. The first City Planning Commission under this charter shall be appointed by the council for one, two, three and four year terms respectively. Thereafter the members of said board shall be appointed as provided herein. At least three of the four members appointed as aforesaid shall have been members of the City Planning Commission immediately prior to this charter taking effect.

ARTICLE X Section No. 1.

PARK COMMISSION.

Park commission.

There shall be a Park Commission consisting of five members to be appointed by the council each to serve for a term of five years, without compensation.

Powers and duties.

The department of Parks shall have the power and duty:

1. To manage and control the parks owned or operated by the City of Oroville.

2. To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without city limits.

3. To construct and operate, sell, rent or lease concessions or privileges to be exercised in the parks for the operation of boat houses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms and lockers and other similar purposes.

4. To establish schedules of charges for special services.

5. To grant to the Department of Playgrounds and Recreation, the right to establish, maintain and operate playground and recreation facilities on lands under the control of the Department of Parks upon such terms and conditions as shall be fixed by the Board of Park Commissioners.

6. To have charge over and care of trees, plants and lawns in parking along public streets, subject to street improvements authorized by the city.

7. To appoint a Superintendent of Parks who shall have general supervision of all parks and under direction of the Park Commission.

Appropriation may be made from the general city funds for park purposes. All money arising from appropriations above referred to or received by the Department of Parks from fees, sales, gifts or otherwise in connection with the operation of the department shall be placed to the credit of the Department of Parks in a fund to be known as the Park Fund.

No money in the Park Fund shall be used for any purpose other than the financial support of the Department of Parks.

The Board of Park Commissioners shall have power to control and order, in the manner in this charter provided, the expenditure of all money coming into the Park Fund, or from the sale of bonds authorized by the city for financing the work of the Park Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter.

Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Park Fund.

No real property shall be acquired by the city for park sites unless such sites are first approved by the Board of Park Commissioners.

Said board shall have full control over all park sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Funds

Whenever funds are donated by any person or persons for the acquisition or construction of any building, structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the council may, in its discretion, if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the Mayor, subject to the confirmation by a majority of the council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor.

In the event funds are donated in the manner provided in this section for the maintenance of any such improvement at the time of construction thereof or otherwise, the council may, by ordinance, create a commission to be appointed under the provisions of this section, which shall have such power and duties as to such construction or maintenance as may be conferred upon it by such ordinance.

All lands belonging to the city which may hereafter be set apart, or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate.

ARTICLE XI. Section No. 1.

CITY ATTORNEY.

City attorney.

There shall be a City Attorney who shall be appointed by the City Council to hold office at the pleasure of the council. He shall be an attorney-at-law, admitted to practice before the

Supreme Court of the State of California, and shall have been in actual practice in the State for at least three years next preceding his appointment.

All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable.

The City Attorney shall be legal advisor of the council and all other city officials. He shall draft all ordinances, resolutions, contracts or other legal documents, or proceedings required by the council, or other officials, except as may be otherwise provided.

He shall prosecute personally on behalf of the people all contested criminal cases before the police court and shall perform such other legal services from time to time as the council may require without compensation in addition to his salary, unless such service requires his presence outside the City of Oroville.

He shall attend all meetings of the council unless excused therefrom by the council or mayor.

ARTICLE XII. Section No. 1.

CITY CLERK.

City clerk

The City Clerk shall be the Clerk of the council and of the Board of Equalization.

It shall be the duty of the City Clerk or a deputy designated by him, to attend all sessions of the council and the Board of Equalization and keep a full and correct record of the proceedings of each of said bodies.

The proceedings of the council shall be kept in a book marked "Minutes of the Council," and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization." He shall keep a book marked "Ordinances," into which he shall copy all City Ordinances, certifying that each is a full and correct copy of the original ordinance, and stating that the same has been published as required by law.

Said record copy so certified shall be prima facie evidence of the contents of the ordinance, and of its passage and publication, and shall be admissible as such in any court or other proceeding. Such record shall not be filed, but shall be returned to the custody of the City Clerk. He shall also keep a book marked "Resolutions" into which he shall copy all resolutions passed by the council.

Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed.

He shall conduct promptly, and keep a systematic record of, all correspondence between the council and others relating to city business.

He shall be the keeper of the corporate seal of the city and shall affix the same to instruments or writings requiring authentication.

He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

Section No. 2.

CITY CLERK.

He shall report to the city council monthly, a detailed statement of the receipts and disbursements of the city government and the state of the various funds, and show the balances of the budgeted appropriation, and of any special improvement fund that may exist; and at the expiration of the fiscal year make a detailed statement of the receipts and disbursements of the city during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the City Council, and the amount of money expended under each, and the objects for which they were made.

ARTICLE XIII. Section No. 1.

CITY ASSESSOR.

City assessor.

It shall be the duty of the Assessor, as soon after the first Monday in March of each year as practicable, to make a full, true and correct assessment of all taxable property within the City, owned or possessed by any person, board or corporation, at twelve o'clock noon on the first Monday in March of each year.

The Assessor shall employ such clerical assistance as in the judgment of the council may be required and authorized to properly prepare such assessment.

The Assessor must cooperate with the Board of Appraisers and the Board of Equalization and put into practice their instructions as placed in the minutes of their meetings.

The Assessor shall make up lists giving the names of owners and description and value of property, following the form as nearly as may be required by the laws of the state governing county assessors.

Section No. 2.

BOARD OF APPRAISERS.

Board of appraisers.

(a) Immediately upon organization the first City Council elected under this charter shall appoint a Board of Appraisers consisting of five members, whose duty it shall be to make a complete survey and valuation of all the realty, and improvements thereon, within the City of Oroville for assessment purposes.

It shall be the duty of the Council to appoint such Board of Appraisers every fifth year.

(b) The Board of Appraisers shall be appointed by the City Council on the first Monday in October and shall render

their report and findings in duplicate, one copy to the Council, and one copy to the City Assessor.

Said report must be completed and in the hands of the Assessor not later than the first Monday in February. Whereupon the Board of Appraisers shall stand adjourned and dismissed until the fifth year, at which time the Council shall appoint a new Board.

(c) Any changes in the findings of the Board of Appraisers shall be made only by the Board of Equalization at a regular meeting.

ARTICLE XIV. Section No. 1.

EXPERT ACCOUNTANT.

Expert accountant

The city shall employ a Public Accountant annually to investigate the accounts and transactions of all city officers and employees having the collecting, custody or disbursement, of public money or property, or the power to approve, allow or audit, demands on the City Treasury.

It shall be the duty of the city clerk to keep on public display in his office a report of such audit for a period of sixty days after said audit has been filed.

The City Clerk shall publish a notice in a newspaper published in the City of Oroville, calling attention to the fact that the report is available for any citizen to read.

ARTICLE XV. Section No. 1.

CITY TREASURER AND TAX COLLECTOR.

City treasurer and tax collector.

There shall be a City Treasurer and Tax Collector who shall be elected every four years at the general election. It shall be his duty to collect all taxes assessed by the City Assessor or otherwise.

He shall receive and keep safely all moneys and securities belonging to the city and coming into his hands, and pay out the same only on warrants signed by the proper officials, including the principal and interest due on bonds of the city, including improvement bonds.

The treasurer shall deposit within forty-eight hours of its receipts, with a responsible banking institution, in the city, all funds coming into his possession, and shall obtain from such banking institution bonds or other collateral as security therefor, as provided by law.

All interest on money so deposited shall accrue to the benefit of the city and shall be credited to the General Fund.

ARTICLE XVI. Section No. 1.

CITY ENGINEER.

City engineer.

There shall be a City Engineer who shall be appointed by the City Council to hold office at the pleasure of the Council.

It shall not be necessary that he be a resident of the city at the time of his appointment.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof.

He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office, shall be the property of the city.

He shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also of all other matters of an engineering character.

He shall have been at the time of his appointment a licensed and practicing civil engineer for a period of at least three years.

All other things being equal an engineer who has had special training or experience in municipal engineering shall be appointed to this office if practicable.

ARTICLE XVIa. Section No. 1.

SUPERINTENDENT OF STREETS.

Superintendent of streets.

There shall be a Superintendent of Streets who shall be appointed by the council, to hold office at the pleasure of the council. He shall perform such duties as may be prescribed now or hereafter, by ordinance or the general laws of the state.

ARTICLE XVII. Section No. 1.

CITY COURT AND CITY JUDGE.

City court and city judge.

A City Court is hereby established to be presided over by a City Judge.

The City Judge shall be appointed by the council and shall hold office at the pleasure of the council.

The Justice of the Peace of Oroville Township may be appointed City Judge, if in the discretion of the City Council, it is expedient, legal and desirable, to so appoint him.

The City Judge shall have been a resident of the City of Oroville for at least one year immediately preceding his appointment and must be a registered voter in the City of Oroville at the time of his appointment.

The City Court shall have concurrent jurisdiction with the Justice's Court, of all original actions arising within the corporate limits of Oroville.

Except as in this section otherwise provided, the rules of practice in the city court shall be the same as in justices' court in like cases; and appeals may be taken to the superior court of the County of Butte, from any judgments of said city court

in like manner and with like effect as appeals from justices' courts.

ARTICLE XVIII. Section No. 1.

CHIEF OF POLICE.

Chief of police.

There shall be a Chief of Police who shall be appointed by the City Council, to hold office at the pleasure of the council. He shall be the head of the Police Department of the city, and shall have all the powers that are now or may hereafter be conferred upon other peace officers by the laws of the State. It shall be his duty to preserve the public peace, and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officers of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority and it is hereby made his duty, to arrest persons violating any law of the State or ordinance of the city.

Persons convicted of violating city ordinances and sentenced to jail may be confined in the county jail of Butte Court, or in the city jail of the city. The Chief of Police shall have such other powers and duties as may be prescribed by the council by ordinance.

ARTICLE XVIII. Section No. 1.

CHIEF OF POLICE.

He shall make rules and regulations for the management of the department, nominate police officers to the council, and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter, and subject to the approval of the city council.

ARTICLE XIX. Section No. 1.

CHIEF OF THE FIRE DEPARTMENT.

Fire chief.

There shall be a Fire Chief who shall be appointed by the City Council and hold office at the pleasure of the Council. He shall be head of the Fire Department of the City, and shall have charge of and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire, he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policemen, shall be subject to his orders.

The Fire Chief shall make rules and regulations for the government of the department, subject to the approval of the council.

ARTICLE XX. Section No. 1.

HEALTH OFFICER.

Health officer

There shall be a Health Officer who shall be appointed by the City Council and shall hold office at the pleasure of the council. He shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in and been granted credentials in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of foodstuffs.

The Health Officer may appoint deputies to act as Inspectors with the consent of, and at a salary fixed by the City Council.

ARTICLE XXI. Section No. 1.

OATH OF OFFICE.

Oath of office.

Every officer shall take and subscribe the constitutional oath of office before entering upon the performance of his official duties.

Section No. 2.

OFFICIAL BONDS.

Official bonds.

All officers handling city funds and such other officers as the council may determine must give bonds for the faithful performance of their duties. The amount of said bonds shall be fixed by the city council. Such officers, before entering upon their official duties, shall execute a bond to the city in the penal sum required. Said bonds shall be approved by the council and filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor.

Section No. 3.

ADMINISTERING OATHS.

Administering oaths.

Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this charter, or by ordinance, shall have the power to administer oaths or affirmations, in connection with any matter appertaining to the business of the city.

Section No. 4.

COMPENSATION.

Compensation

The council shall by ordinance fix the compensation of all officers, also the compensation of all deputies, assistants and employees of such officers.

Section No. 5.

REPORTS OF FEES AND COMMISSIONS.

Fees.

Every officer authorized to charge a fee, commission or percentage by way of compensation shall make a written report to the council monthly of all moneys so received by him.

ARTICLE XXII. Section No. 1.

VACANCIES.

Vacancies.

A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the council, such appointee to hold office for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the Mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and such election shall be conducted substantially in the manner provided by law for holding general municipal elections.

Except as herein otherwise provided, if any officer of the city shall move from the city or absent himself therefrom for more than thirty days consecutively without the permission of the council, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

Section No. 2.

ADDITIONAL DUTIES OF OFFICERS.

Additional duties of officers

In addition to duties herein specified, all officers and boards shall perform such other appropriate duties appertaining to their office as may be prescribed by ordinance or by the general laws.

ARTICLE XXIII. Section No. 1.

DEPARTMENT OF EDUCATION.

Board of Education.

Board of education

(a) The control of the public school department of the City of Oroville, including the Oroville School District, shall be vested in a Board of Education, which shall consist of five members elected from the district at large. They shall receive

no compensation, and their term of office shall be for four years.

(b) In the first election for members of the Board of Education under this Charter the three candidates receiving the highest vote shall serve for four years, and the next two highest for two years. Thereafter members of the Board of Education shall be elected for four years, unless elected to fill vacancies, in which case they shall be elected for the balance of the unexpired term. Members of the Board of Education shall be subject to recall as provided in this Charter.

(c) The powers and duties of the Board of Education shall be such as are prescribed by the constitution and laws of the State of California covering city boards of education.

(d) Territory may be annexed to the Oroville School District under this charter in the same manner as is provided by State law for the annexation of territory to cities for school purposes.

Section No. 2.

LIBRARY.

Library. The free public library of the city shall be managed under and in accordance with the provisions of the general laws of the State relating to free public libraries.

ARTICLE XXIV. Section No. 1.

FISCAL ADMINISTRATION. BUDGET.

Budget. Not later than thirty days before the time for fixing the annual tax levy the heads of all departments shall submit to the council an estimate of the expenditures and revenues of their department for the ensuing year. These estimates shall contain detailed information concerning the several departments on uniform blanks to be furnished by the City Clerk.

The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including the adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount of supplies and material on hand at the date of the preparation of the inventory.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the council.

The recommendations of the heads of departments as to the amount to be appropriated with reasons therefor in such detail as the council may direct.

After duly considering the estimate, the council must prepare a budget, sufficient copies of which shall be placed on file in the office of the City Clerk for inspection by the public, unless the council shall publish the same in a newspaper.

(g) The City Clerk shall also fix a time not less than five or more than ten days after the filing or publication of said budget, when it shall be the duty of the City Council to meet for the sole purpose of conducting a public hearing or hearings on said proposed budget. Notice of the time and place of such hearing or hearings shall be published at the time of the filing or publication of the proposed budget by the City Clerk.

After preparing the budget the council shall pass an ordinance levying the annual tax.

Section No. 2.

FISCAL YEAR.

Fiscal year

(a) The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

ANNUAL INVENTORY.

Annual inventory.

(b) The City officials elected or appointed, shall immediately upon taking office and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, and movable property of every kind and nature whatsoever, in each department, building and office of the city. And any officer or department head who neglects or refuses to make such an inventory shall be punished by being removed from his office.

ANNUAL BALANCE SHEET.

Annual balance sheet

(c) The annual balance sheet taken from the city ledger, shall exhibit under classified heads, all assets of the city, including its plant, equipment, material and supplies, cash on hand, investments, loans, and all amounts and accounts due and owing of every character. In like manner such balance sheet shall show, under classified heads, all liabilities of every character.

Section No. 3.

TAXATION.

Taxation

Except as otherwise herein provided the Council, by ordinance, shall provide a system for the assessment, levy, collection and equalization of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of

the state; except that all sales for delinquent taxes shall be made to the City of Oroville.

Should the council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

It shall be the duty of the City Clerk within the time provided by law, to compute the tax rate for the various departments of the City and submit the same to the City Council.

Provided further that the tax collector shall make provision for the collection of taxes in like manner as in counties under the general laws, all personal property taxes and one-half of the tax due on real estate shall be payable on the FIRST MONDAY IN NOVEMBER, and the second half of the tax on real estate shall be payable on the SECOND MONDAY IN MARCH of each year.

Section No. 4.

DOLLAR LIMIT.

Limit on tax rates.

The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the city, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares, public grounds and public libraries of the city, shall not exceed the rate of one dollar on each hundred dollars valuation of the property assessed.

The foregoing limitation shall not apply in the event of any great necessity or emergency in which case it may be temporarily suspended, provided no increase over the dollar limit shall be made in any fiscal year, unless authorized by ordinance and approved by a majority vote of the electors at a special or general election.

Section No. 5.

BOARD OF EQUALIZATION.

Board of equalization.

The Council or a committee of at least four of its number appointed for that purpose, shall meet at their usual meeting place on the second Monday in August of each year at ten o'clock A.M., and shall sit as a Board of Equalization and shall continue in session from day to day until all assessments have been equalized.

BOARD OF EQUALIZATION.

The Board of Equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, raise, or lower any assessment, both as to real and personal property, provided, however, that five days written notice shall first be given to anyone whose assessment is proposed to be raised, and such owner or owners shall have the right to be heard before the Board under oath.

When such assessment list or roll has been equalized it shall be returned to the assessor.

Section No. 6.

DEPOSITS WITH THE TREASURER DAILY.

Daily deposits

All moneys collected for the City by any officer of any department thereof, shal be paid into the City Treasury daily if possible, and at least once each week.

Provided, however, that the council may create by ordinance a revolving fund for any department or departments, which can conveniently use the same.

Section No. 7.

PAYMENT OF CITY MONEY.

Payment of city money.

(a) Money shall be drawn from the treasury only upon warrants as herein prescribed.

Every demand against the City shall be approved before filing, by the officer who directed such expenditure.

The Clerk shall audit the demand and draw his warrant dated the same as the demand. This warrant with the original demand shall be presented to the Council and if said demand is allowed by the Council it shall be stamped, "Allowed," and signed by at least two members of the council.

The warrant shall then be numbered to correspond to the demand and shall be signed by the Mayor and the City Clerk.

No demand shall be allowed, approved, or paid unless it shall specify each item of the demand and the date thereof.

(b) Provided, however, that warrants for salaries, fixed by ordinance, of officers, and offices specifically created by this charter shall be allowed by the City Clerk and paid regularly from the treasury, without the necessity of any demand thereof, or approval thereof, as in this section prescribed for other claims, and at such time not in conflict with this Charter as may be prescribed by ordinance.

(c) Provided, further that the Treasurer may pay part-time employees of the City, upon the presentation of a claim that shows the service performed, and bearing the approval of the head of the department in which said work was done, also the signature of one of the members of the Finance Committee of the City Council.

The claim shall be accompanied by a warrant in like amount when presented to the Treasurer, signed by the City Clerk, and payable to the claimant, the claimant shall be required to endorse his name on the back of the warrant as a receipt for the money.

All such claims and warrants upon which money has been advanced by the Treasurer, shall be carried as cash in the accounts of the Treasurer, and shall be presented for final approval at the next regular meeting of the Council.

Section No. 8.

SURPLUS TO GENERAL RESERVE FUNDS.

Surplus moneys.

At the close of each fiscal year, if all demands against each fund have been paid or satisfied and all contested demands fully settled, the Treasurer shall transfer all surplus money to the General Reserve Fund, except money provided for interest, or Sinking Fund, or other particular purposes.

When the purpose for which any fund was created or established has been completed and there remains an unencumbered balance in said fund it shall be immediately transferred to the General Reserve Fund.

Section No. 9.

SURPLUS BOND MONEY.

Surplus bond money.

All money derived from the sale of bonds, including premiums, shall be applied only to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus, and accrued interest, shall be transferred to the bond interest and redemption fund.

Section No. 10.

UNIFORM ACCOUNTS AND REPORTS.

Uniform accounts and reports.

The council shall prescribe uniform forms of accounts, which must be used by all officers and departments of the city receiving or disbursing city money, and which shall conform to the forms recommended by the State Controller.

Section No. 11.

GENERAL RESERVE FUND.

General reserve fund.

The council shall maintain a permanent revolving fund to be known as the General Reserve Fund, for the purpose of keeping the payment of the running expenses of the city on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the Treasury for the first four months, or other necessary period, of each fiscal year prior to the collection of taxes.

The council shall have power to transfer from the General Reserve Fund to any other fund or funds, such sum or sums as may be required for the purposes of placing such fund or funds, as nearly as possible, on a cash basis.

It shall be the duty of the council to provide that all money so transferred from the General Reserve Fund be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Fund exceeds thirty per cent of the total amount of the General Budget for that

year, the council must appropriate such excess to the General Fund for reduction of taxes.

This fund is to be created by the transfer of unencumbered balances as provided for in ARTICLE XXIV, Section 8.

Section 12.

MONTHLY FINANCIAL REPORTS.

Monthly financial reports

All officers charged by law or by ordinance with submitting monthly financial reports to the council, shall submit the same in duplicate, and, upon their approval by the council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the council of the next succeeding financial report, when the same procedure shall be followed in relation thereto.

The council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Section No. 13.

COUNTING THE MONEY.

Counting city money

The City Clerk, the City Attorney and a member of the City Council shall together count the money and other securities in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the city. They shall make a written report thereof to the council at its first regular meeting thereafter.

Section 14.

APPROVING ILLEGAL CLAIMS.

Approving illegal claims.

Every officer who shall wilfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit his office and be forever disqualified from holding any position in the service of the city.

ARTICLE XXV. Section No. 1.

LIMIT OF BONDED INDEBTEDNESS.

Limit of bonded indebtedness.

The bonded debt of the city shall at no time exceed a total of fifteen per cent of the assessed valuation of all property taxable for city purposes; provided, however, that bonds issued for the acquisition, extension, betterment, or maintenance of municipally owned public utilities shall not be counted as a part of such limitation.

Provided further, however, that such bonds shall have been voted by the electors of the City of Oroville.

Provided further that on the initiative of the council by an appropriate resolution, and a majority vote of the electors at the next general municipal election thereafter, this limit may be lowered or raised.

ARTICLE XXVI. Section No. 1.

SPECIAL TAXES AND BONDS.

Special taxes and bonds.

Whenever the council shall determine that the public interest demands an expenditure for municipal purposes, which can not be provided for out of the ordinary revenue of the city, it may provide for such by levying a special tax, or by issuing bonds, in an amount not to exceed $20,000.00 in any one year.

(a) Should the proposition in question exceed such an amount no such special tax shall be levied nor any such bonds issued unless authorized by the affirmative vote of two-thirds of the electors voting at a regular or special election.

No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the city, shall be had in such manner and form and under such conditions as in this charter provided, or as shall be provided from time to time by general law.

(b) Provided, further, that the city council may in its discretion levy a tax not to exceed thirty cents on each hundred dollars of assessed value for the purpose of paving, or repaving streets, sidewalks, and curb and gutter in front of property belonging to the city, and/or to repair public buildings that are owned by the city.

ARTICLE XXVII. Section No. 1.

ADVERTISING THE CITY, INDUCING IMMIGRATION.

Advertising the city.

The council may appropriate and spend money from the funds of the city for any or all of the following purposes; Exhibitions, Celebrations, Fairs, Entertainment of public guests, inducing immigration, and generally for the purpose of advertising the city.

(a) Provided, however, that any amount so appropriated and spent is equaled by the public body soliciting such funds from the council, and that such appropriation made by the council does not constitute more than fifty per cent of such expenditure contemplated.

(b) Provided further, that the total appropriated for such expenditure shall not exceed four (4) cents on the hundred dollars of assessed valuation in any one year.

ARTICLE XXVIII. Section No. 1.

STREET AND OTHER PUBLIC IMPROVEMENTS.

Street and other public improvements.

(a) The improvement, widening, extending, opening and closing of streets, or rights of way owned by the City, or in which the City has an easement, whether within or without the limits thereof, and the planting of trees thereon, and the making of other improvements authorized by laws of the State, may be done, and assessments therefor may be levied in conformity with, and under the authority conferred by the general laws of the State now in effect, or which may hereafter be enacted.

(b) Provided that no such improvement shall be undertaken or enforced when the cost of such improvement exceeds the assessed valuation of any parcel of real property in front of which the improvement is to be made, as such assessed valuation appears on the assessement roll of the City for the previous year.

Where such improvement happens by reason of special conditions to exceed the assessed value of any one parcel of real property in the area to be improved, the City Council may declare that it is in the public interest that such amount over the said assessed valuation shall be paid from the General Fund of the City.

If it appears that the assessed valuation of any one parcel of real property will prevent the formation of an improvement district, any citizen may call for a review of the assessed valuation of the real property in the proposed district, whereupon the Board of Appraisers shall reappraise and determine what valuation is right and proper.

Provided also that the petitions for the improvement shall bear the signatures of the owners of fifty-one per cent of the street frontage of property within the proposed district, before the City Council can order the work to proceed.

(c) Provided, however, that the Council may by ordinance, adopt a procedure for the opening, extending, widening, closing and improvement of streets, alleys, rights of way or other public places, the laying of pipe and conduits, and the removal from buildings, lots and grounds, and the sidewalks opposite thereto, of dirt, rubbish, weeds, and other rank growth and materials, which may injure or endanger neighboring property, or the health or welfare of the inhabitants of the City, and for making and enforcing assessments against the property benefited, or affected thereby, or from which such removal is made, for the cost of such improvements or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon, except State, County and City Taxes.

(d) Provided that no such ordinance shall prevent the Council from proceeding under any of the general laws of the State, now in effect, or which may hereafter be enacted,

subject, however, in all cases to the provisions of sub-section (b) of this Article.

Section No. 2.

CONTRACT WORK.

Contract work.

In the erection, improvement and repair of all public buildings and works, in all street and sewer work or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication for two successive insertions in a newspaper published in the City of Oroville.

Provided, that the Council may reject any and all bids presented and may readvertise, in its discretion; and

Provided further, that after rejecting bids, and on the recommendation of the City Engineer, the council may declare and determine by a five-sevenths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the council may, by resolution passed by a vote of five-sevenths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safe-guard life, health or property, and thereupon it may proceed to expend, or enter into a contract involving the expenditure of, any sum required in such emergency.

Section No. 3.

INTEREST IN CONTRACTS, ETC., PROHIBITED.

Interest in contracts, etc., prohibited.

No officer or employee of the city shall be or become directly or indirectly interested in, or in the performance of, any contract, or work or business, or in the sale or purchase of any article, the expense, price, or consideration of which is payable from the city funds, or in the purchase or lease of any real estate or other property belonging to or taken by the city, except in his official capacity, on behalf of the city.

INTEREST IN CONTRACTS, ETC., PROHIBITED.

If any person in this section designated, other than in such official capacity, shall, during the time for which he was

elected or appointed, acquire an interest in any contract with or work done for the city or any department, branch or office thereof, or in any franchise, right or privilege granted by the city, unless the same shall be devolved upon him by law, he shall forfeit his office and be forever barred and disqualified from being elected, appointed or employed in the service of the city, and all such contracts shall be voidable at the option of the city council.

The ownership of less than five per cent of the capital stock or shares of a corporation or association with which a contract may be made shall not be considered as constituting an interest in the contract within the meaning of this section.

Section No. 4.

CONTRACTS.

Contracts for service and supplies

The council shall advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a newspaper of general circulation, as that term is defined by Section 4460 of the Political Code.

Provided that any city officer may purchase and bind the city to pay for any item included in his budget not exceeding $100.00 in any one complete purchase.

By order duly adopted by a vote of five members, the council may authorize any official to bind the city, without advertising, in an amount not to exceed $500.00.

Any purchase or contract for work in excess of $500.00 shall be advertised and sealed proposals invited.

ARTICLE XXIX. Section No. 1.

FRANCHISES.

Franchises

Every franchise or privilege to construct, maintain or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provision of the general laws of the State relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the council from requiring other conditions not inconsistent with the constitution or general laws.

No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated without the express consent of the council given by ordinance and subject to the referendum.

Within six months after this charter takes effect, every public utility and every owner of a public utility franchise, shall file with the city clerk, certified copies of all the franchises owned or claimed, or under which any such utility is operated.

The city shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the city of Oroville.

ARTICLE XXX. MISCELLANEOUS.

Section No. 1.

OFFICIAL RECORDS.

Official records.

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of the business of such department or office; provided, the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments, in their possession or under their control.

Section No. 2.

GENERAL LAWS APPLICABLE.

General laws applicable.

All general laws of the State applicable to municipal corporations of the fifth class now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances hereafter enacted, shall be applicable to the City of Oroville.

The council may adopt and enforce ordinances which, in relation to municipal affairs, shall control as against the general laws of the State.

Provided, that where a procedure for the exercising of any rights or powers belonging to a city, is provided by statute

of the State of California, such procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of, this charter.

Section No. 3.

CONTINUING OFFICERS AND EMPLOYEES.

Officers and employees.

All officers, assistants, and employees in office when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under and subject to the terms and provisions of this charter until the election or appointment and qualification of their successors in the manner prescribed in this charter.

Section No. 4.

CONTINUING ORDINANCES IN FORCE.

Continuing ordinances in force.

All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

Section No. 5.

CONTINUING CONTRACTS IN FORCE.

Continuing contracts in force

All vested rights of the city shall continue and shall not in any manner be effected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be effected by the adoption of this charter. All contracts entered into by the city prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder.

Section No. 6.

VALIDITY.

Validity.

If any Article, Section or part of a Section of this charter is held legally invalid, it shall not be held to invalidate or impair the validity of any other section or part of Section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Section No. 7.

WHEN CHARTER EFFECTIVE.

When charter effective.

This charter shall go into effect upon its approval by the legislature, except for the purpose of electing the officers provided for herein; for which purpose it shall go into effect on the expiration of the terms of the present elected officials.

The first election for such officials shall be held on the second Monday in April, 1935, and the officers then elected shall be seated on the Monday following. When charter effective.

In Witness Whereof, we have hereunto set our hands the 28th day of July, 1931.

Robert S. Powers, President.
Scott Lawton, Secretary.
Alfred R. Hoke
C. G. Thunen
Douglas Jacobs
Henry Karkmeyer
Frank Tuhey
Edward F. Mitchell
James Chester Nisbet
Ray Hunter
W. H. McNamee
Samuel Marks
Ellsworth Meyer
L. J. Weed
W. K. Palmer

Certificate.

I, the undersigned, hereby certify that the foregoing Charter was signed by a majority of the Board of Freeholders of the City of Oroville, and was filed in my office on the 29th day of July, 1931.

JAMES G. NISBET
City Clerk and Clerk of the City Council of the City of Oroville.

This Board of Freeholders of the City of Oroville does hereby fix the 22nd day of October, 1931, as the date for holding a special municipal election in said City, at which the foregoing proposed Charter of the said City shall be submitted to the electors of the said City for ratification and adoption. The City Council of the City of Oroville is hereby requested to cause publication of the foregoing proposed Charter in the manner provided by law.

Robert S. Powers
Alfred R. Hoke
C. G. Thunen
Douglas Jacobs
Henry Karkmeyer
Frank Tuhey
Scott Lawton
Edward F. Mitchell
James Chester Nisbet
Ray Hunter
W. H. McNamee
Samuel Marks
Ellsworth Meyers
L. J. Weed
W. K. Palmer

We, Sam Marks, President of the City Council of the City of Oroville, and James G. Nisbet, City Clerk of said City of Oroville, do hereby further certify that the foregoing is a full, true and correct copy of the proposed Charter of the City of Oroville, as prepared and proposed by the Board of Fifteen Freeholders thereof, and of the certificate of said Board of Freeholders thereto attached, and filed in the office of the City Clerk of the said City on the 29th day of July, 1931.

In Witness Whereof, we have hereunto set our hands and affixed the seal of the City of Oroville, this 3rd day of August, 1931.

[SEAL]

SAM MARKS,
President of the City Council of the City of Oroville.

JAMES G. NISBET,
City Clerk of the City of Oroville.

We do hereby further certify that the foregoing constitutes a full and true statement of all the facts and proceedings had by the city of Oroville in the matter of the election of the board of freeholders and in the preparation, proposing, filing, voting upon and canvassing the returns and declaring the result of the election in the matter of the proposed charter for the government of the city of Oroville, and that said charter as hereinbefore set forth is a full, true and correct copy of the charter prepared and proposed by the said board of freeholders and of the certification of said board of freeholders thereto attached and filed in the office of the city clerk of the city of Oroville, on the twenty-ninth day of July, 1931.

In Witness Whereof, we have hereunto set our hands and have hereunto affixed the seal of the city of Oroville, this twenty-eighth day of December, 1932.

[SEAL]

SAM MARKS,
President of the Board of Trustees of the City of Oroville.

JAMES G. NISBET,
City Clerk of the City of Oroville.

WHEREAS, said charter has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with section eight, of article eleven of the Constitution of the State of California, now, therefore, be it

Ratification. *Resolved by the Senate of the State of California, the Assembly thereof concurring,* a majority of all the members elected to each house voting therefor and concurring therein,

That said charter as presented to, adopted and ratified by the electors of the city of Oroville, and as hereinbefore fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Oroville.

CHAPTER 23.

Assembly Joint Resolution No. 2—Relative to memorializing Congress to propose an amendment to the Constitution of the United States repealing the eighteenth amendment and to provide for conventions in the several States to accomplish this purpose.

[Filed with Secretary of State January 27, 1933.]

Repeal of eighteenth amendment.

WHEREAS, One of the modes prescribed for the amendment of the Constitution of the United States is that Congress, whenever two-thirds of both houses shall deem it necessary, may propose amendments to said Constitution which shall be and become effective and operative as part of said Constitution when ratified by conventions in three-fourths of the several states if such mode of ratification be proposed by Congress; and

WHEREAS, The selection by the qualified voters in the several states of delegates to represent them in State conventions called to consider and act upon proposals thus submitted, is in harmony with the spirit of our institutions and the tenor of our time, and is the mode most expressive of the will of the people; and

WHEREAS, The Supreme Court of the United States has held that the determination of the method of ratification of a proposed amendment is the exercise of a national power specifically granted by the Constitution of the United States to the Congress; and that the Congress is not bound by the conflicting constitution or laws of any State in the exercise of this national power; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California does hereby petition the Congress of the United States to submit to the several states a resolution proposing an amendment to the Constitution of the United States repealing the eighteenth amendment thereto, without any reservation whatever, thereby restoring to the several States exactly those powers over the beverage use of intoxicating liquors possessed by them prior to the adoption of said amendment and reserving to the Congress only those powers possessed by it prior to the adoption thereof; and be it further

Resolved, That it is the further desire of the Legislature of the State of California, in order that the most prompt and direct vote of the people may be had, that the Congress provide and enact:

First—That the above proposed amendment be submitted to a convention in each of the several States for their approval and ratification or their disapproval and rejection.

Second—That the delegates to the ratifying conventions be elected at large in their several States after the manner of the election of the members of the electoral college, namely, that the delegates be elected on the basis of whether they are in favor of or opposed to the proposed amendment.

Third—That the day of election be uniform throughout the United States and as soon as practicable after the submission of the resolution.

Fourth—That the Congress provide the ways and means of nominating delegates to the several conventions, of conducting the election, and of assembling the several conventions, and that the Congress provide for the costs incurred thereby; and be it further

Resolved, That in adopting this resolution it is not the purpose or intent of this Legislature to apply to the Congress to call a convention for proposing amendments, but to give expression, through their representatives in Senate and Assembly, of the desire and hope of the people of California that such repeal of the eighteenth amendment be submitted, and that it be submitted to conventions in the several states for ratification; and be it further

Resolved, That duly authenticated copies of this resolution be sent forthwith to the president of the Senate of the United States, to the speaker of the House of Representatives of the United States, to the members of Congress from the State of California, and to the presiding officer of each branch of the legislature of each of the several States.

CHAPTER 24.

Senate Joint Resolution No. 5—Relative to memorializing Congress to provide medical care and other aid for Indians not residing on government reservations.

[Filed with Secretary of State January 28, 1933.]

Care and support for Indians.

WHEREAS, The National Government in pursuance of a long established policy now provides medical care and other aid for needy and destitute Indians living on Government reservations; and

WHEREAS, There are many Indians in this State who do not live on Government reservations and who are not thereby eligible to receive the medical care and other aid which is sorely needed; and

WHEREAS, The inequitable and intolerable burden of providing suitably for these needy and destitute Indians which has been placed upon the people of the thinly populated dis-

tricts where they are now massed has been vastly increased by the present economic crisis; now be it therefore

Resolved by the Senate and Assembly of the State of California, jointly, That Congress be most respectfully urged to make suitable provision for those needy and destitute Indians who are now in want and suffering; and be it further

Resolved, That the Senators and Representatives of the State of California in Congress be, and are hereby urged, to put forth their best and united efforts to secure the enactment by Congress of a measure adequately providing for these needy and destitute Indians; and be it further

Resolved, That copies of this resolution be respectfully transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, to each of the Senators and Representatives of the State of California in Congress, to the Secretary of the Interior, and to the Commissioner of Indian Affairs.

CHAPTER 25.

Senate Joint Resolution No. 6.—Relative to memorializing Congress to provide compensation, in lieu of taxes, for certain lands of the United States within the borders of the several states.

[Filed with Secretary of State January 28, 1933.]

Compensation in lieu of taxes for government land.

WHEREAS, The United States government has withdrawn and set apart within permanent national parks or forests, enormous tracts of land, approximately nineteen million acres in the State of California alone; and

WHEREAS, Among other reasons, this has been made possible by the owner of timber land trading in their "cut-over" lands to the government for selected "cuttings"; and

WHEREAS, The United States government pays no taxes on such lands resulting in throwing a heavy tax burden on privately owned property in the same political subdivision; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That Congress is urgently requested to appropriate sufficient money so that a sum of five cents per acre per year may be paid, in lieu of taxes, to the political subdivisions in which such lands belonging to the United States are situated; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives and each of the members from California of the Senate and House of Representatives of the United States.

CHAPTER 26.

Assembly Joint Resolution No. 3—Relating to memorializing Congress to adopt legislation permitting the manufacture and sale of light wines.

[Filed with Secretary of State January 28, 1933.]

Light wines and beer

WHEREAS, Large sums of money have heretofore been invested in, and great tracts of land have been devoted to, the grape industry in California; and

WHEREAS, In the past, said industry has furnished work for thousands of persons; and

WHEREAS, Because of certain provisions contained in the laws of the United States, the production of grapes and the products thereof has been greatly curtailed, causing many persons heretofore gainfully employed to lose their means of livelihood; and

WHEREAS, It is of vital interest to the people of the State of California that the Congress of the United States adopt legislation legalizing the manufacture and sale of light wines, so that the grape industry in California may again be revived and employment furnished many people; and

WHEREAS, The sale and taxation of such light wines in this State would produce a large annual revenue, relieving the tax burden now placed upon owners of real property; furnish employment to thousands of unemployed persons and provide a market for large quantities of farm products required in the manufacture of such wines; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of said State urgently petition and request the Congress of the United States to adopt legislation now pending before it to amend section 29, Title II of the National Prohibition Act, being an amendment to H. R. 13312, to allow the manufacture, possession, transportation, sale, or exportation of naturally fermented wines without the addition of any distilled spirits, manufactured, possessed, sold, transported within or exported from the United States, to be served and consumed with usual meals in bona fide hotels, restaurants, public eating places, dining cars, or for the distribution and sale by duly permitted retail stores, for consumption in the home, which uses are expressly declared by this Act of Congress to be nonbeverage and when so used said naturally fermented wines are declared to be and are nonintoxicating.

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in Congress.

CHAPTER 27.

Assembly Concurrent Resolution No. 19—Relative to the adjournment of the Legislature for the Constitutional Recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State January 28, 1933.]

Constitutional recess.

WHEREAS, Section 2 of Article IV of the Constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding thirty days a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the fiftieth session of the Legislature of the State of California shall adjourn for said recess at three o'clock in the afternoon on Saturday, January 28, 1933, and shall reassemble at the hour of eleven o'clock in the forenoon on Tuesday, February 28, 1933.

CHAPTER 28.

Assembly Concurrent Resolution No. 29—Approving a certain amendment to the charter of the city of Petaluma, a municipal corporation in the county of Sonoma, State of California, and voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of May, 1932.

[Filed with Secretary of State January 28, 1933.]

City of Petaluma Charter amendments.

WHEREAS, proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Petaluma, a municipal corporation of the county of Sonoma, State of California, as set out in the certificate of the mayor and city clerk of the city of Petaluma as follows, to wit:

State of California }
County of Sonoma, } ss.

We, the undersigned, W. J. Farrell, mayor and ex officio presiding officer of the city council of the city of Petaluma, county of Sonoma, State of California, and Gladys V. Roberts, city clerk of said city, do hereby certify and declare as follows:

That the city of Petaluma is a municipal corporation in the county of Sonoma, State of California; that said city now is and at all times herein mentioned was a city containing a population of more than 8000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress

of the United States, and is now organized and existing and acting under a freeholders charter, adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose in said city on the thirtieth day of August, 1910, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the seventh day of March, 1911, (Statutes 1911, page 1799).

That in pursuance of section 8 of Article XI of the Constitution of the State of California, on its own motion, the council of the said city of Petaluma, being the legislative body of said city, by and in pursuance of a certain ordinance passed by the said city council on the fourth day of April, 1932, duly submitted to the qualified electors of said city of Petaluma, a certain proposal for the amendment of the charter of said city, to be voted on by said qualified electors at the special municipal election to be held in said city on the seventeenth day of May, 1932, which said proposal was and is in words and figures following, to wit:

Shall section 2 of article 11 of the charter of the city of Petaluma be amended so as to read as follows:

River and harbor fund.

The city council shall set aside from each year's tax collections a sum not less than five per centum of said amount for a river and harbor fund. The money now in said fund and all sums hereafter set aside therefor or therein may be used only for the purpose of maintaining, repairing, and improving the Petaluma River and harbor, and for the acquisition, construction, maintenance, improvement, and repair of any bridge or bridges and approaches thereto, over or across said Petaluma River, and for the payment of the principal and interest of any bonds issued for the acquisition, construction, maintenance, improvement, and repair of any such bridge or approaches thereto.

That said such proposed amendment was published and advertised in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California and the charter of the city of Petaluma, in the Petaluma Argus-Courier, a daily newspaper of general circulation published in said city of Petaluma, and the official publication of said city.

That copies of said proposed amendment were printed in convenient pamphlet form, and, until the date fixed for the election hereinafter described, and as required by said section 8 of Article XI of the said Constitution, a notice was published in said Petaluma Argus-Courier that such copies could be had upon application therefor at the office of the city clerk of the city of Petaluma;

That such copies in convenient pamphlet form could be had upon application therefor at the office of said city clerk until the date fixed for the election hereinafter described.

That in accordance with the provisions of the charter of the city of Petaluma and of said Constitution, and an ordi-

nance of the city council of said city, calling said election, there was held in the city of Petaluma on the seventeenth day of May, 1932, a special municipal election, and at said election held pursuant to said ordinance, said proposed charter amendment was submitted to the qualified electors of said city for ratification and adoption at said election, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification and adoption of and did ratify and adopt said proposed amendment to the charter of said city hereinabove set out.

That the result of said election was by said city council duly and regularly canvassed and certified to at the time and in the manner provided by law, and it was duly found, determined and declared by the said city council of said city that a majority of the qualified electors of said city voting thereon had voted and ratified and adopted said proposed amendment.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct, and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Petaluma to be affixed hereto this twelfth day of December, 1932.

W. J. FARRELL,
Mayor and Ex Officio Presiding Officer of the
City Council of the City of Petaluma.

[SEAL] GLADYS V. ROBERTS,
City Clerk of the City of Petaluma.

WHEREAS, said proposed amendment has been and is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members of each house voting therefor and concurring therein, That said amendment to said charter herein set forth, as submitted to and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said city of Petaluma. Ratification

CHAPTER 29.

Senate Joint Resolution No. 8—Relative to memorializing Congress and the Legislatures of the several States of the Union to cooperate in the program for a belated recognition of the people of the United States of the services rendered the Nation by volunteers who fought the war with Spain, the Philippine Insurrection and the China Relief Expedition.

[Filed with Secretary of State January 28, 1933.]

Recognition for veterans of certain wars.

WHEREAS, The Veterans of the Spanish War, hold their Thirty-fifth Annual National Encampment in Los Angeles, California, beginning August 20th this year. The year celebrates the thirty-fifth anniversary of the important events of that war and its related campaigns, which wrote some of the most important history of the United States, and

WHEREAS, History as available to the people of the United States, especially in the schools, has not given the accomplishments and achievements of that service, and the tremendous benefits to the Nation, the place they deserve in the national hall of fame, and

WHEREAS, The Spanish War was responsible for eliminating the feeling of sectionalism between the North and the South that had endured from the Civil War. It made the United States of America united in fact as well as in name. The blue and the gray fought together as brothers. Eighty-four per cent of the armies from the South were sons of Confederate veterans. Seventy-two per cent of the armies from the North were sons of Union veterans. All were volunteers, former Confederate and Union chiefs officered that army in fighting for a united Nation. That war made the United States a real world power. It made our flag respected in every land and on every sea, and

WHEREAS, The value of those accomplishments can not be measured in material terms. The World recognized the importance of the developments from that war long before they were recognized by our own people All nations realized that in the welding of the forces of the North and the forces of the South, a new Nation had been born, magnificent in purpose and invincible in power, that forever would be a power in world affairs, and

WHEREAS, That was thirty-five years ago. For years patriotic leaders of the country have been planning a belated recognition of the value of the service rendered the Nation by the men of that war as a fiftieth anniversary, golden jubilee, but it now seems that too few of these veterans will remain alive for a semicentennial celebration. Originally there were about 400,000 men in that service. More than half of them have already passed to the great beyond. Simple arithmetic will demonstrate how few will remain fifteen years from now, and

WHEREAS, It is deemed fitting that this Thirty-fifth National Encampment held in the year of the Century of Progress Exposition, when we are looking in retrospect at the achievements and accomplishments of the past hundred years, be taken as the most propitious time to recognize nationally the service rendered by those patriots and for setting up some lasting tribute to them that may be made part of the enduring historical record of the Nation and the States from which they came, and Veterans.

WHEREAS, An honor scroll, graphically setting out the major events of the Spanish War and related campaigns and the accomplishments therefrom, together with the roll Spanish War veterans who distinguished themselves in that service, or later achieved prominence in public affairs, has been decided upon as the most fitting tribute at this time. A tribute that in original and in replica can be placed in the halls of the National Capitol, the leading museums of the country, in the halls of the capitols of every State in the Union, and in the palaces in the capitals of Cuba, Porto Rico, Hawaii, and the Philippines, as a perpetual monument to those patriots, doing honor to the dead, giving the survivors their flowers now rather than when they have passed to their final reward, and at the same time preserving those flowers that posterity may be made more familiar with those glorious pages of national history and aid in keeping their memory green, and

WHEREAS, War, ordinarily is not profitable to the nations engaged. The Spanish War was an exception to this rule. The 400,000 men who served the colors in that war brought to the United States, possessions worth more than eight billions of dollars. To June 30, 1930, more than twenty-two billions of dollars of business had come to the United States from these possessions and the inflow continues at the rate of nearly a billion dollars a year, and

WHEREAS, It is peculiarly fitting that this celebration and presentation of the tribute of a grateful Nation to its warriors of long ago, be staged at the Los Angeles National Encampment, because it was a California regiment, the First Infantry, that had the honor to be the first unit of the United States Army ever to embark for service on foreign soil, it sailing from San Francisco on the City of Peking, bound for Manila on May 23, 1898. All previous foreign military operations had been conducted by the Navy or the Marine Corps. Likewise California was the base for all of the operations in the Philippines and China during the more than four years of the war and its related campaigns, and was more closely in touch with the war during those four years than any other State in the Union, therefore be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the State of California does hereby extend a most cordial welcome to the delegates and visitors of the United Spanish War Veterans, their auxiliaries and affiliated organizations, who will be present at the Thirty-fifth National Encampment, that the President of the Senate and

Veterans

the Speaker of the Assembly is hereby authorized to appoint a committee from these bodies to officially express this welcome on behalf of the State of California, and be it further

Resolved, That the Congress of the United States of America and the legislatures of all of the States of the Union, be and are hereby memorialized to most heartily endorse and support the program for what we believe to be a highly merited recognition of a series of the most important events in the life of our country and of the services of that gallant body of volunteers who answered the call to the Colors, brought glory, solidarity and power to the Nation and credit to themselves, and be it further

Resolved, That the Secretary of State be and he is hereby directed to transmit under the Great Seal of the State of California, copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Committee on Military Affairs of each of the two houses of Congress, to the Senators and Representatives from California in Congress, to the Governors and Lieutenant Governors of each of the other forty-seven States of the United States, to the Speakers of the Houses of Representatives in the Legislatures of each of these States, to the Chairmen of the Committee on Military Affairs of each of the two houses in the Legislatures; to the National Headquarters of the United Spanish War Veterans in Washington, D. C., and to the Department Headquarters of the Department of California, United Spanish War Veterans at Oakland, California; as evidence of the wishes of the people of the Sovereign State of California that the glowing deeds of these patriotic sons of the Nation be given the recognition that their accomplishments merit, and be it further

Resolved, That the Governor of the State of California be and he is hereby requested to appoint a commission of not less than twenty-five of the leading patriotic citizens of California, to be known as the Spanish War Commemoration Commission to aid in carrying into effect the program for a national tribute to the service of these veterans in accordance with the plan outlined in this resolution; this commission to serve without pay, but to be furnished if necessary with office space in the buildings of the State of California in Sacramento, San Francisco and Los Angeles as headquarters for carrying out its work, and be it

Resolved, That we do hereby authorize and direct that such an honor scroll as may be devised for the occasion, setting forth the important events of the Spanish War and its related campaigns and the accomplishments therefrom, together with the names of the men of that service who especially distinguished themselves or have since attained prominence in public affairs, be given a proper place in the historical records of the State of California and be displayed in proper places in the halls of the Capitol building at Sacramento and the State buildings in San Francisco and Los Angeles as a perpetual

monument to the gallant sons of California who brought credit to our Commonwealth through their sacrifices and their loyalty to the flag of our country.

CHAPTER 30.

Senate Joint Resolution No. 9—Relative to memorializing Congress to pass S. 1197, known as "The Farmers' Farm Relief Act."

[Filed with Secretary of State January 28, 1933.]

"Farmers Farm Relief Act."

WHEREAS, A crisis exists and hundreds of thousands of once prosperous farmers of this Nation have already lost their homes and their all by mortgage foreclosures because of the fact that the price of agricultural products has for years been below the cost of production, a condition that affects all of the people of this Nation and is largely responsible for the continuance of the depression; and

WHEREAS, There is no adequate way of refinancing existing agricultural indebtedness and the farmers are at the mercy of their mortgagees and creditors; and

WHEREAS, Unless immediate relief is given thousands and hundreds of thousands of additional farmers will lose their farms and their homes and millions more will be forced into our cities and villages and the army of unemployed will necessarily increase to alarming proportions, precipitating a condition that threatens the very life of this Nation; and

WHEREAS, The State Legislatures of Montana, North Dakota, Minnesota, Wisconsin, Nevada and Illinois have each and all memorialized Congress to pass Senate bill number 1197, known as the Frazier bill, without delay, which bill provides that existing farm indebtedness shall be refinanced by the Government of the United States at one and one-half per cent interest and one and one-half per cent principal on the amortization plan, not by issuing bonds and plunging the Nation further into debt, but by issuing Federal reserve notes the same as the government now does for the banks through the Federal reserve bank; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That they respectfully request and petition the Congress of the United States to pass Senate bill 1197 in order that the agricultural indebtedness of this nation may be speedily liquidated and refinanced and agriculture saved from utter ruin and destruction and this depression brought to an intelligent and speedy end; and be it further

Resolved, That the Governor send copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House and to the Representatives of this State in Congress.

CHAPTER 31.

Senate Joint Resolution No. 10—Relative to memorializing Congress to pass legislation known as H. R. 13999.

[Filed with Secretary of State January 28, 1933.]

Protective tariff

WHEREAS, There is annually imported into this country a vast amount of foreign-made products; and

WHEREAS, These products may be manufactured in foreign countries at a price far below the cost of manufacturing in this country; and

WHEREAS, It is necessary for the protection of American industry that a tariff be placed upon these imports sufficiently high to provide the desired protection; and

WHEREAS, There is a bill pending in the Congress of the United States introduced by Representative Hill of Washington and known as H. R. 13999, which would permit United States Tariff Commission to levy a tax on imports from foreign countries for the purpose of protecting American industry; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests and memorializes the Congress of the United States to immediately pass a bill introduced by Representative Hill of Washington known as H. R. 13999 so that the United States Tariff Commission may provide a sufficient tax of imports from foreign countries so that American industry may be given the desired protection; and be it further

Resolved, That the Secretary of the Senate be directed to forward a true copy of this resolution to the President of the United States, the Vice President, the Speaker of the House of Representatives, each Senator and the Representatives from California in Congress and the United States Tariff Commission.

CHAPTER 32.

Senate Joint Resolution No. 11—Relating to memorializing Congress and Postmaster General Brown to adopt legislation or to permit the issuance of postage stamps commemorating the sixtieth anniversary of the planting of the parent Washington Navel Orange Trees in honor of the California Citrus Industry.

[Filed with Secretary of State January 28, 1933.]

Stamps to commemorate planting of navel orange tree.

WHEREAS, In December 1873, Luther C. Tibbets, Riverside colonist, received from a friend in Washington, D. C., two small Washington Navel Orange trees of the seedless variety which had been imported from the city of Bahia in Brazil by the Agricultural Department of the United States; and

WHEREAS, In the same year, to wit, 1873, Mrs. L. C. Tibbets planted said navel orange trees in the City of Riverside, then a part of San Bernardino County, State of California; and

WHEREAS, The navel orange industry of the State of California in the years that have followed has grown to an industry with an annual income of approximately sixty-seven million dollars; and

WHEREAS, The aforementioned planting by these pioneers of the West has meant much and contributed greatly to the agricultural industry of the State of California and of the United States; and

WHEREAS, The People of the City of Riverside, County of Riverside, State of California, wish to commemorate the sixtieth anniversary of the planting of the said parent Washington Navel Orange Trees, as aforesaid, in honor of the great California Citrus Industry by having a special postage stamp issued by the Post Office Department of the United States in commemoration of the said sixtieth anniversary of the aforesaid planting; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of said State urgently petition and request the Congress of the United States and or Postmaster General Brown of the Post Office Department of the United States to adopt legislation to effect or permit the issuance of postage stamps commemorating the sixtieth anniversary of the planting of the parent Washington Navel Orange trees in honor of California Citrus Industry; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives and to the Senators and Representatives of the State of California in Congress, and to Postmaster Brown of the United States.

CHAPTER 33.

Senate Joint Resolution No. 14—Relative to Federal aid road appropriations.

[Filed with Secretary of State January 28, 1933.]

Federal aid appropriation for roads.

WHEREAS, The Federal Congress has failed to authorize the regular Federal highway aid appropriations of $125,000,000 annually for the fiscal years 1934 and 1935; and

WHEREAS, Present appropriations, from which the State of California receives approximately $4,200,000 annually, terminate with the fiscal year ending June 30, 1933; and

WHEREAS, The abrupt discontinuance of Federal aid work in California and the other western States will undoubtedly greatly increase unemployment and require relief measures that otherwise would not be necessary; and

WHEREAS, It is further asserted that even with annual appropriations of $125,000,000 the States will have less Federal money for roads than in 1932, because emergency Federal road advances and loans from the Reconstruction Finance Corporation must be repaid to the Federal Government from future Federal aid allotments; and

WHEREAS, It is vitally important to the development of the country and particularly the western States for continuation of Federal aid at this time, not only for regular Federal aid projects, but also for Federal lands projects and forest highway construction; now therefore, be it

Resolved by the Senate, the Assembly concurring, That the Federal Congress be and is hereby memorialized to make the regular Federal aid road appropriations for the fiscal years 1934 and 1935 before adjournment, and be it further

Resolved, That a copy of this memorial be sent to California's Representatives in Congress.

CHAPTER 34.

Senate Concurrent Resolution No. 7—Relative to the orderly addition of new roads to the State highway system, after study and report by the California Highway Commission and the Department of Public Works.

[Filed with Secretary of State January 28, 1933.]

Adding roads to State highway system.

WHEREAS, The forty-eighth and forty-ninth sessions of the Legislature adopted resolutions declaring certain underlying principles to be observed in the inclusion of new secondary roads within the State highway system, which principles have been observed during recent years; and

WHEREAS, Said underlying principles included the policy that additions be made so as to bring about an equality of secondary mileage in the north and in the south; that all such additions be recommended to the Legislature by the California Highway Commission and the State Department of Public Works after engineering and economic studies and that there be no change in the present statutory division of secondary highway funds; and

WHEREAS, It may appear desirable during the fiftieth session of the Legislature to add to the secondary State highway system a substantial mileage of county highways and through routes in cities in order to afford a wider spread of State highway revenues and to afford substantial relief to counties and cities with respect to the maintenance and improvement of major county roads and through routes in cities, thereby permitting a reduction in local taxes for said purposes; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That in order that proper consideration be given to the principle

heretofore declared by the California Legislature respecting additions to the State highway system the California Highway Commission and the Department of Public Works be and they are hereby directed immediately to make the necessary studies and on or before March 15, 1933, to submit a report and recommendations with all supporting engineering data of all roads studied to this Legislature for the inclusion of approximately 6600 miles in the secondary State highway system and in addition thereto a similar alternative report for the inclusion of any lesser number of miles in the secondary State highway system and that in the selection of the routes and mileage to be added said California Highway Commission and the Department of Public Works shall be guided by the following basic principles:

(1) That additions shall be made in such manner as to bring about an equality of secondary highway mileage in the north and in the south;

(2) That the selection of routes shall be such as to result in a connected and correlated system of State highways extending through municipalities in such manner as to best meet traffic requirements and that the proposed routes within municipalities include such mileage and warrant such future expenditures as to afford substantial and justifiable expenditure of the State highway revenues thereon, consistent with the necessary maintenance and improvement of State highways not within the limits of municipalities;

(3) That in the selection of county roads to be included, the California Highway Commission and the State Department of Public Works give consideration to those routes which are carrying or will serve a considerable volume of county or intercounty traffic and be connected with the present State highway system, the inclusion of which in the State system will afford a substantial measure of relief to the counties, and that in the selection of routes consideration be given to the needs of all parts of the State.

(4) That in making the above study access to National and State parks shall be considered.

CHAPTER 35.

Senate Concurrent Resolution No. 12—Approving the charter of the county of San Mateo, State of California, which was submitted to the qualified electors of said county and voted for and ratified by them at a general election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 28, 1933.]

County of San Mateo: Charter.

WHEREAS, The county of San Mateo was, at all times herein mentioned, and now is a public corporation and a political subdivision of the State of California; and

San Mateo charter.

WHEREAS, The said county of San Mateo has not been at any time hereinmentioned and is not now consolidated with any city; and

WHEREAS, The board of supervisors of said county of San Mateo did, on the seventh day of March, 1932, by a vote of three-fifths of all the members of said board, adopt an ordinance, by the terms of which it was declared that the public interest required the election of a board of fifteen (15) freeholders under the provisions of section 7½ of Article XI of the Constitution of the State of California for the purpose of preparing and proposing a charter for said county; and

WHEREAS, Thereafter, to wit, on the fifteenth day of March, 1932, the board of supervisors of said county of San Mateo did adopt an ordinance providing for the election of said board of fifteen (15) freeholders at a special election to be held in the said county not less than twenty (20) days nor more than sixty (60) days after the adoption of the ordinance aforesaid, to wit, on the third day of May, 1932, and which ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein and the names of the election officers for each such precinct, and which ordinance, prior to said election, was published five (5) times in the Redwood City Tribune and Redwood City Standard, a daily newspaper printed, published and circulated in said county of San Mateo; and

WHEREAS, Candidates for election as members of said board of freeholders were nominated by petition, in the manner provided by general law for the nomination by petition of electors, of candidates for county offices to be voted for at general elections; and

WHEREAS, Thereafter, to wit, on the third day of May, 1932, a special election was held in said county of San Mateo for the purpose of electing such board of fifteen (15) freeholders; and

WHEREAS, Thereafter, to wit, on the twelfth day of May, 1932, the result of said special election held on said third day of May, 1932, for the purpose of electing said board of fifteen (15) freeholders was declared by said board of supervisors of said county of San Mateo and said board of fifteen (15) duly qualified freeholders, consisting of the following named persons, was therein declared to be elected, to wit: James B. Howell, William H. Eddy, T Louis C. Chess, Edward Brady, David R. Campbell, Mona L. Christensen, Charles J. Eldridge, Carl W. Elfving, Henry C. Hall, Alvin S. Hatch, Jacob E. McCurdy, William Henry Murphy, John C. Nowell, Mark E. Ryan and Samuel H Winklebleck; and

WHEREAS, Thereafter, and within one hundred twenty (120) days from the said twelfth day of May, 1932, to wit, on the second day of September, 1932, the said board of fifteen (15) freeholders did complete the preparation of and did propose a charter for the said county of San Mateo and did sign the same in duplicate by all the members of said board of fifteen (15) freeholders and did, on the third day of Septem-

ber, 1932, file one copy of the same in the office of the county clerk of said county and the other copy of same in the office of the county recorder thereof; and

WHEREAS, Said board of fifteen (15) freeholders did, in preparing and proposing said charter, also prepare and propose, for the choice of the electors, an alternative article to said charter, to be known and designated as Article II thereof, and to become and be a part and portion of said charter, in the place of Article II therein contained, in the event of the ratification of said charter and the adoption by the electors of said county of San Mateo of said alternative article, which alternative article was signed, in duplicate, by all the members of said board of fifteen (15) freeholders and one signed copy thereof was filed in connection with the said proposed charter in the office of said county clerk on the said third day of September, 1932, and one signed copy thereof was filed in connection with the said proposed charter in the office of said county recorder, on the said third day of September, 1932, which said alternative article reads as follows:

"ARTICLE II.

Manner of Election of Members of Board of Supervisors

Section 1. Manner of Election. Supervisors shall be nominated and elected at the times and for the terms provided by general law, and each supervisor shall be nominated and elected by the electors of the county at large." Election of supervisors.

and

WHEREAS, Thereupon, and commencing within fifteen (15) days after the third day of September, 1932, to wit, commencing on the sixteenth day of September, 1932, and ending on the twenty-eighth day of September, 1932, the board of supervisors of said county of San Mateo caused said proposed charter and said alternative Article II to be published for at least ten (10) times in the San Mateo Times and Daily News Leader, a daily newspaper of general circulation, printed, published and circulated in said county; and

WHEREAS, Thereafter, and not less than thirty (30) days nor more than sixty (60) days after the said twenty-eighth day of September, 1932, to wit, on the eighth day of November, 1932, a general election did occur and was held in the State of California and in said county of San Mateo; and

WHEREAS, The board of supervisors of said county of San Mateo did, on the third day of October, 1932, adopt an ordinance by which said proposed charter and said alternative Article II were submitted to the qualified electors of the said county at the general election to be held on the eighth day of November, 1932; and

WHEREAS, The said proposed charter containing said alter- Article II were submitted to the qualified electors of said county of San Mateo at a general election held in said county of San Mateo on the eighth day of November, 1932; and

WHEREAS, At said general election, a majority of the qualified electors of said county of San Mateo voting thereon did vote in favor of and duly ratify said proposed charter; and

WHEREAS, At said general election, a majority of the qualified electors of said county of San Mateo voting thereon did vote in favor of and duly ratify said alternative Article II; and

WHEREAS, The board of supervisors of said county of San Mateo, after canvassing the returns of the said election, duly found and declared that the majority of said qualified electors, voting thereon at said general election, had voted in favor of and ratified said proposed charter and also said alternative Article II; and

WHEREAS, Said proposed charter containing said alternative Article II, inserted in place of Article II appearing in the form of charter prepared and proposed by said board of fifteen (15) freeholders, the same being the charter ratified by the qualified electors of the county of San Mateo, is now submitted to the Legislature of the State of California for its approval or rejection as a whole in accordance with the provisions of section 7½ of Article XI of the Constitution of the State of California; and

WHEREAS, The said proposed charter and said alternative native Article II, inserted in place of Article II appearing in the form of charter prepared and proposed by said board of fifteen (15) freeholders, is in the words and figures as follows, to wit:

We, the people of the county of San Mateo, State of California, do ordain and establish this charter as the fundamental law of said county under the Constitution and laws of the State.

Article I. Board of Supervisors.

Supervisorial district.

Section 1. Supervisorial District. The county is hereby divided into five supervisorial districts, the boundaries and designations of which shall be and remain as they now are unless and until otherwise changed as provided by general law.

Qualifications, terms, salary

. Section 2. Qualifications, Terms, Salary. The board of supervisors shall consist of five members, one from each supervisorial district, each of whom must be a qualified elector of the district which he represents, must have such other qualifications as are now or may hereafter be provided by general law, and must reside therein during his incumbency. They shall be nominated and elected in the manner prescribed by Article II of this charter. Each such supervisor shall receive a salary of one hundred fifty dollars per month, and mileage, to and from his residence to the county seat, not to exceed ten cents per mile, for attendance at meetings of the board, and said salary and said mileage shall be payable monthly from the county treasury. The salary herein provided to be paid shall be in full compensation for all services required by law,

or by this charter, to be performed by the members of said board.

Section 3. Vacancy, How Filled. Whenever a vacancy occurs in the board of supervisors, the same shall be filled in the manner, and the appointee shall hold office for the time, provided by general law. Vacancy.

Article II. Manner of Election of Members of the Board of Supervisors.

Section 1. Manner of Election. Supervisors shall be nominated and elected at the times and for the terms provided by general law, and each supervisor shall be nominated and elected by the electors of the county at large. Elections.

Article III. Powers and Duties of the Board of Supervisors.

Section 1. General Powers and Duties. The board of supervisors shall have and exercise all the powers, and shall perform all the duties, vested in and delegated to them by the Constitution and general laws, of the State of California, and by this charter. General powers and duties.

Section 2. Additional Powers and Duties. In addition to the other powers and duties herein provided, it shall be the duty of the board of supervisors, and said board shall have the power: Additional powers and duties.

(a) To appoint, remove or suspend from office, in the manner and method herein provided, a chief executive officer of the county, who shall be called the county executive.

(b) To appoint, remove or suspend from office, in the manner and method herein provided, all appointive county officers, boards and commissions, whose appointments, removals or suspensions are not otherwise provided for by this charter.

(c) To confirm, in the manner and method herein provided, the appointments of all officers who, under the provisions of this charter, are to be appointed by the county executive.

(d) To provide, by ordinance, for the compensation of elective officers and appointive officers, in the manner and method herein provided.

(e) To provide, by ordinance, and therein to fix and regulate, the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed, from time to time, in the several offices of the county, and therein to prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which, and the terms for which, they shall be appointed, and the manner of their appointment and removal; provided, however, that the provisions of such ordinance or ordinances, so to be enacted by the board of supervisors, shall in all respects conform to and comply with all other provisions of this charter with respect to the manner and method of appointment and removal of such assistants, deputies, clerks, attaches and other employees, their powers, duties, qualifications, compensation,

Powers and duties.

the times of their appointment and the terms for which they shall be appointed.

(f) To provide, upon the recommendation of the county executive, for necessary court rooms and other office facilities and services for all State officers assigned for duty in this county.

(g) To provide, by ordinance, upon the recommendation of the county executive, for the creation of offices other than those required by the Constitution and laws of the State, and, upon the like recommendation, for the election or appointment of persons to fill the same, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and to prescribe their duties, and to fix their compensations.

(h) To provide, by ordinance, upon the recommendation of the county executive, for the creation of offices hereafter created by the Constitution or by general law, and, upon the like recommendation, for the election or appointment of persons to fill the same, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and to prescribe their duties, and to fix their compensation.

(i) To provide for the consolidation of any county office with any other county office, and for the segregation of consolidated county offices, provided, that no county offices which shall be consolidated under a specific provision of this charter may later be segregated by the board of supervisors under this general provision.

(j) To request from the State a proposal of an annual contract for forest fire protection services for the area of the county outside of the incorporated municipalities and established fire districts. If the terms of such proposal, which shall cover in detail the method and manner of providing fire protection for the areas herein mentioned, are satisfactory and a contract can be entered into for this service for a sum not greater than the annual appropriation made by the board of supervisors for said fire protection, then said contract with the State shall be executed. If, however, a satisfactory contract cannot be executed, then the board of supervisors shall appoint a fire warden together with such necessary personnel as is required, fixing their salaries and duties for the purpose of furnishing adequate fire protection for said areas.

(k) To provide for a special temporary or permanent working force under the county executive, whose members shall be qualified to perform duties in any one or more of the county offices or functions within which their services may from time to time be required, and to prescribe, in the administrative code herein provided for, rules and regulations not in conflict with general law or the provisions of this charter, with respect thereto.

(l) To require, if deemed proper, any county or township officer or employee, before or after entering upon the duties of

his office, or service, to give bond for the faithful performance thereof, in such penal sum as may be fixed by the board of supervisors.

(m) To provide, publish and enforce, a complete code of rules, not inconsistent with general law or this charter, prescribing in detail the method of procedure of the board of supervisors; also, to enact an administrative code of rules specifying in detail the powers, duties, methods and procedure of all officers and institutions.

(n) To require periodic or special reports of expenditures and costs of operation, to examine all records and accounts, to inquire into the conduct of any office, and to require attendance of any officer of the county at any meeting of the board of supervisors for purposes of information.

(o) To provide for the assumption of and discharge by county officers of such of the functions of municipalities and of special districts which now are, or hereafter may be, authorized by general laws, or in the case of chartered municipalities by provisions of the charters thereof.

(p) To provide for any temporary advisory commission to serve, with or without compensation, and assist the board of supervisors, or any county officer, in the conduct of county functions.

(q) To provide for the fixing of the compensation of such fish and game wardens, probation and other officers as may be provided by general law.

(r) To perform such other duties as may be prescribed or required by this charter, or by general law.

Meetings

Section 3. Regular Meetings. The board of supervisors shall convene, in regular session, at least twice in each calendar month, and said board shall, by ordinance, provide for such holding of its regular meetings.

Article IV. County Executive.

Creation of office, qualifications

Section 1. Creation of Office, Qualifications. The office of county executive is hereby created, and the person holding such office shall be chief executive officer of the county. The county executive shall be a person of demonstrated administrative ability, having had experience in responsible, important executive capacity, and shall be selected and appointed solely on the basis of his executive and administrative qualifications. He must, when appointed, be a legal resident of the State of California. No member of the board of supervisors, or of the board of freeholders who prepared this charter, and no person who has held an elective county office in this county during the preceding five years, shall be eligible to hold such office as the first appointee thereto. Thereafter, no member of the board of supervisors shall be eligible for appointment to the office of county executive during the term of office of such supervisor, nor within one year after his retirement therefrom.

Qualification board

Section 2. Qualification Board. There is hereby created a qualification board, which shall consist of five members.

Members of the qualification board shall serve without compensation but they shall be allowed all legal expenses incurred in the performance of their duties. The presiding judge of the superior court of San Mateo County shall designate two judges of the superior court as members of said board, and in the event that either or both thereof shall decline to accept the appointment, then his or their nominee or nominees, as the case may be, shall, instead, become and be members of said qualification board. The superintendent of schools of San Mateo County shall, ex officio, become and be the third member of said board, and said three members shall, in turn, select a fourth, and the board of supervisors of San Mateo County shall select the fifth member of said board. No member of the board of supervisors of San Mateo County shall be eligible to appointment upon said qualification board.

Organization of qualification board.

Section 3. Organization of Qualification Board. Upon the approval of this charter by the Legislature of the State of California the members of the first such qualification board so hereby created shall be selected in manner as above provided, and the county superintendent of schools, as ex officio member of said board, shall immediately certify to such selection, setting forth in his certificate the names and post-office addresses of the members, and shall file same with the county clerk. The county clerk shall thereupon notify each of the members so selected of his appointment, and each such appointee shall within fifteen (15) days thereafter qualify before the county clerk, by taking the constitutional oath of office. Should any appointee fail to qualify within the time hereinbefore specified, or should a vacancy thereafter occur in said board because of resignation, death or incapacity of a member thereof to act, the superintendent of schools, as ex officio member of said board, shall immediately certify such fact to the county clerk, who in turn shall forthwith notify the individual, individuals, or board, who or which had originally caused such appointment to be made, of such fact; and such vacancy shall thereupon be filled by such individual or individuals or such board, as the case may be, as in the case of the original appointment. Upon the qualification by all of said members, said board shall meet and organize by the selection of one of their members as chairman, and shall proceed in the performance of their duties, as hereinafter provided. The superintendent of schools as ex officio member of said board shall act as clerk thereof.

Whenever a vacancy shall thereafter occur in the office of county executive the county clerk, upon the happening of such occurrence, shall in writing forthwith notify the board of supervisors, the presiding judge of the superior court, and the county superintendent of schools of such fact, and thereupon a new qualification board shall be selected, as herein provided, and the names of the members thereof shall be certified to and they shall be notified, organize and proceed in the performance of their duties according to the procedure above set forth.

When an appointment to the office of county executive shall have been made by the board of supervisors, in the manner and method herein provided, and the person so appointed shall have qualified in the manner provided by law, the county clerk shall immediately notify the qualification board of such fact, and thereupon such qualification board shall be automatically dissolved.

Duties of qualification board.

Section 4. Duties of Qualification Board. It shall be the duty of the qualification board to solicit and obtain applications of candidates for appointment to the office of county executive. They shall select the five candidates whom they find to possess the highest qualifications to hold such office, unless they find that there are less than five possessing the necessary qualifications, in which event they shall select the names of so many thereof, not less than two, as they shall find to possess such qualifications. The names of the candidates so selected, together with a statement of their qualifications, shall then be submitted in alphabetical sequence to the board of supervisors by the qualification board, at least thirty days prior to the date said board of supervisors shall be required, under the provisions of this charter, to make the appointment to such office. A four-fifths vote of said board of supervisors shall be required for such appointment. In the event said board of supervisors shall be unable by a four-fifths vote to agree upon an appointment from those whose names shall have been so submitted by the qualification board, the clerk of said board of supervisors shall notify the qualification board of such fact, and it shall thereupon be and become the duty of the qualification board to solicit and obtain, and to select and submit, to the board of supervisors, other candidates possessing the aforesaid qualifications, to the number and in the manner and method hereinbefore provided. The exercise of such power by said qualification board shall not be exhausted by a single reference, nor until an appointment shall in fact have been made by said board of supervisors.

Vacancy

Section 5. Vacancy in Office, Absence, Suspension, or Incapacity to Act. Should a vacancy at any time occur in the office of county executive, or in the case of the absence of the county executive, his suspension, or his inability to act for any reason, the duties of his office shall, throughout such vacancy, absence, suspension or inability, be performed by the county engineer as acting county executive; provided, however, that in the event of a like inability to act upon the part of the county engineer, then and in that event the board of supervisors shall appoint one of the county officers, to be by them designated, as acting county executive. In the event of the occurrence of a vacancy in the office of the county executive, the board of supervisors shall, within ninety days therefrom fill same, for a full term of four years, in the manner herein provided.

Term of office and salary.

Section 6. Term of Office and Salary. The county executive shall serve for a term of four years from and after his appointment and qualification. He shall receive a salary which shall be fixed by the board of supervisors, prior to the time of his appointment. The salary of said county executive shall be fixed annually by said board of supervisors.

Reappointment

Section 7. Reappointment. An incumbent county executive may be reappointed by the board of supervisors by a four-fifths vote without the submission of the names of other candidates or other action by the qualification board. Not less than one hundred twenty days prior to the expiration of the term of the county executive, the board of supervisors shall notify him whether it is its intention to reappoint him.

Article V. Powers and Duties of County Executive.

County executive

Section 1. General Powers and Duties. The county executive shall be responsible to the board of supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in his charge, or under his jurisdiction or control, pursuant to the provisions of this charter, or of any ordinance, resolution or order of the board of supervisors. He shall also act in an advisory capacity to and with the board of supervisors with respect to any necessary or proper coordination of functions of officials and boards not under his jurisdiction or control. He shall be charged with, and shall be responsible for, the enforcement of all ordinances, orders or governmental regulations of the board of supervisors, and he is vested with the power to sue, in the name of the county, in the proper court, to enforce same.

Additional powers and duties

Section 2. Additional Powers and Duties. In addition to other powers and duties herein provided, it shall be the duty of the county executive, and he shall have the power:

(a) To appoint and to remove, subject to the confirmation of the board of supervisors, such county officers, boards and commissions as are made appointable or removable by the county executive, pursuant to the provisions of this charter.

(b) To make recommendations to and requests of the board of supervisors concerning all of the matters and things which, pursuant to the provisions of this charter, are to be performed, done or carried out by said board upon the recommendation or at the request of the county executive.

(c) To recommend, for adoption by the board of supervisors, such measures and ordinances as may to him seem necessary or expedient, and to make such other recommendations to the said board concerning the affairs of the county as may to him seem necessary or expedient.

(d) To prepare and submit to the board of supervisors such reports as said board may require, with respect to the activities of any office or institution which is, or hereafter may be, under the control or subject to the direction or supervision of the county executive.

(e) To keep the board of supervisors advised of the financial condition and of the needs, of the county.

(f) To employ, by and with the approval of the board of supervisors, experts and consultants to perform work and advise, in connection with any of the functions of the county, when economically advantageous.

(g) To have charge of the construction and maintenance of all buildings and grounds of the county, and to arrange, by and with the consent of the board of supervisors, for adequate facilities for space and equipment necessary or proper in the conduct of any county office or county function.

(h) To prepare, or cause to be prepared, within the limits of his jurisdiction, such plans, specifications and detailed drawings as may become necessary or proper for work which the board of supervisors may order to be done, or for materials or supplies which said board may order to be furnished.

(i) To consult with and make recommendations to the board of supervisors with respect to the award of public contracts, within the limits of his jurisdiction, and to see that all contracts made with the county are faithfully performed.

(j) To examine all claims against the county, and to endorse his approval or disapproval thereon, with his recommendation for the allowance or disallowance thereof, prior to action thereon by the board of supervisors.

(k) To temporarily transfer, during periods involving an excess of work, deputies or employees from one county office or department to another county office or department.

(l) To devote his entire time to the duties and interests of the county.

(m) To perform such other duties as may be lawfully prescribed or required by this charter, or by ordinance, resolution or order of the board of supervisors.

Advertising and exploiting resources of county.

Section 3. Advertising and Exploiting Resources of County. The county executive shall have plenary power, subject to the provisions of general laws, with respect to advertising or exploiting the resources of the county. He shall, ex officio, act as secretary of any county board of trade or county chamber of commerce created under the provisions of the general laws, and in event of the disestablishment of any such county board of trade or county chamber of commerce he shall perform the duties and functions customarily performed by the secretary of such county board of trade or chamber of commerce. He shall consult with the board of supervisors with respect to any appropriations made by the board of supervisors for advertising or exploiting such resources. Any appropriation made by said board of supervisors shall be upon the recommendation of the county executive.

Limitation on powers

Section 4. Limitation in Powers. The county executive, among other limitations not herein expressly enumerated, shall not be vested with power under this charter:

(a) To exercise any legislative function.

(b) To expend any sums of money, except in pursuance of appropriations or authorizations so to do made by the board of supervisors, or by this charter.

(c) To create or abolish any office or place of employment in the county service.

(d) To increase or decrease the salary or emoluments of any officer or employee.

(e) To sell or otherwise dispose of, lease or encumber, any real or personal property belonging to the county.

(f) To grant, cancel or revoke any franchise.

(g) To exercise any power, authority or control over the board of supervisors, or over any elective officer of the county, or over any appointive officer or board whose appointment is by the provisions of this charter vested in another than himself, except in cases where the power so to do is expressly conferred upon him by this charter, or by any subsequent amendment thereof, or by a grant of authority by legislative act on the part of the board of supervisors; provided, however, that the limitations in this section contained shall in no sense be construed as preventing or prohibiting the county executive from making timely recommendations to the board of supervisors, or to any elected or appointed officer or board, with respect to a more efficient or economical administration of affairs within the particular office or jurisdiction of such board or such officer; nor shall this section be construed as preventing or prohibiting the board of supervisors, in proper cases, from ratifying, approving, confirming or validating any action of the county executive, assumed by him as an emergency measure, if any such there ever should be.

Appointees.

Section 5. Qualifications of Appointees of County Executive. All appointments made by, or under the authority of, the county executive, shall be upon the basis of proven and established executive and administrative ability on the part of the appointee, and of training and experience in the work necessary to be performed by the appointee in the particular office to which he is to be appointed.

Article VI. County Officers Other Than Supervisors.

County officers other than supervisors.

Section 1. Creation of Offices, Boards and Commissions. All offices, boards and commissions designated in this article, excepting such thereof as are already created and established by the Constitution or by provisions of the general laws of this State, are hereby created and established, together with such other offices, boards and commissions as may hereafter be created and established by the board of supervisors, pursuant to the provisions of this charter.

Elective county officers.

Section 2. Elective County Officers. Elective county officers, other than members of the board of supervisors, shall be an assessor, a county clerk, a controller, a district attorney, a sheriff, and a superintendent of schools.

Appointive county officers.

Section 3. Appointive County Officers, Boards and Commissions. Appointive county officers, boards and commissions

shall be those enumerated in sections 4 and 5 of this article, and those provided for by general law, together with such other officers, boards and commissions as may hereafter be made appointive by the board of supervisors, pursuant to provisions of this charter.

Supervisorial appointments.

Section 4. Supervisorial Appointments. The board of supervisors shall, subject to the provisions of this charter, appoint an agricultural commissioner, a board of education, a board of law library trustees, the county executive, a librarian, a planning commission, and a sealer of weights and measures.

County executive appointments.

Section 5. County Executive Appointments. The county executive shall, subject to confirmation by the board of supervisors, appoint a building inspector, a board of health and welfare, a coroner, a director of health and welfare, an engineer, a license collector, a public administrator, a purchasing agent, a recorder, a recreation commission, a surveyor, a tax collector, and a treasurer. The tax collector shall be ex officio license collector. The offices of coroner and public administrator are hereby consolidated. The offices of surveyor and engineer are hereby consolidated, provided, however, that upon the termination of the present term of office of the surveyor, such office shall, ipso facto, become and be abolished, and the duties required by law to be performed by the surveyor shall thenceforth be performed by the engineer. The engineer shall be a licensed land surveyor and a registered civil engineer of the State of California, who shall have had, prior to his appointment, practical experience in road construction.

If the board of supervisors shall, within thirty days after submission by the county executive of a nominee for confirmation by said board, fail to take action upon same, said failure so to act shall be conclusively deemed to be, and shall operate as, a confirmation of said board.

Expiration of present terms of office.

Section 6. Expiration of Present Terms of Office. All county officers holding offices which were elective immediately prior to the time this charter takes effect shall continue to hold their respective offices until the expiration of their present terms, unless sooner removed in the manner provided by law. The terms of all other county officers shall expire upon the taking effect of this charter, provided, however, that each shall continue to hold office until his successor has been appointed and has qualified.

Tenure of office.

Section 7. Tenure of Office. Terms of all officers, boards and commissions, unless otherwise herein or by law provided, shall be four years. All officers, and members of boards and commissions first to be appointed under this charter, other than the county executive, shall hold office for a term to end at noon on the first Monday after the first day of January, 1935. Thereafter all officers, and members of boards and commissions, excepting the county executive and members of the board of supervisors, shall hold office for the term of four years, and until their successors shall have qualified, unless sooner removed in the manner provided by law; provided, however, that the members of all such boards and commissions whose

terms shall commence on the first Monday after the first day of January, 1935, as hereinbefore provided, shall, upon the organization of each such board and commission, proceed to classify themselves by lot so that a simple majority of the membership shall hold office for the term of two years only, and the remainder of said membership shall hold office for the full term of four years. Except where otherwise provided, every board and commission shall consist of five members.

Probation officer

Section 8. Probation Officer and Probation Commission. The manner and method of appointment and removal of the probation officer and the members of the probation commission shall be as is now or as hereafter may be provided by general law.

Vacancy in elective office

Section 9. Vacancy in Elective Office, How Filled. Whenever a vacancy shall occur in any elective county or township office, other than in the board of supervisors, the board of supervisors shall fill the same in the manner, and the appointee shall hold office for the time, provided by general law.

Vacancy in appointive office.

Section 10. Vacancy in Appointive Office. How Filled. Whenever a vacancy shall occur in any appointive county or township office such vacancy shall be filled, subject to the manner and method herein provided with respect to the original appointment, by the person, board or commission, as the case may be, empowered herein to make such original appointment.

Suspension and removal of officers

Section 11. Method of Suspension and Removal of Appointive Officers. Every appointive county officer sought to be removed by the board of supervisors shall, before his removal by said board, first be served with a written statement of alleged grounds for such removal, which said charges shall be filed with the clerk of the board of supervisors, and said officer shall be given a reasonable opportunity to be heard by said board by way of explanation or defense, at a public hearing noticed to be held by said board, said public hearing to be held within fifteen days from filing of said charges with said clerk. The board may, pending such hearing, suspend such officer, and if the charge against said officer should not be sustained by the board of supervisors within thirty days after the filing of such charge, the officer so suspended shall automatically be and become reinstated to office, and shall suffer no loss of compensation during the period of said suspension. A four-fifths vote of the board of supervisors shall be necessary to suspend or remove an appointive county officer.

Salaries of county officers.

Section 12. Salaries of County Officers. The annual compensation to be fixed by the board of supervisors, as herein provided, shall not be less than $6,000 for the county executive, nor less than $4,800 each for the district attorney and the director of health and welfare, nor less than $4,500 for the sheriff, nor less than $4,000 each for the assessor and the tax collector, nor less than $3,500 each for the clerk, the controller, the recorder, the superintendent of schools, the surveyor, and

the coroner and public administrator, nor less than $2,400 for the librarian. The salary of the county engineer is hereby fixed and set at the sum of $1,300 per annum, provided, that immediately upon the termination of the present term of office of the surveyor and the assumption of the powers and duties thereof by the county engineer, as hereinbefore provided, said county engineer's compensation shall be fixed and set by said board of supervisors at a sum not less than $4,800 per annum. All county officers who, immediately prior to the time this charter goes into effect are holding an elective offices, shall, during the remainder of their respective terms of office, have and receive the same salary and compensation to which they, severally, are now entitled to receive under provisions of general law, anything herein stated to the contrary notwithstanding. The salaries herein provided for shall be fixed annually by the board of supervisors.

Fees.

Section 13. Payment of Fees Into County Treasury. Every county officer, board or commission, authorized to collect fees or moneys must pay into the county treasury all such fees and moneys collected by him or them, as the case may be, not later than the next business day following their receipt. Said officer, board or commission shall also file therewith a detailed statement of same in writing, a duplicate copy of which shall at the same time be filed with the controller, in such form as the controller may require.

Article VII. Powers and Duties of Officers Other Than Supervisors.

General powers and duties

Section 1. General Powers and Duties. Each and all of the officers, boards and commissions created hereunder or by the constitution or general laws of this State, or hereafter created by the board of supervisors, shall have and exercise all the powers and shall perform all the duties vested in and delegated to them by the Constitution and general laws of the State of California, and by this charter.

Appointment and removal

Section 2 Appointment and Removal of Subordinates. Every appointive county officer, board or commission appointable by the county executive pursuant to the provisions of this charter, shall have power to appoint and remove, subject to the approval of the county executive, his or their deputies, clerks, attaches or employees. Every elective county or township officer shall have plenary power to appoint or remove his or their deputies, clerks, attaches or employees. Every appointive county officer, not appointable by the county executive hereunder shall, subject to the approval of the board of supervisors, have power to appoint or remove his or their deputies, clerks, attaches or employees.

District attorney.

Section 3. District Attorney. The district attorney shall advise the board of supervisors and all county, township and district officers in all matters and questions of law pertaining to their respective functions, powers and duties, and, subject to the provisions of the general law empowering the board of

supervisors to employ special counsel, shall have exclusive charge and control of all civil actions and proceedings in which the county, or any officer, board or commission of said county is a party, or is officially concerned or interested. He shall also act as attorney for the public administrator as to all estates in which such officer is personal representative, and the district attorney shall, in every such matter, collect the attorney's fees allowed therein by law and pay same into the county treasury. Nothing herein contained shall prevent the district attorney from engaging in private practice during the remainder of his present term of office, nor from completing all work undertaken in such private practice before the expiration of said term, nor from retaining for his own use all fees resulting from said work.

Engineer.

Section 4. Engineer. Upon the expiration of the present term of office of the incumbent county surveyor, and the abolishment of the office of county surveyor, as herein provided, the engineer shall have the powers and perform the duties of county surveyor. The county engineer, in addition to such other powers and duties as are herein vested in him, shall have and exercise the following powers and duties:

(a) To make all surveys, maps, plans, specifications and estimates necessary or required for the construction, improvement, maintenance and repair of the county roads, highways and bridges.

(b) To examine and inspect the work performed on such roads, highways and bridges, and report to the county executive and to the board of supervisors as to whether or not the work has been done in accordance with the plans and specifications and contracts therefor.

(c) To approve and certify to the progress, estimates and allowances for work performed under all contracts for the construction, improvement and maintenance or repair of county roads, highways and bridges.

(d) To inspect, or cause to be inspected, all county roads, highways and bridges within the county, and to keep such roads, highways and bridges clear of obstructions and in good repair; to employ all men, equipment and all help necessary therefor, when the same is not let by contract, and to report to the county executive and the board of supervisors with respect thereto; to certify to the correctness of all payrolls for work done by day labor or force account on county roads, highways and bridges

(e) To have control and management of all county rock quarries, oil pits, and depots, gravel pits and other materials, property, implements, instruments, tools, machinery and other appurtenances necessary for the construction, improvement, maintenance and repair of county roads, highways and bridges, and for the plans therefor.

(f) Subject to the approval of the county executive, to create and establish such road construction and maintenance stations as he may deem to be necessary or proper.

(g) By and with approval of the controller, to install such cost accounting system, not inconsistent with the laws of the State, covering unit costs of all work performed on county roads and highways, as may be necessary to accomplish the purposes set out in this article.

(h) To prepare annually in triplicate, a proper budget showing in detail the needs of the county for construction, improvement, maintenance or repair of county roads, highways and bridges for the ensuing year, and to submit one thereof to the controller, one thereof to the county executive, and one thereof to the board of supervisors at least sixty days prior to the date of the meeting at which the board of supervisors is required to fix the county tax rate.

(i) As a basis for the preparation of budget estimates and for the allocation of funds for roads and highways, he shall, under the direction of the county executive, classify, from time to time, all county roads and highways according to the amount of traffic each road bears as determined by periodic traffic counts

(j) To perform such other duties as may be required by law or this charter, or by ordinance of the board of supervisors.

Controller.

Section 5. Controller. The controller shall have and exercise all the powers, and shall perform all the duties, vested in and required of a county auditor to be performed by the Constitution and general laws and he shall have such additional powers and perform such additional duties as may be vested in him or by him required to be performed by this charter and by ordinance of the board of supervisors.

Purchasing agent

Section 6. Purchasing Agent. The purchasing agent, under such limitations and restrictions as are prescribed by law, shall have and exercise the following powers and duties additional to those which are conferred upon him by general law·

(a) By and with the approval of the county executive, to prescribe rules and regulations for procedure with respect to purchases of county materials and supplies.

(b) By and with the consent of the county executive, to enter into term contracts for the purchase of materials or supplies for the county, or any officer, board or commission thereof.

(c) If and when he becomes authorized by law so to do, to purchase all materials, supplies, furnishings, equipment and all other property necessary or proper for use by any school district within the county, or by any official or employee of any such school district.

(d) To standardize, so far as possible, all materials, supplies, equipment and other property required for the conduct and operation of all departments, offices, boards, courts, commissions and institutions of the county, and to maintain a continuous inventory

(e) By and with the consent of the county executive, and in accordance with such procedure as may be prescribed by

the board of supervisors, to sell all personal property which, in his judgment, is no longer suitable or necessary for county use; provided, that all such sales shall be reported to and ratified by the board of supervisors before becoming effective.

(f) To perform such other duties as may be lawfully prescribed or required by this charter or by ordinance, resolution or order of the board of supervisors.

It shall be the duty of the board of supervisors to pass and adopt such ordinances as may by law be necessary or proper in order to fully carry into effect the provisions of this section 6 of this article.

Recreation commission

Section 7. Recreation Commission. The members of the recreation commission shall serve without compensation. They shall have the administrative supervision over the operation of all parks, playgrounds, beaches and recreation grounds under the jurisdiction of the county, and shall act in an advisory capacity to the county executive in all matters concerning the construction and maintenance of the physical property under the jurisdiction of said commission. The commission shall have no power to lease or sell any land or parts of lands under its control, nor permit the building or maintenance or use of any structure on any land or beach, other than for recreational purposes, except when provided by ordinance of the board of supervisors; provided, however, that when certain parts of the county recreational area are constructed and maintained for athletic contests or exhibitions, or public use, the commission may charge an admission or use fee and establish the operation of such facilities on a self-supporting basis. Said commission shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be, vested in and conferred upon it by general law or ordinances of the board of supervisors.

Board of health and welfare.

Section 8. Board of Health and Welfare. The board of health and welfare shall consist of two physicians, a sanitary engineer, a layman, and, ex officio, the county superintendent of schools, all of whom shall be legal residents of the county and shall serve without compensation. The powers and duties of the members of said board shall be advisory only. They shall consider and report on problems and matters under the jurisdiction of the health, sanitary and social service of the county and advise and make recommendations to the county executive and to the director of health and welfare relative to the functions and affairs of the department. Said board shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be, vested in and conferred upon it by general law or ordinances of the board of supervisors.

Director of health and welfare

Section 9. Director of Health and Welfare. The county executive shall, in making the appointment of the director of health and welfare, consult the board of health and welfare in respect to the qualifications of the candidates for the office.

The director of health and welfare shall be a trained and experienced physician or doctor of public health. He shall devote his full time to his duties and shall have administrative supervision over the health, sanitary and social service of the county, and all hospitals and other health and welfare institutions for this service shall be under his direction. He shall, ex officio, act as county health officer, and as such, shall have power to appoint, suspend or remove the superintendent of the community hospital and the superintendent of social service, which offices are hereby created, and the appointees to said offices, as a qualification for such appointment, shall have had training and experience for their respective positions. As health officer he shall be in charge of field nurses, vital statistics, meat and milk inspection, health and dental clinics, and laboratories. He shall have immediate supervision of the work of all health, sanitation and social service agencies which the county may establish hereafter or undertake for any municipality within the county, whether by contract or consolidation, and of any sanitary or mosquito abatement function which the county may assume at the request of existing districts, or by law. He shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be, vested in and conferred upon him by general law or ordinances of the board of supervisors.

Superintendent of social service.

Section 10. Superintendent of Social Service. The superintendent of social service shall have administrative supervision of the Relief Home, the Juvenile Home, and the relief of the indigent, of the blind, of the aged, and of dependent children. He shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be, vested in and conferred upon him by general law or ordinances of the board of supervisors.

Planning commission.

Section 11. Planning Commission. The county planning commission and its employees shall be appointed as provided by general law. This commission shall have all the powers and duties provided by general law and by this charter and by ordinance of the board of supervisors.

(a) The county planning commission shall prepare a master plan which shall include all subject matter relating to the physical form and development and to the appearance of the county. Upon the adoption of the master plan or any part or section thereof by the board of supervisors, the recommendations of said master plan or part of section thereof shall be deemed to be the policy of the county, and it shall thereupon be the duty of the board of supervisors, upon recommendation of the planning commission, to determine the means of effectuating said recommendations. The manner and extent of land used shall, in so far as it is possible, be so regulated that the master plan will serve as a pattern and guide for the physical growth and development of the county. The board of supervisors shall establish a land acquisition fund

which shall be used solely for the purchase of land, rights of way, easement and rights in land, as recommended by the master plan.

(b) The board of supervisors shall make such appropriations as may be necessary for the lawful expenses of the county planning commission; provided, that the appropriations for any one fiscal year shall not exceed an amount equivalent to that which would be derived from a tax rate of two cents on each one hundred dollars of assessed valuation.

(c) For the accomplishment of the foregoing purposes, the board of supervisors may, upon recommendation of the county planning commission, adopt by ordinance, procedure covering any of the foregoing, and may use such procedure and/or any procedure specified by law.

Said commission shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be vested in and conferred upon it by general law or ordinances of the board of supervisors.

Article VIII. Township Officers.

Township officers

Section 1. Judicial Townships and Justices of the Peace. The county shall be divided into five judicial townships, which shall be identical with the existing supervisorial districts. Each such township shall have one justice of the peace, who shall be elected in the manner provided by general law for a term of four years and shall hold office until his successor is elected and qualified. Each justice of the peace shall devote his entire time to the duties of his office, if and when required by ordinance of the board of supervisors.

Constables

Section 2. Constables. At least one constable for duty with each of the justices' courts shall be appointed and may be removed by the sheriff and shall be ex officio a deputy sheriff and act under the direction and supervision of the sheriff. Each constable shall devote his entire time to the duties of his office, must serve process within the judicial district of the justice's court to which he is assigned by the sheriff, or elsewhere in the county when so directed, and shall perform all the duties required of him by general law.

Compensation.

Section 3. Compensation of Justices of the Peace and Constables. The compensation of justices of the peace and of constables shall be fixed by the board of supervisors and must be salaries only and in such amounts as may be commensurate with their respective duties. Such salaries need not be uniform in amount for the several townships nor proprotionate to population therein. Their duties and qualifications shall be such as now are, or may hereafter be prescribed by law.

Fees.

Section 4. Fees. Not later than the fifth day of each month each justice of the peace and each constable shall pay into the county treasury all fees collected, and shall file with the treasurer a detailed written statement of the same, and a

duplicate thereof with the controller. The fees hereby required to be paid into the treasury by each constable shall include all fees charged and collected by him for the service of any writ or process of any court, or for any service rendered by him, or for any such service which he has power or which it is his duty to render, in his official capacity, or as a private citizen. Every constable shall keep a book in which he shall record all such fees charged and collected by him, and likewise, a record of his payments into the county treasury, as herein provided.

Inferior courts.

Section 5. Establishment of Other Inferior Judiciary Systems by State Law. If the Legislature of this State shall establish some other system of inferior courts for counties, then the board of supervisors may discontinue the offices of justices of the peace and constables, if such discontinuance be allowed by law, and shall provide for such inferior judicial officers as may be required by such other system.

Article IX. Roads and Highways.

Roads and highways.

Section 1. Consolidation of Existing Road Districts. All existing road districts in the county are hereby consolidated into a single road district, which shall comprise all of the territory lying within the county.

Section 2. County Engineer to be ex officio road commissioner. The county engineer shall be, ex officio, road commissioner of the existing road districts of the county, and of the consolidated road district in section 1 of this article provided.

Powers and duties of county engineer.

Section 3. Powers and Duties of County Engineer, as ex officio Road Commissioner. The county engineer, as ex officio road commissioner shall have and exercise the powers and perform the duties vested in road commissioners in pursuance of the provisions of the general law, and such other powers and duties as may be vested in him in pursuance to the provisions of this charter. He shall also make and keep on file a road mileage record and keep same to date, showing each road in the county upon which county funds are expended. He shall keep accounts of all work done on construction of new roads, reconstruction of old roads, and of maintenance of all county roads and highways, all on a unit basis of per mile costs.

Claims for road work

Section 4. Engineer to Approve Claims for Road Work. No claims against the county for work done on its roads, highways, streets, bridges, aqueducts, or in connection with the same, or for materials, supplies, implements or machinery used for or in connection therewith, shall be passed by the board of supervisors, or paid for by the treasurer of the county, unless there shall be endorsed thereon the written approval of the engineer and the county executive.

Special proceedings

Section 5. Duties With Respect to Work Performed Under Special Proceedings. In case an issue of bonds be voted by the county or by any road district established according to

law for the construction or improvement of any roads of the county, or by the county or any district for reclamation, flood control, irrigation, harbor, water, sanitation, or any other purposes, or the assumption by the board of supervisors as provided in this charter of any existing district or function, the engineer shall prepare all the necessary plans and specifications for the work, and shall have charge of the construction, maintenance and repair of the same.

Ordinances. Section 6. Duty of Board of Supervisors to Adopt Ordinances. It shall be the duty of the board of supervisors, immediately after this charter shall have become effective, to pass and adopt such ordinances as may by law be necessary or proper to fully carry into effect the provisions of section 1 and section 2 of this article.

Special districts. Section 7. Special Districts. Before the board of supervisors shall create or form any special district it shall submit all petitions for the creation thereof to the county executive, county engineer and district attorney for their advice, counsel, recommendations and suggestions.

Article X. Fiscal Procedure.

Budget Section 1. Budget Procedure. The board of supervisors shall cause to be prepared and shall have prepared the budget estimates of all offices, departments, institutions, boards and commissions, who, according to general law, must report to the board of supervisors in the manner and method as provided by general law, and said board of supervisors shall hold such public hearings and adopt said budget in the manner provided by general law; provided, however, that said board of supervisors shall hold a separate public hearing on the salary budget, a separate public hearing on capital outlay and maintenance budget, and shall then hold its combined budget hearing in accordance with the general law. Said board of supervisors shall, by ordinance, provide for a separate hearing on salary budget and a separate hearing on the budget for capital outlay and maintenance.

Salary resolution. Section 2. Salary Resolution. At least thirty days prior to presentation of salary budget to the board of supervisors, the controller shall prepare a salary resolution providing for such salaries as the board of supervisors are required by law or this charter to fix each year. All such salaries shall be fixed by said board of supervisors before the beginning of the ensuing fiscal year.

Budget examination by county executive Section 3. Budget Examination by County Executive. All offices, departments, boards, commissions and institutions shall, twenty days prior to the time that they are required by law to submit their budget estimates to the controller, submit their budget estimates to the county executive for advice, counsel and suggestions. The board of supervisors upon receiving the county budget so submitted by the county controller shall immediately refer the budget to the county executive for his advice, counsel and criticism before said

board of supervisors shall hold any public hearings or take any official action thereof.

County executive to approve claims.

Section 4. County Executive to Approve Claims. No claim or demand against the county shall be passed upon or allowed by the board of supervisors unless the same shall have been presented to the county executive for his approval or rejection.

Controller to prescribe forms

Section 5. Controller to Prescribe Forms. The controller shall prescribe forms of accounts and other records, wherever legally possible, which shall be used by all officers of the county who receive and disburse county funds. He shall require monthly reports of all fiscal transactions of each county officer and may, at any time, make or cause an audit to be made of the accounts of any county officer.

Emergency appropriations

Section 6. Emergency Appropriation. The board of supervisors shall by four-fifths vote have the power by ordinance to pass emergency appropriations in accordance with general law, stating therein the nature of the emergency and the source of the funds to be used therefor.

Article XI. Labor.

Labor

Section 1. Labor. The general labor laws of the State of California shall be complied with in all public contracts and shall become a part thereof.

No discrimination in employment

Section 2. No Discrimination in Employment. In the employment of persons in the service of the county, where sex does not actually disqualify and where the quality and quantity of service are equal, there shall be no discrimination in selection or compensation on account of sex.

Salaries and wages

Section 3. Salaries and Wages. In fixing compensation to be paid on the recommendation of the controller and the county executive to employees of the county, the board of supervisors shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality and quantity of service rendered to private persons, firms or corporations under similar employment, in case such prevailing salary or wage and working conditions can be ascertained. Preference in employment shall be given to residents of San Mateo County, except that the county shall have the power to employ trained and experienced specialists who are not such residents, for consultation purposes, and fix their duties and compensation.

Vacations

Section 4. Vacations. Every person, except per diem employees, who shall have been in the service of the county continuously for one year shall be allowed an annual vacation of two weeks on full pay. Such vacation shall be arranged by schedule established by the county executive or the head of a department not under his control.

Article XII. Election, Initiative, Referendum and Recall.

Nomination and election

Section 1. Nomination and Election. Excepting where otherwise herein provided, all elective county and township

officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law, for the nomination and election of such officers.

Initiative and referendum

Section 2. Initiative and Referendum. All provisions of law relative to the initiative may be invoked by the electors of this county, and all ordinances which may be passed by the board of supervisors, shall be subject to referendum whenever the use of the initiative or referendum is permitted by law.

Recall.

Section 3. Recall. The holder of any elective county or township office may be recalled, in the manner provided by law, by the electors, at any time he has held office six months.

Article XIII. Miscellaneous.

Change in compensation.

Section 1. Change in Compensation of County Officer. The compensation of any elective county or township officer shall not be increased nor diminished during the term for which he was elected, nor within ninety days preceding his election.

Traveling expenses.

Section 2. Traveling Expenses. Whenever any person in the service of the county is compelled to travel in the performance of his duty, he shall, in addition to his regular compensation, be reimbursed for his actual and necessary expenditures for transportation, lodging and meals. An itemized account of such expenditures shall be filed with and approved by the controller before payment. The board of supervisors shall fix a maximum price to be paid for such travel, lodging and meals, which shall be applicable to all such persons alike, including members of said board of supervisors, and said allowance for mileage will be made for all county or township officers, whose traveling is authorized by the board of supervisors, at a rate not to exceed ten cents per mile.

Ineligibility to hold office.

Section 3. Ineligibility to Hold Office. No attorney, agent or employee of any firm, association or corporation doing business under or by virtue of any franchise granted by or contract made with the county, or financially interested in any such franchise or contract, shall be eligible to hold any appointive compensated county office.

Relatives to the third degree, whether by blood or marriage, of an officer making an appointment pursuant to the provisions of this charter, shall be ineligible to hold an appointive office. This provision shall not be retroactive.

Services to be full time.

Section 4. Attention to Duties. Except as otherwise herein provided, elective and appointive officers and their deputies, serving with compensation, shall not engage in any private practice or business during regular business hours required for the performance of their duties, and they shall during such hours devote all their time and attention to the duties of their respective offices, unless in this charter otherwise provided. The provision of this section shall not, however, apply to members of the board of supervisors.

Section 5. Compensation in Full for Services. The compensation provided to be paid to all elective and appointive

county and township officers, boards and commissions shall, when so paid, be in full for all services rendered.

Political activity.

Section 6. Political Activity. Appointive officers or employees serving with compensation under this charter are prohibited from engaging in any political activity for, or contributing or soliciting funds or support for or in behalf of, any elective officer provided herein, or for any candidate for such elective office. Such activity shall constitute a just cause for removal by the county executive and the board of supervisors.

Non-interference with county executive.

Section 7. Non-Interference With County Executive. No member or members of the board of supervisors shall directly or indirectly coerce or attempt to coerce the county executive or any other county officer appointed or confirmed by the board, in the performance of the duties of his office, or attempt to exact any promises from any candidate for any such office, relative to any appointment or removal of any county officer or employee. Except for the purpose of obtaining information, the board of supervisors and its members shall deal solely and directly through the county executive with respect to the part of the county government under his direction.

Preference to San Mateo County products

Section 8. Preference to San Mateo County Products. In the purchase of property by the county of San Mateo, price and quality being equal, preference shall be given to San Mateo county products.

Residential requirements

Section 9. Residential Requirements. All officers, deputies, clerks, attaches, employees and members of boards and commissions, must, when in the employ of the county, reside in the county of San Mateo during such service, except as herein otherwise provided.

Construction of charter

Section 10. Liberal Construction. If any section, subsection, sentence, clause or phrase of this charter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this charter, it being hereby expressly declared that this charter, and each section, subsection, sentence, clause and phrase thereof would have been prepared and proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Captions to articles and sections

Section 11. Captions to Articles and Sections. Such headings or captions as precede the respective articles and sections of this charter are inserted therein for convenience only, and shall be disregarded in construing said charter or any part or portion thereof.

Ordinances.

Section 12. Ordinances. All ordinances of the board of supervisors, unless expressly repealed by this charter shall continue in full force and effect until amended or repealed.

Amendments.

Section 13. Amendments. This charter may be amended at any time in accordance with the provisions of section 7½ of Article XI of the Constitution of the State of California.

Effective date of charter

Section 14. Effective Date of Charter. This charter shall take effect for the purpose of selecting a county executive upon its approval by the Legislature and for all other purposes on July 1, 1933.

State of California }
County of San Mateo } ss.

I, E. B. Hinman, county clerk of the county of San Mateo, State of California, do hereby certify as follows:

That said county of San Mateo has not been at any time herein mentioned and is not now consolidated with any city;

That the board of supervisors of said county of San Mateo did, on the seventh day of March, 1932, by a vote of three-fifths of all the members of said board, adopt an ordinance, by the terms of which it was declared that the public interest required the election of a board of fifteen (15) freeholders under the provisions of section 7½ of Article XI of the Constitution of the State of California for the purpose of preparing and proposing a charter for said county;

That on the fifteenth day of March, 1932, the board of supervisors of said county of San Mateo did adopt an ordinance providing for the election of said board of fifteen (15) freeholders at a special election to be held in the said county not less than twenty (20) days nor more than sixty (60) days after the adoption of the ordinance aforesaid, to wit, on the third day of May, 1932, and which ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein and the names of the election officers for each such precinct, and which ordinance, prior to said election, was published five (5) times in the Redwood City Tribune and Redwood City Standard a daily newspaper printed, published and circulated in said county of San Mateo;

That candidates for election as members of said board of freeholders were nominated by petition, in the manner provided by general law for the nomination by petition of electors, of candidates for county offices to be voted for at general elections;

That on the third day of May, 1932, a special election was held in said county of San Mateo for the purpose of electing such board of fifteen (15) freeholders;

That on the twelfth day of May, 1932, the result of said special election held on said third day of May, 1932, for the purpose of electing said board of fifteen (15) freeholders was declared by said board of supervisors of said county of San Mateo and said board of fifteen (15) duly qualified freeholders, consisting of the following named persons, was therein declared to be elected, to wit: James B. Howell, William H. Eddy, T. Louis C. Chess, Edward Brady, David R. Campbell, Mona L. Christensen, Charles J. Eldridge, Carl W. Elfving, Henry C. Hall, Alvin S. Hatch, Jacob E. McCurdy, William

Henry Murphy, John C. Nowell, Mark E. Ryan and Samuel H. Winklebleck;

That within one hundred and twenty (120) days from the said twelfth day of May, 1932, to wit, on the second day of September, 1932, the said board of fifteen (15) freeholders did complete the preparation of and did propose a charter for the said county of San Mateo and did sign the same in duplicate by all the members of said board of fifteen (15) freeholders and did, on the third day of September, 1932, file one copy of the same in the office of the county clerk of said county and the other copy of same in the office of the county recorder thereof; Effective date.

That said board of fifteen (15) freeholders did, in preparing and proposing said charter, also prepare and propose, for the choice of the electors, an alternative article to said charter, to be known and designated as Article II thereof, and to become and be a part and portion of said charter, in the place of Article II therein contained, in the event of the ratification of said charter and the adoption by the electors of said county of San Mateo of said alternative article, which alternative article was signed, in duplicate, by all the members of said board of fifteen (15) freeholders and one signed copy thereof was filed in connection with the said proposed charter in the office of said County Clerk on the said third day of September, 1932, and one signed copy thereof was filed in connection with the said proposed charter in the office of said County Recorder, on the said third day of September, 1932, which said alternative article reads as follows:

"Article II. Manner of Election of Members of Board of Supervisors.

Section 1. Manner of Election. Supervisors shall be nominated and elected at the times and for the terms provided by general law, and each supervisor shall be nominated and elected by the electors of the county at large."

That commencing within fifteen (15) days after the third day of September, 1932, to wit, commencing on the sixteenth day of September, 1932, and ending on the twenty-eighth day of September, 1932, the board of supervisors of said county of San Mateo caused said proposed charter and said alternative Article II to be published for at least ten (10) times in the San Mateo Times and Daily News-Leader, a daily newspaper of general circulation, printed, published and circulated in said county;

That not less than thirty (30) days nor more than sixty (60) days after the said twenty-eighth day of September, 1932, to wit, on the eighth day of November, 1932, a general election did occur and was held in the State of California and in said county of San Mateo;

That the board of supervisors of said county of San Mateo did, on the third day of October, 1932, adopt an ordinance by which said proposed charter and said alternative Article II

Effective date

were submitted to the qualified electors of the said county at the general election to be held on the eighth day of November, 1932;

That said proposed charter and said alternative Article II were submitted to the qualified electors of said county of San Mateo at a general election held in said county of San Mateo on the eighth day of November, 1932;

That at said general election, a majority of the qualified electors of said county of San Mateo voting thereon did vote in favor of and duly ratify said proposed charter;

That at said general election, a majority of the qualified electors of said county of San Mateo voting thereon did vote in favor of and duly ratify said alternative Article II;

That the board of supervisors of said county of San Mateo, after canvassing the returns of the said election, duly found and declared that the majority of said qualified electors voting theron at said general election, had voted in favor of and ratified said proposed charter and also said alternative Article II;

I further hereby certify that the foregoing is a full, true and correct copy of the charter of the county of San Mateo, as ratified by the qualified electors of said county on the eighth day of November, 1932, and is a full, true and correct copy of the charter filed in my office on the third day of September, 1932, with said alternative Article II inserted in place of Article II appearing in the said form of charter prepared and proposed by said board of fifteen (15) freeholders, the certificate of said freeholders having been omitted from said copy.

In witness whereof I have hereunto set my hand and affixed my official seal, this nineteenth day of January, 1933.

[SEAL] E. B. HINMAN,
County Clerk of the County of San Mateo and ex officio Clerk of the Board of Supervisors of said County.

State of California, } ss.
County of San Mateo }

I, T. C. Rice, county recorder of the county of San Mateo, do hereby certify as follows:

That one signed copy of the charter, prepared and proposed by a duly qualified board of fifteen (15) freeholders duly elected on the third day of May, 1932, for the purpose of preparing and proposing a charter for the county of San Mateo, was filed in my office on the third day of September, 1932, said proposed charter having been duly signed by all the members of said board of freeholders; that said board of fifteen (15) freeholders did, in preparing and proposing said charter, also prepare and propose, for the choice of the electors of said county of San Mateo, an alternative article to said charter, to be known and designated as Article II thereof, and to become and be a part and portion of said charter, in the place of Article II therein contained, when

said charter was proposed, in the event of the ratification of said charter by the electors of said county, and the adoption of said alternative article, which alternative article was signed, in duplicate, by all the members of said board of fifteen (15) freeholders, and one signed copy thereof was filed in connection with said proposed charter in the office of said county recorder on the third day of September, 1932, which said alternative Article II reads as follows:

"Article II. Manner of Election of Members of Board of Supervisors.

Section 1. Manner of Election. Supervisors shall be nominated and elected at the times and for the terms provided by general law, and each supervisor shall be nominated and elected by the electors of the county at large."

I further hereby certify that the foregoing is a full, true and correct copy of said charter, prepared and proposed, as aforesaid, but containing said alternative Article II, inserted in place of Article II appearing in the form of charter so prepared and proposed and filed by said board of fifteen (15) freeholders, to wit: the charter as ratified by the qualified electors of said county of San Mateo on the eighth day of November, 1932, the certificate of said freeholders having been omitted from said copy.

In witness whereof, I have hereunto set my hand and affixed my official seal this nineteenth day of January, 1933.

[SEAL] T. C. RICE,
County Recorder of the County of
San Mateo, State of California.

WHEREAS, Said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or ratification without power of alteration or amendment, and in accordance with section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That the proposed charter of the county of San Mateo, with said alternative Article II inserted therein, as the same appears immediately hereinabove, as presented, and as submitted to and adopted and ratified by the qualified electors of said county, be, and the same is hereby approved as a whole for and as the charter of said county of San Mateo.

CHAPTER 36.

Senate Concurrent Resolution No. 16—Resolved, by the Senate of the State of California, the Assembly concurring, That the following be, and the same are hereby adopted as the Joint Rules of the Senate and Assembly of the State of California for the fiftieth session of the Legislature.

[Filed with Secretary of State January 28, 1933.]

JOINT RULES OF SENATE AND ASSEMBLY.

Joint rules of Senate and Assembly.

COMMITTEES AND COMMITTEE MEETINGS.

STANDING COMMITTEES.

Standing committees

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the number of members and the manner of selection to be determined by the rules of each house:

(1) Agriculture.
(2) Banking.
(3) Building and Loan Associations.
(4) Commerce and Navigation.
(5) Conservation.
(6) Constitutional Amendments.
(7) County Government.
(8) Drainage, Swamp and Overflowed Lands.
(9) Education.
(10) Elections.
(11) Federal Relations.
(12) Finance in the Senate and Ways and Means in the Assembly.
(13) Fish and Game.
(14) Hospitals and Asylums.
(15) Insurance.
(16) Irrigation.
(17) Judiciary.
(18) Labor and Capital.
(19) Military Affairs.
(20) Mines and Mining.
(21) Municipal Corporations.
(22) Oil Industries.
(23) Prisons and Reformatories.
(24) Public Health and Quarantine
(25) Public Utilties.
(26) Revenue and Taxation.
(27) Roads and Highways.
(28) Rules.

JOINT COMMITTEE.

2. (1) A joint standing Committee on Joint Rules of Senate and Assembly shall be appointed to consist of the members of the rules Committee of each House. Joint committee.

JOINT MEETING OF COMMITTEES.

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill. Joint meeting of committees.

BILLS AND RESOLUTIONS.

SCOPE OF WORD "BILL."

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions. "Bill"

JOINT AND CONCURRENT RESOLUTIONS.

5. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions. Resolutions.

RESOLUTIONS TREATED AS BILLS.

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each House and that they shall not be deemed bills within the meaning of section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the House in which they originate before being voted upon. Resolutions treated as bills.

PREPARATION AND INTRODUCTION OF BILLS.

TITLE OF BILL.

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient. Title of bill

DIVISION OF BILL INTO SECTIONS

Division of bill into sections

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

RESTRICTIONS AS TO AMENDMENTS.

Restrictions as to amendments.

9. A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration. It shall be the duty of the Legislative Counsel to note all bills upon the third reading files of the Senate and Assembly to determine whether or not such bills have been amended, and if so, whether or not a bill which has been amended affects the same subject matter as that expressed in the title of the original bill. In the event that it does not, he shall immediately notify the Secretary of the Senate in writing if the bill be upon the third reading file of the Senate, or the Chief Clerk of the Assembly if the bill be upon the third reading file of the Assembly, and shall state wherein this rule has been violated.

CHANGES IN EXISTING LAW TO BE MARKED BY AUTHOR.

Changes in existing law to be marked

10. In case of a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall have a single horizontal line through the center. When printed the new matter shall be printed in italics and the matter to be omitted shall be printed in canceled or "strikeout" type

ENDORSEMENT OF DATE OF INTRODUCTION.

Date of introduction

11. Bills introduced in either house shall be endorsed with the date of introduction.

PRINTING AND DISTRIBUTION OF BILLS.

MANNER OF PRINTING BILLS, ETC.

Manner of printing bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; provided, however, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

Printing of amendments.

13. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in type bearing a horizontal line through the center and commonly known as "strikeout" type. When a bill is amended in either house, the first or previous markings shall be omitted. When a bill amendatory of a code section or general law is engrossed, all figures or symbols shall be removed.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

Distribution of bills during constitutional recess.

14. All requests for mailing or distribution of bills, resolutions, histories, etc., shall be filed with the Secretary of the Senate or Chief Clerk of the Assembly, who shall compile the same with the elimination of duplication as a general mailing list. Each member of the Senate and Assembly shall be permitted to submit a list of ten libraries, chambers of commerce or individuals who shall be placed upon such general mailing list. The Secretary of the Senate and Chief Clerk of the Assembly shall order sufficient number of bills, constitutional amendments, joint and concurrent resolutions, histories, etc., to supply this list, together with such number as may be necessary to supply members and legislative officers, accredited newspaper representatives, law libraries, and State officers, together with such requests for individual bills as may be filed with either of the houses of the Legislature or the Legislative Bill Room. It shall be the duty of the Secretary of the Senate or the Chief Clerk of the Assembly, when it shall appear that there is an insufficient number of any particular legislative publication on hand to supply public demand, to immediately order a reprint of such publication in a number sufficient to meet such demand as may reasonably be anticipated. Except as hereinabove provided, no complete list of bills, resolutions, etc., shall be delivered to any individual except upon payment therefore of the sum of $35.00, which amount shall be paid to the State Printer, credited to legislative printing, and accounted for to the Legislature. Except in the event of unusual demand, as hereinabove provided for, the total number of each bill, constitutional amendment, joint or concurrent resolution to be printed, shall be not more than 2,500.

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

Distribution of bills after constitutional recess

15. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly Histories and Journals shall be distributed generally, following the recess, upon such schedule as the Secretary of the Senate and Chief Clerk of the Assembly may designate.

OTHER LEGISLATIVE PRINTING.

PRINTING OF THE DAILY JOURNAL.

Printing of the daily Journal.

16. The State Printer shall print one thousand copies of the Journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the Secretary of the Senate and Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature as required by law.

WHAT SHALL BE PRINTED IN THE JOURNAL.

Contents of Journal.

17. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; provided, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the Journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

Printing of the daily file

18. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

PRINTING OF HISTORY.

Printing of History.

19. Each house shall cause to be printed on Monday of each week, during the session, a complete History of all bills, joint or concurrent resolutions and constitutional amendments originating in or acted upon by the respective houses.

Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the History shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

Printing orders.

20. The Superintendent of State Printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

Record of Bills.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

Secretary and Chief Clerk to keep register

21. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution or constitutional amendment.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

Bills endorsed.

22. The secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

Action in One House on Bill Transmitted From the Other.

BILLS READ AND REFERRED TO COMMITTEE.

Bills read and referred to committee.

23. When a Senate bill has been received by the Assembly or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or the Chief Clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

Bill passed by Senate or Assembly.

24. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assemby by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular

order of business ("Senate messages" or "Assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith and the chairman of each committee is charged with observance of this rule.

SPECIAL FILE.

Special file.

25. On the second day after the close of the recess provided for in section 2 Article IV of the Constitution, the Senate and Assembly shall each adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p.m. of each day in the Assembly and at two o'clock and thirty minutes p.m. of each day in the Senate and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION ON BILL.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

Reports from one house to the other

26. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

27. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

28. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC., TO DISPATCH MESSAGES.

29. Messages shall be sent to the other house by an officer or attache to be designated by the Secretary, if it be a Senate message, or by the Chief Clerk, if it be an Assembly message.

MESSAGES TO BE DELIVERED TO SECRETARY, CHIEF CLERK, ETC.

30. When a message shall be sent from either house to the other, it shall be delivered to the Secretary of the Senate or

one of his assistants, if it be directed to the Senate, or the Chief Clerk of the Assembly, or one of his assistants, if it be directed to the Assembly, and a receipt taken from the officer to whom such message is delivered.

PASSAGE AND ENROLLING OF BILLS.

PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

Bills taking effect immediately.

31. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, Article IV of the Constitution.

PASSAGE OF URGENCY PROVISIONS IN BILLS.

Urgency provisions in bills.

32. Upon the third reading of an act which is an urgency measure within the meaning of section 1, Article IV of the State Constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section, setting forth the urgency features of this bill, be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

Passage of bills preceding final adjournment

33. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

ENROLLMENT OF BILL AFTER PASSAGE.

Enrollment of bills.

34. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses. It shall then receive the signatures provided for in joint rule 37, and be presented to the Governor of the State.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR

Enrolling committee to present bills to Governor

35. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the Governor of the State for his approval (it being first indorsed by the presiding offi-

cers of the two houses, and by the Secretary of the Senate and the Chief Clerk of the Assembly). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

AMENDMENTS AND CONFERENCES.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Amendments to amended bills

36. Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, it shall immediately be reprinted as amended by the House making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly, as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the House in which such bill originated.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

To concur or refuse to concur in amendments.

37. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the House making the amendments and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

When Senate or Assembly refuse to concur.

38. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or the Chief Clerk shall notify the House making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other House of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each House shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each House of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on

the free conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the Committee from the House, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Free Conference shall report to both the Senate and Assembly.

COMMITTEE ON FREE CONFERENCE.

Committee on Free Conference.

39. In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

REPORT OF COMMITTEE ON FREE CONFERENCE.

Report

40. The report of the Committee on Free Conference shall not be subject to amendment, and if either House refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

41. The presentation of the report of a Committee on Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS.

Committee on joint rules.

42. The Committee on Joint Rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the Legislature.

PRESS RULES.

Press rules.

43. A person desiring recognition by the Senate or Assembly as a newspaper correspondent shall make application in writing to the President of the Senate or Speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any

person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the State government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the President of the Senate and the Speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the Superintendent of the Capitol Building and Grounds; provided, that all rules and regulations shall be approved by the President of the Senate and Speaker of the Assembly.

ADJOURNMENT.

Adjournment.

44. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; and the resolution for adjournment sine die shall be passed by both houses at least fourteen days before the date of such adjournment.

JOINT ADDRESS TO GOVERNOR.

Joint address to Governor.

45. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the Assembly and a select committee of six members from each house appointed by the respective presiding officers.

DISPENSING WITH JOINT RULES.

Dispensing with joint rules

46. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules 27 and 35 can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violations shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the Secretary or the Chief Clerk to mark the section or sections in conflict with the rules as nonconcurred in or negatived.

CHAPTER 37.

Assembly Concurrent Resolution No. 33—Approving certain amendments to the charter of the city of Burbank, a municipal corporation, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1932.

[Filed with Secretary of State January 28, 1933.]

City of Burbank. Charter amendments.

WHEREAS, Proceedings have been had and taken for the adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Burbank, a municipal corporation, in the county of Los Angeles, State of California: and,

WHEREAS, The city of Burbank, in the county of Los Angeles, State of California, contains a population of more than 3,500 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, and has been ever since the year 1927 and is now organized and acting under a freeholders charter adopted under and by virtue of section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourth day of January, 1927, and approved by the Legislature of the State of California on the thirteenth day of January, 1927; and,

WHEREAS, The legislative body of said city, namely, the council of said city, did pursuant to section 8, Article XI of the Constitution of the State of California, by resolution adopted the twenty-seventh day of September, 1932, duly propose to the qualified electors of said city of Burbank three amendments to the charter of said city designated as proposed charter amendments numbers 1, 2 and 3, which appeared on the ballot as numbers 1A, 2A and 3A, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the eighth day of November, 1932, which date was fixed in said resolution as the date for holding said special municipal election; and,

WHEREAS, Said proposed charter amendments numbered 1, 2 and 3, which appeared on the ballot as numbers 1A, 2A and 3A were and each of them was thereafter and on the twenty-seventh day of September, 1932, duly published in the Burbank Review, a daily newspaper of general circulation in the said city of Burbank and the newspaper designated by the said council for that purpose; and said three proposed charter amendments were printed in convenient pamphlet form, and from September 28, 1932, to November 7, 1932, both inclusive, a notice was published in said Burbank Review that said copies could be had upon application therefor at the office of the city clerk of said city; and,

WHEREAS, The said council of said city did, by ordinance designated as Ordinance No. 504, which was duly adopted on the twenty-seventh day of September, 1932, order the holding of a special municipal election in the city of Burbank on the eighth day of November, 1932, which said date was not less than forty days and not more than sixty days after the completion of the publication of said three proposed amendments, aforesaid; and that in accordance with the instructions of the said city council the city clerk of the said city of Burbank did publish in said Burbank Review a notice of election which notice of election was published once prior to the time for the holding of said election, to wit, on the eighteenth day of October, 1932, pursuant to the provisions of the charter of the city of Burbank; and that said council of said city did by said ordinance No. 504 order said special municipal election consolidated with the general State election to be held in said city on the eighth day of November, 1932; and,

WHEREAS, Said special municipal election was held in said city of Burbank on the eighth day of November, 1932, which day was not less than forty days and not more than sixty days after the said three proposed amendments to said charter had been published once in the said Burbank Review, which said election was held during the six months next preceding a regular session of the Legislature of the State of California; and,

WHEREAS, The board of supervisors of said county of Los Angeles did in the manner provided by law duly and regularly canvass the returns of said election and did, on the thirtieth day of November, 1932, duly certify to the council of the said city of Burbank the result of the canvass of the returns of said special municipal election; and, the council of said city did by resolution adopted on the twenty-third day of December, 1932, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and,

WHEREAS, At said special municipal election held on the said eighth day of November, 1932, two of said proposed charter amendments were ratified by a majority of electors of said city voting thereon, to wit, charter amendments numbered 2 and 3, which appeared on the ballot as charter amendments numbered 2A and 3A, and that the other amendment received less than a majority of the votes of the qualified electors voting thereon and was not ratified; and,

WHEREAS, The said two charter amendments so ratified by the electors of the city of Burbank are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section 8 of Article eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

Library department.

"2A Charter Amendment No. 2: Shall section 34 of said charter be amended by substituting the following paragraph,

to wit: 'For the financial support of the Library Department there may be appropriated, at the discretion of the City Council, an annual sum of not more than seven-tenths of one mill of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Library from fines, sales, gifts or otherwise in connection with the operation of the Library, shall be placed to the credit of the Library Board in a fund to be known as the Library Fund. No money in the Library Fund shall be used for any purpose other than the financial support of the Library Board,' in the place and stead of the following paragraph, to wit: 'For the financial support of the Library Department there is hereby appropriated an annual sum of not less than seven-tenths of one mill of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Library from fines, sales, gifts or otherwise in connection with the operation of the Library, shall be placed to the credit of the Library Board in a fund to be known as the Library Fund. No money in the Library Fund shall be used for any purpose other than the financial support of the Library board'?"

"3A Charter Amendment No. 3: Shall section 55 of said charter be amended by substituting the following paragraph, to wit: "Section 55: No member of the Council, nor paid employee of the City, shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party. No city official shall vote on or participate in any contract or transaction in which he is, directly or indirectly, financially, interested. No city official shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a party and which comes before said official, or the department of the government with which he is connected, for official action. If any officer of the city shall, during the term for which he is elected or appointed, so vote or participate he shall, upon conviction thereof, forfeit his office and be punished for misdemeanor. Any contract or transaction hereinabove mentioned in which any officer of the city shall be or become financially interested shall become void at the election of the city, to be declared by resolution of the Council,' in the place and stead of the following paragraph, to wit: 'Section 55: No member of the Council or of any board, and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price of consideration of which is payable from the city treasury, nor receive any gratuity or advantage from any contract of person furnishing labor or material for the same. Any contract with the city in which any such officer

Not to be interested in city contracts.

or employee is or becomes interested may be declared void by the Council.' "

State of California,
County of Los Angeles, } ss.
City of Burbank

I, the undersigned, Robert H. Hill, do hereby certify that I am the city clerk and ex officio clerk of the council of the city of Burbank, county of Los Angeles, State of California; that the foregoing pages numbered 1 to 3 inclusive contain a full, true and correct statement of all proceedings effecting, relating or in anywise appertaining to the ratification of the amendments to the charter of and for the city of Burbank by the qualified electors of the said city of Burbank; that the council of said city of Burbank did by resolution duly and regularly authorize and direct me as such city clerk to certify hereto and on behalf of said council and the said city of Burbank to submit to the Legislature of the State of California the said amendments to the charter of the city of Burbank as ratified and approved by the qualified electors of said city of Burbank at a special municipal election held therein for that purpose on the eighth day of November, 1932.

[SEAL] R. H. HILL,

City Clerk and Ex Officio Clerk of the Council of the City of Burbank.

WHEREAS, Said proposed amendments have been and are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter as herein set forth, as submitted to and ratified by the qualified electors of said city be, and the same are hereby, approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said city of Burbank.

CHAPTER 38.

[Filed with Secretary of State March 3, 1933.]

Death of Frederick C. Hawes.

WHEREAS, Divine Providence has seen fit to remove from this earthly sphere of activity the Honorable Frederick C. Hawes, and

WHEREAS, The Honorable Frederick C. Hawes was a member of this Assembly, being elected in 1917 and having served

his district and State continuously in the Assembly until 1931, and

WHEREAS, During his long and active service in this body he endeared himself to the hearts of the members by his sterling character and qualities, and

WHEREAS, The members of this Legislature have learned with profound regret and the deepest sorrow of the passing of their esteemed colleague Honorable Frederick C. Hawes, now, therefore be it

Resolved, by the Assembly, the Senate concurring, That when the Legislature adjourn this day it do so out of respect to the memory of the late Frederick C. Hawes, and be it further

Resolved, That the Chief Clerk be and he is hereby instructed to have prepared a suitable memorial resolution properly engrossed and mailed to the family of the deceased.

CHAPTER 39

Assembly Concurrent Resolution No. 38—Relative to requesting the Governor to make application to the Reconstruction Finance Corporation for a loan to be used for relief and reconstruction work in portions of southern California.

[Filed with Secretary of State March 15, 1933.]

Governor to request loan from R. F. C.

WHEREAS, The recent disaster occurring in portions of southern California has occasioned widespread distress and suffering and caused great loss and damage to property; and

WHEREAS, It will be necessary that funds be made available immediately for carrying out relief work and enabling reconstruction of the damage to be started immediately; and

WHEREAS, The afflicted areas have not at the present time sufficient funds available to carry out the relief work or enable reconstruction to be started; and

WHEREAS, The Reconstruction Finance Corporation is authorized upon application of the Governor to make funds available for such relief and reconstruction work; and

WHEREAS, The Legislature of this State deems it advisable that the Governor make such application to the end that funds be made available for relief work in certain sections of southern California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is urgently requested to make application to the Reconstruction Finance Corporation for a loan of moneys under the provisions of subdivision (c) of section one of title one of the Emergency Relief and Construction Act of 1932 for the benefit of the stricken areas, said funds to be used by said areas for relief and work relief made necessary by the damage and suffering caused by the occurrence of the recent earthquake in that section; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Governor.

CHAPTER 40.

Senate Joint Resolution No. 17—Relative to memorializing and petitioning Congress to enact legislation subsidizing the discovery of gold in the gold mining sections of the United States.

[Filed with Secretary of State March 21, 1933.]

Subsidy for gold industry.

WHEREAS, The United States is passing through a period of great unemployment and distress among the working people of this country; and

WHEREAS, We are passing through a financial crisis in the history of our country; and

WHEREAS, Our great gold producing areas have remained undeveloped through these past many years; and

WHEREAS, It would materially benefit the United States if more people were given an incentive to prospect and develop the gold bearing sections of our country, which gold bearing sections are still undeveloped to any great depth; and

WHEREAS, During the Civil War period great relief to our stricken nation was obtained by reason of the gold recovered from our gulches and river beds by the mere scratching and washing on the surface of our gold bearing veins; and

WHEREAS, The cost of mining has increased materially by reason of the fact that it is now necessary to mine beneath the surface with modern equipment and machinery and at a higher cost of labor; and

WHEREAS, It would materially better our standing as a nation to conserve, protect and increase our available gold reserves. Now therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes and petitions Congress to enact legislation that it subsidize the production of gold by issuing to every producer of 200 ounces or less of primary gold per month a bond of the value of $5.00 for each ounce thereof, said bonds to take the form of government bonds bearing a low rate of interest and maturing five years from date of issuance thereof; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, to the Vice President of the United States, and to each member of the Senate and House of Representatives of the United States.

CHAPTER 41.

Senate Concurrent Resolution No. 18—Relative to extending condolences to the people in the stricken areas in the southern portion of the State.

[Filed with Secretary of State March 25, 1933.]

Earthquake in southern California

WHEREAS, A series of earthquakes has occurred in the southern portion of the State, causing the loss of hundreds of lives and much damage to property; and

WHEREAS, The people in the stricken areas of this State are courageously meeting the problems caused by this great disaster; and

WHEREAS, The entire nation is shocked with the news of this terrible disaster which has come so suddenly upon the people of the southern portion of this State; and

WHEREAS, The people of the entire State of California, through their duly elected representatives, are desirous of extending their sympathy to the people in the stricken areas in their hour of sorrow; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby extends to the people in the stricken areas in the southern portion of this State, the sincere condolences and sympathy of the people of the entire State of California; and be it further

Resolved, That the Legislature of the State of California hereby expresses its earnest wish and fervent hope for a rapid recovery from the effects of this great disaster; and be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to the chief executive officer in each of the cities, and to the board of supervisors in each of the counties, in the stricken areas.

CHAPTER 42.

Senate Joint Resolution No. 16—Relative to memorializing Congress to enact legislation providing for the suspension in payment of charges due from Federal reclamation project settlers to the United States and providing for a loan to the reclamation fund to replace the income thereto thus suspended.

[Filed with Secretary of State March 27, 1933.]

Suspension of payments due from Federal reclamation project settlers.

WHEREAS, There have been introduced into the United States Senate for passage, Senate Bills Nos. 5417 and 5607, which are complementary one to the other, the first providing for a suspension in payment of charges due from the Federal reclamation project settlers to the United States and in the amount

Federal reclamation project settlers.

of which charges and for like period of time the principal source of income to the reclamation fund is likewise delayed; and the second providing for a loan to the reclamation fund to replace the income thereto thus suspended; and

WHEREAS, Such suspension of construction charges has become necessary on account of the extreme low prices affecting all agricultural communities; and

WHEREAS, Unless the loan above referred to is made to the reclamation fund the activities of the bureau in carrying out the long-established governmental policies relating to reclamation must stop; and

WHEREAS, There has already been authorized by the Congress of the United States the construction of irrigation projects under the provision of the Reclamation Act; and

WHEREAS, Many of said Federal projects are now only partially completed and therefore incapable of performing the service for which they were intended, or of any substantial self-liquidation of their present costs until the same are completed; and

WHEREAS, The settlers upon numerous privately initiated irrigation districts of the Western States are on the verge of being forced out of their homes—to swell the throng of urban unemployed—because of an inadequate water supply due to lack of storage and necessity for repair of distribution facilities, and a supplemental water supply can be made most readily available by the Federal Reclamation Bureau upon a sound engineering and economic set-up; and

WHEREAS, Delays in completion of projects already begun and the commencement of those projects designed to rehabilitate worthy existent enterprises will result in serious loss to the United States generally and to the Western States particularly in (a) direct increase in unemployment through cessation of work on projects and consequent laying off of workers, and indirect increase of unemployment in all of those industries supplying materials for the projects; (b) depreciation of works already constructed in such incomplete projects, and of idle money therein invested; and (c) the crushing blow to those under said projects (with their dependent communities) having inadequate water supply and having staked all in faith upon the Federal government's completing that which it has undertaken and in commencing needed construction to supplement the water supply of those worthy private projects; and failure to enact said bills, or similar legislation, will result in the discharge of thousands of men now employed and the consequent loss in purchasing power for consumption of both farm and industrial projects and add to the depression prevailing in all markets; and

WHEREAS, We understand that the program of the Reclamation Bureau, if the aforementioned legislation is enacted, is to be confined strictly during the period provided for in the loan to doing those things necessary to place existent projects on a sound and workable basis, and does not contemplate initiating

work on any projects, either Federal or otherwise, not now developed to a material extent, and therefore does not propose the bringing under irrigation of any appreciable areas of land not now irrigated; therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States in furtherance of established national policies of reconstruction and reclamation should enact, without delay, United States Senate Bills Nos. 5417 and 5607 into laws; and be it further

Resolved, That the Secretary of the Senate of the State of California be, and he is hereby, directed forthwith to transmit a copy of this memorial to each, the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to the California delegation in Congress, with a request that they expeditiously promote the enactment into law of United States Senate Bills Nos. 5417 and 5607.

CHAPTER 43.

Assembly Joint Resolution No. 15—Relative to memorializing and petitioning Congress to adopt a National system of insurance to protect bank depositors in the National banks of the United States.

[Filed with Secretary of State April 10, 1933.]

Insurance for National banks

WHEREAS, The current period of economic stress and stringency has caused a great and undue financial strain on every bank throughout this nation; and

WHEREAS, The safety of the banking system of the nation is the very basis of the business and economic structure of the community; and

WHEREAS, There is available through the storing up of proper reserves, the means whereby bank deposits may be made much safer than at the present time; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes and petitions the Congress of the United States, to enact legislation relating to banks, so as to provide a system of insurance to protect bank depositors therein based on reserves to be accumulated and maintained through the payment of premiums by each of said banks, according to its strength, resources, deposits and other relating factors with regard to banking; and be it further

Resolved, That the Legislature of the State of California further petition the Congress of the United States, to place such an insurance system under the supervision of the Secretary of the Treasury, with power in that officer to fix and determine the rate and proportion of premiums to be paid by each said bank; and be it further

Resolved, That a true copy hereof be transmitted by the Clerk of the Assembly to the President of the United States and each Representative and Senator of California in Congress.

CHAPTER 44.

Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to the Constitution of said State by adding to article four thereof a new section to be numbered 31c, authorizing any city of the fifth or sixth class to acquire and hold stock in mutual water corporations.

[Filed with Secretary of State April 14, 1933.]

Constitution, Art. IV, Sec 31c.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of all the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes that the Constitution of said State be amended by adding to Article IV thereof a new section to be numbered 31c, and to read as follows:

City may hold stock of mutual water company

Sec. 31c. Nothing contained in this Constitution shall preclude any city of the fifth or sixth class from acquiring or holding shares of the capital stock of any mutual water company or corporation when said stock is so acquired or held for the purpose of furnishing a supply of water for public or municipal purposes, or for the use of the inhabitants of the city, and the city is hereby authorized to acquire and hold such stock, and said holding of such stock shall entitle such holder thereof to all the rights, powers and privileges, and subjects such holder to the obligations and liabilities, as are given or are imposed by law to or upon other holders of stock in the mutual water corporation in which such stock is so held.

CHAPTER 45.

Assembly Concurrent Resolution No. 17—A resolution recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and the qualification, compensation, and manner of electing the delegates to such convention.

[Filed with Secretary of State April 14, 1933.]

Constitutional convention.

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State

of California, at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of all the members elected to each house concurring, hereby recommends that the electors of this State vote at the next general election upon the proposition to call a convention to revise the State Constitution, such proposition to read as follows: Constitutional convention

SECTION 1. Two-thirds of the members elected to each branch of the Legislature for the fiftieth regular session of the Legislature of the State of California, commencing on the second day of January, 1933, do hereby recommend to the electors of the State to vote at the next general election for or against a convention for the purpose of revising the Constitution of the State. Such vote to be taken for the reason that two-thirds of the members elected to each branch of the Legislature, at said regular fiftieth session, deem it necessary to revise such Constitution. At such next general election the ballot used shall, in addition to the other names and matters required by law to be printed thereon, contain the words "For the convention," and the words "Against the convention" written or printed thereon in a suitable place with the appropriate space for each elector to designate his intention with respect to such proposition. The election officers at each and every voting precinct in the State shall make and ascertain, and make returns of the number of votes cast in favor of a convention and the number of votes cast against a convention, as aforesaid, in like manner and with the same particularity as other votes are required by law to be counted and returned, and an abstract thereof shall be transmitted by each and every county clerk of the State, and each and every registrar of voters in any county, or city and county, of the State, to the Secretary of State, in the same manner, and within the same time that votes for State officers are now by law required to be transmitted.

SEC. 2. The Secretary of State shall have authority to compel the mailing of such returns, and when received, shall prepare and lay before the Governor of the State a complete abstract of the whole number of votes cast "for" and "against" a convention. If it shall appear from the returns of the county clerks and registrar of voters that a majority of the electors voting at such general election on the proposition for a convention shall have voted in favor of calling such convention, it shall be the duty of the Governor to forthwith issue his proclamation, announcing the fact that such convention has been called; and thereupon, it shall be the duty of the Legislature at its session next after such election, to provide by law for the election of delegates to such convention, and for the holding thereof at the State Capitol. Such convention to meet within three months from the date of the election calling it, and shall continue in session until it shall have completed the work of revision and provided for submitting the same to the electors for approval or rejection.

CHAPTER 46.

Assembly Joint Resolution No. 9—Relative to memorializing Congress to adopt legislation with reference to manufacture of arms, munitions and implements of war.

[Filed with Secretary of State April 14, 1933.]

Arms, munitions and implements of war.

WHEREAS, One of the main causes for the maintenance of large military and naval establishments, and which is a standing menace to peace between nations, is to be found in the fact that patent rights on and the manufacture of arms, munitions and implements of war are in the hands of international combinations of capitalists, who sell their products indiscriminately to the governments of the world and promote the sale of such products by arousing and encouraging feelings of national prejudice and jealousy and by employing the press and the officers of the army and navy to produce periodical war scares in different countries; and

WHEREAS, This menace to international peace can be eliminated and the ultimate disarmament promoted by having the government manufacture its own equipment and articles used for war purposes; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California earnestly memorializes and petitions Congress to enact legislation to the end that all patent rights for arms, munitions and other equipment to be used for war purposes should be acquired by the government; and be it further

Resolved, That in order to obtain international acceptance of the intent and purpose of this resolution, we respectfully urge that the President of the United States, by appropriate means, have this subject matter presented at future international disarmament conferences; and be it further

Resolved, That the chief clerk of the Assembly is hereby directed to transmit forthwith upon its adoption to the President of the United States and to the Senators and members of Congress of the State of California.

CHAPTER 47.

Assembly Joint Resolution No. 24—Relative to memorializing the Congress of the United States to enact a moratorium on foreclosures of real property mortgages and on sales under deeds of trust on real property.

[Filed with Secretary of State April 14, 1933.]

Foreclosures of real property mortgages.

WHEREAS, A period of depression exists in the State of California, throughout the United States and the world, accompanied by general inability to procure loans from any source; and

WHEREAS, In several States legislation providing temporary relief from foreclosure and sale of homes and farms, subject to a mortgage or deed of trust, has been enacted or proposed; and

WHEREAS, In the present emergency it is imperative that the home and farm owners throughout the United States be afforded adequate relief from foreclosure and sale of their homes and farms subject to a mortgage or deed of trust; and

WHEREAS, It lies within the power of the Congress to enact relief legislation; and

WHEREAS, In various parts of the United States force and intimidation have been and are now being employed to prevent foreclosure of mortgages on real property and sales under deeds of trust on real property; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California most respectfully urges and petitions the special session of the Seventy-third Congress to enact legislation declaring a moratorium in respect to the sale of farms, dwelling houses and out-buildings, whether on execution, under power of sale contained in a mortgage or deed of trust or in an action for the recovery of a debt or the enforcement of a right secured by mortgage or other lien; and be it further

Resolved, That the Legislature of the State of California requests the honorable Senators and Representatives in the National Congress representing this State in the Senate and House of Representatives of the United States to use every honorable means to secure the enactment of such legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to send copies of this resolution to the President of the Senate, the Speaker of the House of Representatives and to each member of the Senate and House of Representatives from the State of California.

CHAPTER 48.

Assembly Joint Resolution No. 25—Relative to memorializing and petitioning the President of the United States and Congress to accept the cemetery situated at Sawtelle as a National cemetery.

[Filed with Secretary of State April 14, 1933.]

National cemetery at Sawtelle

WHEREAS, At the present time a cemetery is maintained at the National Military Home at Sawtelle for veterans; and

WHEREAS, The care of those who served their country in the time of stress and peril is a matter of national scope and importance; and

WHEREAS, This cemetery contains more than ten thousand graves of those who answered the call of their country; now, therefore, be it.

Resolved by the Assembly and Senate of the State of California, jointly, That Congress is urgently requested to authorize the Secretary of War to accept the cemetery at the National Military Home at Sawtelle as a National Cemetery, to the end that jurisdiction and power of legislation be granted over such cemetery in accordance with section 8, Article I of the Constitution of the United States; and be it further

Resolved, That a copy of this resolution be forwarded by the Governor to the President of the United States, the Vice President, the Secretary of War, the Speaker of the House of Representatives, and each of the members from California of the Senate and House of Representatives of the United States.

CHAPTER 49.

Assembly Concurrent Resolution No. 47—Approving twelve certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of April, one thousand nine hundred thirty-three.

[Filed with Secretary of State April 19, 1933.]

City of Long Beach Charter amendments

WHEREAS, the City of Long Beach, in the County of Los Angeles, State of California, contains a population of over fifty thousand inhabitants, and has been, ever since the year 1921, and now is, organized and acting under and by virtue of a freeholders' charter adopted under and by virtue of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the legislature of the State of California, on the twenty-sixth day of April, 1921, (statutes of 1921, page 2054) and amendments thereto duly ratified by the qualified voters of said city and by resolutions of said legislature as set out in the certificate of the mayor and city clerk of said City of Long Beach, hereinafter set forth; and,

WHEREAS, proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Long Beach, as set out in the certificate of the mayor and city clerk of said City of Long Beach, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE SEVENTH DAY OF APRIL, ONE

THOUSAND NINE HUNDRED THIRTY-THREE, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA. Long Beach charter.

State of California,
County of Los Angeles, } ss.
City of Long Beach.

We, Asa E. Fickling, Mayor of the City of Long Beach, and J. Oliver Brison, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and,

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a free-holders' charter adopted under the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, 1921, and approved by the legislature of the State of California, on the twenty-sixth day of April, 1921, and amendments thereto duly ratified by the qualified voters of said city, and approved by resolution of said legislature and filed with the Secretary of State of the State of California the 27th day of April, 1923, (Statutes 1923, page 1624), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the eighteenth day of April, 1925, (Statutes 1925, page 1330), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fifteenth day of January, 1929, (Statutes 1929, Page 1977), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of March, 1929, (Statutes 1929, page 2062); and

That the legislative body of said city, namely the City Council of said city, did, by motion duly adopted on the twenty-fourth day of February, 1933, on its own motion, and pursuant to the provisions of Section 8, of Article XI, of the Constitution of the State of California, duly propose to the qualified electors of said City of Long Beach fifteen amendments to the charter of said city designated as Proposed Charter Amendments Numbers One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen, and ordered that said proposed amendments be submitted to said qualified electors of said city at

Long Beach charter.

a special municipal election to be held in said city on the seventh day of April, 1933; and

That said fifteen proposed amendments were, and each of them was, on February twenty-fifth, 1933, duly published in The Long Beach Sun, a daily newspaper of general circulation published in said City of Long Beach and the official newspaper of said city, and the newspaper designated by said City Council for said purpose; and

That said fifteen proposed amendments were printed in convenient pamphlet form and at and during the time and in the manner provided by law a notice was published in The Long Beach Sun that such copies could be had upon application therefor at the office of the City Clerk of said city; and

That said City Council did, by ordinance designated as Ordinance No. C-1177, order the holding of a special municipal election in said City of Long Beach on the seventh day of April, 1933, which date was not less than forty nor more than sixty days after the completion of the publication of said fifteen proposed amendments as aforesaid and which ordinance was published at least ten successive days before the day of said election, to-wit on March twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first and April first, third, fourth, fifth and sixth, in The Long Beach Sun, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said city, and it was posted in three conspicuous places in the City of Long Beach, and said Council of said City did, by said Ordinance No. C-1177, order said special municipal election consolidated with the Long Beach City School District election authorized by law to be held in said city on the seventh day of April, 1933; and

That said special municipal election was held in said City of Long Beach on the seventh day of April, 1933, which day was not less than forty days nor more than sixty days after the completion of the publication of said fifteen proposed amendments once in The Long Beach Sun as aforesaid; that said election was held during a regular session of the legislature and before the final adjournment thereof; and

That at said special municipal election held as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon, voted in favor of twelve of said proposed amendments to the charter of the City of Long Beach, and duly ratified the same; and

That said proposed amendments to said charter, so ratified as aforesaid, were and are amendments numbered One, Two, Four, Five, Six, Seven, Eight, Nine, Ten, Twelve, Fourteen and Fifteen; and

That the City Council of said City of Long Beach did, at the time and in the manner and form provided by law, to wit on the 14th day of April, 1933, regularly canvass the returns of said special municipal election, and did then and there duly find, determine and declare that a majority of the qualified

voters of said City of Long Beach voting thereon had voted in favor of and ratified twelve of said proposed amendments to the charter of the City of Long Beach, to wit amendments numbered One, Two, Four, Five, Six, Seven, Eight, Nine, Ten, Twelve, Fourteen and Fifteen, and that all of the other of said proposed amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

That said proposed amendments to the charter of the City of Long Beach ratified by the electors of said city as aforesaid are in words and figures as follows, to wit:

Charter Amendment No. 1.

That Section 262 of said Charter be amended to read as follows:

Funds

Sec. 262. The City Council shall, at the time of fixing the tax levy, by ordinance, establish the various funds, as provided for by the department, office, board and commission estimates allowed by the City Council, and also for a general fund. All moneys received by the city shall be apportioned by the city auditor to the various funds so established, and no transfer of any money shall be made from one fund to another, except from and to the cash basis fund, until the end of the fiscal year; at which time, after all demands have been paid out of the various funds, and the fund or funds, if any, received from the cash basis fund have been returned, the city auditor shall transfer any residue remaining from any of said funds to the general fund; and the city council may authorize a transfer from the general fund to any fund in which there is an overdraft created by an actual emergency in the department. Provided, however, the City Council may authorize the transfer of money from one fund to another to reimburse one fund for expenditures made or service rendered for the actual benefit of the fund from which such transfer is made.

Charter Amendment No. 2.

That Section 27 of said Charter be amended to read as follows:

Council
Creation of departments, offices, etc

Sec. 27. To create such additional departments in the executive divisions of the city government as may be required for the proper transaction of the business of the city; to create offices other than those established by this charter or by the general laws, whenever the public convenience or necessity may require the same, and to prescribe all duties pertaining to the offices thus created, and to provide for the appointment and to fix the compensation of the officers to fill the same Provided, however, this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary depu-

ties and assistants of the officers of the city; provided further that the City Council may, by ordinance, consolidate departments provided for in this charter, other than those, the heads of which are elective officers, and may provide for the appointment of one officer as the head of such consolidated department.

Charter Amendment No. 4.

That Section 43 of said Charter be amended to read as follows:

Publication of ordinances, etc

Sec. 43. All ordinances, resolutions, and all official notices authorized by the City Council under this charter, shall be published at least once in the official newspaper of the city, or shall be posted in three (3) conspicuous places in the City, or shall be both so published and posted as may be ordered by the City Council.

Charter Amendment No. 5.

That Section 70b of said Charter be amended to read as follows:

Primary candidates.

Sec. 70b. Not later than twenty days before the day of the primary nominating election, the City Clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated as required by the City Charter of the City of Long Beach; and the City Council shall cause said certified list of names, and the offices to be filled to be published in an ordinance calling the election, which said ordinance shall be published at least three (3) times in the official newspaper of the City of Long Beach ten (10) days prior to the date of said election. Said ordinance shall conform in all respects to the general law governing the conduct of municipal elections now or hereafter in force, except as in this charter otherwise provided.

Charter Amendement No. 6.

That Section 73b of said Charter be amended to read as follows:

Candidates for final election

Sec. 73b. Not later than twenty days before the day of the general municipal election, the city clerk shall enter the names of the candidates nominated as hereinbefore provided in a list with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated as required by the City of Long Beach; and the City Council shall cause said certified list of names, and the offices to be filled to be published in an ordinance calling the election, which said ordinance shall be published at least three times in the official newspaper of the City of Long Beach ten days prior to the date of said election. Said ordinance shall conform in all respects to the general law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Charter Amendment No. 7.

That Section 78a of said Charter be amended to read as follows:

Board of education.

Sec. 78a. Not later than twenty days before the day of election for members of the Board of Education, the City Clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated; and the City Council shall cause said list of names, and the offices to be filled to be published in the ordinance calling the election, which said ordinance shall be published at least three (3) times in the official newspaper of the City of Long Beach ten (10) days prior to the date of said election. Said ordinance shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Charter Amendment No. 8.

That Section 98 of said Charter be amended to read as follows:

Civil service board

Sec. 98 (1). The City Council shall, within thirty (30) days after the effective date of this amendment, appoint three (3) electors of the City of Long Beach as a Civil Service Board; one for a term of two (2) years, one for a term of four (4) years, and one for a term of six (6) years. The members of the Board first so appointed, within ten (10) days thereafter, must qualify by filing an oath of office, and by casting lots therefor, determine among themselves their respective terms of office, and certify said result to the City Council.

(2). At the expiration of the term of each member, a successor shall be appointed by the City Council for a full term of six (6) years, except in case of vacancy, in which event the appointment shall be for the unexpired term. Members of the Board shall not hold any other public office. The City Council may remove any member of the Board upon stating in writing the reasons for removal, and allowing him an opportunity to be heard in his own defense.

(3) The members of said Board shall be paid such compensation as the City Council may fix and determine.

(4) Anything contained in this Charter inconsistent with or contrary to any portion of this amendment is hereby expressly repealed.

Charter Amendment No. 9.

That Sections 232, 233 and 234 of Article XXII of said Chapter be amended to read as follows:

Officers.

City planning commission

Sec. 232. The City Planning Commission shall elect its chairman from among the appointed members for a term of one year and may create and fill such other offices as may be required. The Commission may appoint such executives and employees as it may deem necessary for its work, subject to the approval of the City Manager and the confirmation of the City Council. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

Meetings

Meetings.

Sec. 233. The City Planning Commission shall hold its organization meeting in the legislative chamber within ten (10) days after the appointment and qualification by its members, and shall thereafter hold at least two (2) regular meetings in each calendar month, at such time and place as it shall fix by resolution. Special meetings may be called at any time by the Chairman of the Commission, or by three members of the Commission by written notice served upon each member of the Commission at least two hours before the time specified for the proposed meeting. Four members of the Commission shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

Powers and Duties of the City Planning Commission.

Powers and duties.

Sec. 234. The City Planning Commission shall have the power, except as otherwise provided by law:

(a) To recommend plans for the regulation of the future growth, development and beautification of the City of Long Beach in respect to its public and private buildings and works, streets, parks, grounds and vacant lots.

(b) To recommend plans for sanitation, and proper service of all public utilities.

(c) To recommend to public authorities and to any corporation or individuals the proper location of any proposed buildings, structures or works.

(d) To recommend to the City Council the approval or disapproval of maps or plats of subdivisions or resubdivisions of lands whether lying within the City of Long Beach or within three miles outside the corporate limits; and every such map or plat shall, prior to its final approval or disapproval by the City Council, be submitted to the City Planning Commission for its recommendation.

(e) To do and perform any and all other acts and things necessary or proper to carry out the purposes, powers and duties of the city planning commission.

(f) The city planning commission shall, when directed by the city manager, make or cause to be made a map or maps of the City of Long Beach, or any portion thereof, including adjacent territory lying outside the corporate boundaries thereof, showing the highways and the natural and artificial features therein; the locations or relocations proposed for the new public buildings, civic center, highways, parkways, parks, playgrounds and other public grounds or improvements; any proposed widening, extension, closing or relocation of any highway and any change in the plan of the City of Long Beach that may be deemed advisable by the city planning commission; and such map or maps shall be made in conjunction with the department of engineering of the City of Long Beach.

(g) Every ordinance or resolution relating to housing or building codes or zones, shall, before adoption by the City Council, be submitted to the City Planning Commission for recommendation and approval, and the same shall not be considered by the City Council until it has been approved or acted upon by the City Planning Commission; and the City Council may limit the time within which the City Planning Commission shall make its recommendations relative thereto.

Charter Amendment No. 10.

That Article XXVIII of the Charter of the City of Long Beach, being Sections 309 to 323, inclusive, relating to alcoholic liquors be, and the same is hereby repealed. Repeal

Charter Amendment No. 12.

That Article XX of said charter be amended to read as follows:

ARTICLE XX.

Department of Public Utilities.

Organization.

Sec. 215. There is hereby created and established a Department of Public Utilities, to be under the supervision and control of the City Manager in all matters. This department shall consist of the Gas Department of the City of Long Beach, and such other public utilities as may, from time to time, be owned, operated or controlled by the City of Long Beach, other than the Water Department. The City Manager shall, with the confirmation of the City Council, appoint a Superintendent of the Gas Department and such other superintendents or heads of other departments as shall become necessary from time to time, all such appointees to serve during the pleasure of the City Manager. Department of public utilities.

Sec. 216. There is hereby created a Department of the City Government to be known as the "Water Department" which shall be under the exclusive jurisdiction and control of five commissioners who shall be known as the Board of Water Water department.

Commissioners. Each of said Commissioners shall be a qualified elector of the City of Long Beach, and shall receive such compensation, if any, as may be fixed by ordinance, by the City Council of the City of Long Beach.

The term of each of the members of said Commission shall be five years beginning with the first Monday after the first day of July from and after their respective appointments, and until their successors are duly appointed and qualified.

The members of said Board shall be appointed by the City Manager, subject to the approval of a majority of the City Council. The term of office of each of said members shall commence on the first Monday after the first day of July next succeeding the date of his appointment, provided, however, that nothing herein shall affect the tenure of the members of said Board who are in office at the time this amendment becomes effective, but said members shall continue to hold office the remainder of the terms for which they were originally appointed, with the same rights, powers and duties as if originally appointed hereunder.

Vacancies on said Board shall be filled in the same manner as in this Charter provided for the appointment of said Board. Any appointment to fill an unexpired term shall be for the period of the unexpired term.

Any member of the Board may be removed from office in the same manner and subject to the same conditions as provided in Section 108 of this Charter, or by recall as provided in Section 308 hereof.

Organization of board

Section 216a. Annually as soon as practicable, after the first Monday after the first day of July of each year, the Board shall organize by electing one of its members President and one Vice President, who shall each hold office for a term of one year and until his successor is elected and qualified, unless his membership on the Board sooner expires. The Board may fill, for the unexpired term, any vacancy occurring in the office of the President or Vice President. The Board shall hold a regular meeting at least twice a month.

The City Council and City Manager shall be notified of the time and place ordered by the Board for the holding of its regular or special meetings. Any member of the City Council shall have the right to attend and speak at such meetings, but shall have no vote.

Secretary of board

Section 216b. The Board of Water Commissioners shall appoint a secretary who may, but need not, be a member of the Board, who shall hold office during the pleasure of the Board, and who shall receive such compensation as the Board may from time to time determine. The Secretary shall keep a record of the proceedings and tranactions of the Board, specifying therein the names of the Commissioners present at each meeting and the ayes and noes upon all votes, which record shall be open to public inspection at reasonable hours. The Secretary shall post and publish all orders, resolutions and notices which the Board shall order to be posted or pub-

lished, and shall perform such other duties as are herein enumerated or as may be ordered by the Board.

The Secretary shall keep the files of the Board of Water Commissioners which shall be open to inspection by members of the City Council and by the City Manager at all reasonable times.

Powers exercised

Section 216c The powers conferred by this Charter upon the Board of Water Commissioners shall be exercised by order or resolution adopted by a majority of its members, and such action shall be recorded in the minutes with the ayes and noes at length. The minutes shall be attested by the signatures of the President or Vice President or two members of the Board, and by the signature of the Secretary of the Board.

Water rights of city

Section 216d. The City of Long Beach shall continue in the ownership and enjoyment of all water and water rights vested in it, and ownership of the right to develop, economize, control, use, conserve and utilize all water flowing or being beneath the surface of any and all lands now owned or that may be hereafter acquired by it. No water or water rights now or hereafter owned or controlled by the City, shall ever be sold. leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the City, voting on the proposition at a general or special election, at which such proposition shall be lawfully submitted, and no water shall ever be sold, supplied or distributed to any person or corporation other than municipal, for resale, rental or disposal to consumers or other persons. Provided that nothing in this Section contained shall be construed to prevent the ordinary sale and distribution by the City of water to its inhabitants for their own use, or to prevent the supplying or distribution by the City of surplus water to consumers or municipal corporations outside of the City, as elsewhere in this Article provided.

Powers of board

Section 217 The Board of Water Commissioners shall have the complete and exclusive power:

(1) To supervise, control, regulate and manage the Water Department, and to make and enforce all necessary rules and regulations therefor, and for the exercise of such other powers as are conferred upon the Board of Water Commissioners by this Charter.

General manager

(2) To appoint a general manager who shall be, subject to the control of the Board, the chief administrative officer of the Department, a consulting engineer and an attorney, each of whom shall have such powers and duties as the Board may prescribe, and hold office during the pleasure of the Board, and receive such compensation, if any, as the Board may determine. No such general manager, consulting engineer or attorney appointed under the provisions of this Section, shall be, nor shall he have been for at least six (6) months prior to such appointment, a member of said Board of Water Commissioners.

Should an employee of the classified civil service be appointed to a position mentioned in this subsection, his dismissal by the Board from such position shall not accomplish his dismissal from the classified civil service, but he shall be restored to the rank and grade held by him prior to his appointment under this subsection.

Officers and employees

(3) To employ and appoint such other officers, employees and agents as may be necessary or convenient in the execution of its functions, and to prescribe and fix their duties, authority and compensation; provided that all offices and places of employment in the permanent service of the Water Department shall be created by resolution duly passed by the Board, and provided further, that all such permanent places of employment in the Water Department, except the general manager, the consulting engineer, the attorney, and the secretary, shall be subject to such provisions of Article XI of this Charter as are not in conflict herewith; and provided further, that any officer, employee or agent employed by the Department may be summarily dismissed for the good of the service by four-fifths of the Board of Water Commissioners. The Board may appoint additional employees, who need not be in the classified civil service, to perform emergency or temporary work.

Acquisition of property Construction

(4) To construct, operate, maintain, extend, manage and control works and property heretofore or hereafter acquired for the use of, or paid for directly or indirectly out of the funds of, the Water Department, and to acquire and take by purchase, lease, condemnation, or otherwise, and to hold in the name of the City any and all property situated within or without the City, and within or without the State, that may be necessary or convenient for such use; and also to have, exercise and enjoy in the name of and for and on behalf of the City of Long Beach, all powers, rights and privileges, that are granted to said City, or any of its officers or bodies, under an Act of the Legislature known as Chapter 429 of the Statutes of 1927 (Stat. 1927 p. 694), approved by the Governor of the State of California on the 10th day of May, 1927, and all acts amendatory thereto.

Sale and distribution of water

(5) To regulate and control the use, sale and distribution of water owned or controlled by the City, the collection of water charges and the granting of permits for connections with said water works; and to fix the rates to be charged for such connection including connections installed for other departments of the city; and, subject to the approval of the City Council by ordinance, to fix the rates to be charged for water for use within or without the city, including rates for water delivered to other departments of the city, and to fix the rates to be charged the Fire Department for standby service to fire hydrants, and to prescribe the time and manner of payment of the same; provided that nothing in this Charter shall prevent payment to the Water Department by other departments of the City for water delivered or service rendered

or labor or materials furnished to said other departments. Such rates shall be fixed at least every year and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service; provided, however, that the rates inside the City may be less, but not greater, than the rates outside the City for the same or similar uses.

Outside consumers

(6) To supply and distribute, at rates fixed as hereinbefore provided, any surplus water owned or controlled by the City and not required for the use of consumers served by the City within its limits, to consumers outside the City for their own use, and to municipal corporations outside the City for municipal uses, for resale, disposal or distribution, to consumers within their limit; provided that the supplying or distribution of such surplus water shall in any case be subject to the paramount right of the City at any time, to discontinue the same, in whole or in part, and to take and hold or to distribute such surplus water for the use of the City and its inhabitants; provided, further, that contracts for supplying surplus water by the City to municipal corporations outside the City, or for any exchange of surplus water with any such outside municipal corporation, may be made by the Board of Water Commissioners in the name of the City, for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the City, as shall be prescribed by resolution adopted by the Board and approved by an ordinance of the City; but in every such contract, the right shall be reserved to the City to terminate the same upon three year's written notice to such municipal corporation, to be given by said Board whenever it shall determine and declare, by resolution adopted by the Board and approved by an ordinance of said City, that the water to be supplied under such contract, is required for the City of Long Beach and its inhabitants, and every such contract must, before execution thereof, be assented to by a majority of the qualified electors of said City, voting upon the proposition at a general or special election, at which such proposition shall be submitted.

Sue and be sued

(7) To sue and be sued in the name of said Board, and to exercise complete control over all litigation wherein it is involved or which pertains to any matters within the jurisdiction of said Board; and, when the Board so determines, to require the services of the City Attorney, free of charge, in all matters to which the Board is a party.

Sell personal property

(8) To sell from time to time such personal property belonging to the Water Department as shall be no longer necessary or suitable for the use of the Department.

Sale or lease of real property

(9) To lease, sell or dispose of any property, or any interest therein, belonging to the Water Department whenever in the judgment of said Board said property, or any interest therein or part thereof, is no longer required for the purposes of said Department; said property may be leased for any purpose which does not interfere with the use of the

same for the purposes of said Department. Any compensation received from the sale or lease of said property shall be paid into the Water Revenue Fund or such other fund of the Water Department as may be designated by the Board, and shall be used for the purposes of said Department; provided, however, that, except as otherwise provided in this Article, nothing herein shall authorize the Board of Water Commissioners to sell, lease or dispose of any water, water rights, reservoir space or storage capacity, or any interest or space therein.

Supplies and equipment

(10) To purchase supplies and equipment that may be necessary or convenient for the use of the Water Department.

Contracts

(11) To make contracts in the name of said Board to carry into effect the powers granted the Board of Water Commissioners in this Charter; provided, that all contracts wherein the expenditure of funds of the Water Department exceeds the sum of $800.00, except contracts for labor, materials or supplies for actual emergency work, shall be made and entered into upon competitive bidding as provided in Article XXVI of this Charter, and all powers and duties therein conferred or imposed upon the City Council and/or City Manager are hereby conferred and imposed upon the Board of Water Commissioners. At the time of publication of notice inviting bids, specifications of the supplies or materials required, or the plans and specifications of the work to be done, must be on file in the office of the Board, subject to public inspection.

Expenditures.

(12) To control and order the expenditure of all money received in connection with the operation of the Water Department or the management of properties under the control of the Board; provided that all such moneys shall be deposited in the City Treasury to the credit of a fund to be known as the "Water Revenue Fund" or to the credit of such other funds as the Board may by resolution establish, at the direction of the Board; any interest or increment received on the money in such Fund or funds shall be paid into such Fund or funds and become a part thereof; and the moneys deposited in such Fund or funds shall be kept separate and apart from other money of the City, and shall be drawn only from said Fund or funds upon demands allowed by the Board, and authenticated by the signatures of the President or Vice President and Secretary, or by the signatures of persons designated by the Board to sign demands. The Board shall file with the Auditor a notice giving the names and signatures of the President, Vice-President and Secretary, and the names and signatures of persons, if any, designated by the Board to sign demands in lieu of said President or Vice President and Secretary, as aforesaid. Payrolls for the Water Department shall be allowed by, and authenticated by the signatures of, the President or Vice President and the Secretary of said Board, or persons designated by said Board to temporarily act in their respective places and stead.

The City Manager and City Council shall have jurisdiction of revenue derived from the development and production of oil and gas on lands under the management and control of the Board of Water Commissioners.

Demands

Section 217a. The City Auditor shall approve no demand against any fund under the control of the Board of Water Commissioners, excepting redemption of bonds and interest coupons, unless the same shall be allowed and authenticated as hereinbefore provided, and by means of warrants on the City Treasurer issued by the City Auditor. If the City Auditor, upon examination, believes that any demand is not a proper claim against any fund under the control of the Board of Water Commissioners, he shall immediately return said demand to said Board with his objections endorsed thereon. Such demand shall again be considered by the Board of Water Commissioners, and if it shall again be allowed by said Board, and said allowance over the objection of the City Auditor be certified by the signatures of the President or Vice President and the Secretary of said Board, the said objections of the City Auditor shall be thereby overruled. Any demand upon which the objections of the City Auditor have been overruled by said Board shall be again returned to the City Auditor, who shall issue a warrant upon the Treasurer for the same in like manner as if it had been approved by him.

Departmental budget

Section 217b. The Board of Water Commissioners shall, prior to the beginning of each fiscal year, adopt an annual departmental budget, and make an annual departmental budget appropriation covering the anticipated revenue and expenditures of the Water Department. Such departmental budget shall conform, as far as practicable, to the forms and times provided in this Charter for the general city budget. Each such budget shall contain a sum to be known as the "unappropriated balance" which sum shall be available for appropriation by the Board of Water Commissioners later in the ensuing fiscal year, to meet contingencies as they may arise. One copy each of such budget when adopted, and of every resolution subsequently adopted, making appropriations from said unappropriated balance, shall promptly be filed with the City Manager and City Auditor. No expenditure shall be made or financial obligation incurred except as authorized by the annual departmental budget appropriation or appropriations made subsequent to said annual budget.

Offices

Section 217c. The City Manager shall, upon request of the Board of Water Commissioners, provide suitable quarters for the Board. The Board of Water Commissioners shall provide equipment and supplies for the Department.

Bonds

Section 217d. The Board of Water Commissioners may, in addition to any other bonds required by the City Charter, require bonds of any and all officers and employees of the Water Department for the faithful performance of their duties.

Specific duties.

Section 217e. Whenever provision is herein made for the discharge of specific duties by a specified appointee, the Board

of Water Commissioners may designate an employee in said Department with full power to act in place of such appointee, in case of such appointee's absence or inability to act.

Use of money in "Water Revenue Fund"

Section 218. None of the money in or belonging to the Water Revenue Fund or such other funds as are established by the Board of Water Commissioners, shall be appropriated or used for any purpose except for the following purposes:

(1) For the necessary expense of operating and maintaining the water works, and for such preliminary surveys, reconnoissances, options, estimates, engineering data, experimentation and investigation, as in the discretion of said Board of Water Commissioners shall be necessary, or as shall be incident to the extension or betterment of the physical properties, or the business of the department and/or the acquisition of additional lands, water, water rights and/or other property.

(2) For the payment of the principal and interest, or either, due or coming due upon the outstanding notes, certificates or other evidences of indebtedness issued against revenues from said works in pursuance of Section 222, or bonds or other evidences of indebtedness heretofore or hereafter issued for the purpose of such works, or parts thereof.

(3) For the necessary expense of constructing, extending and improving such works, including purchases of lands, water, water rights, and other property; also the necessary expenses of conducting and extending the business of the Department.

(4) To return and pay into the general fund of the City, from time to time, upon resolution of the Board of Water Commissioners, from any surplus money in the Water Revenue Fund or other funds established as aforesaid, any sums paid by the City from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the City for and on account of the water works.

(5) To be transferred to the general fund of the City, if and when, in the judgment of the Board of Water Commissioners, such moneys are no longer necessary for the purposes of said Board.

Certain orders to be published

Section 219. Any action by the Board of Water Commissioners authorizing the acquisition or sale of real property, approval of contracts which obligate the City for a longer period of time than one year, or which involves a rule of general application to be followed by the public, shall be taken by the Board of Water Commissioners by order or resolution. Every order or resolution adopting a rule of general application to be followed by the public, shall be published once in a daily newspaper and shall take effect upon such publication.

Payment of improvements, etc

Section 220. The Board of Water Commissioners shall provide for the cost of extensions and betterments of said water works, from the funds derived from the sale of bonds, so far as such funds are, or shall be, made available for the

use of the Board for said purpose, from income received from the revenue of the Water Department, and from the proceeds of loans contracted as provided in Section 222 of this Charter.

Payment of principal and interest on bonds.

Section 221. The Board of Water Commissioners shall each year apportion and set apart, out of the revenue fund of the Water Department, in the City Treasury, an amount sufficient to pay at maturity all sums coming due in said year for principal and interest upon all outstanding bonds issued for the water works, and said amount shall be transferred forthwith into a special fund in the City Treasury, to be designated by a name indicating the nature or purpose of such special fund, and the money in such special fund shall be subject to apportionment by the Auditor as may be required to make such payments of the principal and interest of said bonds and for no other purpose. Any interest or increment received on the money in any such special fund shall be paid into such special fund and become a part thereof. The foregoing provisions of this Section shall apply to all such bonds now outstanding or hereafter issued; provided, however, that payments out of revenue, as above provided, of the principal and interest of bonds hereafter issued for securing water from new sources, shall be required only to the extent determined by resolution of the Board of Water Commissioners, approved by a majority vote of the Council, prior to the submission to the electors of the City of the proposition of authorizing such bonds. Such resolution shall be subject to amendment only by resolution of said Board, approved by majority vote of the Council, and assented to by majority of electors of the City, voting on the question of approving such resolution at a general or special election at which such question shall be lawfully submitted.

Borrowing money by sale of bonds, etc

Section 222. The Board of Water Commissioners shall have power, upon determination that an emergency exists which justifies it in so doing, to borrow money upon such terms and conditions, and under such procedure, as may be prescribed by resolution, for the purpose of acquiring, constructing, reconstructing, repairing, extending or improving works, for supplying the City and its inhabitants with water, and to issue notes, certificates, or other evidences of indebtedness therefor, subject to the following provisions:

(a) The whole amount of any such indebtedness shall be payable in not exceeding five years from the time of contracting the same; provided, that any such indebtedness, or part thereof, made payable after one year from the time of contracting the same, shall be subject to the right of the Board of Water Commissioners to pay the same with accrued interest thereon on any interest due date, after said one year period.

(b) The total outstanding indebtedness incurred under the provisions of this Section, for the purpose of the Water Department, must not exceed 33⅓% of the gross operating revenue from such Department during the preceding fiscal year.

(c) The rates for water shall be so fixed as to provide for payment at maturity of the principal and interest of such

indebtedness in addition to all other obligations and liabilities payable out of the revenues of the Department.

(d) Such indebtedness shall be payable only from the revenue of the Water Department, and shall not be an obligation of the City of Long Beach.

Construction of article

Section 223. The provisions of this Article shall supersede and control all other provisions of the Charter in conflict therewith.

Department to act as contractor for certain improvements

Section 223a. The Water Department is empowered to act as contractor for, and do the work embraced in, the construction, reconstruction, extension or installation of water-mains, piping, conduits, tunnels, hydrants and other necessary works and appliances for the purpose of providing water service, under any local improvement act or general law of the State of California. In case bonds are issued against the property benefited by such improvement, the Department may take such bonds in payment for the work done by the Department, and may sell such bonds at the discretion of the Board of Water Commissioners; all payments of principal and interest on any such bonds during the period such bonds are held by the Department, shall be deposited in the Water Revenue Fund or such other fund of the Water Department as may be designated by the Board of Water Commissioners.

Definition

Section 224. Whenever the context so requires the term "Board of Water Commissioners," "Board," "Water Department," "Department" or "works" where used in any of the foregoing sections, shall be deemed and taken as interchangeable terms having the same meaning.

Charter Amendment No. 14.

That said charter be amended by adding a new section thereto to be known as Section 255a, and to read as follows:

Insurance fund

Sec. 255a. In order to create a fund to enable the city to carry its own insurance, the City Council may in its discretion create a separate fund, to be known as "The Insurance Fund." The City Council may, from time to time, set aside in said fund a sum which shall be used to meet losses of buildings or other property through destruction or damage from any cause, and losses through liability for injuries to persons or property which the city may sustain. Such fund shall be a continuing fund, the principal and accrued interest of which shall be used only for the payment of such losses and liabilities. In a like manner the body having control of the funds of any public utility operated by the city may annually set aside from the income derived from the public utility of which said body has control, a similar fund to be used only to meet such losses to the property of such utility or the payment of liability through the operation of such utility.

Charter Amendment No. 15.

That said charter be amended by adding a new section thereto be known as Section 224a, and to read as follows:

Sec. 224a. All moneys received or collected from, or arising out of the use or sale of any commodity or service, or from any other source in connection with the operation and management of any public utility of the city, other than the Water Department, shall be deposited in the City Treasury to the credit of a fund to be known by the name of the public utility from which such moneys arose, and shall be separate and apart from all other moneys of the city and from all moneys of any other public utility. The City Manager, subject to all other provisions of this Charter, shall have the power to order and contract for the expenditure of all moneys in said funds, in accordance with budget provisions, for the purposes hereinafter provided. Money shall be drawn from said funds only upon vouchers signed by the Superintendent of the Department in control of such public utility and countersigned by the City Manager, except that the City Council may annually, in its discretion, by ordinance, apportion and set apart out of the money then in any of said funds not required for the operating and maintenance expenses of the corresponding public utility, an amount sufficient to meet in whole or in part sums coming due for interest during the succeeding twelve (12) months and upon any principal maturing in such time, upon any outstanding bonds issued for the benefit of such public utility, and the City Treasurer shall use the money so apportioned to make such payments and for no other purpose. And if there shall be a surplus remaining, the same shall be transferred back to the fund from which it was taken; Moneys received from public utility

None of the money in any of such public utility funds, or coming under the control of the City Manager in connection with the operation or management of any public utility of said city shall be apportioned or used for any purpose other than the following, to wit: Uses of money

(a) For the necessary expense of conducting the business of such public utility and of making the current and ordinary extensions, betterments and repairs; and for the salary and compensation of the superintendent of the department, his engineers, assistants and other employees working in and for such public utility department.

(b) For extraordinary improvements of and betterments to the property, works and system of supply and distribution of the department from which such funds arose, including the purchase of necessary lands, rights and other property.

(c) For the payment, as above provided, of interest or principal, or both, of bonds issued for the benefit of such public utility.

(d) For the purpose of reducing taxation, the City Council may, by a vote of two-thirds of all of its members expressed by resolution, set aside such money, over $100.000.00, as may not be required for the purposes enumerated in subsections

(a), (b), and (c), other than the funds of the Water Department, to be used for general expenses of the city.

That the foregoing is a full, true and correct copy of said proposed amendments to the charter of the City of Long Beach ratified by the electors of said city as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, Asa E. Fickling, Mayor, as aforesaid, and J. Oliver Brison, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed, on this 15th day of April, 1933.

A. E. FICKLING,
Mayor of the City of Long Beach.

J. OLIVER BRISON,
City Clerk of the City of Long Beach.

[SEAL]

WHEREAS, The said proposed amendments have been and are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said twelve amendments to the charter of the City of Long Beach, as proposed to, adopted, and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as parts of the charter of the City of Long Beach

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CHAPTER 50.

Senate Concurrent Resolution No. 21—Approving an amendment to the charter of the city of Vallejo, a municipal corporation in the county of Solano, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of April, 1933.

[Filed with Secretary of State April 20, 1933.]

City of Vallejo Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Vallejo, a municipal corporation in the county of Solano, State of California, as set out in the certificate of the city clerk of said city, as follows, to wit:

CERTIFICATE OF CITY CLERK AND AMENDMENT TO CHARTER OF CITY OF VALLEJO

Vallejo charter

WHEREAS, proceedings have been had and taken for the adoption and ratification of the amendment, hereinafter set forth, to the charter of the City of Vallejo, a municipal corporation, in the County of Solano, State of California; and

WHEREAS, the City of Vallejo, in the County of Solano, State of California, contains a population of more than 3500 inhabitants, and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California and has been ever since the year 1911 and is now organized and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 21st day of February, 1911 and approved and ratified by the Legislature of the State of California on the 11th day of March, 1911; and

WHEREAS, the legislative body of the said City, namely the "City Council", did pursuant of Section 8, Article XI of the Constitution of the State of California, by Resolution adopted the 9th day of February, 1933, duly and on its own motion propose to the qualified electors of said City of Vallejo, an amendment to the Charter of said City which said amendment thereafter appeared on the ballot as Charter Amendment No 1, and ordered that said amendment be submitted to the qualified electors of the City of Vallejo at the General Municipal Election to be held in said city, as in said Charter provided for, on the first Tuesday in April, to wit, the 4th day of April, 1933; and

WHEREAS, the said proposed Charter Amendment No. 1 was thereafter and on the 16th day of February, duly published in the Vallejo Evening News, a daily newspaper of general circulation, printed and published in said City of Vallejo and in each and all editions thereof issued and/or printed and/or published during the said day of such publication, which said newspaper was the newspaper designated by the said council for that purpose; and the said proposed Charter Amendment was printed in convenient pamphlet form and from February 16, 1933 to April 3, 1933 both days inclusive, a notice was published in said Vallejo Evening News that said proposed Charter Amendment in said convenient pamphlet form could be had on application therefor at the office of the City Clerk of said City; and

WHEREAS, the said City Council did, by ordinance designated as Ordinance No. 557 N. S. which was duly finally adopted on the 18th day of March, 1933, order the holding of the general municipal election in said City of Vallejo on the 4th day of April, 1933, for the purpose among other things of causing a vote upon the ratification of the said proposed

Charter Amendment No. 1, which said date was not less than forty (40) days and not more than sixty (60) days after the completion of the publication of the said proposed amendment aforesaid; and that in accordance with the instructions of the said City Council, the said City Clerk of the City of Vallejo did cause to be published in the said Vallejo Evening News, an election proclamation and notice of general municipal election which was published three (3) times prior to the time for holding said election, to wit: on the 28th, 29th, and 30th of March, 1933, pursuant to the provisions of the Charter of said City of Vallejo; and

WHEREAS, said general municipal election was held in the said City of Vallejo on the 4th day of April, 1933, which said day was not less than forty (40) days and not more than sixty (60) days after the said proposed amendment to said Charter had been published once in the said Vallejo Evening News; and

WHEREAS, the said City Council of said City of Vallejo did in the manner provided by law, duly and regularly canvass the returns of said election and did duly declare the result of said election insofar as it concerned said proposed Charter Amendment as determined from the canvass of the returns thereof, which said result was as follows:

Total number of votes cast upon ratification of said proposed Charter Amendment No. 1	4227
In favor of the ratification of said proposed Charter Amendment No 1	3426
Against the ratification of said proposed Charter Amendment No. 1	801; and

WHEREAS, at said general municipal election held on said 4th day of April, 1933, the said proposed Charter Amendment No. 1, was ratified by a majority of the electors of said City voting thereon, and

WHEREAS the said Charter Amendment No. 1 so ratified by the Electors of the City of Vallejo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with Section 8, Article XI of the Constitution of the State of California and is in words and figures as follows:

CHARTER AMENDMENT No. 1

ARTICLE XIX

PENSIONS

SECTION 138:

Pensions Fire and police departments.

I. A relief and pension fund is hereby established for members of the police and fire departments of the City of Vallejo.

Pension board.

II. The members of the City Council and their successors in office, shall constitute a board of trustees for the administration of said fund and shall be known as the "Pension

Board''. Said board shall have charge of the management of and disbursements from said fund as hereinafter provided.

Persons entitled to pension and aid

III. (a) When any person shall have served a period of twenty-five (25) years, or more, in the aggregate, of the regularly constituted Police or Fire Department in any rank or capacity, and shall have attained the age of fifty-five (55) years, the said Pension Board shall upon the written request of said person, or his guardian, or without such request if it be deemed for the good of the service, order that such person be retired from active service and from the date of the making of such order, the active service of the person shall cease. The person thus retired shall thereafter be paid from the pension fund during his lifetime, a monthly pension equal to one-half of the salary paid to the members of the rank which he held one year previous to the date of his retirement.

(b) Should any person, while serving as a member of the regularly constituted Police or Fire Department, become physically disabled as a direct result of bodily injury received in or from the performance of his duty, or become physically disabled from any illness or disease peculiar to the work of a fireman or policeman, said Pension Board shall upon the written request of said person, or his guardian, or without such request if it be deemed for the good of the service, order that such person be retired from active service, and from the date of making such order the active service of such person shall cease. The person thus retired shall thereafter be paid from such fund during his lifetime, a monthly pension equal to one-half of the salary paid to the members of the rank which he held at the time of receiving such retirement; provided, however, that if such disability shall cease, he shall, upon the recommendation of the Chief of his respective department, be restored to active duty, with the rank or rating and salary to that held at the time of retirement.

(c) The benefits provided in III-b hereof shall be reduced by the amount of any sum received by any beneficiary mentioned in said section, as a result of Workman's Compensation Insurance carried by the City of Vallejo.

Examinations.

IV. Any person retired from disability under this pension fund may be summoned before the Pension Board at any time and shall submit himself for examination as to his fitness for duty, and abide by the decision and order of said pension board with reference thereto. All members of the Police and Fire Departments who shall be retired under the provisions of the Pension Fund shall report to the Chief of their respective departments either in person or in writing on the first Wednesday in January, April, July and October of each year; in case of great public emergency, they may be assigned to and shall perform such duties as the Chief of their respective Department shall direct. No pensioner, as herein provided for, shall be compelled to work in any other department than that from which he has retired.

Certificates of disability

V. No person shall be retired for disability under the provisions of this Pension Fund or receive any benefits therefrom unless there shall be filed with the Pension Board certificates of disability which shall be sworn to by the City Physician and two other regularly licensed physicians. The person whose retirement is contemplated shall have the right to select one of the physicians if he chooses to do so. Said pension board may require other evidence of disability before ordering such retirement, but upon receiving satisfactory evidence of disability shall retire such person.

Failure to report

VI. Whenever any person who shall receive any benefit from the Pension Board shall fail to report as required herein, after receiving written notice of failure to report and upon satisfactory proof that said person received such notice, or shall disobey the requirements of said Pension Board with the intention of being insubordinate, or shall be convicted of a felony, or become dissipated or shall become a non-resident of this State, except by permission of the Pension Board, then said Pension Board may order that the pension allowance of said person shall immediately cease. In cases of insubordination, however, said Pension Board may suspend said pension allowance entirely for a period of not to exceed three (3) months for each offense.

VII. Said Pension Board shall hold regular meetings on the first Wednesday of the month.

Powers of board

VIII. Said Pension Board shall, in addition to other powers granted herein, have power.

(a) To compel witnesses to attend and testify before it upon all matters connected with the operation of this Pension Fund, in the same manner as may be provided by law for the taking of testimony before a Notary Public, and any member of said Pension Board may administer oaths to said witnesses.

(b) To provide for the payments from said funds of all its necessary expenses, provided that no compensation or emoluments shall be paid to any member of the said Pension Board for any duty required or performed under this Pension Fund.

(c) To make all needed rules and regulations for its guidance.

(d) To employ an actuary who shall render a report of the cost of maintenance upon a reserve basis, of the pension system as provided herein, for the information of said Pension Fund.

Source of income

IX. The City Council of said City of Vallejo shall annually include in the budget and tax levy a sum sufficient to provide for the requirements of the pension fund during the ensuing year. The City Council is also directed and empowered to take such further action as circumstances may require for the effective enforcement of the provisions of this fund.

There shall be paid into said fund all moneys derived from the following sources:

(a) All fines imposed upon all members of the Police and Fire Departments for violation of the rules and regulations of said departments.

(b) Each officer or member of the Police Department or Fire Department shall pay to the City Treasurer two (2%) per cent of each month's salary which shall be deposited in said fund.

X. The holder of any position in the Police Department or the Fire Department shall be and is hereby declared to be a member thereof and entitled to benefits hereunder. Police and fire departments subject to amendment

XI. Members of the Police or Fire Departments on pension at the time of the adoption hereof shall be and hereby are entitled to benefits as herein provided, and shall abide by all of the requirements hereof.

CERTIFICATE OF CITY CLERK.

STATE OF CALIFORNIA }
COUNTY OF SOLANO } ss.
CITY OF VALLEJO }

I, the undersigned, Alf E. Edgcumbe, do hereby certify that I am the City Clerk and Clerk of the City Council of the City of Vallejo, County of Solano, State of California.

That the foregoing contains a full, true and correct statement of all proceedings effecting, relating or in anywise appertaining to the ratification of the proposed amendment #1 to the Charter of the said City of Vallejo by the qualified electors of said City of Vallejo;

That the City Council of said City of Vallejo did heretofore, by resolution, duly and regularly authorize and direct me as such City Clerk to certify hereto and for and on behalf of said City Council, and said City of Vallejo, to cause to be submitted to the Legislature of the State of California the said Amendment #1 to the Charter of the City of Vallejo, as ratified by the qualified electors of said City of Vallejo, at the general municipal election held therein for that purpose, among other things, on the 4th day of April, 1933.

ALF E. EDGCUMBE,
CITY CLERK and Clerk of the City Council of said City of Vallejo.

STATE OF CALIFORNIA }
COUNTY OF SOLANO } ss.

ALF E. EDGCUMBE, being first duly sworn, deposes and says: That the City of Vallejo is a municipal corporation and affiant is the City Clerk thereof and makes this affidavit on behalf of said corporation and as an officer thereof; that affiant has read the foregoing and knows the contents thereof, and that the same is true of his own knowledge, except as to

the matters stated therein on his information and belief, and as to those matters, he believes it to be true.

ALF E. EDGCUMBE.

Subscribed and sworn to before me this 15th day of April, 1933.

[SEAL] SYLVIA S. SPENCER,
Notary Public in and for the County of Solano, State of California.

and

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city of Vallejo, as proposed to and adopted and ratified by the electors of said city, and as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as part of the charter of said city of Vallejo.

CHAPTER 51

Senate Concurrent Resolution No. 21—Approving the charter of the county of Fresno, State of California, which was submitted to the qualified electors of the said county and voted for and ratified by them at a special election held therein on the tenth day of April, 1933

[Filed with Secretary of State April 24, 1933]

County of Fresno Charter

WHEREAS, the County of Fresno was at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California; and

WHEREAS, the Board of Supervisors of the said County of Fresno did, on the 30th day of September, 1932, by a vote of four-fifths of all the members of the said Board, adopt an ordinance by the terms of which it was declared that the public interest required the election of a board of fifteen freeholders under the provisions of Section 7½ of Article XI of the Constitution of the State of California for the purpose of preparing and proposing a charter for the said county; and

WHEREAS, thereafter, to wit, on the 30th day of September, 1932, the Board of Supervisors of the said County of Fresno

did order the holding of an election for the purpose of electing said board of fifteen freeholders at the general election to be held in said county on the 8th day of November, 1932, which said 8th day of November, 1932, was a date not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, which said order did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein and the names of the election officers for each such precinct; and Fresno County charter.

WHEREAS, thereafter, to wit, on said 8th day of November, 1932, at the said general election the said board of fifteen freeholders was duly elected and on the said 25th day of November, 1932, the said Board of Supervisiors of said County of Fresno duly declared the result of such election; and

WHEREAS, thereafter, and within one hundred and twenty (120) days from the said 25th day of November, 1932, to wit, on the 17th day of February, 1933, the said board of fifteen freeholders did prepare and propose a charter for the said County of Fresno, which said charter was signed in duplicate by a majority of the members of the said board of fifteen freeholders, and did file one copy of the same in the office of the County Clerk of said county, and the other copy of the same in the office of the County Recorder thereof; and

WHEREAS, thereupon, and commencing within fifteen days after the said 17th day of February, to wit, on the 21st day of February, 1933, and ending on the 2nd day of March, 1933, the Board of Supervisors of the said County of Fresno caused the said proposed charter to be published for at least ten times in The Fresno Bee, a daily newspaper of general circulation, printed, published and circulated in said county; and

WHEREAS, the Board of Supervisors of the said County of Fresno did by ordinance passed on the 24th day of February, 1933, call a special election for the submission of the proposed charter, so prepared by the said board of fifteen freeholders, to the voters of the said County of Fresno, said election to be held on the 10th day of April, 1933, which said ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein and the names of the election officers for each precinct, which said 10th day of April, 1933, was a date not less than thirty nor more than sixty days after the completion of the publication of said charter as hereinbefore set out; and

WHEREAS, in accordance with the said ordinance of the said Board of Supervisors so passed on said 24th day of February, 1933, the said proposed charter was so submitted to the qualified electors of the County of Fresno at said special election, and a majority of the qualified electors of the said County of Fresno, voting thereon, did vote in favor of and duly ratify the said proposed charter; and

WHEREAS, the Board of Supervisors of the County of Fresno, after canvassing the returns of said election, duly found and declared that the majority of such qualified electors voting

thereon at said special election, had voted in favor of and ratified the said proposed charter; and

WHEREAS, the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; and

WHEREAS, the proposed charter is in words and figures as follows, to wit:

CHARTER

COUNTY OF FRESNO, STATE OF CALIFORNIA

Name and Rights of the County

Name and rights of the county

Sec. 1. The County of Fresno as it now exists is a body corporate and politic, and as such has and shall have all the powers which are now or may be hereafter specified by the Constitution and laws of the State of California, and by this Charter and such other powers as are necessarily implied.

Sec. 2. The powers mentioned in the preceding section can be exercised only by a Board of Supervisors or by agents and officers acting under their authority or by authority of law or of this Charter.

Sec. 3. The corporate name shall be "County of Fresno" which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they are now, until otherwise changed by law.

Board of Supervisors:

Board of supervisors

Sec 4. The County of Fresno shall have a Board of Supervisors consisting of five members. Each member must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector for at least one year immediately preceding his election, and shall be elected by the electors of such district. Supervisors shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law.

Sec. 5. Each supervisor shall receive a salary of $240 per month, payable monthly.

Sec. 6. The County of Fresno is hereby divided into five supervisorial districts, the boundaries and designations of which shall be and remain as they now are until otherwise changed as provided by law.

Sec 7. The Board of Supervisors may by a four-fifths vote of its members, change the boundaries of any supervisorial district. No such boundaries shall ever be so changed as to effect the incumbency in office of any supervisor. No change in the boundaries of any supervisorial district may be made, except within one year after a general election.

Sec. 8. Whenever a vacancy occurs in the Board of Supervisors the Governor shall fill the vacancy and the appointee shall hold office for the full unexpired term of his predecessor and until his successor is elected and qualified.

Sec. 9. No supervisor shall, during the term for which he shall have been elected, or for one year thereafter, be eligible for appointment to any office or position carrying compensation and created by this Charter or by ordinance.

Sec. 10. The Board of Supervisors shall elect a Chairman who shall preside at all meetings. In case of his absence or inability to act, the members present must select one of their number to act as Chairman pro tem. Any member of the Board may administer oaths when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein

General Powers of the Board of Supervisors.

General powers of the board of supervisors

Sec. 11. The Board of Supervisors shall have all the jurisdiction and powers which are now or which may be hereafter granted by the Constitution and laws of the State of California, or by this Charter.

Sec. 12. It shall be the duty of the Board of Supervisors:

(a) To appoint all county officers, assistants, deputies, clerks, attaches, and employees whose appointment or election is not otherwise provided by this Charter.

(b) To provide, by ordinance, for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches, and employees unless such compensation is otherwise fixed by this Charter. In all cases in which an officer is to receive a fixed salary, whether such salary be fixed by this Charter or by the Board of Supervisors, such salary shall be in full compensation for all services by such officer, except in the case of constables as hereinafter provided; and in all cases in which such officer is, by general law, entitled to charge and receive fees or commissions it shall be the duty of such officer to charge, collect and receive such fees or commissions and pay the same monthly to the county treasurer The compensation of elective officers shall be fixed at least six months prior to the election of such officer. The compensation of elective officers shall not be increased or dismissed after the election of such officer or during his term of office The Board of Supervisors may allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their term of office, and the Board of Supervisors may also increase or decrease the compensation of deputies or assistants during the term of office.

(c) To provide, by ordinance, for the number of assistants, deputies, clerks, attaches, and other persons to be employed from time to time in the several offices and institutions of the County.

(d) To require any county or township officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the Board, the premium for such bond shall be paid by the County.

(e) To let all contracts for public work in accordance with the laws of the State of California.

(f) To provide in every contract for the performance of labor that preference shall be given in the employment of labor to persons who shall have resided in Fresno County for at least one year prior to employment, and that the contractor and all subcontractors shall register the name, address, and nationality of all persons so employed by them with the Board of Supervisors immediately upon such employment.

(g) To provide in every contract entered into with the County that price and quality being equal preference shall be given by the contractor to Fresno County products.

(h) To provide in the purchase of property by the County, that price and quality being equal preference shall be given to Fresno County products.

Sec. 13. The Board of Supervisors of the County shall act as a County Board of Public Welfare and in such capacity shall oversee and provide such reasonable assistance to indigent sick and poor persons as shall be authorized by General Laws.

The Board of Supervisors may in their discretion appoint a Director of Public Welfare to manage the County Public Welfare Department under their direction and control and if so appointed said Director shall be a graduate of an accredited school of social welfare and shall have had at the date of appointment at least two years experience in the field of social welfare work; or, if not a graduate as hereinbefore provided, shall have had at least five years experience in approved social welfare agencies; provided, that this section shall not have a retroactive application.

County Officers Other than Supervisors

County officers other than supervisors.

Sec. 14. The elective County officers other than the members of the Board of Supervisors shall be:

Auditor
Assessor
County Clerk
Coroner
District Attorney
Public Administrator
Recorder
Sheriff
Superintendent of Schools
Surveyor
Tax Collector
Treasurer

The Tax Collector shall be ex officio license collector of the County.

Sec. 15. All elective officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law. County officers

Sec. 16. The appointive County officers shall be:

Board of Education, Members of
Board of Law Library Trustees, Members of
Fish and Game Warden
Agricultural Commissioner
Live Stock Inspector
Probation Officer
County Health Officer

Such other officers as now are or may be hereafter provided by law or by this Charter shall also be appointive.

Sec. 17. All officers whose term of office are not otherwise provided in this Charter shall be appointed for a term of two years, provided, however, that the immediate successor in office to any such officer now in office and serving a fixed term shall be appointed for a term which will end in such a manner as to provide for the appointment of the successor to such immediate successor in the month of January of the year in which a general election is held next following.

Sec. 18. There is hereby constituted for the County of Fresno a County Planning Commission.

Said Commission shall consist of five members to be appointed by the Board of Supervisors, the County Surveyor, acting ex officio, and one member of the Board of Supervisors, also acting ex officio, who shall also be selected by the Board of Supervisors. The members of said Commission shall serve without pay and it shall have jurisdiction over all matters of County planning now or hereafter provided by general law, provided, however, that it shall not be mandatory upon them to recommend any zoning ordinance or prepare any master plan, major traffic street plan, districting plan, transportation plan, transit plan, park or recreational system plan, or group building plan. The planning commission shall have no power to make any expenditures for county planning without the approval of the Board of Supervisors. The acceptance or rejection of plans so proposed by the county planning commission shall rest in the sole discretion of the Board of Supervisors.

Sec. 19. The members of the Board of Law Library Trustees shall be appointed in the manner and for the term now or hereafter provided by General Laws.

Sec. 20. The Probation Committee of the County shall be composed of the five members of the Board of Supervisors, together with two other persons appointed by said Board of Supervisors.

Sec. 21. The Probation Officer and such deputy probation officers as the Board of Supervisors may provide from time to time shall be appointed by the Judge of the Juvenile Court of the County of Fresno. The salary of the Probation Officer

and of deputy probation officers shall be fixed by the Board of Supervisors. In all other probation matters the General Laws shall apply and the Probation Officer shall be governed thereby.

Sec. 22. All officers, boards and commissions to whom fees are paid for the performance of official duties, except as otherwise specifically provided in this Charter, and all officers or employees collecting or receiving any moneys pertaining to or for the use of the County, shall make regular monthly settlements and accounts of their collections. The Tax Collector, Auditor, County Clerk, and Sheriff shall pay all sums of money so received by them to the Treasurer daily and all other officers so receiving such sums shall pay the same to the County Treasurer at least once a month, in no event making such payment later than the 5th day of the succeeding calendar month.

Sec. 23. Whenever a vacancy occurs in any elective county or township office, other than a member of the Board of Supervisors, the Board of Supervisors shall fill such vacancy and the appointee shall hold office for the full unexpired term of his predecessor and until his successor is elected and qualified.

Salaries

Sec. 24. The salaries of the elective County officers shall be as follows:

Auditor—Three Thousand Two Hundred Dollars per year;

Assessor—Four Thousand Dollars per year;

County Clerk—Three Thousand Six Hundred Eighty Dollars per year;

District Attorney—Four Thousand Eight Hundred Dollars per year;

Recorder—Three Thousand Two Hundred Dollars per year;

Sheriff—Four Thousand Eight Hundred Dollars per year;

Superintendent of Schools—Three Thousand Two Hundred Dollars per year;

Surveyor—Three Thousand Two Hundred Dollars per year;

Tax Collector—Three Thousand Two Hundred Dollars per year;

Treasurer—Three Thousand Two Hundred Dollars per year;

The Coroner and Public Administrator shall receive such fees for their services as are now or may hereafter be provided by general law.

It shall be the duty of the Coroner and Public Administrator to make semi-annual reports on the first days of January and July of each year to the Board of Supervisors of the total amounts received by them as compensation for their services.

Sec. 25. Each elective officer shall have the power to appoint and remove at will such deputies and employees as are provided for the carrying out of the duties of his office.

Sec. 26. The Purchasing Agent shall perform such duties as are now provided by general law and such other duties as

may be legally delegated to him and required of him by the Board of Supervisors.

Sec. 27. Each County and Township officer, board and commission shall have the powers and perform the duties now or hereafter prescribed by general law and by this Charter.

County Health Officer:

County health officer

Sec. 28. There shall be a County Health Officer appointed by the Board of Supervisors of the County, who shall perform such duties as may be required of him by General Laws. There shall be such deputy County Health Officers and employees as the Board of Supervisors may from time to time provide.

Contracts with cities.

Sec. 29. The Board of Supervisors shall have the power to contract with any incorporated city or town or charter city within the county for the performance by the County Health Officer, or other employees of the Health Department, of any function relating to public health within such incorporated city or town or charter city, and whenever such contract has been duly entered into the County Health Officer and his deputies and employees shall thereupon exercise the same powers or duties within such city or town or charter city as are conferred upon health officers thereby by State law or local ordinance within such city or county, and in such contract provision for payment to the county of the proportionate share of the expenses of said health service may be made. The Board of Supervisors may contract with any incorporated city or town or charter city within said county to secure the performance by the health officer or other health department employees of such city, or town, or charter city of any service relating to public health and to pay to such incorporated city, or town, or charter city the proportionate share of such public health service, in which event no health officer for the county shall be appointed. In the event of the formation of a Public Health District, including the County of Fresno and any incorporated city or cities, town or towns, or charter city or cities, the County of Fresno is empowered to become a part thereof and in the event of the organization of such District no independent health officer shall be appointed for the said County of Fresno.

Township Officers:

Township officers

Sec. 30. In each township there shall be one Justice of the Peace and one Constable, together with such clerks, deputy constables and other officers as may be authorized by the Board of Supervisors

Justices of the peace

Sec. 31. Justices of the Peace in each township shall be nominated and elected at the times and in the manner and for the terms now or hereafter provided by general law. The compensation of Justices of the Peace of each township shall be fixed by the Board of Supervisors and shall be by salary

only, and need not be uniform for the several townships, nor proportionate to the population therein. Their duties and qualifications shall be such as are now, or may be hereafter prescribed by law or by this Charter. Justices of the Peace shall have the qualifications now or hereafter required by general law.

Constables

Sec. 32. Constables shall be appointed by the Board of Supervisors upon nomination by the Sheriff and no person shall be appointed to such position unless so nominated, provided, that the Board shall in no case be obligated to make any such appointment unless satisfactory to the Board, and if the Sheriff fails to nominate any person within thirty days after a vacancy occurs or to propose another nominee within five days after the rejection of any prior nominee, the Board may thereupon make such appointment according to their own judgment and selection. Constables shall have the qualifications now or hereafter required by general law.

Constables shall be permitted to retain for their own use fees collected by them for service of process in civil actions, and in addition thereto, the Board of Supervisors may fix the compensation for all other services required of them, but said compensation need not be uniform for the several townships, nor proportionate to the population therein. It shall be the duty of the Constable of each township to make semi-annual reports on the first day of January and the first day of July to the Board of Supervisors of the total amounts collected by them in the service of civil process.

Sec. 33. Constables shall be ex-officio deputy sheriffs, and shall be under the supervision and direction of the Sheriff. Each constable shall be subject to the orders of the Sheriff, must serve process within his township or elsewhere when requested, and shall also perform all the duties required by law.

Budget:

Budget.

Sec. 34. The budget for the county shall be prepared annually in the manner and form and in conformity with the general laws of the State and no purchases or expenditures shall be made except in conformity therewith.

Annual Audit of Accounts:

Annual audit of accounts

Sec. 35. At least one month before the beginning of each fiscal year the Board of Supervisors shall employ, at a stipulated compensation an accountant or accountants, who shall examine the books, records and reports for the preceding fiscal year, of all county and township officers and employees, and make duplicate reports of his or their findings thereon, one of which shall be filed with the Board of Supervisors and one with the Auditor. Such accountant or accountants shall have unlimited privilege of investigation, and the same powers with regard to compelling the attendance of witnesses, the

production of books and papers, and the administering of oaths as are conferred on boards of supervisors. Every county and township officer and employee shall give all required assistance and information to such accountant or accountants, and submit to him or them for examination such books and papers of his office as may be requested, and failing to do so may be removed from office.

Municipal Functions:

Municipal functions.

Sec. 36. The Board of Supervisors and all county officers shall assume and discharge municipal functions of cities and towns within the County whenever requested so to do by such cities or towns, upon such terms as may be agreed upon between the County of Fresno and the city or town requesting the performance of such functions. The compensation to be paid to the County for assuming and performing such municipal functions shall be such sum as may be agreed upon between the municipality and County, but not exceeding the amount now prescribed by general law.

Sec. 37. In every case where the county undertakes the collection of taxes for cities or towns, the tax rate certified by such cities and towns shall be added to the tax rate fixed by the Board of Supervisors in determining the total amount of taxes due on each assessment liable therefor, and it shall not be necessary to enter said city or town tax in a separate column.

Recall:

Recall.

Sec. 38. The provisions of the initiative, referendum, and recall laws of the State of California are incorporated herein and the exercise of the rights thereby reserved to the people shall be exercised in accordance with the general laws of the State of California.

Miscellaneous:

Miscellaneous

Sec. 39. All officers, assistants, deputies, clerks, attaches and employees shall be allowed their actual necessary traveling expenses in the performance of official duties.

To hold no other office

Sec. 40. No elective or appointive officer or employee who receives compensation as such shall hold any other public office of profit, as said term is herein defined, except the office of notary public, or an office in the National Guard of the State of California, or an office in any reserve military or naval force of the United States Government. By the term "public office of profit" as used herein is meant any public office with a salary or compensation attached thereto of not more than twenty-five dollars a month.

Not to be interested in contracts.

Sec. 41 No officer or employee shall be interested directly or indirectly in any contract or transaction with the County or become surety upon any bond given to the County.

No officer or employee shall receive any commission, money, or thing of value, or derive any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings with, or service for the County, by himself or otherwise, except his lawful compensation as such officer or employee. Any violation of the provisions of this section shall render the contract or transaction involved voidable at the option of the Board of Supervisors. It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this section immediately to report such violation to the Board of Supervisors, and failing so to do may be removed from his office or employment.

Tenure of office

Sec. 42. Nothing in this Charter is intended to effect, nor shall be construed as affecting, the tenure of office of any of the elective officers of the County or of any district, township, or division thereof in office at the time this Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law; nor shall anything in this Charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected, but the successors of each and all such officers shall be elected or appointed as in this Charter provided, and not otherwise.

Nepotism

Sec. 43. No person within the third degree of consanguinity or affinity by marriage with any officer or supervising employee of the County shall be employed by the County, except that the Board of Supervisors of the County by unanimous vote may authorize such employment.

Removal of Appointive Officer or Employee of Board of Supervisors.

Removal

Sec. 44. Any appointive officer or employee of the Board of Supervisors may be removed by a majority vote of the Supervisors, provided that any such appointive officer or employee may within five days after notice of such removal demand that written reasons for the removal be filed against him and that he be served with a copy thereof. He may, within five days thereafter if he so desire, file an answer to such reasons for removal and demand a hearing thereupon which must be granted him by the Board of Supervisors within five days thereafter unless a continuance be had by the consent of both the Board of Supervisors and the person so removed, and at such hearing the person removed may present such evidence as he may desire to refute the reasons for removal so given. If the Board of Supervisors after such hearing shall so decide the officer or employee shall be returned to duty upon such terms as the Board may decide, otherwise, the dismissal shall stand. The said officer or employee shall be suspended pending said hearing without pay and in case of his failure to demand written reasons for his removal or to answer

the same and demand a hearing thereon, the discharge shall be final from the date of his original suspension, provided, however, that if any appointive officer or employee of the Board of Supervisors shall have been removed with the concurrence of four-fifths of the Board of Supervisors, he shall not be entitled to a hearing and his dismissal shall be final. Certificate.

In witness whereof, we have hereunto set our hands in duplicate this 17th day of February, 1933.

C. L. McLANE
Chairman
HENRY L. SUDERMAN
Vice-Chairman
DR. THOMAS F. MADDEN
Secretary
C. H. COBB
JOHN E. McCANN
LOUIS SLATER
BEN SWANSON
J. H. FAIRWEATHER
JAS R. ERSKINE
W. G. ALLEN
MRS. C. R. VANDERLIP
C. L. GEER
CLARENCE E. DOWD
EARL J. FENSTON
EDNA K. HARDMAN
also known as Edith K. Hardman

State of California, }
County of Fresno. } ss.

I, D. M. Barnwell, County Clerk of the County of Fresno, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the county of Fresno, prepared and proposed by a duly qualified board of fifteen freeholders duly elected on the 8th day of November, 1932, and that a copy of said proposed charter was duly filed in my office on the 17th day of February, 1933, said copy having been duly signed by a majority of the members of said board; and that thereafter said proposed charter was duly published for ten times in The Fresno Bee, a daily newspaper of general circulation, printed, published and circulated in the County of Fresno, and that the first publication thereof was made within fifteen days after the date of the filing of the said proposed charter in my office, to wit, on the 21st day of February, 1933, and that the last publication thereof was completed on the 2nd day of March, 1933, and that after such publication, said proposed charter was duly submitted to the qualified electors of the County of Fresno at a special election held on the 10th day of April, 1933, and that at said election a majority of such qualified electors voting thereon voted in favor of and duly ratified the same.

Certificate

In witness whereof, I have hereunto set my hand and affixed my seal this 18th day of April A D. 1933.

D. M. BARNWELL,
County Clerk of the County of Fresno,
State of California.

[SEAL]

State of California, } ss.
County of Fresno. }

I, I. E. FARLEY, County Recorder of the County of Fresno, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the County of Fresno, prepared and proposed by a duly qualified board of fifteen freeholders duly elected on the 8th day of November, 1933, and that a copy of said proposed charter was duly filed in my office on the 17th day of February, 1933 said proposed charter having been duly signd by a majority of the members of the said board.

In witness whereof, I have hereunto set my hand and affixed my seal this 18th day of April, A.D. 1933.

I. E. FARLEY,
County Recorder of the County of Fresno,
State of California.

State of California, } ss.
County of Fresno }

We hereby certify to the Legislature of the State of California that the foregoing County Charter of the County of Fresno was duly and regularly ratified by the vote of the people of the County of Fresno on the tenth day of April, 1933, at an election held on said date for said purpose, at which said election 23,785 votes were cast on the proposition of adopting said charter, and of said votes so cast on said proposition 14,580 votes were cast "For County Charter" and 9,205 votes were cast "Against County Charter."

We further certify that the Board of Supervisors of the County of Fresno, State of California, did on the 18th day of April, 1933, duly and regularly canvass the returns of said election and did on said 18th day of April duly and regularly declare said charter ratified by the vote of the people of the County of Fresno

N. P. GONSER,
Chairman, Board of Supervisors.

Attest: D. M. BARNWELL, County Clerk and
ex officio Clerk of the
Board of Supervisors,
By FRED E. MAIN

[SEAL]

WHEREAS, said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or ratification without power of alteration or amendment, and in accordance with section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the proposed charter of the County of Fresno as hereinbefore set forth, as presented, and as submitted to, and adopted and ratified by the qualified electors of said County, be, and the same is hereby approved as a whole for and as the charter of said county of Fresno.

CHAPTER 52.

Senate Concurrent Resolution No. 25—Approving an amendment to the charter of the city of Tulare, a municipal corporation in the county of Tulare, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the eighteenth day of March, 1933.

[Filed with Secretary of State April 24, 1933.]

WHEREAS, Proceedings have been taken and had for the proposed adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Tulare, a municipal corporation in the county of Tulare, State of California, as set out in the certificate of the city clerk of said city, as follows, to wit:

City of Tulare Charter amendments

State of California }
County of Tulare } ss.
City of Tulare }

I, C. A. Paulden, the duly appointed, qualified and acting city clerk of the city of Tulare, do hereby certify as follows:

That the city of Tulare, in the county of Tulare, State of California, contains a population of less than 50,000, to wit: 6202 inhabitants (according to Federal census 1930) and has been ever since the year 1923 and is now organized and acting under a freeholders charter adopted under and by virtue of section 8, Article 11 of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fifth day of September, 1922, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the third day of February, 1923 (Statutes of 1923, page 1508); that the legislative body of said city, namely; the city council of said

Tulare charter

city, did, pursuant to section 8, Article 11 of the Constitution of the State of California, by an ordinance adopted February 1, 1933, duly propose to the qualified electors of said city of Tulare ten (10) amendments to the charter of said city, designated as proposed Charter Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the eighteenth day of March, 1933, which date was fixed in said ordinance as the date for holding said special municipal election.

That said proposed Charter Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 were and each of them was on the fourth day of February, 1933, duly published in all the editions issued during said day of the Tulare Daily Times, a daily newspaper of general circulation printed and published in said city of Tulare and the newspaper designated by said city council for that purpose; said city of Tulare having no official newspaper; that said city council of said city did by ordinance designated as Ordinance No. 412, order the holding of a special municipal election in said city of Tulare on the eighteenth day of March, 1933, which said date was not less than forty days nor more than sixty days after the completion of the publication of said ten proposed amendments aforesaid, which said ordinance was duly and regularly introduced and passed to print by the affirmative votes of all of the members of the city council of said city and which said ordinance was thereafter printed twice in the Tulare Daily Times, a newspaper of general circulation, printed, published and circulated in said city of Tulare and which said ordinance was thereafter, to wit: on the first day of February, 1933, duly adopted by the affirmative vote of all of the members of said city council and approved by the president of said city council and by the city clerk.

That said special municipal election was held in said city of Tulare on the eighteenth day of March, 1933, which day was not less than forty days and not more than sixty days after said ten proposed amendments to said charter had been published once in said Tulare Daily Times.

That thereafter the city council of the city of Tulare did, in the manner provided by law, duly and regularly canvass the returns of said election and that said city council by resolution adopted on the twenty-first day of March, 1933, duly declared the result of said municipal election as determined from the canvass of the returns thereof; that at said municipal election held on said eighteenth day of March, 1933, four (4) of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: Charter Amendments Nos. 2, 6, 8 and 9 and that other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; that said four (4) charter amendments so ratified by the electors of the city of Tulare are in words and figures as follows, to wit:

Charter Amendment No. 2.

Amend section 11 of said charter to read as follows:

Section 11. All elections shall be held and conducted, as nearly as may be, in accordance with the general laws providing for and governing elections in cities of the fifth and sixth class. The regular municipal elections shall be held on the second Tuesday in April commencing with the year 1923, and every fourth year thereafter. Elections

Charter Amendment No. 6.

Amend section 24 of said charter so that the same shall read as follows:

Section 24. The fiscal year shall commence on the first day of July. Fiscal year.

Charter Amendment No. 8.

The first paragraph of section 62 of said charter shall be amended to read as follows:

Section 62. The board of education shall appoint a superintendent of schools and such deputies and assistants as it may deem necessary and fix their compensation. Superintendent of schools

Charter Amendment No. 9.

Amend section 66 of said charter so that the same shall read as follows:

Section 66. The board of education shall annually, on such date as the city manager may fix, submit to the city manager, a careful estimate of the whole amount of money to be received from the State and the county for the support of the school department, together with a careful estimate of the amounts, specifying in detail the object thereof, required from the city for the adequate support of such department for the ensuing year. The city manager shall include these estimates in his estimate of revenues and expenditures. The city council shall include in and apportion from the annual tax levy the sum of not more than fifteen cents on each one hundred dollars of assessed valuation, to be paid into the school fund of the city. Support of schools

In witness whereof, I have hereunto set my hand and affixed the seal of said city at my office in the city of Tulare this third day of April, 1933.

C. A. PAULDEN,
City Clerk, City of Tulare.

[SEAL]

and

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration,

in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting thereof or and concurring therein, That said amendments to the charter of the city of Tulare, as proposed to and adopted and ratified by the electors of said city, and as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of said city of Tulare.

CHAPTER 53.

Senate Concurrent Resolution No. 28—Approving certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the qualified electors of said city and county at a special election held therein on the eleventh day of April, 1933.

[Filed with Secretary of State April 24, 1933.]

San Francisco Charter amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred thirty-two, and is now organizing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City and County at an election held for that purpose on the twenty-sixth day of March, one thousand nine hundred thirty-one, and approved by the Legislature of the State of California on the thirteenth day of April, one thousand nine hundred thirty-one (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said City and County, namely the board of supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco four certain amendments to the charter of said City and County of San Francisco by the submission of four proposals, numbered from one to four, inclusive, entitled as follows, to wit:

Charter Amendment No. 1.

Proposition voted on

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section thereto, to be known as Section 70.1, providing for deductions from the salaries of the officers and employees of the City and County during extraordinary economic conditions and authorizing the reducing of budget

appropriations otherwise provided by Charter to be made to the various officers and departments of the City and County. San Francisco charter

Charter Amendment No. 2.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 169 thereof, providing for retirement allowances of certain employees of the Fire Department and for contributions by said employees to the San Francisco City and County Employees' Retirement System.

Charter Amendment No. 3.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 37 thereof providing for the positions of Fire Marshal and Chief Deputy Fire Marshal.

Charter Amendment No. 4.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Section 169 of said Charter a new subdivision to be known as subdivision (g), providing that pilots and marine engineers employed on January 8, 1933, on the fire boats in the San Francisco Fire Department, shall be entitled to the benefits and subject to the contributions provided under the San Francisco City and County Employees' Retirement System, by Section 169 of the Charter, for other members of the Fire Department.

WHEREAS, Said four proposals aforementioned containing said proposed amendments to said charter were in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, published for one day after their order of submission in "The San Francisco News," a daily newspaper of general circulation in the City and County of San Francisco and the official newspaper of said City and County; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in papers of general circulation in the City and County of San Francisco, "The San Francisco News," and "San Francisco Chronicle," that such copies could be had on application therefor to the office of the Board of Supervisors; and

WHEREAS, The said legislative authority of said City and County, ordered placed upon the ballot at a special election to be held in the City and County of San Francisco on the eleventh day of April, one thousand nine hundred thirty-three, the said four several proposals to amend the charter of the City and County of San Francisco; and

San Francisco charter.

WHEREAS, Said special election was held in said City and County of San Francisco on the eleventh day of April, one thousand nine hundred thirty-three, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in "The San Francisco News," newspaper, said special election having been held within six months next preceding a regular session of the Legislature; and

WHEREAS, On the seventeenth day of April, one thousand nine hundred thirty-three, and thereafter at meetings duly convened in accordance with law, the Board of Supervisors of said City and County duly and regularly canvassed the returns of said special election and duly declared the results thereof, said board being by law authorized to canvass the returns of said special election; and

WHEREAS, Thereafter, to wit on the twentieth day of April, one thousand nine hundred thirty-three, said Board of Supervisors duly approved the "official statement of votes cast at the special election held in the City and County of San Francisco, State of California, on Tuesday, the eleventh day of April, one thousand nine hundred thirty-three, for charter amendments"; and

WHEREAS, At said special election so held on the eleventh day of April, one thousand nine hundred thirty-three, one of said proposed amendments was ratified by a majority of the electors of said City and County voting thereon, to wit: Charter amendment numbered one, and that the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendment so ratified by the electors of the City and County of San Francisco is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, and is in words and figures as follows, to wit:

CHARTER AMENDMENT No. 1.

Salary Deductions.

Adding a new section to the Charter to be known as Section 70.1, providing for deductions from the salaries of officers and employees of the City and County during extraordinary economic conditions, and authorizing and reducing of budget appropriations otherwise provided by Charter to be made to the various officers and departments of the City and County during such conditions.

CHARTER AMENDMENT No. 1.

Salary Deductions.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section thereto, to be known as section 70.1, providing for deductions from the salaries of the officers and employees of the City and County during extraordinary economic conditions and authorizing the reducing of budget appropriations otherwise provided by Charter to be made to the various officers and departments of the City and County. Salary deductions.

The Board of Supervisors of the City and County of San Francisco hereby submits to the electors of said City and County, at a special election to be held on the 11th day of April, 1933, a proposal to amend the Charter of said City and County by adding a new section thereto to be designated section 70.1, and which section shall read as follows:

Deductions from salaries and other fixed appropriations in time of extraordinary economic conditions or public emergencies.

Section 70.1. Whenever, in the judgment of the Mayor and the Board of Supervisors, extraordinary economic conditions actually exist due to unemployment, fire, earthquake, flood or other calamity, which adversely affect the life, health and welfare of the citizens of the City and County or of any considerable portion thereof, the Board of Supervisors, by a three-fourths vote of all of its members, with the concurrence of the Mayor, shall have power as follows, to-wit:

Sub. 1. To officially declare that a public emergency exists, and to fix the approximate anticipated time during which said emergency shall continue, provided that no such emergency shall be anticipated to continue beyond the end of the fiscal year during which the same is declared, unless such emergency be declared subsequent to the first day of January of said year, in which event the said emergency may be anticipated to continue until the end of the next succeeding fiscal year.

Sub. 2. To provide that while said emergency as declared shall continue to exist there shall be deducted from the gross salaries and compensations, exclusive of pension and retirement allowances, of each officer and employee of the City and County of San Francisco, including officers and employees of the Board of Education, not more than the respective amounts hereinafter set forth. Said deductions shall be made on the basis of the salary and compensation rate of said several officers and employees which were in effect during the calendar month immediately preceding the month during which said emergency was declared and not reduced by this section.

If said salary and compensation deductions are not reflected in the annual budget and appropriation ordinances, as set forth in subdivision 3 of this section, the amount of said deduc-

tions shall be used for the purpose of meeting or alleviating the emergency which has been declared, or to balance any deficiency existing in the general funds of the City arising by reason of the delinquency in the payment of taxes or other revenue as compared with the anticipated revenues over the same period. Provided that where salaries or compensations are paid out of bond funds, utility funds, or other trust funds, which are not provided from the revenues of the City, all deductions made shall revert to the respective funds from which said salaries or compensations are paid.

Maximum deductions

The maximum deductions from the salary or compensation of each officer or employee heretofore referred to shall be as follows, to-wit:

(a) From the salaries or compensation of officers or employees whose gross earnings exceed $100 per month and do not exceed $120 per month, three (3) per cent of the amount of the gross monthly earnings of each of said officers or employees.

(b) From the salaries or compensations of officers or employees whose gross earnings exceed the sum of $120 per month and do not exceed the sum of $150 per month, seven (7) per cent of the gross monthly earnings of each of said officers or employees.

(c) From the salaries or compensations of officers or employees whose gross earnings exceed the sum of $150 per month, and do not exceed the sum of $185 per month, ten (10) per cent of the gross monthly earnings of each of said officers or employees.

(d) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $185 per month, and do not exceed the sum of $275 per month, twelve and one-half (12½) per cent of the gross monthly earnings of each of said officers or employees.

(e) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $275 per month, and do not exceed the sum of $600 per month, fifteen (15) per cent of the gross monthly earnings of said officers or employees.

(f) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $600 per month and do not exceed the sum of $834 per month, eighteen (18) per cent of the gross monthly earnings of each of said officers or employees.

(g) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $834 per month, twenty (20) per cent of the gross monthly earnings of each of said officers or employees.

(h) Provided, however, that no more than five and one-half (5½) per cent of the gross monthly earnings of per diem employees whose compensations are fixed on the basis of a five-day week shall be deducted from the salaries or earnings of any such employee.

Said deductions shall be made from said earnings or compensations in monthly or semi-monthly installments according to the time at which said salaries or compensations are paid, provided that where the earnings of any officer or employee are on an hourly or per diem basis deductions based on his total earnings for the month shall be deducted from the installment of said earnings paid for the last half of the month.

Extension of emergency

Sub. 3. Should any such emergency declared as herein provided be anticipated to continue into the next fiscal year following the one during which said emergency has been declared, the heads of all departments, the Controller and the Mayor, in preparing or submitting their respective annual budget estimates, shall base and estimate the net salaries and compensations to be paid to the officers and employees of their respective departments, or, in the case of the Mayor and the Controller, to be paid to the officers and employees of all departments, at amounts not to exceed the said salaries and compensations as reduced by the above-mentioned percentages on the above-mentioned salary and compensation rates, and the annual appropriation and salary ordinance shall fix said net salaries and compensations accordingly. When any emergency is declared after the annual budget is prepared or adopted, or after the annual appropriation or salary ordinances are enacted, and before the annual tax rate is fixed as provided by law, said budget and said appropriation and salary ordinances may be revised or reenacted, so that the deductions herein authorized to be made may be reflected in the amount of the tax levy.

Sub. 4. All of such deductions, whether made after the passing of the annual budget appropriation and salary ordinance or included therein, shall be deemed as temporary deductions from the salaries and compensations of said officers and employees, and shall be continued only during the anticipated period for which said emergency has been declared.

Compensation includes board and room

Sub. 5. In making the deductions herein provided for, the value of board, room and laundry or other maintenance furnished by the City and County to any officer or employee, when the same is made a part of his compensation by the Civil Service Commission, shall be added to the monetary salary or compensation paid to said employee, and the amount of deductions from said salary or compensation shall be based on said monetary salary plus the value of said board, room and laundry or other maintenance, provided that no deduction shall be made for quarters furnished to any officer or member of the Fire Department.

Reallocation of money

Sub. 6. During the period that any emergency shall exist after being so determined as hereinbefore provided, the Controller, with the approval of the Mayor and the Board of Supervisors, may reallocate any unencumbered balance, or any part thereof, to the credit of any department or office exclusive of moneys or appropriations made or required to be made to

any bond, bond interest, bond redemption, pension, utility, or trust fund, so that the same shall be available to meet the necessities of said emergency, irrespective as to whether the amount allocated to said department or office is fixed by this Charter or is the result of a tax provided by said Charter to be levied for said department. Should the period during which said emergency is anticipated to exist extend beyond the end of the fiscal year in which the same was declared to exist, the Mayor, with the approval of the Board of Supervisors, may reduce the amount of any mandatory appropriation provided to be allocated to any office or department; or may reduce the amount of any tax provided by the Charter to be levied for the support or maintenance of any department or office. Provided that no such deduction in appropriation, provided by this Charter to be made to any department, or in the reallocation of funds, or reduction in the amount of said tax otherwise provided to be levied to produce funds for any department, shall be greater than is necessary to reflect the deductions in salaries provided in this section to be made by reason of said emergency.

The provisions of this section shall have precedence over conflicting provisions of this Charter, but nothing herein contained shall adversely affect the rights of the officials and employees as set forth in section 71 of the Charter, during the period when no public emergency exists. Contributions by the City and County and by members of the San Francisco City and County Employees' Retirement System to, and benefits, pension payments and allowances under said Retirement System, shall be calculated on the basis of gross salaries and compensations of such members in the same manner and amounts as if no deductions from said gross salaries and compensations were made under this section.

Declaration of emergency.

Within ten days after this amendment becoming effective, the Board of Supervisors and the Mayor shall officially declare, by resolution, that a public emergency exists in San Francisco within the meaning of this section; and that it is anticipated that said emergency will continue until the end of the fiscal year 1933–1934, and the deductions from salaries and compensations at the maximum rates herein provided shall be effective until the end of said fiscal year.

Should any emergency be declared pursuant to the provisions of this section, which will be effective after the end of the fiscal year 1933–1934, which, in the judgment of the Board of Supervisors, will necessitate deductions from the salaries of the officers and employees of the City and County, over and above the amounts herein provided for, the Board of Supervisors, by unanimous vote of all of its members, and with the approval of the Mayor, may authorize a further deduction from the salaries and compensations of any of said officers and employees by increasing the maximum deductions in this section provided for, up to and including an amount not to exceed twenty-five (25) per cent of said respective salaries

or compensations as the same existed before any deduction by authority of this section.

Ordered submitted—Board of Supervisors, San Francisco, February 27, 1933.

Ayes—Supervisors Breyer, Brown, Canepa, Colman, Gallagher, Havenner, Hayden, Miles, Peyser, Power, Roncovieri, Shannon, Spaulding—13.

Absent—Supervisors McSheehy, Stanton—2.

I hereby certify that the foregoing Charter Amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco. J. S. DUNNIGAN, Clerk.

State of California, }
City and County of San Francisco } ss.

This is to certify that we, J. Emmet Hayden, President of the Board of Supervisors of the City and County of San Francisco, and J. S. Dunnigan, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendment to the Charter of the said City and County of San Francisco with the original proposal, submitting the same to the electors of said City and County at a special election held on Tuesday, the eleventh day of April, one thousand nine hundred thirty-three, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this 20th day of April, one thousand nine hundred and thirty-three.

J. EMMET HAYDEN,
President of the Board of Supervisors of the City and County of San Francisco.

[SEAL]

J. S. DUNNIGAN,
Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly Thereof Concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same is, hereby approved as a whole without amendment or alteration, for and as amendment to, and as part of the charter of the City and County of San Francisco

Ratification.

CHAPTER 54.

Senate Concurrent Resolution No. 22—Relative to a recess to be taken by the fiftieth session of the Legislature.

[Filed with Secretary of State April 27, 1933.]

Legislative recess

WHEREAS, It is necessary to submit to a vote of the people certain measures of importance to the welfare of the State; and

WHEREAS, The result of the submission to the people of such measures may make certain legislation necessary in order to carry into effect the wishes of the people as demonstrated by the results of such election; and

WHEREAS, There is legislation pending which would call such an election during the month of June, 1933; and

WHEREAS, Members of the Legislature, if given the opportunity, could be of service to the people of the State by going into their respective communities and explaining the measures to be voted upon; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the fiftieth session of the Legislature recess at four o'clock p.m. on the twelfth day of May, 1933, to reconvene at eleven o'clock a.m. on the seventeenth day of July, 1933.

CHAPTER 55.

Senate Concurrent Resolution No. 29—Relative to approving a certain amendment to the charter of the city of Chico, county of Butte, State of California, voted for and ratified by the electors of said city of Chico at a general municipal election held therein on the tenth day of April, 1933.

[Filed with Secretary of State April 27, 1933.]

City of Chico Charter amendments

WHEREAS, The city of Chico in the county of Butte, State of California, has at all times mentioned herein been, and now is a municipal corporation of the State of California, containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the sixteenth day of April, 1923, organized, existing and acting under a freeholders' charter adopted under and by virtue of section 8, article eleven, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifteenth day of December, 1921, and approved by the Legislature of the State of California on the third day of February, 1923; and

WHEREAS, The legislative body of said city, namely, the council of said city, did pursuant to provisions of section 8, article eleven, of the Constitution of the State of California, by ordinance adopted the sixth day of February, 1933, and duly published in the manner and form as required by law,

duly propose to the qualified electors of the city of Chico, certain amendments to the charter of said city, and order that said amendments be submitted to said qualified electors of said city at the general municipal election to be held in said city on the tenth day of April, 1933, the date of which said election is fixed by said charter of said city of Chico referred to hereinbefore, and which said date was fixed in said ordinance as the date for the voting upon said amendments as proposed; and

WHEREAS, Said proposed amendments were published in the "Chico Enterprise," a newspaper of general circulation printed and published in the city of Chico, and having a general circulation therein, the said paper being the official paper of the city of Chico, for the time and in the manner prescribed by section 8 of article eleven of the Constitution of the State of California, and copies of said proposed amendments to said charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendments aforesaid, until the date fixed for the election of said charter amendments, the legislative body of said city of Chico, to wit, the council, caused to be published in said "Chico Enterprise," said official newspaper of the city of Chico, and a newspaper of general circulation printed and published in said city of Chico, a notice that copies of said proposed amendments to said charter could be had at the office of the city clerk of the city of Chico upon application therefor; and

WHEREAS, Said general municipal election was duly and regularly held on said tenth day of April, 1933, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of said city of Chico, and at said election a majority of qualified electors voting thereon, voted in favor of ratifying and did ratify one of the proposed amendments to said charter, said proposed amendment so ratified being in words and figures as follows, to wit:

PROPOSITION ONE.

That sections 39, 40, 41, 42, 43, 44 and 45 of Article V of the charter of the city of Chico be repealed, and that the provisions of said Article V as to said sections be amended by adding thereto a section to be known as section 39 to read as follows:

Section 39. Taxation: Except as in this charter otherwise provided, the procedure for the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collections of taxes, the fixing of the tax rate and the extensions thereof, the time of payment of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes shall be made and had as provided for by ordinance of the city of Chico. Taxation

And,

Taxation

WHEREAS, The council of said city of Chico, in accordance with law in such cases made and provided, and in accordance with and in pursuance of the charter of said city, did meet on Monday the seventeenth day of April, 1933, at their usual place of meeting, and duly canvassed the returns of said election as certified by the election board, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon, had voted for and ratified one of the proposed amendments to the charter of the city of Chico, to wit: Proposition One particularly set forth hereinabove and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of O. A. Kilpatric, mayor of the said city of Chico, and H. H. Hume, clerk of said city, which said certificate is in words and figures as follows, to wit:

CERTIFICATE OF THE MAYOR AND CLERK OF THE CITY OF CHICO.

Resolution that proposed amendments to the charter of the city of Chico be submitted to the voters of said city at the general election to be held in said city on April 10, 1933.

Be it resolved by the council of the city of Chico, that

WHEREAS, Public necessity and convenience require certain amendments to the charter of the city of Chico, county of Butte, State of California, a municipal corporation, and

WHEREAS, The council of said city deems it advisable of its own motion to submit to the vote of the qualified electors of said city certain proposed amendments of said charter, now therefore be it

Resolved, That the following propositions being proposed amendments to the charter of the city of Chico be submitted to the qualified electors of said city at the next general election to be held in said city on the tenth day of April, 1933, the said date of said election being before the final adjournment of the present session of the Legislature of the State of California, which said propositions are as follows, to wit:

PROPOSITION ONE.

That sections 39, 40, 41, 42, 43, 44 and 45 of Article V of the charter of the city of Chico be repealed, and that the provisions of said Article V as to said sections be amended by adding thereto a section to be known as section 39 to read as follows:

Section 39. Taxation: Except as in this charter otherwise provided, the procedure for the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collections of taxes, the fixing of the tax rate and the extensions thereof, the time of payment of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes shall be made and had as provided for by ordinance of the city of Chico.

PROPOSITION TWO.

That section 99 of Article XI of the charter of the city of Chico be repealed, which section refers to the power of the Sidewalk Tree Commission relative to the care of trees on the streets of the city and the removal of the same in certain instances, and that the provisions of said Article XI as to the said section be amended by adding thereto a section to be known as section 99 to read as follows:

Sidewalk tree commission.

Section 99. The commission shall have full and exclusive charge of the propagation, purchasing, planting, replanting, pruning and care of the trees on the streets of the city. They shall have power to appoint superintendents, employees and assistants in the performance of their work. They shall not have power, however, to remove any tree or trees, unless said tree or trees are dead or dangerous to public traffic, on the streets of the city without the consent and the approval of the council.

Be it further resolved, That the clerk of the council give notice of the above proposed amendments to the said charter by the publication of this resolution once in the official paper of said city, to wit: The Chico Enterprise, such publication to be made not less than forty days prior to the date of said election, and

Be it further resolved, That the clerk of this council cause a copy of said proposed amendments to be printed in convenient pamphlet form and, until the date fixed for the election upon said amendments, advertise daily in the Chico Enterprise, a newspaper of general circulation published in said city, a notice that such copies may be had upon application therefor.

I certify that the foregoing resolution was passed and adopted by the council of the city of Chico, State of California, at a regular meeting thereof duly held on the seventh day of February, 1933, by the following vote:

Ayes: Councilmen Crow, Kilpatric, Meyers, Westfall, Waters.

Noes: Councilmen None.

Absent: Councilmen None.

H. H. HUME
Clerk of the City of Chico

[SEAL]

Approved:

A. R. WATERS
Mayor of the City of Chico.

ORDINANCE NO. 251

Ordinance

AN ORDINANCE CALLING FOR THE HOLDING OF A MUNICIPAL ELECTION UPON MONDAY, APRIL 10, 1933, AND FIXING THE TIME AND PLACE AND STATING THE OBJECTS OF SUCH ELECTION AND DESIGNATING THE OFFICERS OF THE ELECTION AND

CONSOLIDATING REGULAR ELECTION PRECINCTS AND DESIGNATING THE POLLING PLACE OF EACH CONSOLIDATED VOTING PRECINCT.

Ordinance

Be it ordained by the council of the city of Chico, as follows, to wit:

WHEREAS, The charter of said city of Chico provides that general municipal elections shall be held on the second Monday in April of each odd numbered year, and that the council shall by ordinance order the calling and holding of elections.

Now therefore, a general municipal election in the city of Chico, county of Butte, State of California, is hereby called to be held upon the second Monday in April, of the present year, to wit: Monday, April 10, 1933, and the objects of said election are hereby declared to be as follows, to wit:

First: The election of the following officers of the city of Chico, namely:

(a) The election of two members of the council of the city of Chico, to serve a term of four years each.

(b) The election of two members of the board of education of the city of Chico, to serve a term of four years each.

Second: For the electors of the city of Chico to vote whether or not the charter of the city of Chico should be amended as proposed by the council of the city of Chico, under that certain resolution entitled "Resolution that proposed amendments to the charter of the city of Chico be submitted to the voters at the general election to be held upon April 10, 1933," adopted February 7, 1933, and which said resolution was thereafter published in the Chico Enterprise, the official newspaper of said city, upon the twenty-fifth day of February, 1933.

Third: For the electors of the city of Chico to vote whether or not three members of the council of the city of Chico, to wit: O. A. Kilpatric, A. R. Waters and R. J. Crow should be recalled as such members of said council, and the vacancies, if any, created by said recall, be filled by appointment or election pursuant to resolution adopted February 15, 1933, therefor.

There will be twenty-one voting precincts for the purpose of holding said election, consisting of a consolidation of the regular election precincts established for the holding of the last general State and county election, which said consolidated election precincts, together with the polling place and the officers of election in each, are hereby fixed as follows, to wit:

(List of election precincts, polling places and election officers inserted here.)

The polls at said election will be opened at six o'clock a.m. of said day, and will remain open until seven o'clock p.m. of the same day, when they will be closed.

The clerk is hereby ordered as provided by the charter of the city of Chico, to publish this ordinance in the Chico Enterprise, a newspaper of general circulation printed and pub-

lished in said city daily, except Sunday, for the time and in the manner as required by said charter. Ordinance

Ordinance No. 251 was presented and adopted by the city of Chico this seventh day of March, 1933, by the following vote:

Ayes: Councilmen: Kilpatric, Meyers, Westfall, Waters.
Noes: Councilmen: None.
Absent: Councilmen: Crow.

A. R. WATERS,
Mayor of the City of Chico.

Attest:

H. H. HUME,
Clerk of the City of Chico.

The foregoing Ordinance No. 251 having been regularly passed and presented to me on this seventh day of March, 1933, is hereby approved by me this seventh day of March, 1933.

A. R. WATERS,
Mayor of the City of Chico.

I hereby certify that the foregoing Ordinance No. 251 was duly submitted to me as City Attorney of the city of Chico, and approved by me before its final passage by the city council of the city of Chico.

COYLE E. BYBEE,
City Attorney of the City of Chico.

Resolved by the council of the city of Chico as follows, to wit:

WHEREAS, A general election was held in the city of Chico on the tenth day of April, 1933, at which election the electors within the city voted upon the following, to wit:

First: The election of two members of the council of the city of Chico, to serve for a term of four years each.

Second: The election of two members of the board of education of the city of Chico, to serve for a term of four years each.

Third: Whether or not the charter of the city of Chico should be amended as proposed by the council of the city of Chico under that certain resolution entitled "Resolution that proposed amendments to the charter of the city of Chico be submitted to the voters at the general election to be held upon April 10, 1933," adopted February 7, 1933, and

WHEREAS, It is the duty of this council to canvass the votes cast at said election, and

WHEREAS, At this meeting, called for the purpose of canvassing the votes cast at said election, the council has canvassed said votes; now therefore be it

Resolved, ordered and determined as follows, to wit:

1. That the council of the city of Chico has canvassed the vote cast at the general election held in the city of Chico upon the tenth day of April, 1933, and all the absentee ballots in connection therewith.

2. That there were four candidates for the office of councilman of the city of Chico, of which two were to be elected to serve a term of four years each; that there were 2593 votes cast at said election for the office of councilman, and that the following candidates received the number of votes set opposite their names, to wit:

T. H. Richards	1460	H. A. Hirtz	1113
J. H. Vaughn	1369	Frank L. Martenette	925

3. That there were four candidates at said election for the office of member of the board of education of the city of Chico, of which two were to be elected to serve a term of four years each; that there were a total of 3196 votes cast for the office of member of the board of education of the city of Chico, and that each candidate received the number of votes set opposite his name as follows, to wit:

Chester E. Rose	1520
C. C. DeMarais	1259
H. D March	1829
Frank D. Tuttle	1213

Votes

4. That there were two propositions pertaining to the amendment of the charter of the city of Chico voted on at said election, and being designated Proposition No. One and Proposition No. Two; that there were a total of 2593 votes cast for said propositions, the number of votes cast for and against each proposition being as follows, to wit:

Proposition No. One—For 672; Against 631
Proposition No. Two—For 618; Against 809

Be it further resolved as follows, to wit:

1. That it is hereby declared by this council that J. H. Vaughn and T. H. Richards are elected as members of the council of the city of Chico to serve a term as provided by law.

2. It is hereby declared that Chester E. Rose and H. D. March are elected members of the board of education of the city of Chico to serve for the term as provided by law.

3. That the charter of the city of Chico, upon approval by the Legislature of the State of California, be amended as provided by the terms and conditions of Proposition No One, above referred to.

The foregoing resolution was carried by the following vote, to wit:

Ayes: Councilmen: Crow, Kilpatric, Meyers, Westfall, Waters.

Noes: Councilmen: None.
Absent: Councilmen: None.

H. H. HUME,
Clerk of the City of Chico.

Dated: April 17, 1933.

PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF CHICO.

Following are the two amendments to the charter of the city of Chico to be submitted to the voters at the municipal election on Monday, April 10, 1933: Amendments.

PROPOSITION ONE.

That sections 39, 40, 41, 42, 43, 44 and 45 of Article V of the charter of the city of Chico be repealed, and that the provisions of said Article V as to said sections be amended by adding thereto a section to be known as section 39 to read as follows: Repeals.

Section 39. Taxation: Except as in this charter otherwise provided, the procedure for the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collections of taxes, the fixing of the tax rate and the extensions thereof, the time of payment of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes shall be made and had as provided for by ordinance of the city of Chico. Taxation

State of California,
County of Butte,
City of Chico. } ss.

This is to certify that we, O. A. Kilpatric, mayor of the city of Chico, and H. H. Hume, clerk of the city of Chico, have compared the foregoing "Resolution that Proposed Amendments to the Charter of the City of Chico be submitted to the voters of said city at the general election to be held in said city on April 10, 1933," "Ordinance calling for the holding of a municipal election upon Monday, April 10, 1933, and fixing the time and place and stating the objects of such election and designating the officers of the election and consolidating regular election precincts and designating the polling place of each consolidated voting precinct," "Proposition One" and "Resolution of the council of the city of Chico declaring the results of a general municipal election held in said city on April 10, 1933," and find that the same are all a full, true, correct and exact copy thereof, including the preamble to said charter amendment.

In witness whereof we have hereunto set our hands and caused the corporate seal of the city of Chico to be attached this nineteenth day of April, 1933.

C. A. KILPATRIC,
Mayor of the City of Chico.

[SEAL]

H. H. HUME,
City Clerk of the City of Chico.

And,

WHEREAS, The said proposed amendment is now submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Senate of the State of California, the Assembly thereof concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendment to the charter of the city of Chico, as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the city of Chico.

CHAPTER 56.

Senate Joint Resolution No. 18—Relative to memorializing the Congress of the United States to adopt legislation protecting and fostering the rubber industry of the United States.

[Filed with Secretary of State April 28, 1933.]

Protective tariff, etc., for rubber

WHEREAS, One of the greatest needs of this Nation is immediate relief of unemployment, both agricultural and industrial, and normally functioning private industry offers the most desirable employment opportunities; and

WHEREAS, It has been fully demonstrated and proven that a large portion of the rubber consumed in the United States could and would be produced in the United States if the industry was properly assisted and protected; and

WHEREAS, The production of rubber used in the United States would necessitate the use of thousands of acres of land now producing competitive crops that are actually not bringing the producers the cost of production but are serving to produce an over-production of various crops thereby lessening the profits to all concerned; and

WHEREAS, The milling of the rubber would require the construction of many mills, thereby giving the different industries involved in producing materials for such factory construction, employment and the actual operation of said mills

would give employment to large numbers of industrial workers; and

WHEREAS, The Government of the United States is being deprived of vast customs revenue which are so vitally needed at this time; and

WHEREAS, There are several thousands of acres of Guayule rubber in the Salinas and Santa Maria valleys, which is ready to be harvested and made into rubber but which is not being harvested due to the present price of rubber; and

WHEREAS, The immediate need is a clause in Government supply bills requiring the purchase of rubber grown in the United States, in the same manner that other American products are included; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges and memorializes the Congress of the United States, now in special session, to enact legislation imposing a tariff on rubber and to include in the Government supply bills a requirement that rubber purchased be grown in the United States; and be it further

Resolved, That the Legislature of the State of California requests the honorable Senators and Representatives in the Congress of the United States to use every honorable means to secure the adoption of such legislation; and be it further

Resolved, That the Governor is respectfully requested to send copies of this resolution to the President of the United States and to the Senators and Representatives of the State of California in Congress; and be it further

Resolved, That the Governor is respectfully requested to send copies of this resolution to the Governors of all the States of the United States, requesting that the Legislature of all the States pass and present similar memorials to Congress.

CHAPTER 57.

Senate Joint Resolution No. 19—Relative to approval by the President of the United States of a project for the completion of the John Muir Trail under the provisions of Act of Congress approved March 31, 1933.

[Filed with Secretary of State April 28, 1933.]

Improvement of John Muir Trail.

WHEREAS, The seventy-third Congress of the United States of America at its first session adopted on March 31, 1933, an act entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes," under which the President of the United States is authorized to select projects qualifying for construction in accordance with the purpose of the act; and

WHEREAS, The State of California, in cooperation with the United States Government, has for a number of years been

John Muir Trail

constructing a memorial trail, known as the John Muir Trail, along the Sierra Nevada range in Yosemite and Sequoia National Parks, and in the Sierra and Sequoia National Forests, and

WHEREAS, This project, being useful for fire protection purposes, public enjoyment and general utilization of these government reservations, is considered well qualified for adoption under the act; and

WHEREAS, The construction work on this project is of such character as to utilize a maximum amount of unskilled labor, in proportion to total expenditures, and is of an ideal nature to afford employment to large numbers of men in conformity with the intention of the act approved by the President of the United States on March 31, 1933; and

WHEREAS, The project is at present in such a state of incompletion as to be only partially useful, and it would be highly desirable that the said John Muir Trail be completed between Yosemite and Sequoia National Parks, and be extended from Yosemite National Park to Lake Tahoe, in El Dorado National Forest, on the north, and be extended southerly from Sequoia National Park, through the Kern River Canyon, to connect with the national forest road system of Sequoia National Forest; now therefore be it

Resolved by the Senate and the Assembly of the State of California, jointly, at the fiftieth session of the California Legislature, commencing on the second day of January, 1933, a majority of all the members elected to each House of said Legislature voting in favor thereof, That the President of the United States be respectfully requested to adopt the John Muir Trail as a unit in the program under said Emergency Unemployment Relief Act, and cause said project, together with said extensions and incidental facilities necessary to the safety and protection of the users thereof, to be completed during the current calendar year.

Resolved, further, that certified copies of the foregoing resolution be forwarded by the Governor of the State of California to the President of the United States, to the Secretary of the United States Department of Agriculture, and to each of the Senators and Representatives of the State of California in Congress.

CHAPTER 58.

Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 9, relating to loans to counties and municipalities for unemployment relief.

[Filed with Secretary of State April 29, 1933.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XVI thereof a new section to be numbered 9, and to read as follows: Constitution Art XVI, Sec 9.

Sec. 9. The issuance and sale of bonds of the State of California and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Unemployment Relief Bond Act of 1933 as passed by the Senate and Assembly at the fiftieth session of the Legislature and approved by the Governor, authorizing the issuance and sale of said bonds in the sum of twenty million dollars for the purpose of providing a fund to be used and disbursed for the purpose of loans to counties and municipalities for unemployment relief, is hereby authorized and directed, and the said Unemployment Relief Bond Act of 1933 is hereby approved, adopted, legalized, ratified, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section. Unemployment Relief Bond Act ratified.

CHAPTER 59.

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 1 of article sixteen thereof, relating to incurrence and retirement of bonded indebtedness by the State.

[Filed with Secretary of State May 5, 1933.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the Constitution, Art XVI, Sec 1

Constitution, Art. XVI, Sec 1. State of California be amended by amending section 1 of article sixteen thereof to read as follows:

Section 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within forty years of the time of the contracting thereof, except as hereinafter provided, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

Except as hereinafter otherwise provided, bonds issued in accordance with the authorization of the Legislature pursuant to this section shall not be for a longer time than forty years. Bonds so issued shall be in the form of serial bonds maturing in substantially equal semiannual or annual installments The authorization must provide that the date of first maturity of any bonds issued under this section shall be not later than three years from and after the date of issuance of such bonds; except that where bonds are issued for the construction or improvement of revenue-producing utilities, as hereinafter defined, the date of first maturity shall be not later than fifteen years from and after the date of issuance of such bonds. The words "revenue-producing utilities" as used herein shall be deemed to mean such utilities as those from which revenue is customarily or may be derived from charges, rates or rentals imposed upon or collected from users, consumers, or customers thereof, together with such works, facilities and appliances used or useful in connection therewith or incidental thereto.

The Legislature may provide in the authorization that bonds issued thereunder may at the option of the State be subject to call by the issuing authority at some date before maturity and at some figure above the par value thereof, which date and figure must be set forth in the original proposal submitted to the people for approval as aforesaid.

Nothing in this section contained shall be construed to limit or prohibit the issuance of bonds for the purpose of refunding a valid outstanding bonded indebtedness, and nothing in this section contained shall be construed to limit or prohibit the issuance of bonds authorized in accordance with law prior to the taking effect of this section but not yet sold or issued at said time.

Nothing in this section shall be construed to limit or prohibit the issuance by the State of California of bonds for not to exceed a period of seventy years for the acquisition, development or distribution of waters and water resources, including electric energy.

CHAPTER 60.

Assembly Joint Resolution No. 4—Relative to memorializing Congress to enact the Ludlow Unemployment Bill.

[Filed with Secretary of State May 5, 1933]

Ludlow Unemployment Bill

WHEREAS, There is pending in Congress the Ludlow Unemployment Bill, H. R. 5317, calling for the creation of a Federal Industrial Commission to aid in the stabilization of employment in industry, agriculture and commerce, with a view to formulating such plans and recommending such legislation as will enable employees to obtain a saving wage and investors a reasonable dividend; and

WHEREAS, The prevention of recurrent periods of industrial prostration and unemployment is the greatest problem of our age; and

WHEREAS, This Nation is experiencing a period of industrial, agricultural and financial stress, with over 5,000,000 willing workers unemployed; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States of America be hereby memorialized and earnestly urged to enact said bill and the President and Vice President be likewise memorialized and urged to support said bill; and be it further

Resolved, That the Chief Clerk of the Assembly be and is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to Senators and Representatives of California in the Congress of the United States.

CHAPTER 61.

Senate Concurrent Resolution No. 23—Relative to special joint rules for the fiftieth session of the Legislature.

[Filed with Secretary of State May 6, 1933.]

Joint rules Fiftieth session.

WHEREAS, There is pending before the two houses of the Legislature a Senate concurrent resolution providing for a recess of the Legislature from the fifth day of May, 1933, until the seventeenth day of July, 1933, and

WHEREAS, This resolution was amended in the Assembly providing for a recess of the Legislature from May twelfth until the seventeenth day of July, 1933; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following be adopted as special joint rules of the two houses of the Legislature for its fiftieth session:

PASSAGE OF BILLS PRECEDING RECESS.

1. Unless this rule be suspended by a vote of three-fourths of the members of the house considering such bill, during the week commencing Monday, May 1, 1933, no Assembly bill shall be passed by the Senate and no Senate bill shall be passed by the Assembly, and during the week commencing Monday, May 8, 1933, no Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly.

PASSAGE OF BILLS AFTER RECESS.

2. After the reconvention of the fiftieth session of the Legislature after the recess beginning on the twelfth day of May, 1933, neither house shall consider any measure unless it has been approved by the standing rules committee of the house before which it is pending; and be it further

Resolved, That the rules herein set forth shall supersede and take precedence over any of the joint rules of the fiftieth session of the Legislature in so far as said rules conflict with those herein set forth.

CHAPTER 62.

Senate Concurrent Resolution No. 31—Approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighteenth day of April, 1933.

[Filed with Secretary of State May 6, 1933.]

City of Oakland-Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Oakland,

a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California
County of Alameda } ss.
City of Oakland

We, the undersigned, Fred N. Morcom, mayor of the city of Oakland, State of California, and W. W. Chappell, city clerk, of said city, do hereby certify and declare as follows:

That the city of Oakland, a municipal corporation in the county of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a freeholders' charter, adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the fifteenth day of February, 1911, (Statutes of 1911, p. 1551).

That in pursuance of section 8 Article XI of the Constitution of the State of California, on its own motion, the council of the city of Oakland, being the legislative body of said city, by and in pursuance of Resolution No. 1805 C. M. S., passed by the said council on the sixth day of March, 1933, and by and in pursuance of Resolution No. 1808 C. M. S. passed by the said council on the seventh day of March, 1933, duly submitted to the qualified electors of said city of Oakland certain proposals for the amendment of the charter of said city, to be voted on by said qualified electors at the special municipal election held in said city on the eighteenth day of April, 1933, which said proposals were and are in words and figures following, to wit:

That subdivision 1 of section 6 of the charter of the city of Oakland be amended to read as follows:

Section 6. (1) The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, provided that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election, unless such election has been consolidated and the canvassing of returns delegated pursuant to general law. Elections

That subdivision 1 of section 128½ of the charter of the city of Oakland be amended to read as follows:

Wages on public works

(1) That in every contract for the performance of labor, that not more than eight hours shall constitute a day's work; that the contractor and all sub-contractors under him shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment in the city of Oakland.

That section 129 of the charter of the city of Oakland be amended to read as follows:

Contracts

Section 129. Any contract may provide for progressive payments if the resolution adopting specifications for the work or improvement shall so specify. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Certificate of passage

That such proposed amendments were published and advertised in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the charter of the city of Oakland, on the eighth day of March, 1933, in the "Oakland Tribune," a daily newspaper of general circulation published in said city of Oakland and the official paper and newspaper of said city, and in each edition thereof, during the day of publication.

That a copy of said proposed amendments was printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said city of Oakland in accordance with the Constitution of the State of California and the charter of the city of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the city clerk of the city of Oakland was published in said "Oakland Tribune" on the ninth day of March, 1933, and on each day thereafter until the day fixed for the election hereinafter described, all as required by section 8 of Article XI of the Constitution of the State of California.

That such copy could be had upon application therefor at the office of said city clerk until the day fixed for the election hereinafter described.

That the council of the city of Oakland, the legislative body of said city, by its Resolution No 1808 C. M. S. passed on the seventh day of March, 1933, did order the holding of the special municipal election in said city of Oakland on the eighteenth day of April, 1933, said day being at least forty days after the completion of advertising of said proposed amendments in said official paper of said city, and not more than sixty days after the completion of such advertising, and

did provide in said resolution for the submission of the proposed amendments to the charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the eighteenth day of April, 1933, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendments to the charter of the city of Oakland hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined and declared, by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said city voting thereon had voted for and ratified said proposed amendments to said charter hereinabove set forth.

And we further certify that we have compared the foregoing proposed and ratified amendments to the charter of the city of Oakland with the original proposal submitting the same to the electors of said city at an election held on the eighteenth day of April, 1933, and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Oakland to be affixed hereto, this second day of May, 1933.

FRED N. MORCOM,
[SEAL] Mayor of the City of Oakland.

W. W. CHAPPELL,
City Clerk of the City of Oakland.

And,

WHEREAS, Said proposed amendments have been and are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to said charter herein set forth, as submitted to and ratified by the qualified electors of said city, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said city of Oakland. Ratification

CHAPTER 63.

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by adding a new section to be numbered 34a to Article IV, by amending section 12 of Article XI, by adding a new section to be numbered 20 to Article XI, by amending sections 14, 15 and 16, by adding three new sections to be numbered 14½, 15½ and 16½, and by repealing sections 12½ and 18 of Article XI, relating to taxation.

[Filed with Secretary of State May 6, 1933]

Constitution amended

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its fiftieth regular session, commencing on the second day of January, 1933, two-thirds of all the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

Art IV, Sec 34a

First—That a new section to be numbered 34a, be added to Article IV, to read as follows:

Limitation on appropriations

Sec. 34a. Appropriations from the general fund of the State for any biennium, exclusive of appropriations for the support of the public school system, shall not exceed by more than five per centum the appropriations from such fund, exclusive of such public school appropriations, for the preceding biennium unless two-thirds of all the members elected to each house of the Legislature vote in favor thereof; provided, that no amount appropriated in excess of such five per centum shall become a part of the base for determining the maximum appropriation for a succeeding biennium. Should the appropriations in the budget act for any biennium exceed the limitations herein prescribed, and such budget act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by that percentage which the excess amount of appropriation bears to the total appropriation. Should the prescribed limit for any biennium be exceeded by reason of any other appropriation or appropriations from the general fund, then the appropriation first passed by the Legislature without such two-thirds vote, which exceeds such prescribed limitation, shall be deemed reduced by the amount of such excess, and all other subsequent appropriations from the general fund not passed by such two-thirds vote shall be void. Nothing herein contained shall prevent the Governor from vetoing any bills or reducing any appropriation therein or any appropriation reduced as herein provided.

Not more than twenty-five per cent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Second—That section 12 of Article XI be amended to read as follows: Art XI, Sec. 12.

Sec. 12. Except as otherwise provided in this Constitution, the Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes. Power to tax.

All property subject to taxation shall be assessed for taxation at its full cash value. Assessment at full value

Third—That a new section, to be numbered 20, be added to Article XI, to read as follows: Art XI, Sec 20

Sec. 20. The expenditures, other than expenditures to pay interest and redemption charges on bonds heretofore or hereafter issued, of any county, city and county, municipality, district or other political subdivision of this State, whether or not operating under freeholders charters, shall not in any year exceed by more than five per centum the expenditures, other than expenditures to pay interest and redemption charges on bonds heretofore or hereafter issued, of such county, city and county, municipality, district or other political subdivision for the preceding year unless previously authorized by two-thirds vote of the qualified electors of any such county, city and county, district or other political subdivision, or by a majority vote of the electors of any such municipality voting at an election held for that purpose or unless previously authorized by the State Board of Equalization in such manner as may be provided by law; provided that no amount expended in excess of such five per centum shall become a part of the base for determining the maximum expenditure for a succeeding year; provided further, however, that any county, city and county, municipality, district, or other political subdivision of this State that decreases the amount of its expenditures in any year or years may increase, in any subsequent year or years, the amount of its expenditures by the amount, or any fraction thereof, so reduced, or by an amount not more than five per centum of the amount expended in the year immediately preceding. The limitations imposed in this paragraph shall be effective until June 30, 1935, but the Legislature may impose thereafter the same limitations for such period or periods as it may determine; provided, however, that the limitation upon expenditures imposed or authorized by this section shall not apply to expenditures by or on behalf of publicly owned public utilities, including publicly owned facilities operated for the promotion and accommodation of commerce and navigation, irrigation districts, county water districts reclamation districts, municipal utility districts or metropolitan water districts organized or existing under the laws of this State or to expenditures arising out of any gift, bequest or donation. Limitation on city, county, etc., expenditures

On and after January 1, 1935, the Legislature shall have power, by two-thirds vote of all the members elected to each

of the two houses, to limit the amount of taxes which may be imposed upon real and personal property according to the value thereof for county or city and county purposes.

The Legislature shall pass all laws necessary to carry into effect the provisions of this section.

Art XIII. Sec 14

Fourth—That section 14 of Article XIII be amended to read as follows:

Taxation of public utility property.

Sec. 14. All pipe lines, flumes, canals, ditches and aqueducts not entirely within the limits of any one county, and all property, other than franchises, owned or used by (1) railroad companies including street railways, herein defined to include interurban electric railways, whether operating in one or more counties, (2) sleeping car, dining car, drawing-room car, and palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies operating upon the railroads in the State, (3) companies doing express business on any railroad, steamboat, vessel or stage line in this State, (4) telegraph and telephone companies, (5) companies engaged in the transmission or sale of gas or electricity, shall be assessed annually by the State Board of Equalization, at the actual value of such property.

All property so assessed by said board shall be subject to taxation to the same extent and in the same manner as other property.

All companies herein mentioned and their franchises, other than insurance companies and their franchises, shall be taxed in the same manner and at the same rates as mercantile, manufacturing and business corporations and their franchises are taxed pursuant to section 16 of this article; provided, that nothing herein shall be construed to release any company mentioned in this section from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any political subdivision or municipality of this State; provided further, that no excise, or income tax or any other form of tax or license charge shall be levied or assessed upon or collected from the companies, or any of them, mentioned in the first paragraph of this section, in any manner or form, different from, or at a higher rate than that imposed upon or collected from mercantile, manufacturing and business corporations doing business within this State.

The Legislature shall have the power to provide for the assessment, levy and collection of taxes upon all forms of tangible personal property, all notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein, not exempt from taxation under the provisions of this Constitution, in such manner, and at such rates, as may be provided by law, and in pursuance of the exercise of such power the Legislature, two-thirds of all of the members elected to each of the two houses voting in favor thereof, may classify any and all kinds of personal property for the purposes of assessment and taxa-

tion in a manner and at a rate or rates in proportion to value different from any other property in this State subject to taxation and may exempt entirely from taxation any or all forms, types or classes of personal property.

The total tax imposed on notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein in pursuance of the provisions of this section shall not be at a rate in excess of four-tenths of one per cent of the actual value of such property and no tax burden shall be imposed upon any personal property either tangible or intangible which shall exceed the tax burden on real property in the same taxing jurisdiction in proportion to the actual value of such property.

Insurance companies

Every insurance company or association doing business in this State shall annually pay to the State a tax, assessed by the State Board of Equalization, of two and six-tenths per centum upon the amount of the gross premiums other than gross premiums from ocean marine insurance, received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; provided, that there shall be deducted from said two and six-tenths per centum upon the gross premiums the amount of any taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon such companies or their property, except taxes upon their real estate; provided, that when by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies, of the State, doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other State or country so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other State or country doing business in this State.

Every insurer transacting the business of ocean marine insurance in this State shall annually pay to the State a tax, assessed by the State Board of Equalization, measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this State bear to the gross premiums of said insurer from such insurance written within the United States, at the rate of five per centum, which tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. The Legislature shall define the terms "ocean marine insurance" and "underwriting

profit," shall provide for the assessment, levy, collection, and enforcement of said tax.

The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurance companies.

The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies and corporations.

Nothing herein contained shall be construed to subject to assessment and taxation property which is exempt from taxation under other provisions of this Constitution.

Art. XIII, Sec. 15.

Fifth—That section 15 of Article XIII be amended to read as follows.

Apportionment of receipts.

Sec. 15. Out of the revenue from State taxes for which provision is made in this article, together with all other State revenues, there shall first be set apart the moneys to be applied by the State to the support of the public school system and the State university. The Legislature shall provide for the raising of revenue by any form of taxation not prohibited by this Constitution in amounts sufficient to meet the expenditures of this State not otherwise provided for and in amounts sufficient to apportion, and shall apportion, to each county or city and county of this State, an amount equal to the entire amount required to be raised by each such county or city and county respectively under the provisions of section 6 of Article IX of this Constitution; provided, however, that all sums so apportioned shall be considered as though derived from county and city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of said section, nor shall any revenues so apportioned be regarded as appropriations from the funds of the State within the meaning of section 34a of Article IV of this Constitution.

If the Legislature limits the amount of revenue which may be raised from taxes upon the real and personal property according to the value thereof in pursuance of its power so to do under section 20 of Article XI of this Constitution, then the Legislature shall provide for the raising of revenue by any form of taxation not prohibited by this Constitution in amounts sufficient to apportion and shall apportion to each county and city and county an amount equal to the deficiency in the revenues thereof resulting from such limitation, as such deficiency shall be determined by law; provided, however, that no tax shall be levied by the Legislature in pursuance of this section upon property in proportion to the value thereof in excess of the limitation for which provision is made in section 34a of Article IV of this Constitution with reference to taxes for State purposes on real and personal property and further provided that no taxes upon property in proportion to the value thereof shall be levied in pursuance of this section for the support of any county or city and county government.

No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State, or any officer thereof, to prevent or enjoin the collection of any tax levied under the provisions of this article; but after payment thereof action may be maintained to recover, with interest, in such manner as may be provided by law, any tax claimed to have been illegally collected.

Sixth—That section 16 of Article XIII be amended to read as follows: Art. XIII, Sec 16

Sec. 16. 1. (a) Banks, including national banking associations, located within the limits of this State, shall annually pay to the State a tax according to or measured by their net income, which shall be in lieu of all other taxes and licenses, State, county and municipal, upon such banks, or the shares thereof, except taxes upon their real property, at the rate to be provided by law. Banks.

(b) The Legislature may provide by law for any other form of taxation now or hereafter permitted by the Congress of the United States respecting national banking associations; provided, that such form of taxation shall apply to all banks located within the limits of this State.

2 The Legislature may provide by law for the taxation of corporations, their franchises, or any other franchises, by any method not prohibited by this Constitution or the Constitution or laws of the United States. Corporations.

3. Any tax imposed pursuant to this section must be under an act passed by not less than two-thirds vote of all the members elected to each of the two houses of the Legislature

Seventh—That sections 12½ and 18 of Article XIII be repealed. Repeal

Eighth—That all laws now in effect under which taxes are levied or imposed shall be continued in effect until altered or repealed by the Legislature; provided, however, that immediately upon adoption of the foregoing constitutional amendments it shall be the duty of the Legislature to pass all laws necessary to carry into effect the provisions of said amendments and to repeal or amend all laws inconsistent therewith. Laws continued

Ninth—That a new section, to be numbered 14½, be added to Article XIII, to read as follows: Art XIII, Sec 14½

Sec. 14½. The provisions of section 14 of this article as they read on May 1, 1933, shall remain fully operative to and including December 31, 1934, notwithstanding any other provision in this Constitution. From and after January 1, 1935, said provisions shall no longer be of any force and effect; provided, however, that any taxes assessed in pursuance thereof, prior to said date, shall remain fully collectible. Effective date of Sec 14

Tenth—That a new section, to be numbered 15½, be added to Article XIII, to read as follows: Art XIII, Sec 15½

Sec. 15½. The provisions of section 15 of this article as they read on May 1, 1933, shall remain operative for the purpose of the assessment and collection of State taxes as therein con- Effective date of Sec 15

templated to and including December 31, 1934, but nothing in this section shall be construed as making inoperative the provisions of said section as amended subsequent to said date, in so far as they relate to other matters. From and after January 1, 1935, the provisions of section 15 of this article as they read on May 1, 1933, shall no longer be of any force and effect; provided, however, that nothing herein contained shall be construed to affect the collection or distribution of taxes assessed under said section prior to January 1, 1935.

Art. XIII, Sec. 16½.

Eleventh—That a new section to be numbered 16½ be added to Article XIII, to read as follows:

Effective date of Sec 16

Sec. 16½. The provisions of paragraph 4 of section 16 of this article, as they read on May 1, 1933, shall remain operative to and including December 31, 1934, notwithstanding any other provision in this Constitution. From and after January 1, 1935, the provisions of said paragraph 4 shall no longer be of any force and effect; provided, however, that all taxes assessed thereunder, prior to January 1, 1935, shall remain fully collectible.

CHAPTER 64.

Senate Concurrent Resolution No. 30—Relative to requesting the Governor to apply to the Reconstruction Finance Corporation for a loan of moneys to finish incomplete highway projects.

[Filed with Secretary of State May 8, 1933]

Loan to finish incomplete highway projects

WHEREAS, There are within this State a number of important highway projects upon which large sums of money have been expended in acquiring rights of way, in engineering requirements, and in actual construction, and which projects remain incompleted, because of lack of sufficient funds without the aid of Federal funds; and

WHEREAS, The investment of these large sums of money remain frozen and unproductive in these projects because of the fact that such road projects remain incompleted and no travel or commerce over them is possible, resulting in great loss to the State and to the communities which they are designed to directly serve, and it would seem desirable to first bring to completion such unfinished projects before beginning others; and

WHEREAS, An extreme condition of unemployment now exists throughout the State with the result that many families are without the bare necessities of life; and

WHEREAS, The Reconstruction Finance Corporation has recently been authorized by an amendment to the Emergency Relief and Construction Act of 1932 to make available to the State's funds to be used for projects which, in the opinion of the corporation, are needful and economically sound; and

WHEREAS, If this State were to obtain from the Reconstruction Finance Corporation sufficient moneys to enable the completion of the unfinished highway projects a great proportion of our unemployed in this State could be furnished the opportunity of earning a livelihood, thereby to a great extent relieving the present unemployment problem; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor be and he is hereby respectfully requested and urged to immediately petition the Reconstruction Finance Corporation for a loan of moneys in an amount sufficient to permit as far as possible the completion of the unfinished primary highway projects of this State, particularly those which will become important for interstate travel, so as to enable a great proportion of our unemployed to again be afforded the opportunity of earning a livelihood and to put to use the large sums already invested by the State; and be it further

Resolved, That the Secretary of the Senate immediately forward a copy of this resolution to the Governor.

CHAPTER 65.

Senate Joint Resolution No. 20—Relative to approval by the President of the United States of a project for the conservation of the waters of Yosemite Creek and the preservation of Yosemite Falls in Yosemite National Park, under the provisions of act of Congress approved March 31, 1933.

[Filed with Secretary of State May 8, 1933.]

Preservation of Yosemite Falls.

WHEREAS, The seventy-third Congress of the United States of America in its first session adopted on March 31, 1933, an act entitled, "An act for the relief of unemployment through the performance of useful public works, and for other purposes," under which the President of the United States was authorized to select projects qualifying for construction in accordance with the purposes of the act; and

WHEREAS, There is urgent need for regulation of the waters of Yosemite Creek in Yosemite National Park by means of one or more small reservoirs for the purposes of flood control, the prevention of excessive erosion, and the preservation of Yosemite Falls during the dry season of the year; and

WHEREAS, It is highly desirable that the scenic beauty of Yosemite Falls be maintained during the summer when the great bulk of visitors are able to view this outstanding national attraction by the preservation of a sufficient supply of water to maintain a natural flow over the falls during the dry months, and at the same time accomplish desirable flood control benefits; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, at the fiftieth session of the California

Legislature, commencing on the second day of January, 1933, a majority of all members elected to each house of said Legislature, voting in favor thereof, That the President of the United States be respectfully requested to adopt the project contemplating conservation of the waters of Yosemite Creek, and the preservation of Yosemite Falls for the enjoyment of the people throughout the entire summer season, as a unit of the program under said Emergency Unemployment Relief Act, and to cause the construction of said reservoir or reservoirs to be completed during the current calendar year.

Resolved further, That certified copies of the foregoing resolution be forwarded by the Governor of the State of California to the President of the United States, to the Secretary of the United States Department of the Interior, and to each of the Senators and Representatives of the State of California in Congress.

CHAPTER 36.

Senate Joint Resolution No. 22—Relative to memorializing Congress to exempt from the provisions of legislation limiting hours of labor to thirty hours a week people engaged in the mining industry.

[Filed with Secretary of State May 8, 1933.]

Hours of labor in mining industry.

WHEREAS, There is now pending before the Congress of the United States a bill introduced by Senator Black, known as S-158, requiring the hours of labor of all persons to be limited to thirty hours per week; and

WHEREAS, It is the opinion of this Legislature that persons engaged in the gold mining industry should be exempt from the provisions of such a bill by reason of the peculiar circumstances surrounding the operation of that industry; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be and it is hereby urgently requested and memorialized to adopt amendments to Senate Bill 158 introduced by Mr. Black so that all persons engaged in the mining industry will be exempt from the operation of such a bill and will not be restricted in any manner as to the number of hours during which the mining industry may be carried on and conducted; and, be it further

Resolved, That the Governor is requested to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each member from the State of California in Congress.

CHAPTER 67.

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered XIVa, relating to the control, development and utilization of the water resources in the State.

[Filed with Secretary of State May 8, 1933.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the second day of January, 1933, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby, proposes to the people of the State of California, an amendment to the Constitution of this State by adding a new article to be numbered XIVa, to read as follows: Constitution, Art XIVa.

ARTICLE XIVa.

Section 1. In addition to any and all powers otherwise held by it under this Constitution, and not in limitation or derogation thereof, the Legislature has power to enact such laws as it deems necessary or proper: Powers of Legislature as to water and water rights

(a) To provide by general law, and subject to all the provisions of this article:

1. For determining the flow of water in any stream or stream system;

2. For determining rights or claims to the use of water in or from any stream or stream system;

3. For determining the quantity or extent of water which can be taken from any stream or stream system for the purposes herein authorized;

4. To regulate the use and enjoyment of water and the right to the use of water for the benefit and in the interest of the public.

(b) To provide for the acquisition, conservation, development, utilization, control, storage, transportation, and distribution by this State, independently of or in conjunction with any State agency, or with the Government of the United States, any other State or foreign country, or with any department or agency of any thereof, or with any person, firm or corporation, of water and water resources, including electric energy, and for the doing by this State of any and all things necessary or proper in the making and carrying out of any plans therefor;

(c) To lend or to authorize the lending of the credit of the State in aid of any State agency for the payment of the indebtedness of any State agency incurred in the acquisition, ownership, conservation, development, control, storage, transportation, distribution and utilization of water and water resources, including electric energy, or in the construction, acquisition, ownership, and operation of works for the con-

Water and water rights

servation, development, utilization, control, storage, transportation and distribution or use of water and water resources, including electric energy, by such State agency. Such legislation shall provide therein the terms and conditions under which the credit of the State shall be loaned or authorized to be loaned, and must provide for thorough investigation and determination of the ability of such State agency to repay all of such indebtedness, and must further provide for the determination by an authorized officer or official body of the State that there is adequate security against default being made by such State agency in the payment of said indebtedness; any indebtedness for which the credit of the State is loaned hereunder shall be payable within not more than seventy years from the date of the creation of such indebtedness;

(d) To provide that in actions in eminent domain brought by the State or by a State agency in carrying out any project authorized by this article, or legislation enacted pursuant thereto, the State or State agency may take immediate possession and use of any property required for such project upon giving such adequate security in money as the court in which the proceeding is pending may direct and in such amount as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for the taking and any damage incident thereto as soon as the same can be ascertained according to law;

(e) To provide that in actions in eminent domain brought by the State or any State agency to acquire water or the right to the use of water, any benefits which the owner of such water or right to the use of water may gain, or which may accrue to property of such owner not sought to be taken, through the construction and operation of the public works for the use of which said water or right to the use of water is sought, may be evaluated and offset against the compensation payable upon such taking.

In any action brought by the State to acquire by eminent domain from any State agency or mutual water company, any water or right to the use of water, choate or inchoate, or any facilities for the storage of water, such State agency or mutual water company shall have the right and option to be compensated in money for the property so taken, or to require and have it adjudged that in lieu of such compensation in money, the State shall replace the water so taken with other water of equivalent quality and quantity at times and places of delivery and at costs as favorable as would have existed but for such taking or in lieu of the facilities so taken, other facilities of equal advantage; this said alternative right shall not be available to any person, agency or company which has not, in good faith and with actual ability to put to a beneficial use within a reasonable time, acquired such water, rights or facilities herein designated.

Limitation on right to take water

Sec. 2. In the construction and operation by the State of any project under the provisions of this article or any legislation enacted pursuant thereto, no watershed or area wherein water originates, or any area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall be deprived by the State directly or indirectly of the prior right to all of said water reasonably required to adequately supply the beneficial needs of said watershed, area or any of the inhabitants or property owners therein. In no other way than by purchase or otherwise as in this article provided shall said water rights as herein defined, of said watershed, area or the inhabitants be impaired or curtailed by the State, but the provisions of this section shall be strictly limited to the acts and proceedings of the State, as such, and shall not apply to any persons or State agencies. These provisions shall not be so construed as to create any new property rights other than against the State as in this article provided or to require the State to furnish to any person without adequate compensation therefor any water which shall have been made available by the construction of any works by the State.

In the construction and operation by the State of California of any project under the provisions of this article or any legislation enacted pursuant thereto, no exchange of the waters of any watershed or area for the waters of any other watershed or area may be made by the State unless the water requirements of the watershed or area wherein such exchange is made are first and at all times met and satisfied to the extent that such requirements would have been met were the exchange not made, and no right to the use of water shall be gained or lost by reason of any such exchange thereof.

Projects must be self-liquidating

Sec. 3. In carrying out the provisions of this article and any legislation enacted pursuant thereto, no project, except as otherwise herein provided, shall be constructed by the State of California, nor shall the State obligate itself to pay the cost of the construction of any such project, until and unless contracts have been first made with this State for the sale of water, the use of water, water storage, electricity or electric power to be made available by such project, which contracts shall be sufficient to provide for the repayment to this State, within not more than seventy years from the beginning of construction, of all moneys expended by this State, or for which this State has obligated itself for the construction of such project, together with interest thereon at the rate to be paid by the State upon any indebtedness or obligation incurred or assumed by it for the said project, and together with all expense of operating and maintaining such project, and making necessary replacements thereto In awarding all such contracts, preference shall be given to State agencies Whenever it is economically practicable, as a part of a project, water and electric power shall be made available at such central points as may make for convenient and economical

distribution to State agencies contracting for same. Cost of construction of any project shall include interest during construction period. Payment to the State on contracts shall be made at least annually and such payments shall commence not later than three years after completion of construction. Nothing herein requires the repayment to this State of moneys appropriated by the Legislature to be expended by or for it for flood control or improvement or navigation.

Enforcement of contracts.

Sec. 4. The State has power, and it is mandatory upon the Legislature, to provide for the levy and collection of an ad valorem tax upon all property subject to taxation or assessment within the exterior boundaries of any State agency including the classes of property enumerated in sections 14, 15, 16, and 18 of Article XIII of this Constitution, excluding property exempted from all taxation by this Constitution, but including all property sold or deeded to the State or any State agency for delinquent taxes or assessments, or in which the State or any State agency has acquired an interest by reason of any taxes or assessments levied upon such property, in the event of a default by such State agency in the payment of any indebtedness for which it is liable and for which the credit of the State has been loaned, or in the payment of any amounts provided to be paid to the State under any contract for the purchase, use or storage of water or the purchase or use of electricity or electric power. Such tax shall in all cases be sufficient to reimburse the State or to prevent loss to the State by reason of such default of a State agency and to pay the costs of collection. Such tax shall in all cases be levied at the time of the next general tax levy following such default. The lien of such tax shall be paramount and superior to all special assessments and to all taxes levied for any purpose

Construction

Sec. 5. All legislation enacted under the provisions of this article shall be subject to and limited by the provisions of section 1 of Article XVI of this Constitution, and section 1 of Article IV thereof relating to the referendum, as they now exist or may hereafter be amended, except that the Legislature may include such projects as it may deem necessary in one act.

Definition

Sec. 6. For the purposes of this article, the phrase "State agency" means and includes any county, city and county, municipality, or other public corporation or public district.

CHAPTER 68.

Senate Concurrent Resolution No. 20—Relative to the sale of the annotated edition of the State Constitution.

[Filed with Secretary of State May 8, 1933.]

Sale of annotated edition of State constitution

Resolved by the Senate, the Assembly concurring, That the annotated edition of the State Constitution published in 1933 under the authority of Senate Concurrent Resolution No. 21 of 1931, shall be distributed and sold as follows:

Copies shall be distributed free of charge as follows:

To the President of the Senate, and to each member of the Senate and Assembly fifteen copies;

To the Secretary of the Senate and Chief Clerk of the Assembly for use of their respective houses, fifteen copies each;

To the Governor and each elective State officer, five copies each;

To the director of each State department, two copies each;

To the Legislative Counsel Bureau ten copies.

To the editor and compiler fifteen copies;

To the Justices of the Supreme Court, the Justices of the District Courts of Appeal and the judges of the superior courts, one copy each;

To the district attorney of each county, one copy;

To the State Library sixty copies;

To each county law library one copy;

To the Library of Congress ten copies;

To the Governors of the States and Territories of the United States, one copy each;

To the city attorneys, upon request, one copy each;

To each free public library within the State of California, one copy each upon request;

The remaining copies shall be sold under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly at $3.50 per volume, the proceeds thereof to be returned to the legislative printing fund.

CHAPTER 69.

Assembly Constitutional Amendment No. 47—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 1a of Article XIII thereof, relating to exemption of educational institutions from taxation.

[Filed with Secretary of State May 11, 1933.]

Constitution Art XIII, Sec 1a

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by amending section 1a of Article XIII thereof to read as follows:

Exemption of educational institutions

Sec. 1a. Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding one hundred acres in area, its securities and income used

exclusively for the purposes of education. Any private educational institution of less than collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding ten acres in area, its securities and income used exclusively for the purposes of education.

CHAPTER 70.

Senate Joint Resolution No. 15—Relative to memorializing and petitioning Congress to enact legislation which will facilitate the protection of sardines in the territorial waters of this State.

[Filed with Secretary of State May 11, 1933.]

Protection of sardines

WHEREAS, It has long been the practice of the State of California to protect the sardines which inhabit the territorial waters of this State; and

WHEREAS, To that end, the reduction of sardines into fish meal, fish oil, and other fishery products has been carefully regulated; and

WHEREAS, There are now operating on the high seas, off the coast of California, certain vessels which have been equipped to operate as reduction plants; and

WHEREAS, Such vessels operate in waters over which this State has no jurisdiction, and engage in the unrestricted reduction of sardines; and

WHEREAS, Sardines are generally found near the coast line, and not on the high seas; and

WHEREAS, Sardines are migratory within a distance of a few miles, and the unrestricted reduction of sardines caught beyond the three-mile limit is depleting the species as effectively as if such fish were caught within the territorial waters of this State; and

WHEREAS, The number of floating reduction plants is constantly increasing; and

WHEREAS, There are now pending before the Legislature of the State of California measures designed to control the present unrestricted destruction of sardines, which measures if adopted could be made more effective should Congress also enact legislation looking toward the preservation of this species of fish; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California earnestly memorializes and petitions Congress to enact legislation which will facilitate the preservation of sardines in the territorial waters of this State; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, and the Vice President, and to each member of the Senate and the House of Representatives of the United States.

CHAPTER 71.

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of said State repealing sections 4 and 9 of Article eleven thereof and amending section 5 of said article, relating to county government.

[Filed with Secretary of State May 11, 1933.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that sections 4 and 9 of Article XI of the Constitution of said State be repealed and that section 5 of said article be amended to read as follows. Constitution Art. XI, Sec 5, amended. Secs 4 and 9 repealed

Sec 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties. Election and appointment of county officers

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of sections 7½, 7½a and 8½ of this article, relating to county or city and county charters. That certain act entitled "An act to add a new section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature at its fiftieth session, is hereby validated and made fully and completely effective.

The compensation of any county, township or municipal officer shall not be increased after his election or during his term of office, nor shall the term of any such officer be extended beyond the period for which he was elected or appointed. The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they prevent any

increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified.

CHAPTER 72.

Senate Concurrent Resolution No. 32—Approving the charter of the county of Sacramento, State of California, which was submitted to the qualified electors of the said county and voted for and ratified by them at a special election held therein on the twenty-seventh day of April, 1933.

[Filed with Secretary of State May 11, 1933.]

Sacramento county charter

WHEREAS, The county of Sacramento, was at all times herein mentioned, and is now, a public corporation, and a political subdivision of the State of California; and

WHEREAS, The said county of Sacramento, has not been at any time herein mentioned and is not now consolidated with any city; and

WHEREAS, A petition signed by fifteen per centum of the qualified electors of said county of Sacramento, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county of Sacramento was filed in the office of the county clerk of said county of Sacramento on the twenty-first day of November, 1932, in accordance with the provisions of section 7½ of Article XI of the Constitution of the State of California; and

WHEREAS, The county clerk of said county did, within twenty days after the filing of said petition, examine the same, and ascertained from the record of the registration of electors of said county of Sacramento that said petition was signed by the requisite number of qualified electors, and did, upon the completion of said examination, forthwith attach to said petition his certificate, properly dated, showing the result thereof and that said petition was signed by the requisite number of qualified electors, and said clerk did immediately present said petition to the board of supervisors of said county of Sacramento at its next regular meeting after the date of said certificate, which said meeting was on the twentieth day of December, 1932; and

WHEREAS, Thereafter, to wit, on the tenth day of January, 1933, the board of supervisors of the said county of Sacramento did adopt an ordinance providing for the election of

the said board of fifteen freeholders at a special election to be held in said county not less than twenty days nor more than sixty days after the presentation of said petition to said board of supervisors, to wit, on the eighteenth day of February, 1933, and which ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct, and which ordinance, prior to such election, was published five times in the "Daily Recorder," a daily newspaper printed, published and circulated in said county; and Sacramento County charter.

WHEREAS, Thereafter, to wit, on the twenty-third day of January, 1933, the board of supervisors of the said county of Sacramento issued an election proclamation containing a statement of the time of said election and of the offices to be filled and caused such proclamation to be published in the "Daily Recorder," a newspaper of general circulation printed and published in said county of Sacramento, and to be posted at each place of election at least ten days before said election; and

WHEREAS, Candidates for election as members of said board of freeholders were nominated by petition, in the same manner as is provided by general law for the nomination, by petition of electors, of candidates for county offices to be voted for at general elections; and

WHEREAS, Thereafter, to wit, on the said eighteenth day of February, 1933, a special election was held in the said county of Sacramento for the purpose of electing said board of fifteen freeholders; and

WHEREAS, Thereafter, to wit, on the twenty-seventh day of February, 1933, after canvassing the returns of said special election held on the said eighteenth day of February, 1933, for the purpose of electing said board of fifteen freeholders, the result thereof was declared by the board of supervisors of the said county of Sacramento, and that said board of fifteen freeholders was therein declared to be elected; and

WHEREAS, Thereafter, and within one hundred twenty (120) days from the said twenty-seventh day of February, 1933, to wit, on the thirteenth day of March, 1933, the said board of fifteen freeholders did complete the preparation of and did propose a charter for the said county of Sacramento, which said charter was signed in duplicate by a majority of the members of the said board of fifteen freeholders, and did file one copy of the same in the office of the county clerk of said county, and the other copy of the same in the office of the county recorder thereof; and

WHEREAS, Thereupon and commencing within fifteen (15) days after the said thirteenth day of March, 1933, to wit, on the sixteenth day of March, 1933, and ending on the twenty-fifth day of March, 1933, the board of supervisors of the said county of Sacramento caused the said proposed charter to be published for at least ten (10) times in the "Sacramento

Sacramento county charter.

Union," a daily newspaper of general circulation printed, published and circulated in said county; and

WHEREAS, Thereafter, to wit, on the twenty-seventh day of March, 1933, the board of supervisors of the said county of Sacramento did adopt an ordinance providing for and calling a special election for the submission of the proposed charter, so prepared by the said board of fifteen freeholders, to the qualified electors of the said county of Sacramento at a special election to be held in said county on the twenty-seventh day of April, 1933, which said date of election was not less than thirty nor more than sixty days after the completion of the publication of said charter as hereinbefore set out, and which said ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein and the names of the election officers for each precinct; and

WHEREAS, Thereafter, to wit, on the fifth day of April, 1933, the board of supervisors of the said county of Sacramento issued an election proclamation containing a statement of the time of said election and of the offices to be filled and that said election would be held for the purpose of submitting to the qualified electors of the said county of Sacramento the said proposed charter for the said county of Sacramento, which was prepared by the said board of freeholders and filed on the thirteenth day of March, 1933, in the manner as provided by said section 7½ of Article XI of the Constitution of the State of California with the county clerk and the county recorder of the said county of Sacramento, and caused said proclamation to be published in the "Daily Recorder," a newspaper of general circulation printed and published in said county of Sacramento, and to be posted at each place of election at least ten days before said election; and

WHEREAS, In accordance with the said ordinance of the said board of supervisors so passed on said twenty-seventh day of March, 1933, and said election proclamation issued by said board of supervisors on said fifth day of April, 1933, the said proposed charter was so submitted to the qualified electors of the county of Sacramento at said special election, and a majority of the qualified electors of the said county of Sacramento, voting thereon, did vote in favor of and duly ratify the said proposed charter; and

WHEREAS, The board of supervisors of the county of Sacramento, after canvassing the returns of the said election, duly found and declared that the majority of such qualified electors voting thereon at said special election, had voted in favor of and ratified the said proposed charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section 7½ of Article XI of the Constitution of the State of California; and

WHEREAS, The proposed charter so ratified is in the words and figures as follows, to wit:

WE, THE PEOPLE OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, FOR THE PURPOSE OF FRAMING A FUNDAMENTAL LAW FOR ITS OWN GOVERNMENT UNDER THE CONSTITUTION AND LAWS OF THIS STATE, DO ORDAIN AND ESTABLISH THIS CHARTER FOR SACRAMENTO COUNTY.

CHARTER

ARTICLE I.

Name and Rights of the County.

Name and rights of the county.

Section 1: The County of Sacramento, as it now exists, is a body corporate and politic, and as such has and shall have all the rights and powers which are now or may be hereafter provided by the constitution and laws of the State of California, and by this Charter, including the right and power to acquire, own and operate public utilities; and it shall have such other powers as are necessarily implied.

Section 2: The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents or officers acting under their authority, or by authority of law, or of this Charter.

Section 3: The corporate name shall be County of Sacramento, and by that name it must be designated in all actions and proceedings affecting its corporate rights, properties, powers and duties.

ARTICLE II.

Supervisors.

Supervisors

Section 4: The Board of Supervisors, shall consist of five members, one from each supervisorial district. Each Supervisor shall be nominated by the electors of his district at the time and in the manner provided by the primary laws of the State. All Supervisors shall be elected by the electors of their respective districts.

ARTICLE III.

Supervisors Districts.

Supervisors districts.

Section 5: The County of Sacramento is hereby divided into five supervisorial districts, designated as First, Second, Third, Fourth and Fifth Supervisor District, respectively, and they are established and bounded and described as follows:

FIRST SUPERVISOR DISTRICT shall comprise all that portion of the City of Sacramento lying north of a line drawn from the Sacramento River easterly along the center line of

"K" Street to an intersection of the center line of 31st Street, also designated Alhambra Boulevard; thence along the center line of said 31st Street or Alhambra Boulevard, southerly, to an intersection of the center line of "M" Street; thence along the center line of "M" Street, easterly to the center line of Folsom Boulevard; thence along the center line of Folsom Boulevard, easterly, to the City limits.

SECOND SUPERVISOR DISTRICT shall comprise all that portion of the City of Sacramento lying south of a line drawn from the Sacramento River easterly along the center line of "S" Street to an intersection of the center line of 28th Street; thence along the center line of 28th Street southerly to an intersection with the center line of "Y" Street, thence along the center line of "Y" Street easterly, to an intersection of the center line of Sacramento Boulevard; thence along the center line of Sacramento Boulevard southeasterly to an intersection of the center line of 5th Avenue; thence along the center line of 5th Avenue easterly, to the City limits.

THIRD SUPERVISOR DISTRICT shall comprise all of the City of Sacramento not included within the First and Second Supervisor Districts

FOURTH SUPERVISOR DISTRICT shall comprise all that portion of Sacramento County, outside the Sacramento City limits, which lies north of the center line of 14th Avenue of the City of Sacramento extended easterly to the eastern boundary of the County, which line is common to the center line of township 8 North.

FIFTH SUPERVISOR DISTRICT shall comprise all that portion of Sacramento County, outside the Sacramento City limits, not included in the Fourth Supervisor District.

ARTICLE IV.

General Provisions Concerning Supervisors.

Supervisors Qualifications

Section 6: Each supervisor must have been an elector of Sacramento County for at least five years, and of the district wherein he lives for at least one year, immediately preceding the filing of his nominating petition, and he must reside in such district during his incumbency

Vacancies

Section 7: Whenever a vacancy occurs in the Board of Supervisors it shall be filled by the unanimous vote of the remaining members, and if they shall fail for the period of thirty days to make such appointment the Governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor; in such case a supervisor shall be elected at the next general election to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding such election.

Redistricting

Section 8: The Board of Supervisors may, after 1940, by a four-fifths vote hereafter change the boundaries of any Supervisor District in the manner provided by law; provided,

however, that at least two of said districts shall comprise areas outside the City of Sacramento.

They shall redistrict said County into five Supervisor districts after each Federal census.

Failure of the Board of Supervisors to redistrict the County in the manner provided by law, and by this charter, within two years after each Federal census shall constitute misconduct in office.

Terms

Section 9: The term of office of a Supervisor shall be four years. Supervisors from the First, Second and Fifth Districts shall be elected at the general election held in November, 1934; and Supervisors from the Third and Fourth Districts shall be elected at the general election held in November, 1936. At each general election thereafter, either two or three supervisors, as the case may be, shall be elected for four year terms. The term of office shall begin at noon on the first Monday in January following the election.

Compensation.

Section 10: The compensation of a Supervisor shall be $10 00 per meeting, but not to exceed $50.00 per month, plus mileage to and from the place of meeting, payable monthly from the County Treasury.

Organization

Section 11: The Board of Supervisors shall elect a chairman who shall preside at all meetings. In event of his absence or inability to act the members present must, by an order entered in the minutes, select one of their members to act as chairman pro tem, who, while so acting shall have all the authority of the chairman. Any member of the Board may administer oaths, while in the performance of official duties.

A majority of the members shall constitute a quorum, and no act of the board shall be valid or binding unless a majority of the members concur therein.

Section 12: No Supervisor shall during the term for which he shall have been elected or for one year thereafter, be eligible to any other office or position in the County, carrying compensation, and created by this Charter or by ordinance.

Meetings

Section 13: REGULAR MEETINGS The Board of Supervisors shall convene, in regular session, at least twice in each calendar month, and said board shall, by ordinance, provide for such holding of its regular meetings.

ARTICLE V.

General Powers of the Board of Supervisors.

General powers of the board of supervisors

Section 14: The Board of Supervisors shall have all the jurisdiction and powers which are now or which may be hereafter granted by the Constitution, the laws of the State of California, or by this Charter.

Section 15: The Board of Supervisors shall have power and it shall be their duty:

(a) To appoint all county officers mentioned in Section 26 of this charter, and other employees whose appointment is not otherwise provided for by this Charter.

Powers of supervisors

(b) To provide by ordinance, for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches and employees subject to the restrictions of this charter, unless such compensation is otherwise fixed by this charter. The compensation of elective officers shall be fixed at least six months prior to the election of such officers and shall not be increased after the election of such officer or during his term of office, nor shall it be changed oftener than once in each twelve months; provided, however, that the Board of Supervisors, on the recommendation of the County Executive, shall allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their terms of office, and the Board of Supervisors may also increase or decrease the compensation of such deputies or assistants during the term of office of such officers, if so recommended by the County Executive, subject to the provisions of this charter.

(c) The Board may also provide by ordinance for the number and fix the compensation of such other judges and officers of such inferior courts as are now, or may be hereafter, provided by the Constitution or by general law.

(d) To provide by ordinance for the creation of offices, boards and commissions other than those required by the constitution and laws of the State or this Charter, (but only upon the recommendation of the County Executive), and for the appointment of persons to fill such offices, boards and commissions, and to prescribe their powers and duties, and term of office and fix their compensation.

(e) To require if deemed expedient, any county or township officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the Board. The premium for such bond shall be paid by the County.

(f) To provide, publish and enforce complete code of rules not inconsistent with general laws or this Charter, prescribing in detail the duties and the systems of office and institutional management, accounts and reports, for each of the offices, institutions and departments of the County, elective and appointive, a wilful violation of which shall be misconduct.

(g) To provide for the consolidation of any county office with any other county office, and for the segregation of consolidated county offices, provided, that no county offices which shall be consolidated under a specific provision of this charter may later be segregated by the Board of Supervisors under this general provision, except by unanimous vote of the Board upon the recommendations of the County Executive

(h) To let all contracts for any public work in accordance with the laws of the State of California; provided, that if the estimated cost of such work is $500 00 or less, upon recommendation of the County Executive, the Board may secure, from at least three responsible bidders, bids or estimates of the cost of such work. Such bids must be secured only from con-

tractors actually engaged in the type of work required, and must be submitted to the County Executive in writing, and be by him filed with the Clerk of the Board, and if any such bid be less than $500.00, and the County Executive approves it, the Board may thereupon let a contract for such work to the lowest responsible bidder so submitting a bid, or reject all of said bids. Work shall not be subdivided into parcels or sections for the purpose of securing bids under this provision.

(i) To provide in every contract for the performance of labor, that not more than eight hours shall constitute a day's work; that the contractor and all sub-contractors under him shall pay their employees on said work a salary or wage equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations, under similar employment, in Sacramento County and that preference shall be given in the employment of labor to citizens who shall have resided in Sacramento County for at least six months prior to employment.

The Supervisors shall publish the wage scale in accordance with general law.

(j) To provide for the assumption of and discharge by county officers of such of the functions of municipalities and of special districts which now are, or hereafter may be, authorized by general laws, or in the case of chartered municipalities, by provisions of the charters thereof, upon such terms as shall be mutually agreeable.

(k) To make appropriations for advertising and exploiting county resources, when so recommended by the County Executive.

ARTICLE VI.

County Executive.

County executive.

Section 16: CREATION OF OFFICE QUALIFICATIONS. The office of County Executive is hereby created, and the person holding such office shall be chief executive officer of the county. The County Executive shall be a person of demonstrated administrative ability, having had experience in responsible, important executive capacity, and shall be selected and appointed on the basis of his executive and administrative qualifications. No member of the Board of Supervisors, or of the Board of Freeholders who prepared this charter, and no person who has held an elective county office in this county during the preceding year, shall be eligible to hold such office as the first appointee thereto. Thereafter, no member of the board of supervisors shall be eligible for appointment to the office of County Executive during the term of office of such supervisor, nor within one year after his retirement therefrom.

Vacancy.

Section 17: VACANCY IN OFFICE, ABSENCE, SUSPENSION, OR INCAPACITY TO ACT. Should a vacancy at any time occur or exist in the office of County Executive or

in the case of the absence of the County Executive, his suspension, or his inability to act for any reason, the duties of his office shall, throughout such vacancy, absence, suspension or inability, be performed by the County Engineer as acting County Executive, provided, however, that in the event of a like inability to act upon the part of the County Engineer then and in that event the Board of Supervisors shall appoint one of the county officers, to be by them designated, as acting County Executive.

Removal.

Section 18: REMOVAL. The County Executive may be removed by the Board of Supervisors, four-fifths of the members thereof voting in favor of such removal. It shall be necessary for the Board of Supervisors in the resolution of removal, to set forth the reasons therefor; said resolution shall not become effective until ten days after its adoption, but said officer may be suspended in the meantime; provided, however, that the Board of Supervisors may by unanimous vote remove said County Executive without giving any reason for such removal, in which case said resolution of removal may be made effective immediately.

Term of office and salary.

Section 19: TERM OF OFFICE AND SALARY. The County Executive shall serve at the will of the appointing power, provided, however that the County Executive first appointed under this charter, may not be removed within two years from the date on which he assumes his duties, except for incompetency, malfeasance, misfeasance or neglect of duties, nor shall any County Executive subsequently appointed be removed within twelve months from the date on which he assumes his duties, except for the same causes

The County Executive shall receive a salary which shall be fixed by the Board of Supervisors prior to the time of his appointment, and annually thereafter; but the same shall in no instance be less than FIVE THOUSAND DOLLARS ($5,000.00) per annum, nor more than SEVEN THOUSAND DOLLARS ($7,000.00) per annum. Such salary shall be payable in twelve equal monthly installments.

ARTICLE VII.

Powers and Duties of County Executive.

General powers and duties.

Section 20: GENERAL POWERS AND DUTIES. The County Executive shall be responsible to the Board of Supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in his charge, or under his jurisdiction or control, pursuant to the provisions of this charter, or of any ordinance, resolution or order of the Board of Supervisors. He shall also act in an advisory capacity to and with the Board of Supervisors with respect to any necessary or proper coordination of functions of officials and boards not under his jurisdiction or control. He shall be charged with, and shall be responsible for, the enforcement of all ordinances, orders or governmental reg-

ulations of the Board of Supervisors, and he is vested with the power to sue, in the name of the county, in the proper court, to enforce same.

Additional powers and duties.

Section 21: ADDITIONAL POWERS AND DUTIES In addition to other powers and duties herein provided, it shall be the duty of the County Executive and he shall have the power:

(a) To appoint and to remove, subject to the provisions of this charter, all appointive officers, deputies, clerks, attaches and other employees, boards and commissions except as is otherwise provided by law or by this charter.

(b) To make recommendations to and requests of the Board of Supervisors concerning all of the matters and things which, pursuant to the provisions of this charter, are to be performed, done or carried out by said board upon the recommendation or at the request of the County Executive.

(c) To recommend, for adoption by the Board of Supervisors, such measures and ordinances as may to him seem necessary or expedient, and to make such other recommendations to the board concerning the affairs of the county as may to him seem necessary or expedient.

(d) To prepare and submit to the Board of Supervisors, such reports as said board may require, with respect to the activities of any office or institution which is, or hereafter may be, under the control or subject to the direction or supervision of the County Executive.

(e) To keep the Board of Supervisors advised of the financial condition and of the needs, of the county.

(f) To employ, by and with the approval of the Board of Supervisors, experts and consultants to perform work and advise, in connection with any of the functions of the county, when economically advantageous.

(g) To have charge of all buildings and grounds of the county, and to arrange, by and with the consent of the Board of Supervisors, for adequate facilities for space and equipment necessary or proper in the conduct of any county office or county function.

(h) To prepare, or cause to be prepared, within the limits of his jurisdiction, such plans, specifications and detailed drawings as may become necessary or proper for work which the Board of Supervisors may order to be done, or for material or supplies which said board may order to be furnished.

(i) To consult with and make recommendations to the Board of Supervisors with respect to the award of public contracts, within the limits of his jurisdiction and to see that all contracts made with the county are faithfully performed.

(j) To examine all claims against the county, and to endorse his approval or disapproval thereon, with his recommendation for the allowance or disallowance thereof, prior to action thereon by the Board of Supervisors.

(k) To temporarily transfer, during periods involving an excess of work deputies, clerks or employees from one county office or department to another county office or department.

(l) To devote his entire time to the duties and interests of the county.

(m) To perform such other duties as may be lawfully prescribed or required by this charter, or by ordinance, resolution or order of the Board of Supervisors.

(n) To report to said Board of Supervisors recommendations for improvement in the administration of elective and appointive offices of said county, and concerning the increase or decrease of the number of employees therein.

(o) To act as Purchasing Agent for the County, and he may also act as Purchasing Agent of County Public Schools.

(p) From time to time recommend to the Board of Supervisors such amendments to this charter as according to his experience, observation and study will produce more efficient and economical government for the county.

(q) To investigate and recommend to the Board of Supervisors, what, if any, offices of the county may be consolidated to increase the economy and efficient operation thereof.

(r) To set proper schedule of fees to be collected for the verifying, checking and approval by the County Surveyor of maps of proposed subdivisions required by law, and to set rates of charges for such other work as may be now or hereafter required by law, but such rates shall not be less than the prevailing or current rates for similar work.

(s) All formal recommendations of the County Executive to the Board of Supervisors should be in writing.

Advertising and exploiting resources of county.

Section 22: ADVERTISING AND EXPLOITING RESOURCES OF COUNTY. The County Executive shall consult with the Board of Supervisors with respect to any appropriations made by the Board of Supervisors for advertising and exploiting county resources. Such appropriations made by the said Board of Supervisors shall be only upon the recommendation of the County Executive.

Limitation in powers.

Section 23: LIMITATION IN POWERS. The County Executive among other limitations not herein expressly enumerated, shall not be vested with power under this charter:

(a) To exercise any legislative function.

(b) To expend any sums of money, except in pursuance of appropriations or budget authorizations adopted by the Board of Supervisors, or authorized by this charter.

(c) To sell or otherwise dispose of, lease or encumber, any real or personal property belonging to the county, except as otherwise herein provided.

(d) To grant, cancel or revoke any franchise.

(e) To exercise any power, authority or control over the Board of Supervisors, or over any elective officer of the county, or over any appointive officer or board whose appointment is by the provisions of this charter vested in another than himself, except in cases where the power so to do is expressly

conferred upon him by this charter, or by any subsequent amendment thereof, or by a grant of authority by legislative act on the part of the Board of Supervisors; provided, however, that the limitations in this section contained shall in no sense be construed as preventing or prohibiting the County Executive from making timely recommendations to the Board of Supervisors, or to any elected or appointed officer or board, with respect to a more efficient or economical administration of affairs within the particular office or jurisdiction of such board or such officer; nor shall this section be construed as preventing or prohibiting the Board of Supervisors, in proper cases, from ratifying, approving, confirming or validating any action of the County Executive, assumed by him as an emergency measure, if any such there ever should be.

ARTICLE VIII.

County Officers Other Than Supervisors.

Elective county officers.

Section 24. ELECTIVE COUNTY OFFICERS. The elective county officers, other than members of the Board of Supervisors shall be:

Assessor.
District Attorney.
Auditor.
Sheriff.

Appointive county officers.

Section 25: APPOINTIVE COUNTY OFFICERS, BOARDS AND COMMISSIONS. Appointive county officers, boards and commissions shall be those enumerated in sections 26 and 27 of this article, and those provided for by general law, together with such other officers, boards and commissions as may hereafter be made appointive by the Board of Supervisors, pursuant to provisions of this charter.

Section 26: SUPERVISORIAL APPOINTMENTS. The Board of Supervisors shall, subject to the provisions of this charter, appoint the County Executive, an agricultural commissioner, a board of education, a board of law library trustees, a county librarian, county health and welfare board, and a sealer of weights and measures.

Executive appointments.

Section 27: COUNTY EXECUTIVE APPOINTMENTS The County Executive shall, subject to confirmation by the Board of Supervisors, appoint a:

Coroner.
County Engineer.
License Collector.
Public Administrator.
Recorder.
Surveyor.
Tax Collector.
County Clerk.
Superintendent of Schools.
Treasurer;

and such other officers as are not mentioned in the foregoing section 26. The tax collector shall be ex officio license collector. The offices of coroner and public administrator are hereby consolidated. The offices of surveyor and county engineer are hereby consolidated, and the duties required by law to be performed by the surveyor shall be performed by the engineer.

If the Board of Supervisors shall, within thirty days after submission by the County Executive of a nominee for confirmation by said board, fail to take action upon same, said failure so to act shall be conclusively deemed to be, and shall operate as, a confirmation by said board.

Expiration of present terms

Section 28: EXPIRATION OF PRESENT TERMS OF OFFICE. All county officers holding offices which were elective immediately prior to the time this charter takes effect shall continue to hold their respective offices until the expiration of their present terms, unless sooner removed in the manner provided by law. The terms of all other county officers shall expire upon the taking effect of this charter, provided, however, that each shall continue to hold office until his successor has been appointed and has qualified.

Tenure of office.

Section 29: TENURE OF OFFICE. Terms of all officers, employees, boards and commissions, unless otherwise herein or by law provided, shall be at the pleasure of the appointing power.

Probation officer

Section 30: PROBATION OFFICER AND PROBATION COMMITTEE. The manner and method of appointment and removal of the probation officer and assistants and the members of the probation committee, shall be as is now or as hereafter may be provided by general law.

Vacancies

Section 31: VACANCY IN ELECTIVE OFFICE. HOW FILLED. Whenever a vacancy shall occur in any elective county or township office, other than in the Board of Supervisors, the Board of Supervisors shall fill the same in the manner, and the appointee shall hold office for the time, provided by general law.

Section 32: VACANCY IN APPOINTIVE OFFICE. HOW FILLED. Whenever a vacancy shall occur in any appointive county or township office such vacancy shall be filled, subject to the manner and method herein provided with respect to the original appointment, by the person, board or commission, as the case may be, empowered herein to make such original appointment.

Suspension and removal

Section 33: METHOD OF SUSPENSION AND REMOVAL OF APPOINTIVE OFFICERS. Every appointive county officer may be removed by a four-fifths vote of the Board of Supervisors, upon the recommendation of the County Executive. Every appointive county officer may be suspended without pay for a period not exceeding thirty days by the appointing power. Any appointive officer or employee appointed by the County Executive may be removed by him. Any officer or employee, except the County Executive, appointed by the Board of Supervisors, may be removed by

said Board by a three-fifths vote. Officers and employees appointed by the County Executive subject to the approval of the Board of Supervisors shall be removed only by the Board of Supervisors on recommendation of the County Executive.

Salaries

Section 34: SALARIES OF ELECTIVE OFFICERS. The annual compensation of the elective officers of the County of Sacramento shall be fixed by ordinance of the Board of Supervisors, and shall not exceed the following sums:

District Attorney—$4500.00.
Sheriff—$3000 00.
County Auditor—$3000.00.
Assessor—$3000.00.

Salaries

Section 35: SALARIES OF APPOINTIVE OFFICERS. The annual compensation of the appointive officers of the County of Sacramento shall be fixed by ordinance of the Board of Supervisors, and shall not exceed the following amounts:

County Health Board—No compensation.
Agricultural Commissioner—$2400.00.
County Librarian—$2400.00.
Sealer of Weights and Measures—$2000.00.
Board of Law-Library Trustees—No compensation.
Board of Education—No compensation.
Coroner—$3000.00.
County Engineer—$4500 00, including duties as Surveyor.
License Collector—No compensation (combined with Tax Collector.)
Purchasing Agent—No compensation (combined with County Executive.)
Recorder—$3000.00.
Surveyor—$120.00.
Tax Collector—$3000.00.
County Clerk—$3000.00.
Superintendent of Schools—$3000.00.
County Treasurer—$3000.00.
Public Administrator—No compensation (combined with Coroner.)
Superintendent of Social Service—$2400.00

Appointments.

Section 36: APPOINTMENTS. The Board of Supervisors shall by ordinance fix and regulate the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and they shall, in like manner, prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which and the terms for which they shall be appointed, and the manner of their appointment and removal, as in this charter provided; provided, however, that such ordinance shall authorize elective officers to appoint their deputies and such subordinates as shall be designated and provided by said ordinance, and that appointive officers may appoint their deputies and subordinates, subject to the approval of the County Executive.

Uniform rate of pay.

Section 37: UNIFORM RATE OF PAY. The Board of Supervisors shall establish a uniform rate of compensation for chief deputies, deputies, assistants, clerks, secretaries, stenographers, typists, copyists, and others, in the employ of the County of Sacramento, not including professionally educated persons so employed, which rate of compensation shall be as recommended by the County Executive.

Court reporters

Section 38: COURT REPORTERS. The Judges of the Superior Court may appoint the phonographic reporters, subject to the provisions of the Code of Civil Procedure of the State of California but the Board of Supervisors shall by ordinance determine the fees to be charged by such phonographic reporters.

Fees.

Section 39: PAYMENT OF FEES INTO COUNTY TREASURY. Every county or township officer, board or commission, authorized to collect fees or money must pay into the county treasury all such fees or moneys collected by him or them, as the case may be, not later than seven (7) days following receipt thereof, except that the Tax Collector shall deposit his collection with the County Treasurer daily. Said officer, board or commission shall also file therewith a detailed statement of same in writing, a duplicate copy of which shall at the same time be filed with the Auditor, in such form as the Auditor may require.

ARTICLE IX.

Powers and Duties of Officers Other Than Supervisors.

General powers and duties

Section 40: GENERAL POWERS AND DUTIES. Each and all of the officers, boards and commissions now existing or created hereunder or by the Constitution or general laws of this State, or by the Board of Supervisors, shall have and exercise all the powers and shall perform all the duties vested in and delegated to them by the Constitution and general laws and by this charter.

Subordinates

Section 41: APPOINTMENT AND REMOVAL OF SUBORDINATES. The County Executive and the board or officers authorized by this charter, or by ordinance, to appoint deputies, clerks, attaches or employees, shall have the right and power to remove them; and where the consent or approval of another board or officer is required for such appointment, or employment, a similar consent or approval shall be required for the removal.

District attorney

Section 42: DISTRICT ATTORNEY. The district attorney shall perform the duties provided by law, and shall advise the Board of Supervisors and all county, township and district officers in all matters and questions of law pertaining to their respective functions, powers and duties, and, subject to the provisions of the general law empowering the Board of Supervisors to employ special counsel, shall have exclusive charge and control of all civil actions and proceedings in which the county, or any officer, board or commission of said

county is a party, or is officially concerned or interested. He shall also act as attorney for the public administrator as to all estates in which such officer is personal representative, and shall, in every such matter, collect the attorney's fees allowed therein by law, and pay same into the county treasury.

Engineer.

Section 43: ENGINEER. The office of County Engineer is hereby created. Upon the expiration of the present term of office of the incumbent County Surveyor, as herein provided, the Engineer shall be ex-officio County Surveyor and shall have the powers and perform the duties of the County Surveyor. He shall be a licensed land surveyor and a registered civil engineer of the State of California, who shall have had, prior to his appointment, practical experience in road construction. The County Engineer, in addition to such other powers and duties as are herein vested in him, shall have and exercise the following powers and duties·

(a) To make all surveys, maps, plans, specifications, tests and inspections, and estimates necessary or required for the construction, improvement, maintenance and repair of the county roads, highways, bridges, ferries and other public works. To prepare plat books for use by the county assessor, to verify, check and approve maps of proposed subdivisions as required by law, upon receipt of proper notice that fee for such work has been paid.

(b) To examine and continuously inspect the work performed on such roads, highways, bridges and other public works, and report to the County Executive as to whether or not the work has been done in accordance with the plans and specifications and contracts therefor.

(c) To inspect, approve and certify to the progress, estimates and allowances for work performed under all contracts for the construction, improvement and maintenance or repair of county roads, highways, bridges, ferries, buildings and other public works.

(d) To inspect or cause to be inspected, all public works within the county and to keep the same clear of obstructions and in good repair, to employ all men, equipment and all help necessary therefor, when the same is not let by contract, and to report to the County Executive with respect thereto; to certify to the correctness of all pay rolls for work done by day labor or force account on county roads, highways, bridges and other public works.

(e) To have control and management of all county rock quarries, oil pits, and depots, gravel pits and other materials, property, implements, instruments, tools, machinery and other appurtenances necessary for the construction, improvement, maintenance and repair of county roads, highways and bridges, and other public works.

(f) Subject to the approval of the County Executive to create and establish such road construction and maintenance stations as he may deem to be necessary or proper.

(g) By and with approval of the Auditor, to install such cost accounting system, not inconsistent with the laws of the State, covering unit costs of all work performed on county roads, and highways as may be necessary to accomplish the purposes set out in this article.

(h) To prepare annually in triplicate, a proper budget showing in detail the needs of the county for construction, improvement, maintenance or repair of county roads, highways and bridges and other public works for the ensuing year and to submit one thereof to the Auditor one thereof to the County Executive and one thereof to the Board of Supervisors at least thirty (30) days prior to the date of the meeting at which the Board of Supervisors is required to fix the county tax rate.

(i) As a basis for the preparation of budget estimates and for the allocation of funds for roads, highways and other public works he shall under the direction of the County Executive classify, from time to time, all county roads and highways according to the amount of traffic each road bears as determined by periodic traffic counts.

Auditor.

Section 44: AUDITOR. The Auditor shall have and exercise all the powers and shall perform all the duties, vested in and required of a county auditor to be performed by the Constitution and general laws, and he shall have such additional powers and perform such additional duties as may be vested in him or by him required to be performed by this charter or by ordinance of the Board of Supervisors. He shall publish annually the statement required by Section 4049 "A" of the Political Code, required by statutes of 1907, page 374.

Purchasing agent.

Section 45: PURCHASING AGENT. The purchasing agent, under such limitations and restrictions as are prescribed by law, shall have and exercise the following powers and duties additional to those which are conferred upon him by general law.

(a) To prescribe rules and regulations for procedure with respect to purchases of county materials and supplies.

(b) To enter into term contracts for not exceeding one year for the purchase of materials or supplies for the county, or any officer, board or commission thereof, when duly authorized so to do.

(c) If and when he becomes authorized by law so to do, to purchase all materials, supplies, furnishings, equipment and all other property necessary or proper for use by any school district within the county.

(d) To standardize, so far as possible, all materials, supplies, equipment and other property required for the conduct and operation of all departments, offices, boards, courts, commissions and institutions of the county, and to maintain a continuous inventory.

(e) In accordance with such procedure as may be prescribed by the Board of Supervisors, to sell all personal property which, in his judgment, is no longer suitable or necessary for

county use; provided, that all such sales shall be reported to and ratified by the Board of Supervisors before becoming effective.

(f) To perform such other duties as may be lawfully prescribed or required by this charter or by ordinance, resolution or order of the Board of Supervisors.

ARTICLE X.

Fiscal Procedure.

Section 46: BUDGET. (a) Except as otherwise provided by this charter, the financial and accounting procedure and practice shall be as prescribed by general law. Budget

(b) The County Executive shall establish a modern uniform system of accounting and reporting which shall require all officers, boards, and institutions to report to him, at such times and in such manner as he may direct, all necessary information concerning activities, personnel, funds, receipts, and expenditures, and enable him to maintain a continuous audit and the adjustment of existing and contemplated appropriations with the actual current needs of every office, board and institution.

On or before the thirtieth day of May, at such time as the Board of Supervisors may direct, each county officer required by general law to file budget estimates for the next ensuing fiscal year with the Auditor shall submit to the County Executive, on such form and in such manner as the County Executive shall have prescribed, full and complete information concerning the estimates he proposes to submit to the Auditor; and it shall be the duty of the County Executive to consult with and advise such officers concerning their proposed estimates, in order that he may make proper recommendations to the Board of Supervisors when they are considering the adoption of the budget and appropriation ordinances as hereinafter provided.

(c) Upon receipt of the tabulation of budget estimates from the Auditor, the Board of Supervisors shall immediately transmit a copy of such tabulation to the County Executive, who shall examine same and make such written recommendations concerning any reductions, revisions, or changes in the various estimates and proposals as in his opinion are in the best interests of efficiency, economy and service.

(d) The Board of Supervisors may authorize the County Executive to provide for each organization unit in the administrative service a more detailed budget subclassification by functions and activities and within each object of expenditure a more detailed segregation than that provided by general law, and to allocate the proposed expenditures by time periods, in such manner as he may deem expedient, and when such subclassifications or segregations have been approved by the Board of Supervisors, each organization unit shall comply with such detailed classifications and segregations, and the time periods so provided, and transfer from one of such

detailed items or periods to another only upon the written authorization of the County Executive.

(e) The County Executive shall have the power and it shall be his duty to recommend in writing to the Board of Supervisors the cancellation by them of any appropriation in whole or part or any item therein, whenever, in his judgment, the expenditure is unnecessary or not in the best interests of efficiency, economy and service.

Whenever such recommendations are made, copies shall be delivered to the auditor, and the officer, board or institution whose appropriations are affected thereby, and no expenditure of the items of appropriation referred to in the recommendation shall be made until the Board of Supervisors shall have had an opportunity to act upon the recommendation in the manner provided by law. When the Board of Supervisors is considering such cancellation, the officer affected thereby shall be allowed an opportunity to appear and defend the continuance of the appropriation if he so desires.

(f) The said Board shall hold a separate public hearing on the salary budget, a separate public hearing on capital outlay and maintenance budget, and shall then hold its combined budget hearing in accordance with the general law. Said Board shall, by ordinance, provide for a separate hearing on salary budget and a separate hearing on the budget for capital outlay and maintenance.

Claims. Section 47: COUNTY EXECUTIVE TO APPROVE CLAIMS. No claim or demand against the county shall be passed upon or allowed by the Board of Supervisors unless the same shall have been presented to the County Executive for his approval or rejection

Forms Section 48: COUNTY EXECUTIVE TO PRESCRIBE FORMS. The County Executive shall prescribe forms of accounts and other records, wherever legally possible, which shall be used by all officers of the County who receive and disburse funds. He shall require monthly reports of all fiscal transactions of each county officer and may, at any time, make or cause an audit to be made of the accounts of any county officer.

Emergency appropriation Section 49: EMERGENCY APPROPRIATION. The Board of Supervisors shall by four-fifths vote have the power by ordinance to pass emergency appropriations in accordance with general law, stating therein the nature of the emergency and the source of the funds to be used therefor.

ARTICLE XI

Roads and Highways.

Roads and highways. Section 50: CONSOLIDATION OF EXISTING ROAD DISTRICTS. All existing road districts in the county are hereby consolidated into a single road district, which shall comprise all of the territory lying within the county, outside of incorporated area.

Road commissioner.

Section 51: COUNTY ENGINEER TO BE EX OFFICIO ROAD COMMISSIONER. The county engineer shall be, ex officio, road commissioner of the existing road districts of the county.

Powers and duties.

Section 52: POWERS AND DUTIES OF COUNTY ENGINEER, AS EX OFFICIO ROAD COMMISSIONER. The county engineer, as ex officio road commissioner shall have and exercise the powers and perform the duties vested in road commissioners in pursuance of the provisions of the general law, and such other powers and duties as may be vested in him, in pursuance of the provisions of this charter. He shall also make and keep on file a road mileage record and keep same to date, showing each road in the county upon which county funds are expended. He shall keep accounts of all work done on construction of new roads, reconstruction of old roads, and of maintenance of all county roads and highways, all on a unit basis of per mile costs.

Claims for road work.

Section 53: ENGINEER TO APPROVE CLAIMS FOR ROAD WORK. No claim against the county for work done on its roads, highways, streets, bridges, ferries and other public works, or in connection with the same, or for materials, supplies, implements or machinery used for or in connection therewith, shall be passed by the Board of Supervisors, or paid for by the Treasurer of the County, unless there shall be endorsed thereon the written approval of the Engineer and the County Executive.

Ordinances.

Section 54: DUTY OF BOARD OF SUPERVISORS TO ADOPT ORDINANCES. It shall be the duty of the Board of Supervisors, immediately after this charter shall have become effective, to pass and adopt such ordinances as may by law be necessary or proper to fully carry into effect the provisions of this article.

Special districts

Section 55: SPECIAL DISTRICTS. Before the Board of Supervisors shall create or form any special district it shall submit all petitions for the creation thereof to the County Executive, County Engineer and District Attorney for their advice, counsel, recommendations and suggestions.

ARTICLE XII.

County Health and Welfare Board.

County health and welfare board

Section 56: There shall be a County Health and Welfare Board consisting of seven members, all of whom shall be bona fide residents of Sacramento County.

Two of said members shall be regularly licensed and practicing physicians; one shall be the County Executive, who shall be the chairman of the board; one shall be the chairman of the Board of Supervisors; one shall be a duly licensed and practicing dentist.

The medical and dental members of said Board shall be selected in the following manner:

The Board of Supervisors shall by resolution request the Sacramento Society for Medical Improvement to certify to the Board, the names of four or more physicians who are specially fitted by education and experience for the duties devolving upon said Board, and the Board of Supervisors shall choose two of the physicians so certified, as members of said board

And likewise the Board of Supervisors shall request the Sacramento Dental Society to certify to the Board, the names of two or more dentists who are specially qualified by education and experience for the duties devolving upon said Board, and the Board of Supervisors shall choose one of said dentists so certified, as one of the members of said Board.

Should either of said boards refuse or neglect for a period of thirty-five (35) days after such request to certify said names, the Board of Supervisors may appoint the medical or dental members of said County Health and Welfare Board, as the case may be, from the regular practitioners of such professions in Sacramento County.

The term of office of the medical and dental members of the County Health and Welfare Board shall be three years from and after the date of their appointment and qualification, provided, however, that the term of office of the medical and dental members, first appointed, shall be determined by lot, so that one thereof shall retire in one year, one in two years, and one at the end of the third year.

The other two members shall be electors of the county, not of the medical or dental profession, selected annually by the other members of the Board, one of whom shall be from the Fourth Supervisor District, and one from the Fifth Supervisor District.

Said Board shall serve without compensation.

Vacancy. Section 57 Whenever a vacancy shall occur in the County Health and Welfare Board among the medical and dental members thereof, the same shall be filled in the manner herein provided for appointment to the Board in the first instance.

Duties. Section 58: Said Board shall advise the County Executive concerning all services to be rendered through county hospitals, health centers and clinics throughout the County, and it also shall determine the locations of such clinics and health centers as may be necessary, and shall establish such clinics and health centers as shall be necessary to supply the services to the indigent sick of the county, and make rules for the admission of patients thereto, and it shall direct and supervise the county health and disease prevention program of all the agencies, both public and private, engaged in the work in the County of Sacramento.

(a) It shall advise concerning the expenditures of all funds allocated or appropriated by the County of Sacramento for all Medical or Dental services, or prosthetic appliances, and for the prevention and control of diseases and for the promotion of public health.

(b) Said Board shall be vested with such other powers and functions, and shall perform such other duties as are now or may hereafter be vested in or conferred upon it by general law or this charter, or by ordinance of the Board of Supervisors.

Said Board shall advise the County Executive concerning the appointment of all persons who furnish, and all county employees employed in agencies and institutions which furnish, said medical or dental services to the indigent sick, subject to laws and ordinances, and this charter.

Section 59: The Sacramento County Hospital shall be so called, and shall be maintained for Sacramento County indigents only.

ARTICLE XIII.

Social Service.

Social service.

Section 60: SUPERINTENDENT OF SOCIAL SERVICE. The superintendent of social service, subject to the directions of the County Executive, shall have administrative supervision of the relief of the indigent, of the blind, of the aged, and of dependent children. He shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be, vested in and conferred upon him by general law, or by ordinances of the Board of Supervisors.

ARTICLE XIV.

Labor and Employment.

Labor and employment.

Section 61: In the employment of persons in the service of the County, where sex does not actually disqualify, and where the quality and quantity of service is equal, there shall be no discrimination in selection or compensation on account of sex.

Section 62: The time of service of all laborers or workmen or mechanics employed upon any public works, whether said work is done by contract or otherwise, shall be limited and restricted to eight (8) hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood or other calamity endangering life or property, or except to work upon public, military or naval defenses in time of war; provided that in the event of any other number of hours being established through the State by any Constitutional or Legislative provision, then such other number of hours shall be the constituted number of hours for the County.

Section 63: In fixing compensation, the Board of Supervisors shall at least annually, by ordinance, provide in each instance for the payment of not less than the prevailing or general current rate of compensation or wages paid by private employers in the County of Sacramento for similar quality or quantity of service, in case such prevailing compensation

or wages can be ascertained. Preference in all cases shall be given to Sacramento County residents.

Section 64 It shall be unlawful to knowingly employ, engage or appoint any person to serve in the public service who is not native-born or fully naturalized citizen of the United States; and no warrant shall be issued or approved by the auditor for the payment of any salary or wage to any person, until there shall have been filed with the Auditor an affidavit that such person is such a citizen of the United States; except that this section shall not apply (a) to the employment of any native-born woman of the United States who has married an alien; (b) to the employment of any specialist or technical expert temporarily employed by any department of this county, and engaged in special teaching, investigation or research; (c) in cases of extraordinary emergencies caused by fire, flood or other calamity endangering health, life or property; (d) to work upon public, military or naval defenses in time of war.

Penalty

A violation of this section shall constitute a misdemeanor, and any person convicted thereof shall be punished by a fine of not exceeding FIVE HUNDRED ($500.00) DOLLARS, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

Section 65: Every officer or employee absent from duty, except on account of sickness, shall suffer a deduction in compensation equal to his daily average rate of compensation for each day so absent

Section 66 Enforced labor without compensation, as a penalty for the commission of public offenses is hereby prohibited. The net earnings of all county prisoners, based upon such compensation as may be fixed by the board of supervisors and which compensation need not be the prevailing rate of compensation for similar services performed, shall go to the support of their dependents, and if such prisoners have no dependents, such net earnings shall accumulate and be paid to them upon their discharge.

Section 67: The laws of the State of California pertaining to labor on public works as they now are and as they may hereafter be, are hereby applicable to all such public works in this county.

ARTICLE XV.

Township Officers.

Justices of the peace

Section 68: JUDICIAL TOWNSHIPS AND JUSTICES OF THE PEACE The county shall be divided into six judicial townships. Each such township shall have one justice of the peace, who shall be elected in the manner provided by general law for a term of four years, and shall hold office until his successor is elected, and qualified. The justice of the peace of Sacramento township shall devote his entire time to the duties of his office.

Constables

Section 69. CONSTABLES. At least one constable for duty with each of the justices courts shall be appointed, and removed by the County Executive. Each constable shall devote his entire time to the duties of his office, if so required by the ordinance fixing his salary, and must serve process within the judical district of the justice's court to which he is assigned or elsewhere in the county when so directed, and shall perform all the duties required of him by general law.

Compensation.

Section 70: COMPENSATION OF JUSTICES OF THE PEACE AND CONSTABLES. The compensation of Justices of the Peace and Constables shall be fixed by the Board of Supervisors and must be salaries only, and in such amounts as may be commensurate with their respective duties. Such salaries need not be uniform in amount for the several townships nor proportionate to population therein. Compensation of Justices of the Peace and constables other than in Sacramento township shall not exceed $1500.00 per year. Compensation of Justice of the Peace of Sacramento township shall not exceed $3600.00 per year, and compensation for constables in Sacramento township shall not exceed $2400.00 per year. Their duties and qualifications shall be such as now are, or may hereafter be prescribed by law.

ARTICLE XVI.

Townships.

Sacramento township

Section 71: SACRAMENTO TOWNSHIP shall consist of all the territory included within the City limits of the City of Sacramento, and that portion of the County of Sacramento outside of said City within the following boundaries: Commencing at the southeast corner of the southwest quarter of Section 30, Township 8 north, Range 6 east, which point also designates the northeast corner of the northwest quarter of Section 31 of said township, running thence westerly along the division line between said Sections 30 and 31, extended westerly to the Sacramento river; thence up the east bank of said river to the City of Sacramento. Beginning again at the initial point and running thence northerly along the east boundary of said southwest quarter of said Section 30, on said line extended northerly to the center of the American river; thence along the center of said river downstream to the point where the Southern Pacific Railroad crosses said stream near Elvas; thence southerly following the center line of the right of way of said Southern Pacific Company to the northerly City limits of the City of Sacramento.

American township

AMERICAN TOWNSHIP shall consist of all that territory within the following boundaries Beginning at a point on the east bank of the Sacramento River at the northwest corner of Sacramento City limits running thence easterly along the northerly limits of said City of Sacramento to the center line of the Southern Pacific Railroad right of way at Elvas; thence following said railroad right of way in a northerly direction

to the center line of the American River; thence following the center of said American River up stream to a point opposite the Jos. Sturdarus ranch where the east boundary line of Rancho Del Paso intersects said river; thence along said Grant line extended northerly to the boundary line between Sacramento and Placer Counties; thence along said boundary line in a westerly direction to the Sacramento River; thence down said Sacramento River to the place of beginning.

Granite township

GRANITE TOWNSHIP shall consist of all that territory within the following boundaries: Beginning at a point in the center of the American River opposite the Jos. Sturdarus ranch where the eastern boundary line of Rancho Del Paso intersects said river; thence along said Grant line, which line is common to the easterly boundary of American township, in a northerly direction, to the boundary line between Sacramento and Placer Counties, thence easterly along the boundary line between Sacramento and Placer Counties, to the boundary line between Sacramento and El Dorado Counties; thence southerly along the boundary line of Sacramento and El Dorado Counties to a point on the J. H. McCarthy ranch, which point is on the division line between Sections 24 and 25, Township 8 north, Range 8 east, extended easterly; thence westerly along the line common to the line between said Sections 24 and 25, extended westerly following the section line to the southwest corner of the southeast quarter of Section 19, Township 8 north, Range 6 east; thence northerly along the line dividing the east half from the west half of said Section 19, extended northerly to the center line of the American River; thence following the center line of said river up stream to the point of beginning

Lee township

LEE TOWNSHIP shall consist of all that territory within the following boundaries: Beginning at the southwest corner of Section 19, Township 8 north, Range 7 east; thence east to the east boundary of Sacramento County; thence south along the east boundary to Sacramento County, to the southeast corner thereof; thence westerly along the south boundary of Sacramento County to the Cosumnes River where the lower Stockton road crosses said river; thence northeasterly along the center line of the Cosumnes River to the line common to lots 7 and 8 of the Sheldon Estate, thence northwesterly along said lot line to the northeast corner of lot 8 of the Sheldon Estate; thence west along the center of a county road eighteen chains, more or less, to the range line between ranges 6 and 7, east; thence north along the range line to the place of beginning

Georgiana township

GEORGIANA TOWNSHIP shall consist of all that territory within the following boundaries: Beginning at the intersection of the range line between ranges 5 and 6 east with the Cosumnes River, thence north to the northeast corner of Section 25, Township 6 north, Range 5 east; thence west to the west boundary of Sacramento County; thence southerly along the west boundary of Sacramento County to the intersection

of the Sacramento and San Joaquin Rivers; thence northerly along the San Joaquin River to the north fork of the Mokelumne River; thence northerly along the north fork of the Mokelumne River to the Cosumnes River; thence northerly along the Cosumnes River to the place of beginning.

San Joaquin township.

SAN JOAQUIN TOWNSHIP shall consist of all that territory within the following boundaries: Beginning at the intersection of the range line between ranges 5 and 6 east with the Cosumnes River; thence north to the northeast corner of Section 25, Township 6 north, Range 5 east; thence west to the west boundary of Sacramento County; thence northerly along the west boundary of Sacramento County to the south boundary of Sacramento township, which boundary is common to the line between Sections 30 and 31, Township 8 north, Range 6 east, extended westerly to the Sacramento River; thence along said line last described to the southeast corner of the southwest quarter of Section 30, Township 8 north, Range 6 east; thence northerly along the line dividing the east and west halves of said Section 30 to the division line between Sections 19 and 30; thence along the line between said Sections 19 and 30 extended easterly to the southeast corner of Section 24, Township 8 north, Range 6 east; thence southerly along the line between Section 25, Township 8 north, Range 6 east, and Section 30, Township 8 north, Range 7 east, extended southerly and southeasterly along the line of the western boundary of Lee township to the Cosumnes River; thence following said river down stream along the line of the western boundary of Lee township to the place of beginning.

ARTICLE XVII.

Election, Initiative, Referendum and Recall.

Nomination and election.

Section 72: NOMINATION AND ELECTION. Excepting where otherwise herein provided, all elective county and township officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law, for the nomination and election of such officers.

Initiative and referendum

Section 73: INITIATIVE AND REFERENDUM. All provisions of law relative to the initiative may be invoked by the electors of this county, and all ordinances which may be passed by the Board of Supervisors, shall be subject to referendum whenever the use of the initiative or referendum is permitted by law.

Recall

Section 74: RECALL. The holder of any elective office may be recalled, in the manner provided by law, by the electors after he has held office six months.

ARTICLE XVIII.

Miscellaneous.

Officers to cooperate with executive.

Section 75: All elective officers of the County and all officers appointed by the Board of Supervisors, shall cooperate with the said County Executive to the end that complete

coordination of all officers, services and employment, shall be accomplished, and the refusal of any such officer to so cooperate shall be deemed wilful misconduct on the part of the officer so refusing.

Traveling expenses

Section 76. TRAVELING EXPENSES. Whenever any person in the service of the county is compelled to travel in the performance of his duty, he shall, in addition to his regular compensation, be reimbursed for his actual and necessary expenditures for transportation, lodging and meals. An itemized account of such expenditures shall be filed with and approved by the Auditor before payment. The Board of Supervisors shall fix a maximum price to be paid for such travel, lodging and meals, which shall be applicable to all such persons alike, including members of said Board of Supervisors.

Ineligibility to hold office

Section 77: INELIGIBILITY TO HOLD OFFICE. No attorney, agent or employee of any firm, association or corporation doing business under or by virtue of any franchise granted by or contract made with the county, or financially interested in any such franchise or contract, shall be eligible to hold any appointive compensated county office.

Relatives to the third degree, whether by blood or marriage, of any officer making an appointment pursuant to the provisions of this charter shall be ineligible to hold any appointive office or employment, under such officer. Nepotism shall be avoided in all public county employment.

Attention to duties

Section 78. ATTENTION TO DUTIES. Except as otherwise herein provided elective and appointive officers, their deputies and employees, serving full time with compensation, shall not engage in any private practice or business. The provision of this section shall not, however, apply to members of the Board of Supervisors nor to the Justices of the Peace or Constables outside of Sacramento township.

Full time work

Section 79 COMPENSATION IN FULL FOR SERVICES. The compensation provided to be paid to any elective or appointive county or township offices, boards or commissions or employment shall, when so paid, be in full for all services rendered, and they shall accept no compensation for services for other public employment.

Political activity

Section 80: POLITICAL ACTIVITY. Appointive officers or employees serving with compensation under this charter are prohibited from engaging in any political activity for, or contributing or soliciting funds or support for or in behalf of, any elective officer provided for herein, or for any candidate for such elective office. Such activity shall constitute a just cause for removal.

Motor vehicles.

Section 81: The Board of Supervisors shall cause all motor vehicles belonging to the County to have painted conspicuously, on each side, the words "Property of Sacramento County." "For Official Use Only," together with the name of the department to which said motor vehicle belongs, except that such motor vehicles as may be designated by the Sheriff, District Attorney and Probation Officer in their respective

departments, with the approval of the Board of Supervisors, as necessary for confidential departmental investigations, may be exempted from the foregoing provision.

Every department shall cause to be kept a record showing the daily use of each motor vehicle, the time of going out, the number of miles travelled, the time of its return to the garage.

It shall be the duty of the person in charge of motor vehicles to keep a record of the amount of gasoline used in each motor vehicle, together with a record of the repairs thereon required.

All records required by this section shall be filed in the office of the County Auditor on or before the 5th day of each month.

A violation of any provision of this section shall constitute misconduct in office.

County executive.

Section 82: NON-INTERFERENCE WITH COUNTY EXECUTIVE. No member or members of the Board of Supervisors shall directly or indirectly coerce or attempt to coerce the County Executive, or any other county officer appointed or confirmed by the Board, in the performance of the duties of his office, or attempt to exact any promises from any candidate for any such office, relative to any appointment or removal of any county officer, and any violation of the provisions of this section shall be wilful misconduct of the supervisor. Except for the purpose of obtaining information, the Board of Supervisors and its members shall deal solely and directly through the County Executive with respect to the part of the county government under his direction.

Section 83: PREFERENCE TO SACRAMENTO COUNTY PRODUCTS. In purchases by the County of Sacramento, price and quality being equal, preference shall be given to Sacramento County products

Residential requirements

Section 84: RESIDENTIAL REQUIREMENTS. All officers, deputies, clerks, attaches, employees and members of boards and commissions, must, when in the employ of the county, reside in the County of Sacramento during such service, except as herein otherwise provided.

Construction of charter.

Section 85: LIBERAL CONSTRUCTION. If any section, subsection, sentence, clause or phrase of this charter, is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this charter, it being hereby expressly declared that this charter, and each section, subsection, sentence, clause and phrase thereof would have been prepared and proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional

Headings.

Section 86: CAPTIONS TO ARTICLES AND SECTIONS. Such headings or captions as precede the respective articles and sections of this charter are inserted therein for convenience only, and shall be disregarded in construing said charter or any part or portion thereof.

Section 87: During the time any officer or employee is under suspension his salary shall cease.

Coroner and public administrator

Section 88: No person shall be appointed to the consolidated office of Coroner and Public Administrator who is connected in any way, directly or indirectly, or related by blood or marriage, to any person, firm or corporation engaged in the mortuary business

All unclaimed bodies taken charge of by the Coroner shall be in rotation assigned to such local mortuary establishments as may by registration with the Coroner indicate their desire to participate in such business, under such regulations as may be provided by ordinance of the Supervisors.

Section 89: It shall be the duty of the Board of Supervisors to pass and adopt such ordinances as may be necessary or proper in order to fully carry into effect each and every provision of this charter.

Effective date of charter

Section 90: EFFECTIVE DATE OF CHARTER. This charter shall take effect for the purpose of selecting a County Executive upon its approval by the Legislature, and for all other purposes on July 1, 1933, provided if it be approved after said date then it shall become effective for all purposes immediately upon approval.

The undersigned members of the Board of Freeholders of the County of Sacramento, State of California, elected at a special election in said county on the 18th day of February, 1933, to prepare and propose a charter for said county, pursuant to the provisions of Article XI, section 7 1/2 of the Constitution of California, have prepared and we do hereby propose the foregoing as and for a charter for said county.

In witness whereof, we hereunto sign our names in duplicate this 13th day of March, 1933.

GEORGE A. BRIGGS,
Chairman
CHARLES LUMBARD,
Secretary.

MARK T. HUNT
HENRY L. EHRHARDT
JOHN E. CAIN
GEORGE M. MOTT, Jr.
SIDNEY S. ALBRIGHT
JOSEPH GREEN
WILLIAM H. WILLIAMSON
HARRY SMITH
GUY L. CAMDEN
ARTHUR J. FISHER
GEORGE WINKELMAN
JOSEPH BRUCE WILLIAMS
JOSEPH W. GROSS

State of California, } ss. Certificate.
County of Sacramento }

I, HARRY W. HALL, county clerk of the county of Sacramento, State of California, do hereby certify as follows:

That the county of Sacramento was at all times herein mentioned, and is now, a public corporation, and a political subdivision of the State of California;

That the said county of Sacramento, has not been at any time herein mentioned and is not now consolidated with any city;

That a petition signed by fifteen per centum of the qualified electors of said county of Sacramento, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county of Sacramento was filed in the office of the county clerk of said county of Sacramento on the twenty-first day of November, 1932, in accordance with the provisions of section 7½ of Article XI of the Constitution of the State of California;

That the county clerk of said county did, within twenty days after the filing of said petition, examine the same, and ascertained from the record of the registration of electors of said county of Sacramento that said petition was signed by the requisite number of qualified electors, and did, upon the completion of said examination, forthwith attach to said petition his certificate, properly dated, showing the result thereof and that said petition was signed by the requisite number of qualified electors, and said clerk did immediately present said petition to the board of supervisors of said county of Sacramento at its next regular meeting after the date of said certificate, which said meeting was on the twentieth day of December, 1932;

That thereafter, to wit, on the tenth day of January, 1933, the board of supervisors of the said county of Sacramento did adopt an ordinance providing for the election of the said board of fifteen freeholders at a special election to be held in said county not less than twenty days nor more than sixty days after the presentation of said petition to said board of supervisors, to wit, on the eighteenth day of February, 1933, and which ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct, and which ordinance, prior to such election, was published five times in the "Daily Recorder," a daily newspaper printed, published and circulated in said county;

That thereafter, to wit, on the twenty-third day of January, 1933, the board of supervisors of the said county of Sacramento issued an election proclamation containing a statement of the time of said election and of the offices to be filled and caused such proclamation to be published in the "Daily

Certificate

Recorder," a newspaper of general circulation printed and published in said county of Sacramento, and to be posted at each place of election at least ten days before said election;

That candidates for election as members of said board of freeholders were nominated by petition, in the same manner as is provided by general law for the nomination, by petition of electors, of candidates for county offices to be voted for at general elections;

That thereafter, to wit, on the said eighteenth day of February, 1933, a special election was held in the said county of Sacramento for the purpose of electing said board of fifteen freeholders;

That thereafter, to wit, on the twenty-seventh day of February, 1933, the board of supervisors of said county did canvass the returns of said special election held on the said eighteenth day of February, 1933, for the purpose of electing said board of fifteen freeholders, and the result thereof was declared by said board of supervisors of said county of Sacramento and that said board of fifteen freeholders was therein declared to be elected; and that said board of fifteen duly qualified freeholders consisting of the following named persons, was therein declared to be elected, to wit:

George A. Briggs,
Charles Lombard,
Mark T. Hunt,
Henry L. Ehrhardt,
John E. Cain,
George M. Mott, Jr.,
Sidney S. Albright,
Joseph Green,
William H. Williamson,
Harry Smith,
Guy L. Camden,
Arthur J. Fisher,
George Winkelman,
Joseph Bruce Williams,
Joseph W. Gross.

That thereafter, and within one hundred twenty (120) days from the said twenty-seventh day of February, 1933, to wit, on the thirteenth day of March, 1933, the said board of fifteen freeholders did complete the preparation of and did propose a charter for the said county of Sacramento, which said charter was signed in duplicate by a majority of the members of the said board of fifteen freeholders, and did file one copy of the same in the office of the county clerk of said county, and the other copy of the same in the office of the county recorder thereof;

That thereupon and commencing within fifteen (15) days after the said thirteenth day of March, 1933, to wit, on the sixteenth day of March, 1933, and ending on the twenty-fifth day of March, 1933, the board of supervisors of the said county of Sacramento caused the said proposed charter to be published for at least ten (10) times in the "Sacramento Union," a daily newspaper of general circulation printed, published and circulated in said county;

That thereafter, to wit, on the twenty-seventh day of March, 1933, the board of supervisors of the said county of Sacramento did adopt an ordinance providing for and calling a

special election for the submission of the proposed charter, so prepared by the said board of fifteen freeholders, to the qualified electors of the said county of Sacramento at a special election to be held in said county on the twenty-seventh day of April, 1933, which said date of election was not less than thirty nor more than sixty days after the completion of the publication of said charter as hereinbefore set out, and which said ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein and the names of the election officers for each precinct; Certificate

That thereafter, to wit, on the fifth day of April, 1933, the board of supervisors of the said county of Sacramento issued an election proclamation containing a statement of the time of said election and of the offices to be filled and that said election would be held for the purpose of submitting to the qualified electors of the said county of Sacramento the said proposed charter for the said county of Sacramento, which was prepared by the said board of freeholders and filed on the thirteenth day of March, 1933, in the manner as provided by said section 7½ of Article XI of the Constitution of the State of California with the county clerk and the county recorder of the said county of Sacramento, and caused said proclamation to be published in the "Daily Recorder," a newspaper of general circulation printed and published in said county of Sacramento, and to be posted at each place of election at least ten days before said election;

That in accordance with the said ordinance of the said board of supervisors so passed on said twenty-seventh day of March, 1933, and said election proclamation issued by said board of supervisors on said fifth day of April, 1933, the said proposed charter was so submitted to the qualified electors of the county of Sacramento at said special election, and a majority of the qualified electors of the said county of Sacramento, voting thereon, did vote in favor of and duly ratify the said proposed charter;

That the board of supervisors of the county of Sacramento, after canvassing the returns of the said election, duly found and declared that the majority of such qualified electors voting thereon at said special election, had voted in favor of and ratified the said proposed charter;

I further hereby certify that the foregoing is a full, true and correct copy of the charter of the county of Sacramento, as ratified by the qualified electors of said county on the twenty-seventh day of April, 1933, and is a full, true and correct copy of the proposed charter for the county of Sacramento, prepared and proposed by said duly qualified board of fifteen freeholders and duly filed in my office on the thirteenth day of March, 1933, said proposed charter having been duly signed by a majority of the members of the said board of fifteen freeholders.

Certificate

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this fifth day of May, 1933.

[SEAL] HARRY W. HALL,
County Clerk of the County of Sacramento, State of California.

State of California, }
County of Sacramento, } ss.

I, C. A. ROOT, county recorder of the county of Sacramento do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the county of Sacramento, prepared and proposed by a duly qualified board of fifteen freeholders duly elected on the eighteenth day of February, 1933, and that a copy of said proposed charter was duly filed in my office on the thirteenth day of March, 1933, said proposed charter having been duly signed by a majority of the members of the said board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this fifth day of May, 1933.

[SEAL] C. A. ROOT.
County Recorder of the County of Sacramento, State of California.

State of California }
County of Sacramento } ss.

We hereby certify to the Legislature of the State of California that the foregoing county charter of the county of Sacramento was duly and regularly ratified by the vote of the qualified electors of the county of Sacramento on the twenty-seventh day of April, 1933, at an election held on said date for said purpose, at which election 31,217 votes were cast on the proposition of adopting said charter, and of said votes so cast on said proposition 17,135 votes were cast for the adoption and ratification of said charter and 14,047 votes were cast against the adoption and ratification of said charter.

We further certify that the board of supervisors of the said county of Sacramento, State of California, did on the fifth day of May, 1933, duly and regularly canvass the returns of said election and did on the said fifth day of May, 1933, duly and regularly declare said charter ratified by a majority of said qualified electors of said county of Sacramento.

Dated: May 5, 1933.

JOHN M. KEEMA,
Chairman, Board of Supervisors of the County of Sacramento, State of California.

Attest: HARRY W. HALL,
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Sacramento, State of California.

[SEAL] By GEO. M. POTTLE, Deputy.

WHEREAS, Said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, and in accordance with section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said proposed charter of the county of Sacramento as presented and as submitted to and adopted and ratified by the qualified electors of said county, and as hereinbefore set forth, be and the same is hereby approved as a whole for and as the charter of the said county of Sacramento. Ratification.

CHAPTER 73.

Assembly Joint Resolution No. 27—Relative to memorializing the Congress of the United States to adopt legislation providing for government use of American grown rubber.

[Filed with Secretary of State May 12, 1933]

WHEREAS, One of the greatest needs of this Nation is immediate relief of unemployment, both agricultural and industrial, and normally functioning private industry offers the most desirable employment opportunities; and Use of American grown rubber

WHEREAS, It has been fully demonstrated and proven that a large portion of the rubber consumed in the United States could and would be produced in the United States if the industry was properly assisted and protected; and

WHEREAS, It has been proven by, first, the experimental and, second, the actual production of rubber on a commercial scale in the Salinas Valley, California, that rubber can be produced in the United States practically at the same cost as the plantation rubber produced in foreign countries; and

WHEREAS, The production of rubber used in the United States would necessitate the use of thousands of acres of land now producing competitive crops that are actually not bringing the producers the cost of production but are serving to produce an overproduction of various crops, thereby lessening the profits to all concerned; and

WHEREAS, This development would put into production thousands of acres that are not now producing anything,

American rubber

thereby giving agricultural employment to thousands of people; and

WHEREAS, The milling of the rubber would require the construction of many mills, thereby giving the different industries involved in producing materials for such factory construction, employment and the actual operation of said mills would give employment to large numbers of industrial workers; and

WHEREAS, The value of producing such an article as rubber within the territorial limits of the United States from a standpoint of war insurance, and from the standpoint of actual value to the country in case of war, is perhaps of greater consideration than any other; and

WHEREAS, The development of acreage sufficient to take care of all the needs of rubber for this country would undoubtedly require a great many years; and

WHEREAS, There are several thousands of acres of Guayule rubber in the Salinas and Santa Maria valleys, which is ready to be harvested and made into rubber but which is not being harvested due to the present price of rubber; and

WHEREAS, There are nurseries containing seedlings ready to be planted which take four years growth to produce rubber which are also not being used; and

WHEREAS, There is a danger of losing, not only these thousands of acres of mature rubber and the seedlings ready to plant, but of losing the entire development to this country which has taken twenty or more years to develop, together with the expenditure of four million dollars, to bring it to its present state of development; and

WHEREAS, The immediate need is a clause in government supply bills requiring the purchase of rubber grown in the United States, in the same manner that other American products are included; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges and memorializes the Congress of the United States, now in special session, to enact legislation providing that in all government contracts requiring the consumption or use of rubber the contract shall specify the rubber to be used must be raised within the territorial limits of the United States or Territories; and be it further

Resolved, That the Legislature of the State of California requests the honorable Senators and Representatives in the Congress of the United States to use every honorable means to secure the adoption of such legislation; and be it further

Resolved, That the Governor is respectfully requested to send copies of this resolution to the President of the United States and to the Senators and Representatives of the State of California in Congress; and be it further

Resolved, That the Governor is respectfully requested to send copies of this resolution to the Governors of all the States of the United States, requesting that the Legislatures of all the States pass and present similar memorials to Congress.

CHAPTER 74.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to article sixteen thereof a new section to be numbered 9, authorizing the Legislature to provide for assistance by the State in the refinancing of irrigation and reclamation districts, and approving and ratifying the District Finance Act of 1933.

[Filed with Secretary of State May 13, 1933.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses thereof voting therefor, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XVI thereof, a new section to be numbered 9, to read as follows: Constitution Art XVI, Sec. 9.

Sec. 9. The issuance and sale of bonds of the State in the total principal sum of fifty-five million dollars and the use and disposition of the proceeds of the sale thereof as provided in the District Finance Act of 1933, is hereby authorized, and regardless of any other provision in this Constitution said act is hereby approved and ratified and made fully and completely effective. All provisions of this section are self-executing and do not require legislative action in furtherance thereof but this does not prevent such legislative action except that no amendments by the Legislature shall be enacted which will affect the liability of the State for any indebtedness incurred under said act or impair the security which must be deposited with the State to insure the retirement of any such State indebtedness. Irrigation district bonds

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CHAPTER 75.

Assembly Concurrent Resolution No. 15—Relative to General Pulaski's Memorial Day.

[Filed with Secretary of State May 13, 1933.]

WHEREAS, The eleventh day of October, 1779, is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Georgia; and General Pulaski's Memorial Day

WHEREAS, The States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Georgia, and other States of the Union have by legislative enactment designated October 11, 1929, to be "General Pulaski's Memorial Day"; and

WHEREAS, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War; therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California is authorized and directed to issue a proclamation calling upon officials of the government to display the flag of the United States on all governmental buildings on October eleventh of each year and inviting the people of the State of California to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.

CHAPTER 76.

Assembly Joint Resolution No. 31—Relative to the use of granite in Federal construction projects.

[Filed with Secretary of State May 13, 1933.]

Use of granite in Federal projects

WHEREAS, California is one of the leading granite producing States of the Union; and

WHEREAS, It is desirable that permanent public buildings should be constructed of dignified, durable and beautiful materials; and

WHEREAS, The benefits of Federal construction should not be confined to any one State or locality by the specification and general use of a material produced almost exclusively within the borders of such a State; and

WHEREAS, Granite is readily available in any of twenty-one States while the production of limestone is largely confined to the State of Indiana; and

WHEREAS, It is apparent from its general use in all sections of the country that undue favoritism has been shown Indiana limestone in Federal construction with resulting aggravation of serious unemployment conditions in the granite producing States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the members of the Senate and House of Representatives from the State of California be and are hereby urged to secure proper consideration for the use of granite in Federal construction projects; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is hereby directed to send copies of this resolution to each member of the Senate and House of Representatives from the State of California.

CHAPTER 77.

Senate Joint Resolution No. 21—Relative to expansion of the topographic mapping program of the United States.

[Filed with Secretary of State May 13, 1933.]

Topographic mapping of United States

WHEREAS, The Federal government in 1879 undertook completion of a topographic base map of the United States, which project has been continuously under way since that time and is now a little more than half complete, the work in California in particular being at present only fifty-three per cent complete; and

WHEREAS, At the current rate of progress it will require twelve years to complete the work in California; and

WHEREAS, Completion of such a base map is in the interest of national defense, will facilitate development of natural resources of the nation, and development of highways, railways, water supplies, hydro-power, mining, etc., the encouragement of which development is of particular concern to California; and

WHEREAS, Exigencies of Federal and State budgets have necessitated a reduction in the normal appropriations for such work, throwing out of employment many men who have heretofore been thus regularly employed; and

WHEREAS, Expansion of this topographic mapping program will relieve distress among such workers and members of their profession who have suffered as greatly as any other group, while at the same time paving the way for a more intelligent development of the public works program of the President of the United States authorized under act of Congress approved March 31, 1933, which has already been initiated in aid of unemployment; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, at the fiftieth session of the California Legislature, commencing on the second day of January, 1933, a majority of all the members elected to each House of said Legislature voting in favor thereof, That the President of the United States be respectfully requested to recommend to the Congress such expansion of the adopted Federal program of topographic mapping as may be accomplished without loss of efficiency and serve the general purposes of unemployment relief undertaken by the United States, or to adopt the prosecution of the mapping work as a project under the act of March 31, 1933.

Resolved, further, That certified copies of the foregoing resolution be forwarded by the Governor of the State of California to the President of the United States, to the Secretary of the United States Department of Agriculture, and to each of the Senators and Representatives of the State of California in Congress.

CHAPTER 78.

Senate Joint Resolution No. 25—Relative to accepting amendments to permit from the Government of the United States for the construction of approach roads over certain rights of way leading to the Golden Gate Bridge in the Fort Baker Military Reservation, and relating to the retrocession by the Congress of the United States of jurisdiction over said rights of way as relocated.

[Filed with Secretary of State May 13, 1933.]

Accepting amendment to grant to Golden Gate Bridge district.

WHEREAS, On February 13, 1931, the Secretary of War pursuant to authority in him vested by section 6 of the act of Congress approved July 5, 1884 (23 Stat. 104) granted to the Golden Gate Bridge and Highway District a right of way for the extension, maintenance and operation of a State road across the Presidio of San Francisco Military Reservation, California, and across the Fort Baker Military Reservation, including space for toll booths and facilities for regulating traffic, and also the right to erect, operate and maintain the ends of the Golden Gate Bridge with cable anchorages, upon the said military reservations; and

WHEREAS, Said grant has been accepted by the Golden Gate Bridge and Highway District and also by the Legislature of the State of California under the terms of Senate Joint Resolution No. 11, of the forty-ninth session of the Legislature of the State of California; and

WHEREAS, On April 1, 1931, the said permit was amended to grant a right of way of the character and extent and for the purposes therein mentioned across the Fort Baker Military Reservation, the location of the center line of such right of way being shown in red on the photostat of map attached to said amendment and made a part thereof; and

WHEREAS, The said permit as thus amended has been accepted by the Golden Gate Bridge and Highway District and also by the Legislature of the State of California under the terms of Senate Joint Resolution No. 16, of the forty-ninth session of the Legislature of the State of California; and

WHEREAS, Said district has made resurveys of that part of the right of way on the Fort Baker Military Reservation extending northerly of the north bridge terminus, and as a result thereof through its chief engineer has made application for a further change in said portion of the right of way on said reservation; and

WHEREAS, On the first day of May, 1933, the Secretary of War did grant to the Golden Gate Bridge and Highway District a modification of said permit as amended, and being a grant of a right of way of the character and extent and for the purposes in said permit mentioned, across the Fort Baker Military Reservation northerly of the north bridge terminus, the location of the center line and right of way lines being

shown in red on the plan attached to said modification of said permit as amended on the first day of May, 1933, which said plan was dated May 16, 1933, marked "Fort Baker Ground Plan and Center Line of the R/W Sheet No. A4B," the profile and sections thereof being shown on the plan bearing the same date marked "Profile and Sections of State Highway and North Lateral on Fort Baker Res., Sheet No. G-104B," also attached thereto and made a part thereof, and which said modification of said permit as amended was filed in the office of the Golden Gate Bridge and Highway District on the fifth day of March, 1933; and Golden Gate Bridge District

WHEREAS, It was, however, in said permit expressly provided that in lieu of the War Department connecting roadways shown on said Sheet No. A4B as "Relocation of Road to Battery Spencer" and "Connecting Road and Gate," the grantee should prior to the commencement of construction of said connecting roadways prepare and submit for approval a revised layout thereof, in accordance with paragraph 4 of said original permit as amended on said first day of May, 1933; and

WHEREAS, Said modified permit further provided for on the Fort Baker Military Reservation was expressly stated to be in lieu of and to supersede the right of way granted across said reservation in the original permit of February 13, 1931, and so much of the right of way in the amendment of April 1, 1931, as lies north of the north bridge terminus, but that all of the provisions and conditions of said original permit except paragraph 4 should remain in full force and effect, and said paragraph 4 was in said modified permit as amended set forth in full, to which said paragraph 4, as set forth in said instrument of May 1, 1933, reference is hereby made; and

WHEREAS, It was, however, in said modification expressly provided that the amendments therein contained should not become effective and the original permit of February 13, 1931, and the amendment of April 1, 1931, should remain unchanged thereby, unless and until the said Golden Gate Bridge and Highway District should have accepted said amendment, and unless and until the State of California should have, with respect to said amendment, taken the same formal action which it was required to take with respect to the original permit, and which is set forth in paragraph 11 and subparagraphs 11a, 11b and 11c of that instrument, as a condition precedent to the taking effect thereof; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That said modification and amendment dated May 1, 1933, to the said permit dated February 13, 1931, as amended by the amendment dated April 1, 1931, granted by the Secretary of War to the Golden Gate Bridge and Highway District, be and the same hereby is, together with each, all, every, and singular the terms, conditions, limitations, reservations, and requirements therein contained, accepted by and on behalf of the State of California; and

Golden Gate Bridge District

Be it further resolved, That the State of California does hereby make application to the Congress of the United States for a retrocession of jurisdiction over the rights of way as relocated and amended by said modification dated May 1, 1933, in lieu of and superseding the application for retrocession of jurisdiction over the right of way heretofore granted across the Fort Baker Military Reservation in the original permit of February 13, 1931, and as amended by the amendment dated April 1, 1931 in case said relocation of the right of way is finally granted to the Golden Gate Bridge and Highway District; and

Be it further resolved, That the State of California will, in case such retrocession of jurisdiction is granted by Congress, accept such retrocession of jurisdiction, and will assume the responsibility for managing, controlling, policing, and regulating traffic thereon, all subject to the following limitations and to such other limitations as Congress may prescribe:

(a) That nothing in said permit contained shall be construed to give to the State of California or any of its agents, authority at any time to regulate traffic of military personnel or vehicles upon the said bridge or roads. All traffic upon said roads and upon said bridge shall be free from any tolls, charges or any form of obstruction by State or other agencies, against military and naval personnel and their dependents, civilians of the army and navy traveling on government business under military authority, and government traffic.

(b) That whenever in the judgment of the Secretary of War or his authorized representative any emergency exists which justifies it, he may assume exclusive control and management of said bridge and roads and may then in his discretion prohibit, limit or regulate traffic thereon.

(c) That nothing in said permit contained shall be construed to confer upon the State courts the right to try persons subject to military law for crimes or offenses committed on said roads, or upon said bridge within the boundaries of the respective military reservations involved, but the courts of the United States or military tribunals as now or hereafter provided by law, shall retain exclusive jurisdiction to try such persons for such offenses; and

Be it further resolved, That the State of California does hereby agree to make such relocated right of way in the Fort Baker Military Reservation in said amended permit described a part of the system of public highways of the State; and

Be it further resolved, That copies of this resolution be transmitted to the President of the United States, to the Secretary of War, to each house of Congress, and to the Senators and Representatives in Congress of the State of California.

CHAPTER 79.

Senate Joint Resolution No. 28—Relative to hours of employment of persons on interstate carriers.

[Filed with Secretary of State May 13, 1933.]

Hours of employment on interstate carriers

WHEREAS, Under the provisions of the laws of the United States persons employed on interstate railroads are required to remain on duty sixteen consecutive hours; and

WHEREAS, Such extended period of continuous employment tends to the physical exhaustion and the consequent inefficiency of such employees, increasing the danger of mishap; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this State hereby urges upon the Congress of the United States the adoption of a law limiting the hours of employment of such persons to twelve consecutive hours in any twenty-four consecutive hours, and declaring that such employees shall remain off duty at least twelve consecutive hours.

CHAPTER 80.

Senate Concurrent Resolution No. 33—Relative to approving certain amendments to the charter of the city of Santa Cruz, a municipal corporation in the county of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of May, 1933

[Filed with Secretary of State May 13, 1933.]

City of Santa Cruz Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Santa Cruz, a municipal corporation in the county of Santa Cruz, State of California; and

WHEREAS, The city of Santa Cruz is a municipal corporation of the county of Santa Cruz, State of California, having a freeholders charter adopted by the Legislature of the State of California by Assembly Concurrent Resolution No. 15, introduced in said Legislature on the eighth day of February, 1911; and

WHEREAS, The council of said city of Santa Cruz of its own motion, and not by petition, adopted a resolution on the thirteenth day of March, 1933, providing for the publication of notice of its intention to call an election in said city to vote upon proposed amendments to the charter of said city of Santa Cruz; and

WHEREAS, There being no official paper of said city, there was published once in the Santa Cruz Morning Sentinel, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full, together with a notice of the intention of said council to call an election in said city to vote upon the said proposed amendments to said charter, and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the city clerk of said city, which said last mentioned notice was published until the date fixed for said election upon said proposed charter amendments; and

WHEREAS, Said council further resolved that all of said amendments and the repeal of said sections, as hereinafter set forth should be submitted and voted upon at said election as a single proposition; and

WHEREAS, In pursuance of said resolution and at said election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments in the Santa Cruz Morning Sentinel, to wit, on the second day of May, 1933, under and in accordance with law and the provisions of section 8 of Article XI of the Constitution of the State of California, the said proposed amendments were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof, as a single proposition; and

WHEREAS, The council of the city of Santa Cruz, on the fourth day of May, 1933, duly canvassed the returns of said election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed amendments to said charter and ratified the same and each thereof, as a single proposition; and

WHEREAS, Said proposed charter amendments ratified as aforesaid are now submitted to the Legislature of the State of California for its approval and ratification without power to alter or amend the same or any of them in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said proposed charter amendments as ratified were and are in the words and figures as follows, to wit:

That section 60 of Article III of the Charter of the City of Santa Cruz, California, be amended to read as follows:

Form of ballot

Section 60 ARRANGEMENT OF BALLOT—The offices to be filled shall be arranged in separate columns in the following order:—

For mayor vote for one.

For commissioner vote for _____ (giving number).

For auditing committee vote for _____ (giving number).

That Section 124 of Article VIII of the Charter of the City of Santa Cruz, California, be amended to read as follows:—

Section 124. CHIEF OFFICIALS—The chief officials of the City shall be a city attorney; a police judge; a treasurer, who shall be ex-officio tax and license collector; a city clerk, who shall be ex-officio city assessor; a city engineer and surveyor; a chief of police; a chief of the fire department; an assistant chief of the fire department; a health officer; a street superintendent; a superintendent of the electrical department; a plumbing and building inspector; a superintendent of water works; and five library trustees. The council shall by ordinance prescribe the duties of all the chief officials appointed by it, other than those specified in this charter, and impose on them other duties not inconsistent with this charter. The council, at any time, by an affirmative vote of three members, may consolidate and place in charge of one chief official the functions and duties of two or more such chief officials. The council shall have the power by the affirmative vote of three members to remove from office any of the chief officials of the city appointed by it, except the police judge. City officers.

The appointment of every chief official, not appointed by the council, shall be subject to confirmation by the council.

That Section 78 of Article IV, Sections 85 and 88 of Article V, and Section 134 of Article VIII of the Charter of the City of Santa Cruz, California, be repealed entirely. Repeal.

That Section 73 of Article IV of the Charter of the City of Santa Cruz, California, be amended to read as follows:—

Section 73. ELECTIVE OFFICERS—"The elective officers of the city shall be a mayor and four commissioners, who shall constitute the council; an auditing committee of three members." The mayor and each commissioner shall have the right to vote on all questions before the council. Elective officers.

That Section 160 of Article XIII of the Charter of the City of Santa Cruz, California, be amended to read as follows:—

Section 160. SCHOOLS AND DISTRICTS—The school department shall comprise all of the territory and public schools of the Santa Cruz High School District and the territory and public schools of the Santa Cruz School District as such districts now or may hereafter exist. For the purpose of fixing the governing boards thereof and the number of members of such boards, their qualifications, manner of election and other matters relative thereto, said school department shall be divided into what shall be known as the Santa Cruz City High School District, hereinafter designated as "High School District," and the Santa Cruz City Elementary School District, hereinafter designated as "Elementary School District." Schools and districts.

All of the territory that is now, or that may hereafter be, embraced within said "High School District" or "Elementary School District" shall be deemed a part of said districts for the purpose of holding elections, and shall comprise such number of election precincts as shall from time to time be designated and defined by the proper authority. All qualified electors within said school districts shall be qualified to vote

for members of the Boards of Education and on all questions pertaining to school matters submitted to the vote of the people of such districts. All of the territory within said school districts not within the City of Santa Cruz, shall be deemed to be a part of said City for all matters and things relating to public education authorized for such city school districts by law.

That Section 161 of Article XIII of the Charter of the City of Santa Cruz, California, be amended to read as follows:

Board of education

Section 161. GOVERNMENT BY BOARDS OF EDUCATION AND THEIR QUALIFICATIONS—The "High School District" shall be governed by a Board of Education which shall be known as the Santa Cruz City High School Board of Education, hereinafter designated as "High School Board." The "High School Board" shall consist of seven members, five of whom shall, at the time of their respective election and during the time they respectively hold office, be qualified electors and residents of the "Elementary School District," and two of whom at the time of their respective election and during the time they respectively hold office, shall be qualified electors and residents of that portion of the "High School District" not included within the "Elementary School District."

The "High School Board" is hereby vested with all the powers and charged with all the duties provided by this charter and the laws of the State of California applicable to such boards of education.

The "Elementary School District" shall be governed by a Board of Education which shall be known as the Santa Cruz City Elementary School Board of Education, hereinafter designated as "Elementary School Board." The "Elementary School Board" shall consist of the five members of the "High School Board" who are electors and residents of the "Elementary School District." The "Elementary School Board" is hereby vested with all the powers and charged with all the duties provided by this Charter and the laws of the State of California applicable to such boards of education.

No person shall be eligible to be elected or appointed to the office of member of either of said Boards of Education unless he is a citizen of the United States who shall have attained the age of 25 years and shall have been a resident of the school district for at least one year prior to the date of election or appointment.

That Section 162 of Article XIII of the Charter of the City of Santa Cruz, California, be amended to read as follows:—

Election

Section 162. ELECTION AND TERM OF OFFICE OF MEMBERS OF THE HIGH SCHOOL BOARD OF EDUCATION—At the time and in the manner as is provided in the School Code of the State of California for the election of School District Trustees, an election shall be held for members of the High School Board.

The term of office of members of the "High School Board" and "Elementary School Board," shall be five years from the second Tuesday in April next succeeding their election: Term of office

Provided that, the members of the present Board of Education shall hold office until the expiration of their respective terms for which they were elected and their successors shall not take office until such terms expire.

Provided further, that at the time of the election of school trustees and members of boards of education to be held in March, 1934, there shall be elected to the "High School Board" two additional members for terms of four and five years respectively, whose residence as provided in section 161 shall be within that portion of the "High School District" not included within the "Elementary School District."

Provided further, that at the time of the election of school trustees in March, 1935, there shall be elected two members on the "High School Board" for terms of three and four years respectively, whose residence shall be within the "Elementary School District" to fill the offices to be vacant the fourth Monday of May, 1935.

Provided further, that there shall be no election of members of the "High School Board" in March, 1936.

Provided further, that at the time of the election of school trustees in March, 1937, there shall be elected to the "High School Board" three members for terms of three, four and five years respectively, to fill the offices on such Board of Education that will be vacant on the fourth Monday in May, 1937, whose residence as provided in Section 161 shall be within the "Elementary School District."

Thereafter, each year at the time of holding election of school trustees a sufficient number of persons shall be elected to be members of the "High School Board" to fill any office vacant or to become vacant on the second Tuesday in April next succeeding such election.

At any election held for the purpose of electing members of the "High School Board," those receiving the highest number of votes, equal to the number of offices to be filled, who possess the qualifications herein provided, shall be declared to be elected. In case of more than one vacancy in offices having the same residence qualifications but for a longer or shorter term of years, the one receiving the highest number of votes shall be elected for the longest term, the one receiving the next highest for the second longest term and the one receiving the third highest for the third longest term, provided, that if two or more candidates receive the same number of votes they shall cast lots for the longer term or terms.

Should any vacancy occur in the office of members of the "High School Board" it shall be filled by majority vote of the remaining members of said Board within 30 days after such vacancy occurs. If said Board shall fail to agree or to make such appointment within 30 days the County Superintendent of Schools shall make the appointment. In neither case shall

anyone be appointed who does not possess the qualifications herein provided for election to such office. The person appointed to fill such vacancy on the "High School Board" shall hold office until the next general election of school trustees, at which time a member shall be elected to said "High School Board" to fill the unexpired term.

That Section 163 of Article XIII of the Charter of the City of Santa Cruz, California, be amended to read as follows:

Meetings and organization.

Section 163. MEETINGS AND ORGANIZATION — The "High School Board" and the "Elementary School Board" shall each hold regular meetings at least once each month at such time and place as such Board may determine: Provided, that such meetings shall be at the office of the City Superintendent of Schools unless published notice is given to the contrary. At the first regular meeting in April of each year, each of the above boards shall meet and organize and choose one member for President and another for Vice-President who shall serve for one year.

Special meetings may be called by the President, Vice-President, or three members of either of the above boards by giving written notice through the Clerk to all members at least twenty-four hours previous to such special meeting.

That Section 164 of Article XIII of the Charter of the City of Santa Cruz, California, be amended to read as follows:—

Powers and duties.

Section 164. POWERS AND DUTIES—The powers and duties of each of the above Boards shall be such as are now or may hereafter be provided for in the School Code of the State of California and in the rules and regulations of said Boards of Education.

That Section 165 of Article XIII of the Charter of the City of Santa Cruz, California, be amended to read as follows:—

Superintendent of schools

Section 165. CITY SUPERINTENDENT OF SCHOOLS AND CLERK OF THE BOARDS OF EDUCATION—As authorized in the School Code of the State of California the "High School Board" and the "Elementary School Board" shall appoint a properly qualified person to serve as City Superintendent of Schools and Clerk of both the High School and Elementary School Boards and shall delegate such duties and responsibilities to said City Superintendent and Clerk as are provided for in the School Code of the State of California and in the rules and regulations of said Boards of Education.

OFFICE OF THE MAYOR OF THE CITY OF SANTA CRUZ.

City of Santa Cruz,
County of Santa Cruz, } ss.
State of California.

I, F. W. Swanton, Mayor of the City of Santa Cruz, State of California, do hereby certify that the foregoing is a true copy of amendments to the present charter of said city, as approved by the Legislature of the State of California on the

eighth day of February, 1911, and a true copy of the proposed amendments to said charter as the same were ratified at an election held in said City of Santa Cruz at the time and in the manner hereinafter set forth; that the Council of said City of Santa Cruz of its own motion and not by a petition adopted a resolution on the thirteenth day of March, 1933, providing for the publication of notice of its intention to call an election in said city to vote upon said proposed amendments to said charter; that on the tenth day of April, 1933, the Council of said city fixed Tuesday, the second day of May, 1933, as the date on which said election should be held to vote upon said proposed amendments to said charter. Certificate

That there being no official paper of said city there was published once in the Santa Cruz Morning Sentinel, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full, together with a notice of the intention of said council to call an election in said city to vote upon the said proposed amendments to said charter, and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the City Clerk of said city, which said last mentioned notice was published until the date fixed for said election upon said proposed charter amendments.

That in pursuance of said resolution and at an election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments, in said Santa Cruz Morning Sentinel, to wit, on the second day of May, 1933, under and in accordance with law and the provisions of section 8 of Article XI of the Constitution of the State of California, the said proposed amendments to said charter were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof; as a single proposition; and

That the Council of the City of Santa Cruz on the fourth day of May, 1933, duly canvassed the returns of said election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed amendments to said charter and ratified the same and each thereof; as a single proposition; and

That said election, publication, advertising and all acts, matters and things in connection with and relating to said proposed charter amendments were held, made and occurred, pursuant to orders, resolutions, and publications of the City Council of said City of Santa Cruz in compliance with Section 8, Article XI of the Constitution of the State of California.

That in all matters and things pertaining to said proposed charter amendments the provisions of said section of the Constitution the charter and ordinances of said City of Santa Cruz and the law of the State of California, pertaining to the

adoption of charter amendments and the holding of elections thereon, have been fully complied with in every particular.

IN WITNESS WHEREOF I have hereunto set my hand and caused the corporate seal of the said City of Santa Cruz to be affixed this eighth day of May, 1933.

F. W. SWANTON,
Mayor of the City of Santa Cruz.

Attest: S. A. EVANS,
City Clerk of the City of Santa Cruz.

and

WHEREAS, Said proposed amendments so ratified as hereinabove set forth have been and are now submitted to the Legislature of the State of California, for approval or rejection as a whole without power of alteration, in accordance with section 8 of Article XI of the Constitution of the State of California; now therefore, be it

Ratification.

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Santa Cruz as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said city of Santa Cruz.

CHAPTER 81.

Assembly Constitutional Amendment No. 55—A resolution to propose to the people of the State of California, an amendment to section 11, of Article VI of the Constitution of the State of California, relating to courts.

[Filed with Secretary of State May 15, 1933.]

Constitution, Art VI, Sec 11

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section eleven of Article VI of the Constitution of the State of California be amended to read as follows:

Municipal courts

Sec. 11. In any city or city and county which is governed under a charter framed and adopted under the authority of this Constitution containing a population of more than forty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, a municipal court may be established as in this article

provided, anything in this Constitution to the contrary notwithstanding. For each such municipal court at least one judge with such additional judges as may be determined by the Legislature, shall be elected by the qualified electors of the city or city and county at the general municipal election. In any city, or city and county, in which such municipal court shall be established for which there shall be more than one judge the judges of such court may hold as many sessions thereof at the same time as there are judges thereof, and the business thereof shall be apportioned among such judges in the manner prescribed by law. Constitution, Art. VI, Sec. 11

The Legislature shall provide by general law for the establishment of such municipal courts in cities or cities and counties in this section specified, and for the constitution, regulation, government, procedure and jurisdiction thereof.

The manner in which, the time at which, the term for which the judges, clerks and other attaches of municipal courts shall be elected or appointed, the number and qualifications of said judges and of the clerks and other attaches, except as such matters are otherwise provided in this article, shall be prescribed by the Legislature.

In any city or city and county where such municipal court has been established, and in townships situated in whole or in part in such city or city and county, there shall be no other court inferior to the superior court, except that the Legislature may provide for the establishment of such inferior courts.

Pending actions, trials, and all pending business of inferior courts within a city or city and county or township, upon the establishment of any such municipal court therein, shall, unless otherwise provided by law, be transferred to and become pending in such municipal court, and all records of such inferior courts shall be transferred to, and thereafter be and become records of, such municipal court.

Upon the establishment of any such municipal court, and until the first election and the qualification of the judge or judges thereof, and the first appointment and the qualification of the clerks and other attaches thereof, the judges or justices, and the clerks and other attaches, of any existing inferior courts in such city, city and county, or township shall become and act as the judges, clerks and attaches respectively of such municipal court. Whenever any city having a municipal court is formed into a consolidated city and county with the combined powers of a city and county, under proceedings therefor as elsewhere in this Constitution provided, such municipal court shall thereupon and thereby be and become the municipal court of such city and county.

The compensation of the justices or judges of all courts of record shall be fixed, and the payment thereof prescribed, by the Legislature.

CHAPTER 82.

Assembly Constitutional Amendment No. 73—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 6 of Article VI thereof, relating to superior courts.

[Filed with Secretary of State May 15, 1933.]

Constitution, Art. VI, Sec. 6.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by amending section 6 of Article VI thereof, to read as follows:

Superior courts

Sec. 6. There shall be in each of the organized counties, or cities and counties, of the State, a superior court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election or selected in the manner then provided elsewhere in this Constitution. There may be as many sessions of a superior court, at the same time, as there are judges elected, appointed or assigned thereto. The judgments, orders, and proceedings of any session of a superior court, held by any one or more of the judges sitting therein, shall be equally effectual as though all the judges of said court presided at such session.

For the purpose of selecting judges of a superior court within any county having a population of more than one million inhabitants as determined by the last preceding census taken under the authority of the Congress of the United States, the Legislature may divide such county into judicial election districts, and may provide from time to time for the apportionment of the number of judges of the superior court of said county among said districts, in which event the number of judges apportioned to each district shall be selected from among the residents of such district in the manner then provided for the selection of judges of the superior court in such county.

CHAPTER 83.

Assembly Constitutional Amendment No. 98—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding a new section to Article VI to be known as section 8½, relating to the election of judges of the superior courts of certain counties, the terms of office of such judges, and the filling of vacancies in such offices.

[Filed with Secretary of State May 15, 1933.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fiftieth session commencing on the second day of January, 1933, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that a new section be added to Article VI of the Constitution of this State to be known as section 8½ and to read as follows: Constitution, Art VI, Sec. 8½.

Sec. 8½. Any county having a population in excess of 1,500,000 may adopt the provisions of subdivisions 1, 2 and 3 of this section as applicable to such county if the majority of the electors of such county, voting thereon at a general election at which such question shall be submitted, shall vote in favor thereof. The provisions of subdivisions 1, 2 and 3 of this section may be adopted as applicable to such county in pursuance of an ordinance adopted by the vote of three-fifths of all of the members of the board of supervisors of such county, declaring that the public interest requires the submission at an election of the proposal to adopt the provisions of subdivisions 1, 2 and 3 hereof as applicable to such county, or in pursuance of a petition of qualified electors of said county as hereinafter provided, which petition must state the name and address of a person or persons to whom notice of the insufficiency of the petition shall be sent in the event that the petition shall not have the required number of signatures of the qualified electors signed thereto. Such petition, signed by fifteen per cent of the qualified electors of the county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the adoption of the provisions of subdivisions 1, 2 and 3 as applicable to such county, may be filed in the office of the county clerk. It shall be the duty of the county clerk, within twenty days after the filing of the petition, to examine the same and to ascertain from the record of the registration of the electors of the county whether the petition is signed by the requisite number of qualified electors. If required by the clerk, the board of supervisors shall authorize him to employ persons to assist him in the work of examining the petition, and the board shall provide for their compensation. Upon the completion of such examination, the clerk shall forthwith attach: Appointment, etc., of superior court judges

Constitution, Art. VI, Sec 8.

to the petition his certificate, properly dated, showing the results of his examination, and if the certificate shows that the petition is signed by the requisite number of qualified electors he shall immediately present the petition to the board of supervisors, if it is in session, otherwise at its next regular meeting after the date of such certificate. If it appears by the certificate that the petition has not the required number of signatures, the clerk shall so notify the person or persons designated as the person or persons to whom notification of the insufficiency of the petition shall be sent; whereupon the petitioners shall have thirty days from and after the date of receiving such notice of insufficiency to present and file a supplement bearing additional signatures. Upon the receipt of the supplement the clerk shall proceed forthwith to examine the same, so that such examination shall be completed within ten days from the date of its receipt by him. If it appears that the additional signatures and those which have not been legally rejected upon the original petition total the requisite number, the clerk shall forthwith attach to the petition his certificate, properly dated, showing that the petition has been signed by the requisite number of qualified electors, and shall immediately present said petition to the board of supervisors, if it is in session, otherwise at the next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, the board of supervisors shall submit the proposal to adopt the provisions of subdivisions 1, 2 and 3 of this section as applicable to such county to the electors of said county at the next succeeding general election occurring subsequent to ninety days after the adoption of such ordinance or the presentation of such petition. If the proposal is approved by a majority of the votes cast thereon, the board of supervisors shall cause a certificate, signed by the chairman of the board, to be filed with the Secretary of State, reciting that the proposal to adopt the provisions of subdivisions 1, 2 and 3 of this section as applicable to such county was approved by a majority of the votes cast thereon at such election, and upon the filing of such certificate the provisions of subdivisions 1, 2 and 3 of this section shall thereafter be applicable to such county, and effective as to all vacancies in the office of judge of the superior court in said county accruing after the date of filing of said certificate. The duties herein imposed upon the county clerk shall be performed by the registrar of voters in any county where the office of registrar of voters exists. Any county which has adopted the provisions of subdivisions 1, 2 and 3 of this section as applicable in said county for the nomination and appointment of judges of the superior court in said county may withdraw from the provisions of said subdivisions in the same manner as hereinabove set forth for the adoption thereof; and the duties and powers of the State and county officers herein specified shall be the same with respect to an ordinance or petition to withdraw from the provisions

of said subdivisions as those above prescribed with respect to the adoption thereof. If the proposal to withdraw from the provisions of said subdivisions is approved at a general election the withdrawal shall become effective upon the filing with the Secretary of State of the certificate signed by the chairman of the board of supervisors reciting that the proposal to withdraw from the provisions of subdivisions 1, 2 and 3 of this section as applicable to such county was approved by a majority of the votes cast thereon at such election, and the general provisions of this Constitution with respect to appointment and election of judges of the superior court shall forthwith become effective in said county as to all vacancies then existing or thereafter accruing in the office of judge of the superior court in said county; but such withdrawal shall not in any way affect the validity of any appointment made or election held under the provisions of said subdivisions, nor the term of office of any judge so appointed or elected.

Constitution, Art VI, Sec 8½.

Subdivision 1. The term of office of judges of the superior court shall be six years from and after the first Monday of January after the first day of January next succeeding their election. Within thirty days before the first day of July next preceding the expiration of his term, any judge of the superior court may file with the officer charged with the duty of certifying nominations for publication in the official ballot a declaration of candidacy for election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September, by filing such nomination with the officer charged with the said duty of certifying nominations, which nomination shall be made from candidates recommended in the same manner as those recommended for appointment to a vacant office under subdivision 2 hereof. In either event the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For Judge of the Superior Court

---------- (name)	Yes	
Shall he be elected to the office for the term expiring in January, ------? (year)	No	

No name shall be placed upon the ballot as a candidate for such office except that of a person so declaring or so nominated. If a majority of the electors voting upon such candidacy vote "Yes," such person shall be elected to the said office. If a majority of those voting thereon vote "No," such person shall not be elected and said office shall be deemed vacant for the ensuing term.

Constitution, Art V, Sec. 8½.

Subdivision 2. A vacancy in the office of judge of the superior court shall be filled at the first general State election after the expiration of four years after the first day of April next succeeding the accrual of such vacancy, by the election in the manner provided in subdivision 1 of this section of a judge for a full term to commence on the first Monday in January after the first day of January next succeeding his election. The Governor, within thirty days after presentation to him of the names of candidates as hereinafter provided, must appoint a person to fill such vacancy until the commencement of such term, but no one who has been rejected at an election for said office shall be eligible for such appointment. Such appointment shall be made from candidates nominated by a board composed of the Chief Justice of the Supreme Court, the Presiding Justice of the District Court of Appeal of the appellate district in which such county is situated, or if there is more than one division of the District Court of Appeal in such appellate district, the Presiding Justice of the division of such District Court of Appeal first established, and the member of the State Senate representing said county. Said board, within sixty days after the accrual of such vacancy, must nominate and present to the Governor the names of not less than two nor more than three candidates for each such vacancy. Any such nomination must be the unanimous action of said board, except that in any case in which the board is unable to act unanimously within thirty days after the accrual of a vacancy, such nomination may thereafter be made by a majority of the board. If the Governor fails to appoint one of the persons so nominated to fill a vacancy within thirty days after presentation to him of the names of the required number of candidates, the board must appoint one of said candidates to fill the vacancy. The powers and duties of said board in such a case with respect to such appointment shall be the same as those of the Governor, and a commission executed and signed by a majority of said board shall in such event be of like validity and effect as if so executed and signed by the Governor.

Subdivision 3. In addition to the methods of removal by the Legislature provided by sections 16 and 18 of Article IV and by section 10 of this article, the provisions of Article XXIII relative to the recall of elective public officers shall be applicable to judges elected or appointed pursuant to the provisions of this section, so far as the same relate to removal from office.

All provisions in conflict with subdivisions 1, 2 and 3 of this section shall be superseded by said subdivisions in any county which adopts the provisions of said subdivisions.

CHAPTER 84.

Assembly Constitutional Amendment No. 101—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section, to be numbered 8a, relating to taxation.

[Filed with Secretary of State May 15, 1933.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its fiftieth session, commencing on the second day of January, 1933, two-thirds of the members elected to each of the two Houses of the said Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding to Article XIII thereof a new section, to be numbered 8a, to read as follows: Constitution, Art. XIII, Sec. 8a

Sec 8a. Notwithstanding anything in this Constitution otherwise providing, every taxpayer in the county of Los Angeles and in the county of Orange, who at twelve o'clock meridian on the first Monday of March, 1933, was the owner, or had in his possession, or under his control, any property which was thereafter damaged or destroyed by the earthquake of March 10, 1933, or any other earthquake or earthquakes occurring thereafter, and prior to the first Monday of July, 1933, shall make and deliver to the county assessor a statement, under oath, setting forth specifically all such real and personal property, according to its condition and value after said damage or destruction, rather than according to its condition and value at twelve o'clock meridian on the first Monday of March of said year; and the county assessors of said counties, regardless of whether or not such statement of such damaged or destroyed property is made, shall assess the same according to its condition and value after said damage or destruction, rather than according to its condition and value at twelve o'clock meridian on the first Monday of March of said year. The provisions of this section shall be self-executing. Reassessment of property damaged by earthquake.

CHAPTER 85.

Assembly Constitutional Amendment No. 108—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of said State by adding to said article a new section, to be numbered section 1a, relating to the time of taking effect of acts passed at the fiftieth regular session of the Legislature.

[Filed with Secretary of State May 15, 1933.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its fiftieth regular Constitution, Art. IV, Sec. 1a.

session commencing on the second day of January, 1933, two-thirds of all members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that Article IV of the Constitution be amended by adding thereto a new section, to be numbered section 1a, to read as follows

Time acts take effect

Sec. 1a. All acts passed by the Legislature at its fiftieth regular session on or before July 16, 1933, shall go into effect ninety days after May 22, 1933, except acts which under the provisions of section 1 of Article IV of this Constitution go into effect immediately. All such acts which do not go into effect immediately shall be subject to all the referendum provisions of section 1 of Article IV of this Constitution, except that the petition therein required to be presented to the Secretary of State must be so presented within ninety days after May 22, 1933. The provisions of this Constitution not in conflict herewith shall otherwise apply to all bills and acts of the fiftieth regular session of the Legislature.

CHAPTER 86.

Assembly Concurrent Resolution No. 41—Relative to the establishment of the twenty-eighth day of August, 1934, as "Junipero Serra Day."

[Filed with Secretary of State May 15, 1933.]

"Junipero Serra Day."

WHEREAS, It is an established historical fact that Fra Junipero Serra was the founder of California and the Father of the Missions; and

WHEREAS, The twenty-eighth day of August, 1934, is the sesquicentennial of the death of Fra Junipero Serra; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the twenty-eighth day of August, 1934, be designated as "Junipero Serra Day" in commemoration of the memory of this truly great man.

CHAPTER 87.

Assembly Concurrent Resolution No. 42—Relative to the establishment of the year 1934 as "Junipero Serra Year."

[Filed with Secretary of State May 15, 1933.]

"Junipero Serra Year."

WHEREAS, It is an established historical fact that Fra Junipero Serra was the founder of California and the Father of the Missions; and

WHEREAS, The twenty-eighth day of August, 1934, is the sesquicentennial of the death of Fra Junipero Serra; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the year 1934, from the first day of January to the last day of December, be designated as "Junipero Serra Year," in commemoration of the memory of this truly great man.

CHAPTER 88.

Assembly Concurrent Resolution No. 49—Relative to directing the Department of Public Works to investigate taking over the toll road in Marin County approaching Muir Woods.

[Filed with Secretary of State May 15, 1933.]

Toll road in Marin County.

WHEREAS, The United States government maintains the Muir Woods in Marin County as a national park; and

WHEREAS, Thousands of the citizens of the State of California and of other States visit said park annually; and

WHEREAS, The only highway leading to and from said park is privately owned and is a toll road; and

WHEREAS, The existence of a toll road is of great inconvenience to the people of the State of California and tends to deprive great numbers of people from the advantages of the park maintained by the Federal government; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works be and it is hereby requested to investigate the possibilities of taking over said toll road or building a State highway into said park, and to report its findings to the 1935 session of the Legislature.

CHAPTER 89.

Assembly Concurrent Resolution No. 52—Relative to reports of the Department Encampment of the Grand Army of the Republic.

[Filed with Secretary of State May 15, 1933.]

Reports of departmental encampment of G. A. R.

Resolved by the Assembly of the State of California, the Senate thereof concurring. That there shall be printed as a public document two hundred fifty copies of the sixty-fifth and sixty-sixth sessions of the Department Encampment of the Grand Army of the Republic for the respective years 1933 and 1934, together with illustrations, copies of general orders of the department and of the official rolls, one hundred twenty-five copies for the use of the Assembly and one hundred twenty-five copies for the use of the Senate. The cost shall not exceed the sum of three hundred dollars, payable from the legislative printing appropriation.

CHAPTER 90.

Assembly Concurrent Resolution No. 53—Approving one certain amendment to the charter of the city of Los Angeles in the county of Los Angeles, State of California, voted for and ratified by the electors of said city at a special election held therein on the second day of May, 1933.

[Filed with Secretary of State May 15, 1933.]

City of Los Angeles Charter amendments.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of one amendment hereinafter set forth to the charter of the city of Los Angeles, a municipal corporation in the county of Los Angeles, State of California, as set out in the certificate of the president of the council of the city of Los Angeles and city clerk of said city as follows, to wit:

State of California,
County of Los Angeles, } ss.
City of Los Angeles.

We, the undersigned, Charles H. Randall, president of the council of the city of Los Angeles, State of California, and Robt. Dominguez, city clerk of said city, do hereby certify as follows:

That the city of Los Angeles, a municipal corporation of the county of Los Angeles, State of California, now is, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1925, and now is, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the sixth day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the twenty-sixth day of January, 1925 (Stats. 1925, p. 1024).

That in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the council of the city of Los Angeles, being the legislative body thereof, duly and regularly submitted to the qualified electors of said city of Los Angeles, a certain proposal to amend the charter of said city to be voted on by said qualified electors at a special election called and held for that purpose in said city on the second day of May, 1933, which said proposed amendment in words and figures is as follows, to wit:

Charter Amendment No. 1.

That a new section be added to the charter to be numbered section 125, which shall read as follows:

Section 125. In addition to all other matters, the board shall by its rules provide for: Board of civil service commissioners

(a) The manner and order, not inconsistent with the provisions hereof, in which persons shall be suspended and restored where such suspension results from lack of work, lack of funds or abolishment of position or otherwise, excepting suspension for personal delinquency, and in all such cases such suspension and restoration shall be based upon seniority as hereinafter provided, or where not so provided, as provided by the rules of the board.

No assignment of employees to positions within a class, except as hereinafter in this section provided, for which no different examination requirements have been established by the board shall affect the requirements of this section governing suspension and restoration for lack of work, lack of funds or abolishment of position or otherwise, but, in all such cases, all employees within the same class-group, as hereinafter defined, and for which similar examinations are required by the board shall be considered as one class-group for such purposes.

(1) Whenever suspension other than for personal delinquency is to be made in any class in an office, department or bureau of the city, or major division established in and by a department having control of definite revenues and funds (and hereinafter referred to as a class-group), the person to be suspended shall be selected in the order determined by his length of service in such class since original regular appointment to such class in the classified civil service, after deducting periods of absence from such service as provided by the rules of the board. The person having the shortest length of service in such class shall be suspended first; and any person so suspended shall be entitled to displace the person holding a position in a class-group in which a regular position was formerly held by the person so suspended, who has a shorter length of service in such class-group and in classes of higher rank after deducting periods of absence from the city service since original regular appointment in such class as provided by the rules of the board. Seniority.

The class-group in which suspension is to be made or the class-group in which restoration is to be made, shall include all positions created from such class-group subsequent to the original regular appointment therein of the person so suspended or restored. The determination of the Board of Civil Service Commissioners as to the class-group from which such positions were subsequently created shall be final and conclusive

(2) The above provisions set forth under subdivision (1) shall govern in all cases unless modified in the following manner: Line of promotion

Upon the written request of the head of any office, department or bureau authorized in this charter, the Board of Civil Service Commissioners shall determine and establish lines of promotion and from time to time, as required, reestablish lines of promotion in such office, department, bureau or in a major division of a department controlling its own funds, as hereinafter in this section provided for, which shall be final and conclusive.

The term "line of promotion" as above used shall mean a series of classes within an office, department, bureau, or major division so arranged and so related to each other as to duties and responsibilities as to constitute logical promotional steps from a position in the class of lowest rank to a position in the class of highest rank in such series.

Effect on layoff.

Upon the establishment of such lines of promotion in any office, department, bureau or major division, as above provided, but not otherwise, the rule in such office, department, bureau, or major division shall thereafter be that in all cases of suspension for lack of funds, lack of work or abolishment of position or otherwise, excepting suspension for personal delinquency, the person first suspended shall be the one in such class-group having the least seniority in that and all higher classes in the line of promotion in said office, department, bureau or major division in the classified Civil Service since original regular appointment therein, after deducting periods of absence from such service as provided by the rules of the board, and the person so suspended shall be entitled to a position in the class highest in rank in his line of promotion below that from which he was suspended and in which there is then employed a person whose seniority is less in that and higher classes, as above provided, than the person suspended; and the person so suspended shall displace the person in such lower class with the least seniority in that and higher classes in the line of promotion, as above provided; and each person in turn who is displaced by one having greater seniority shall be entitled to the same rights over other persons in the same line of promotion having less seniority in that and all higher classes, as above provided. In case two or more persons have the same seniority credit, the Board of Civil Service Commissioners shall by its rules provide a method by which to determine the order in which said persons shall be suspended, which determination shall be final and conclusive.

Persons entitled to preference in appointment.

(b) The establishment in each class in each office, department or bureau of the city or major division established in and by a department having control of definite revenues and funds of a reserve list which shall consist of the names of those persons who have been theretofore regularly appointed to, and have served beyond the probationary period in or have been regularly promoted to a position in such class and have been suspended from their positions since January 1, 1928, for causes other than personal delinquency, whether for lack of funds, lack of work, abolishment of position or otherwise; pro-

vided, that any person in the classified Civil Service who has served therein since January 1, 1928, and was suspended for causes other than for personal delinquency shall be entitled upon his written request therefor to have his name placed upon the reserve list in each such class-group in which he was regularly appointed and served beyond the period of probation and from which class he was suspended prior to January 1, 1928. Each person whose name appears on the reserve list, until regularly restored to a position in his class in the office, department, bureau or major division from which he was suspended as hereinbefore provided for in this section, shall be certified for appointment, as in this section provided for, to a position in his class in the office, department, bureau or major division from which he was suspended; provided, that after this section takes effect, the name of any person, except as in this section provided for, who has been out of the service of the city for more than five years shall be permanently stricken from the reserve list by the board.

During suspensions other than for personal delinquency, the name of the person so suspended shall be placed and retained on the reserve list, as in this section provided for, in each class in each office, department, bureau or major division in which such person has served beyond the period of probation and from which he has been suspended for any cause other than personal delinquency.

Vacancy. How filed.

Whenever any vacancy is to be filled, it shall be filled in the following order: First, by certifying from such reserve list, if any, in the class and office, department, bureau or major division in which such vacancy exists, the name of the person with greatest length of previous service in such class and all classes of higher rank as hereinbefore provided, or by transfer of a person whose service in such class and classes of higher rank is greater than that of any person on the reserve list of the office, department, bureau or major division where such vacancy is to be filled; secondly, by certifying from the promotional list, if any, as provided for in section 107 of this article, of the office, department, bureau or major division where such vacancy is to be filled; thirdly, by certifying from the reserve list of other offices, departments, bureaus and major divisions as shall be provided for by the rules of the board; fourthly, by certifying from the appropriate register of eligibles as elsewhere provided for in this article.

The board shall have the same power and duty to review as to regularity of procedure all cases of suspension for lack of work, lack of funds or abolishment of position or otherwise, as elsewhere provided in the charter for removal, discharge, or suspension for cause; but, the question of the necessity for such suspension for lack of work, lack of funds or abolishment of position shall not be subject to such review.

Except as hereinafter in this section provided, section 115 of this charter shall be deemed superseded hereby.

Vacancies.

The provisions of this section shall not apply to the Department of Fire or the Department of Police.

That said proposed amendment was, on the eighteenth day of March, 1933, published and advertised in accordance with section 8 of Article XI of the Constitution of the State of California in The Los Angeles Daily Journal, a daily newspaper of general circulation published in said city and the official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and until the date fixed for the election hereinafter described, viz, from March 18, 1933, to May 2, 1933, both inclusive, and as required by law, a notice was advertised and published in said The Los Angeles Daily Journal that such copies could be had upon application therefor at the office of the city clerk of the city of Los Angeles.

That such copies could be had upon application therefor at the office of the city clerk of said city until the date fixed for the election hereinafter described.

That copies of said proposed amendment were printed in type not less than ten point in convenient pamphlet form and mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of the charter of the city of Los Angeles and ordinance No. 72534 adopted by the council of said city at its meeting of April 6, 1933, approved by the mayor on April 11, 1933, and published in said The Los Angeles Daily Journal for five days prior to the holding of said election, there was held in the said city of Los Angeles on the second day of May, 1933, a special municipal election, which day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the proposed amendment aforesaid in The Los Angeles Daily Journal.

That pursuant to said charter and ordinance the said proposed charter amendment was submitted to the qualified electors of said city for their ratification at said election and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to the charter of said city hereinbefore set out.

That results of said election were duly and regularly canvassed and certified to and it was duly found, determined and declared by the proper officers of said city that a majority of the qualified electors of said city voting thereon had voted for and ratified said proposed amendment.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said city of Los Angeles to be affixed hereto this tenth day of May, 1933

CHARLES H. RANDALL,
President of the Council of the City of Los Angeles.

ROBT. DOMINGUEZ,
City Clerk of the City of Los Angeles.

AND WHEREAS, The said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with section 8 of Article XI of the Constitution of the State of California, now therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each House voting therefor and concurring therein, That said amendment to the charter of the city of Los Angeles as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the said city of Los Angeles. Ratification.

CHAPTER 91.

Assembly Joint Resolution No. 19—An act to memorialize Congress to set aside February 15 as a national holiday to commemorate the birthday of Susan B. Anthony.

[Filed with Secretary of State May 15, 1933.]

WHEREAS, Susan B. Anthony was the pioneer who blazed the trail leading to women's suffrage in the United States, and Susan B. Anthony.

WHEREAS, Susan B. Anthony gave her life and energy toward obtaining equal rights for women, and

WHEREAS, Susan B. Anthony is honored and looked upon by the people of our country as a great national figure, and

WHEREAS, February 15 is the day of the birth of this great leader; now, therefore, be it

Resolved by the Assembly and Senate jointly, of the California Legislature, That Congress be urged to set aside and apart February 15 as a national holiday in commemoration of the birthday of Susan B. Anthony.

CHAPTER 92.

Assembly Joint Resolution No. 26—Relative to memorializing Congress to propose an amendment to the Constitution of the United States providing for economic planning and regulation.

[Filed with Secretary of State May 15, 1933.]

Economic planning and regulation.

WHEREAS, Modern scientific use of natural power and machinery and efficient conduct of business and commerce, have brought about the production of commodities and rendition of services with a rapidly decreasing amount of human effort; and

WHEREAS, This condition has resulted in a great surplus of human labor and of available commodities and services; and

WHEREAS, There have ensued great unemployment, misery, suffering and crime, with the possibility of social and political disturbances of the gravest character; and

WHEREAS, Under the present unregulated system of conducting competitively for profit the production and commerce of the Nation, there exists no natural economic principle or factor which will in times of peace counteract the destructive tendency toward overproduction, unemployment and inadequate income to most of the employed; and

WHEREAS, It would appear that, with proper use and control of modern means of production and distribution, it would be possible for practically all persons to have and enjoy a fair share of material goods in return for services rendered; and

WHEREAS, Such use and control and appropriate economic planning are not feasible except through the direction and supervision of a single, centralized agency and not fully attainable without the removal of certain constitutional limitations; now, therefore, be it

Resolved, by the Assembly and Senate, jointly, That the Legislature of the State of California hereby memorializes the Congress to propose an amendment to the Constitution of the United States reading substantially as follows:

"The Congress, and the several States, by its authority and under its control, may regulate or provide for the regulation of hours of work, compensation for work, the production of commodities and the rendition of services, in such manner as shall be necessary and proper to foster orderly production and equitable distribution, to provide remunerative work for the maximum number of persons, to promote adequate compensation for work performed, and to safeguard the economic stability and welfare of the Nation"; and be it further

Resolved, That the Legislature of California respectfully urges that, pending the submission and adoption of such an amendment, the Congress provide for such economic planning and regulation as may be necessary and proper under present economic conditions and legally possible under the existing provisions of the Constitution; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed forthwith to transmit copies of this resolution to the President of the United States, and to the President of the Senate, the Speaker of the House of Representatives and each of the Senators and Representatives from California in the Congress of the United States.

CHAPTER 93.

Assembly Joint Resolution No. 34—Relative to memorializing the President of the United States to increase the customs duties on certain fish products and to negotiate treaties concerning the conservation of fish.

[Filed with Secretary of State May 15, 1933.]

Tariff on fish

WHEREAS, The customs duties fixed by the laws of the United States on the importation of fresh, frozen and canned fish, fish meal and fish oil do not equalize the differences existing in the costs of producing such articles in this country and the costs of producing such articles in foreign countries; and

WHEREAS, Unless such differences in the costs of production are immediately equalized the acute unemployment problem existing in the industries marketing fish and fish products can not be solved; and

WHEREAS, Persons engaged in the fishing industry of this State are subject to strict regulations enacted in the interest of the conservation of such natural resources; and

WHEREAS, It is necessary that the United States enter into treaties with adjoining nations in order that the supply of fresh fish in Pacific waters be conserved for future generations, and in order that the fish industries of this State from which many thousands of the citizens of this State gain livelihood be not placed in a disadvantageous position with similar industries existing in foreign nations; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the President of the United States to request an investigation by the United States Tariff Commission for the purpose of raising the customs duties on fresh, frozen and canned fish, fish meal and fish oil, in order that the differences existing between foreign and domestic production costs be equalized; and be it further

Resolved, That the Legislature of this State respectfully urges the President of the United States to approve and proclaim an increase in the customs duties on these articles; and be it further

Resolved, That the Legislature of this State respectfully urges the President of the United States to negotiate with the nations adjoining the United States treaties leading to

the conservation and protection of fish and other animal life existing in the waters of the Pacific Ocean; and be it further

Resolved, That duly authenticated copies of this resolution be forwarded to the President of the United States, the Chairman of the United States Tariff Commission and the Senators and Representatives of this State in Congress

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CHAPTER 94.

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding a new section to Article IV thereof, to be numbered 1a, relating to filing of claims and budgets of offices, departments, institutions, boards, commissions, bureaus, or other agencies of the State created by initiative or referendum measures.

[Filed with Secretary of State May 15, 1933]

Constitution, Art IV, Sec. 1a.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the second day of January, 1933, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that a new section be added to Article IV of the Constitution of said State, to be numbered 1a, and to read as follows:

Departmental budget, claims, etc.

Sec. 1a. Notwithstanding any limitations or restrictions in this Constitution contained, every State office, department, institution, board, commission, bureau, or other agency of the State, whether created by initiative law or otherwise, shall be subject to the regulations and requirements with respect to the filing of claims with the State Controller and the submission, approval and enforcement of budgets prescribed by law.

CHAPTER 95.

Senate Concurrent Resolution No. 14—Relative to a State hospital for persons injured in the course of employment in the mining industry.

[Filed with Secretary of State May 15, 1933]

State hospital for injured miners

WHEREAS, The prosperity of the mining industry is of enormous importance to the economic future of this State; and

WHEREAS, The expense of caring for persons injured in the course of employment in that industry is an important factor in the financial problems of that industry; and

WHEREAS, The effect of such expense bears a direct relation to the premium rates for workmen's compensation insurance paid by that industry; and

WHEREAS, For the above reasons it is highly desirable that adequate hospitalization of persons injured in the course of their employment in the mining industry be provided at the lowest possible cost to that industry; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Finance be and he is hereby requested to conduct a study and investigation, and to report to the fifty-first regular session of the Legislature as to the desirability and economic feasibility of the establishment and maintenance of a hospital or hospitals for the care of persons injured in the course of their employment in the mining industry, and entitled to hospitalization for such injuries under the terms of the law relating to workmen's compensation; and be it further

Resolved, That all State officers, boards and commissions, and in particular the departments of Industrial Relations and Institutions, are hereby requested and directed to furnish such information, data, and advice, as may be of assistance in the study and investigation called for by this resolution.

CHAPTER 96.

Senate Concurrent Resolution No. 26—Relative to an advisory committee to study and recommend procedure of regulatory and service agencies of county, State, and Federal governments pertaining to wild life conservation and administration and the relationships of pest control thereto.

[Filed with Secretary of State May 15, 1933.]

Advisory committee for study of wild life and pest control.

WHEREAS, The county, State and Federal governments, through their agricultural, fish and game or public health units under authority of legislative enactment carry on pest control work in the State of California; and

WHEREAS, Such pest control operations may occasion controversy between such units or with persons, associations and organizations interested in the protection, conservation and administration of native wild life; and

WHEREAS, The important interests of all agencies and groups can best be served by conference and agreement through an advisory study committee; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That there is hereby created a committee to be known as the Wild Life Administration and Pest Control Relations Committee, which committee shall be comprised of representatives, not to exceed nineteen in number, chosen as hereinafter provided and for the purpose of organization and establishment such committee shall be called into session by the president of the

University of California for its initial meeting; and be it further

Resolved, That the members of such committee shall be as follows: One member from the State Department of Public Health to be designated by the Director of Public Health; one member from the State Division of Fish and Game of the State Department of Natural Resources to be designated by the executive officer of said Division of Fish and Game; one member from the State Department of Agriculture to be designated by the Director of Agriculture; one member from the United States Biological Survey to be designated by the chief of said bureau; one member from the agricultural department of the State Chamber of Commerce, who shall be the manager of said agricultural department; one member from the conservation department of the State Chamber of Commerce who shall be the manager of said department; one member from the staff of the California Academy of Sciences; four members from the University of California to be designated by the president of the university: (1) The College of Agriculture, (2) The Department of Zoology, (3) The Division of Pharmacology, and (4) The Hooper Foundation for Medical Research; a member from the Cooper Ornithological Club to be designated by its president; a member of the Sierra Club to be designated by its president; a member of the California Farm Bureau Federation to be designated by its president; the president of the State Association of County Agricultural Commissioners; a member who shall represent a state-wide sportsman's association, to be chosen by the above designated members; and not to exceed three members at large who shall be chosen to serve on such committee by the above designated members; and be it further

Resolved, That said committee shall, upon request of interested agencies or upon its own motion, consider matters pertaining to wild life administration and pest control relationships and recommend advisorily to the units, persons, associations or organizations concerned.

CHAPTER 97.

Senate Joint Resolution No. 23—Relative to memorializing Congress in regard to mining claims.

[Filed with Secretary of State May 15, 1933.]

Mining claims.

WHEREAS, Current economic conditions and particularly conditions in the mining industry are such that expenditures to maintain mining claims constitute a distinct hardship on the claimants; and

WHEREAS, A temporary suspension of the requirement of Federal law that "not less than $100 worth of labor shall be performed or improvements made each year" to maintain a

mining claim will materially relieve the situation and permit the maintenance of many claims which would otherwise be allowed to lapse, to the detriment of claimants who have already expended considerable sums in the maintenance of such claims, now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress be urged to provide for a two-year suspension of such requirement; and be it further

Resolved, That copies of this resolution be sent by the Secretary of the Senate to the members of Congress from this State.

CHAPTER 98.

Senate Joint Resolution No 24—Memorializing Congress to provide relief for the oil industry.

[Filed with Secretary of State May 15, 1933.]

Tariff on petroleum products

WHEREAS, Business generally, not only in California and the Southwest, but throughout all the oil producing States affecting over twenty-two million people, has been directly depressed by the long distressed condition of the oil industry, and which depressed condition has now become very serious; and

WHEREAS, Excessive importations of foreign oils continue to flow into our country, constantly increasing in volume, until the flood has reached alarming proportions; and

WHEREAS, In California in 1932 the total production of crude oil was over one hundred fifteen million barrels less than for the year of 1929 which tremendous loss would have been saved had there been a tax or tariff of $1.03 per barrel on crude oil, thereby placing domestic oil on a competitive basis with importations as shown by the latest report of the Tariff Commission; and

WHEREAS, Prior to the year of 1928 there was a market for California crude oil and particularly low grade fuel oil of which California has one hundred million barrels in storage which market has been taken away from this State by the importation of foreign oil at a price that California producers can not compete with on account of the oil being produced with cheap foreign labor; and

WHEREAS, Not only have the farmers and the schools sustained severe losses, but also banking, transportation, manufacturing, industry, utility and every type and character of business have been adversely affected by the distressed condition of the oil industry and by the great loss in purchasing power due to the taking of our domestic markets by the importations of cheap foreign oil; and

WHEREAS, The general unemployment situation has been very greatly aggravated by the thousands of oil field workers, geologists, land men, lease men, scouts and office employees,

forced out of employment, and by the thousands now unemployed but formerly employed by the businesses dependent on the oil industry the third largest industry in the Nation; now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Congress of the United States be, and it is hereby memorialized to give relief to the distressed oil industry, and thereby to the Nation generally, by immediately levying an adequate tax or tariff upon imported petroleum and its refined products, that will enable our domestic oil industry to meet importations of foreign oil and its refined products on a competitive basis as shown by the report of the Tariff Commission; and be it further

Resolved, That copies of this resolution be sent to the presiding officers of the legislative bodies of the other oil producing States, with the request that they transmit similar memorials to Congress; and that a copy of this resolution be transmitted to the President of the United States, and to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each of the members from California of the Senate and House of Representatives of the United States.

CHAPTER 99.

Senate Joint Resolution No. 26—Relative to extension of time by institutions receiving Federal aid or assistance for the payment of certain debts secured by mortgages or deeds of trust.

[Filed with Secretary of State May 15, 1933.]

Relief for mortgagors, etc

WHEREAS, The activity of the United States Government in its present plan of aiding banks, insurance companies, building and loan companies and railroad companies, as well as in aiding agriculture and industry is viewed with appreciation and approbation by the Legislature of the State of California; and

WHEREAS, Said Legislature is especially in full accord with the extension of aid to banks which have loaned money to farmers and homeowners, secured by mortgages or deeds of trust on home or farm properties; and

WHEREAS, It has been brought to the attention of some members of the Legislature that some of the financial institutions receiving loans or other assistance from the United States Government or its agencies do not extend and are not willing to extend reasonable time for payment of debts secured by deeds of trust or mortgages on homes and farm properties before foreclosing the mortgage or exercising powers of sale granted by the mortgage or deed of trust; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully petitions and urges the United States Government to use the strongest measures justifiable in requiring such institutions receiving such aid to cooperate with the Federal Government, in its program for the restoration of prosperity to our country, by extending time for payment of the debts above mentioned; and be it further

Resolved, That duly authenticated copies of this resolution be sent forthwith, by the Secretary of the Senate of the State of California, to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the members of Congress from the State of California.

CHAPTER 100.

Assembly Constitutional Amendment No. 79—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XX thereof, a new section to be numbered 22, relating to legal rate of interest.

[Filed with Secretary of State May 15, 1933.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article XX thereof a new section to be numbered 22, and to read as follows: Constitution, Art XX, Sec 22.

Sec. 22. The rate of interest upon the loan or forbearance of any money, goods or things in action, or on accounts after demand or judgment rendered in any court of the State, shall be seven per cent per annum but it shall be competent for the parties to any loan or forbearance of any money, goods or things in action to contract in writing for a rate of interest not exceeding ten per cent per annum. Rate of interest on loans.

No person, association, copartnership or corporation shall by charging any fee, bonus, commission, discount or other compensation receive from a borrower more than ten per cent per annum upon any loan or forbearance of any money, goods or things in action.

However, none of the above restrictions shall apply to any building and loan association as defined in and which is operated under that certain act known as the "Building and Loan Association Act," approved May 5, 1931, as amended, or to any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act

defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, or any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended or any duly licensed pawnbroker or personal property broker, or any bank as defined in and operating under that certain act known as the "Bank Act," approved March 1, 1909, as amended, or any bank created and operating under and pursuant to any laws of this State or of the United States of America or any nonprofit cooperative association organized under Chapter 4 of Division VI of the Agricultural Code in loaning or advancing money in connection with any activity mentioned in said title or any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business or any corporation securing money or credit from any Federal intermediate credit bank, organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended in loaning or advancing credit so secured, nor shall any such charge of any said exempted classes of persons be considered in any action or for any purpose as increasing or affecting or as connected with the rate of interest hereinbefore fixed. The Legislature may from time to time prescribe the maximum rate per annum of, or provide for the supervision, or the filing of a schedule of, or in any manner fix, regulate or limit, the fees, bonus, commissions, discounts or other compensation which all or any of the said exempted classes of persons may charge or receive from a borrower in connection with any loan or forebearance of any money, goods or things in action.

The provisions of this section shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith.

CHAPTER 101.

Assembly Constitutional Amendment No. 119—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article IV thereof a new section to be numbered 25a, relating to the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof.

[Filed with Secretary of State May 15, 1933.]

Constitution Art. IV, Sec 25a

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-

thirds of the members elected to each of the two houses of the said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article IV a new section to be numbered 25a, and to read as follows:

Horse racing

Sec. 25a. The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results thereof. The provisions of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," are hereby confirmed, ratified, and declared to be fully and completely effective; provided, that said act may at any time be amended or repealed by the Legislature.

CHAPTER 102.

Assembly Concurrent Resolution No 45—Relative to the establishment of a free employment agency in the city of Oakland.

[Filed with Secretary of State May 15, 1933]

Oakland employment agency

WHEREAS, In that certain area in the city of Oakland located west of Market Street and south of Twentieth Street there is contained a great industrial community and a large portion of the city's laborers; and

WHEREAS, The Legislature deems it advisable that the Commissioner of the Bureau of Labor Statistics establish a free employment agency in said district; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it be recommended to the Commissioner of the Bureau of Labor Statistics that he, under the authority vested in him by an act entitled "An act to establish free employment bureaus under the control of the Commissioner of the Bureau of Labor Statistics and making an appropriation therefor," approved May 17, 1915, establish a free employment agency in the city of Oakland to be located within the area lying west of Market Street and south of Twentieth Street; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the Assembly to the Commissioner of the Bureau of Labor Statistics.

CHAPTER 103.

Assembly Joint Resolution No. 28—Relative to memorializing Congress to enact legislation providing for relief of California Indians.

[Filed with Secretary of State May 17, 1933.]

Relief of California Indians.

WHEREAS, Certain facts have come to the attention of this Legislature indicating that the Indians of this State are living in extreme poverty, with a lack of proper housing and sanitary arrangements and insufficient food and other necessities of life; and

WHEREAS, The foregoing conditions have caused much sickness, distress and suffering among the Indians on the reservations in this State; and

WHEREAS, The Government of the United States has previously agreed, by treaties and otherwise, to properly provide for the education and housing of the Indians and the furnishing of tools, animals and other farming equipment in exchange for lands taken from the Indians; and

WHEREAS, It appears to this Legislature that it is imperative that the Congress immediately enact legislation providing for the proper care and relief of such Indians; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges and memorializes the Congress of the United States to immediately adopt legislation to either provide for direct appropriation for the relief of the conditions referred to or to provide for the furnishing of proper housing and the tools and other farming equipment necessary to enable said Indians to provide their own livelihood; and be it further

Resolved, That the Governor of this State be and he is hereby requested to forward a copy of this resolution to the President of the United States, the Vice President of the United States and to each Senator and Representative from California in Congress.

CHAPTER 104.

Assembly Joint Resolution No. 29—Relative to memorializing Congress to enact legislation prohibiting the importation of crude petroleum and crude petroleum by-products.

[Filed with Secretary of State May 17, 1933.]

Importation of petroleum products.

WHEREAS, The oil industry not only of this State but of other States in the United States has found it necessary to curtail production of crude petroleum and the by-products thereof; and

WHEREAS, The petroleum industry is one of the major industries of California and is vital to the welfare of this State and its citizens; and

WHEREAS, One of the reasons it has been necessary to so curtail the production in this State, thereby preventing many of our citizens from obtaining a livelihood, is that crude petroleum and crude petroleum products are being imported into this country; and

WHEREAS, The prohibition of such importation would foster the petroleum industry in this State and, by furnishing employment to thousands of our citizens, thereby substantially contribute to the termination of the present economic depression; and

WHEREAS, The Honorable Henry E. Stubbs has introduced in the Congress of the United States a measure numbered H. R. 4544 which will forbid the importation of crude petroleum and crude petroleum by-products, which measure has been referred to the Committee on Ways and Means in the House of Representatives of the Congress of the United States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California most respectfully urges the Congress of the United States to enact H. R. 4544; and be it further

Resolved, That His Excellency the Governor of the State of California be requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the chairman of the Committee on Ways and Means of the House of Representatives, and to the Senators and Representatives from California in Congress.

CHAPTER 105.

Assembly Concurrent Resolution No 18—Relative to the designation and appointment of John Steven McGroarty as poet laureate of California.

[Filed with Secretary of State May 17, 1933.]

Poet laureate.

WHEREAS, John Steven McGroarty, one of California's most beloved citizens, has through many years helped to preserve the tradition, history and romance of this Golden State and the poetry thereof; and

WHEREAS, It is a fitting custom that this State recognize with the honorary office of poet laureate some person well qualified to express in verse the life and hopes and aspirations of the people of this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That John Steven McGroarty be and he is hereby designated and appointed poet laureate of California.

CHAPTER 106.

Assembly Concurrent Resolution No. 51—Relative to public information concerning the plan for the revision of the tax system of the State as embodied in Senate Constitutional Amendment No. 30.

[Filed with Secretary of State May 17, 1933.]

Publicity for Riley tax plan

WHEREAS, The Legislature of the State of California at its fiftieth regular session commencing on the second day of January, 1933, two-thirds of all of the members elected to each of the two Houses of said Legislature voting in favor thereof, has proposed to the people of the State of California, that the Constitution of said State be amended as set forth in Senate Constitutional Amendment No. 30; and

WHEREAS, Said Senate Constitutional Amendment No. 30 involves matters of public policy of great importance in the system of revenue and taxation employed in this State; and

WHEREAS, Owing to the emergency confronting this State in revenue matters, it is proposed to submit said amendment to the people of this State for their approval and ratification at a special election to be held prior to July 1, 1933; and

WHEREAS, It is of vital importance that the people of the State have full opportunity to acquaint themselves with such proposal within the next forty-five days; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Legislature do hereby request the State Controller and the members of the State Board of Equalization and their respective staffs to arrange for and attend public meetings throughout the State during the period preceding such special election for the purpose of then and there explaining to the people the proposals involved in said Senate Constitutional Amendment No. 30 and of answering such questions as may be raised pertaining thereto; and be it further

Resolved, That said officials be requested to attend such meetings for the purpose of such explanation concerning said constitutional amendment as a part of their official duty as revenue officers of this State; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to transmit a copy of this resolution to the State Controller and to the chairman of the State Board of Equalization.

CHAPTER 107.

Assembly Concurrent Resolution No. 54—Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly of the fiftieth session of the Legislature of the State of California.

[Filed with Secretary of State May 17, 1933.]

Leaves of absence.

Resolved by the Assembly, the Senate concurring, That leave of absence from the State of California for a longer period than sixty days, during their term of office, is hereby granted to His Excellency James Rolph, Jr., Governor of the State of California; to Frank F. Merriam, Lieutenant Governor of the State of California; and to the following members of the Senate and Assembly of the fiftieth session of the Legislature of the State of California:

Senators: James M. Allen, Arthur H. Breed, David F. Bush, Bradford S. Crittenden, Charles H. Deuel, Leonard Joseph Difani, Walter H. Duval, Nelson T. Edwards, Roy Fellom, Frank L. Gordon, William E. Harper, Ray W. Hays, Ben Hulse, R. R. Ingels, J. M. Inman, Chris N. Jespersen, Herbert C. Jones, Charles King, John B. McColl, Thomas McCormack, J. W. McKinley, Frank W. Mixter, John L. Moran, Harry L. Parkman, Harry A. Perry, A. L. Pierovich, Harold J. Powers, Charles F. Reindollar, W. P. Rich, Joseph Riley, Andrew R. Schottky, Jerrold L. Seawell, Will R. Sharkey, Herbert W. Slater, Bert B. Snyder, Edgar W. Stow, Ralph E. Swing, Edward H. Tickle, J. I. Wagy, and Dan E. Williams.

Assemblymen: Hobart R. Alter, Clifford C. Anglim, Willard E. Badham, George R. Bliss, George B. Bowers, James J. Boyle, A. E. Brock, Michael J. Burns, Bert V. Callahan, James M. Cassidy, Ford A. Chatters, F. C. Clowdsley, Lawrence Cobb, C. C. Cottrell, Edward Craig, Frank Lee Crist, Melvyn I. Cronin, Ernest C. Crowley, Charles W. Dempster, Herbert J. Evans, B. J. Feigenbaum, C. Don Field, Charles W. Fisher, J. E. Frazier, Joseph P. Gilmore, Sam M. Greene, Charles W. Grubbs, Herbert S. Hallner, Ira S. Hatch, William W. Hoffman, William B. Hornblower, Charles A. Hunt, Wm. Moseley Jones, Clifford R. Kallam, Cecil R. King, William F. Knowland, E. V. Latham, Edgar C. Levey, Walter J. Little, Charles W. Lyon, Thomas A. Maloney, Frank G. Martin, Jesse M. Mayo, J. J. McBride, John D. McCarthy, Patrick J. McMurray, Henry P. Meehan, Maurice S. Meeker, Eleanor Miller, James A. Miller, Albert H. Morgan, Jr., Roy J. Nielsen, James O'Connor, John H. O'Donnell, Ellis E. Patterson, Frederick Peterson, John P. Phillips, Lucius Powers, Jr., John T. Rawls, Kent H. Redwine, Harry B. Riley, Frederick M. Roberts, C. Ray Robinson, Samuel E. Robinson, Frank J. Rogers, Eugene W. Roland, Hubert B.

Scudder, Bruce R. Stannard, Charles W. Stream, Walter H. Sullivan, James E. Thorp, Austin L. Tournoux, Rodney L. Turner, James B. Utt, Percy G. Wes., Ray Williamson, Clare Woolwine, Frank W. Wright, and E. H. Zion.

CHAPTER 108.

Senate Joint Resolution No. 27—Relative to legislation by Congress to limit the jurisdiction of the Federal courts in suits brought to restrain State officers in the enforcement of public utility rate orders.

[Filed with Secretary of State May 19, 1933.]

Regulation of public utilities.

WHEREAS, There has been introduced in the Congress of the United States by the Honorable Hiram W. Johnson Senate Bill No. 752 designed to limit the jurisdiction of the District Courts of the United States over suits wherein injunctions are sought by public utility corporations to restrain the enforcement of orders issued by State administrative bodies fixing the rates of public utilities by amending section 24 of the Judicial Code of the United States so as to deprive the district courts of jurisdiction in such suits when an adequate remedy is provided to utilities in the courts of a State, and

WHEREAS, Such legislation is deemed to be of vital importance for the preservation of the powers of the various States in the regulation of public utilities and to be in the public interest; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California earnestly urges that the Congress of the United States immediately enact said Senate Bill No. 752, and be it further

Resolved, That a copy of this joint resolution be transmitted to the President and to the Vice President of the United States and to each member of the Senate and of the House of Representatives of the United States.

CHAPTER 109.

Senate Joint Resolution No. 29—Relative to memorializing and petitioning the President and the Congress of the United States to adopt, as part of an emergency unemployment relief program, a plan for the construction of worthy public projects, and to include therein the construction of the Central Valley Project of the California State Water Plan.

[Filed with Secretary of State May 19, 1933.]

Central Valley Project as part of Federal program

WHEREAS, It is reported that the President and the Congress of the United States are now considering as part of a meritorious emergency unemployment relief program, a large bond issue, the proceeds of which would be expended in furnishing

employment to unemployed men throughout the Nation on major afforestation, reclamation, flood control and other worthy public projects; and Central Valley Project.

WHEREAS, There are now in the State of California approximately eight hundred seventeen thousand unemployed and in addition thereto a far greater number of persons dependent thereon for the common necessaries of life; and

WHEREAS, The unemployment of this great number of people has created in our State a most serious and acute public problem and economic crisis; and

WHEREAS, Over a period of more than ten years there has been expended by this State in excess of the sum of one million dollars in the investigation of the water resources of this State and in the formulation of plans for the development, utilization, conservation and control of the said water resources; and

WHEREAS, The development and conservation of waters of the Santa Ana River system is an important part of the State program of water conservation; and

WHEREAS, There has been recommended and approved by the State Engineer as a part of a state-wide plan, an initial project to be constructed, and known as the Central Valley Project, and construction of which will improve navigation, control floods, supply water to areas in dire need thereof, prevent the encroachment of salinity and otherwise confer great benefits upon the people of our State and upon the Nation at large; and

WHEREAS, The construction of said Central Valley Project would in great measure relieve the present acute unemployment situation in this State; and

WHEREAS, There has been recommended to the President of the United States and to the Governor of the State of California by the California Joint Federal-State Water Resources Commission under date of December 27, 1930, that the Federal government participate with the State in the construction of said Central Valley Project; and said Central Valley Project has been investigated, reported upon and approved by the Corps of Engineers of the United States Army; and

WHEREAS, There has been recommended to the Governor of California by the California Water Resources Commission, the construction of said Central Valley Project, described in the report of said commission under date of June, 1932; and

WHEREAS, There has been recommended to this Legislature by the California Joint Legislative Water Committee, the construction of said Central Valley Project, described in the report of said committee under date of April 20, 1932; and

WHEREAS, This Legislature did on May 5, 1933, adopt a resolution proposing to the people of the State of California the adoption of an amendment to the Constitution of this State, which proposed amendment is designated Assembly Constitutional Amendment No. 18, and relates to the control, development and utilization of the water resources in the State, and designed to better insure and adequately empower the Legis-

lature to enact legislation in furtherance of the construction and operation of said state-wide plan and said Central Valley Project; and

WHEREAS, The Assembly of this Legislature did, on May 11, 1933, pass Assembly Bill No. 259 providing for the construction and operation of the Central Valley Project of said state-wide plan in cooperation with the United States of America; and

WHEREAS, This Legislature has now taken all action in furtherance of the construction of said Central Valley Project which is deemed advisable pending the reconvening thereof on July 17, 1933; and

WHEREAS, It is now deemed advisable to seek and obtain the advice, cooperation and assistance of the United States of America prior to the reconvening of this Legislature on July 17, 1933, in order that such further legislative action may then be taken as may be deemed proper; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the State of California through its Legislature, hereby respectfully urges that the President and the Congress of the United States adopt as part of its emergency unemployment relief program, an adequate bond issue the proceeds of which shall be expended in furnishing employment to the unemployed throughout the Nation, and that as a part thereof there be adopted appropriate plans for the construction of worthy public projects, and that there be adopted as part and parcel thereof the construction of said Central Valley Project and the development and conservation of the waters of the Santa Ana River system as initial projects of the California State Water Plan; and be it further

Resolved, That the Governor is requested to transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in Congress.

CHAPTER 110.

Senate Joint Resolution No. 30—Relative to memorializing and petitioning the President and the Congress of the United States to adopt, as part of an emergency unemployment relief program, a plan for the completion of worthy public projects, and to include therein the construction and maintenance of roads and highways.

[Filed with Secretary of State May 19, 1933.]

Highways as part of Federal public works program

WHEREAS, It is reported that the President and the Congress of the United States are now considering as part of a meritorious emergency unemployment relief program, a large bond issue, the proceeds of which would be expended in furnishing employment to unemployed men throughout the nation on

major afforestation, reclamation, flood control and other worthy public projects; and

WHEREAS, There are now in the State of California approximately 800,000 unemployed and in addition thereto a far greater number of persons dependent thereon for the common necessaries of life; and

WHEREAS, The unemployment of this great number of people has created in our State a most serious and acute public problem and economic crisis; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the State of California, through its Legislature, hereby respectfully urges that the President and the Congress of the United States adopt as part of its emergency unemployment relief program an adequate bond issue, the proceeds of which shall be expended in furnishing employment to the unemployed throughout the nation, and that as a part thereof there be adopted appropriate plans for the construction or maintenance of worthy public projects, and that there be adopted as a part of said plan the improvement of the present secondary highways in the State of California and the completion of such additional secondary highways as are now in the process of construction; and be it further

Resolved, That the Governor is requested to transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in Congress.

CHAPTER 111.

Senate Concurrent Resolution No. 34—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California.

[Filed with Secretary of State May 19, 1933]

Proceedings of annual meeting of V F W

Resolved by the Senate of the State of California, the Assembly concurring, That there shall be printed as a public document, five hundred copies of the report of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California, for the year 1933 and of each succeeding annual convention together with illustrations, copies of general orders enacted at such conventions and of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly, the annual cost thereof, not exceeding six hundred dollars, to be payable from the appropriation for legislative printing.

CHAPTER 112.

Senate Concurrent Resolution No. 35—Relative to approving certain amendments to the charter of the city of San Luis Obispo, a municipal corporation, in the county of San Luis Obispo, State of California.

[Filed with Secretary of State May 19, 1933.]

City of San Luis Obispo-Charter amendments.

WHEREAS, The city of San Luis Obispo in the county of San Luis Obispo, State of California, contains a population of over three thousand five hundred inhabitants, and is now organized and acting under a freeholder's charter, adopted under and by virtue of section 8, Article XI of the Constitution of the State of California; and

WHEREAS, A petition was submitted to the legislative body of said city, namely the city council thereof, as evidenced by Exhibits I, II and III and the certification of A. V. Muller, a notary public in and for the county of San Luis Obispo, State of California, as follows:

EXHIBIT I.

In the Matter of the Verification of the Signatures on the Petition to Amend the Charter of the City of San Luis Obispo.

State of California, }
County of San Luis Obispo. } ss.

Homer E. Palmer, Cecil Evans, Mary C. Lynch, Joseph Leary, Howard Kirtland, A. H. Sager, Cecil M. Carpenter, Maude C. Gallup, Erna P. Marsh, William Fletcher, Amelia Bradbury, Ray L. Lohrberg, Mrs. R. Z. Beardsley, Peter Schwafel and E. J. Runston, being first duly sworn say;

That they are the persons, and all of the persons, who circulated the various sections of that certain petition to amend the charter of the city of San Luis Obispo, filed with the city clerk of the said city of San Luis Obispo on the first day of February, 1933, and are the persons who secured the signatures of the respective signers thereto.

That none of said signatures were signed to or affixed to said petition or the various sections thereof prior to the sixteenth day of January, 1933, and that none of said signatures were signed to or affixed to said petition or the various sections thereof subsequent to the first day of February, 1933.

(Fifteen signatures added here.)

Subscribed and sworn to before me this seventh day of February, 1933.

M. R. VANWORMER, Notary Public.

EXHIBIT II.

In the Matter of the Verification of the Signatures on the Petition to Amend the Charter of the City of San Luis Obispo.

State of California, } ss.
County of San Luis Obispo. }

M. R. VanWormer being first duly sworn says:

That he personally prepared the petition to amend the charter of the city of San Luis Obispo, filed in the office of the city clerk, of the said city of San Luis Obispo, on the first day of February, 1933.

That he prepared that petition in his office in the said city of San Luis Obispo, on the fifteenth day of January, 1933, and delivered the same to Mrs. Erna P. Marsh, on the afternoon of said day, and at that time there were no signatures on said petition nor any of the sections thereof.

M. R. VANWORMER.

Subscribed and sworn to before me this eighth day of February, 1933.

A. E. MALLAGH, Notary Public.

EXHIBIT III.

To the honorable mayor and city council of the city of San Luis Obispo, State of California:

The undersigned registered electors of the city of San Luis Obispo, State of California, hereby submit the following proposals for the amendment of the city charter of said city of San Luis Obispo, State of California, and request that such proposals be submitted to the electors of said city at the general municipal election to be held on the third day of April, 1933, to wit:

CHARTER AMENDMENT No. 1.

That section 4 of said charter be amended to read as follows: The elective officers.

Sec. 4. THE ELECTIVE OFFICERS. The elective officers of the city shall be a mayor, a city clerk, four councilmen and five school directors.

The council shall consist of the mayor and four councilmen, each of whom shall, including the mayor, have the right to vote on all questions coming before the council.

The board of education shall consist of five school directors, each of whom shall have the right to vote on all questions coming before the board.

CHARTER AMENDMENT No. 2.

That subdivision 9 of section 40 of said charter be amended to read as follows:

Ordinances and resolutions.

(9) Every resolution or ordinance which may have been passed by the city council shall, before it becomes a law or effective as a resolution, be presented to the mayor. If he approves it, he shall sign it; but, if not, he shall return it, with his objections, to the city council by filing the same with the city clerk, who shall enter such objections upon the minute book of the council, and thereupon the city council at its next regular meeting shall proceed to reconsider such resolution or ordinance, and, if after such reconsideration the council again passes such resolution or ordinance, by yeas and nays, three members of the council voting therefor, it shall become a law or become effective, notwithstanding the mayor's objections. If any resolution or ordinance shall not be returned to the city clerk within ten days after it shall have been presented to him, (Sundays excepted), the same shall become a law or become effective in like manner as if he had signed it.

CHARTER AMENDMENT No. 3.

That a new section, to be known as section 56-a be added to said charter, as follows:

Claims against the city.

Sec. 56-a. CLAIMS AGAINST THE CITY. CLERK'S WARRANT. All demands against the city shall be presented to and audited by the city council; and upon the allowance of such demand by the affirmative vote of three members of the council, the city clerk shall draw a warrant on the treasury for the same, which warrant shall not require any countersignature, and the same shall specify for what purpose the same is drawn and out of what fund it is to be paid. All provisions of this charter in conflict herewith are hereby repealed.

Names. Addresses.

EXHIBIT III.

Filed Feb. 1st, 1933.
4.40 o'clock p.m.

CALLIE M. JOHN, City Clerk.

State of California, }
County of San Luis Obispo. } ss.

This is to certify that I, A. V. Muller, a notary public in and for the county of San Luis Obispo, State of California, have compared the foregoing instruments marked Exhibit I, Exhibit II, and Exhibit III, with the originals on file in the office of the clerk of the city of San Luis Obispo, in the City Hall, city of San Luis Obispo, State of California, and have found said three exhibits to be full, true and complete copies of said originals, excepting signatures to these instruments which have been omitted.

In witness whereof I have hereunto set my hand and seal on this eleventh day of May, 1933, as a notary public aforesaid. Certificate.

A. V. MULLER,
Notary Public in and for the County of
San Luis Obispo, State of California.

and

WHEREAS, Said petition was signed, a resolution concerning said petition and submitting the amendments proposed by said petition to the electors of the city was passed by the city council thereof, and notice that copies in pamphlet form of the proposed amendments could be had upon application therefor to the city clerk of said city was published, as evidenced by Exhibits A to D inclusive, and the certification of A. V. Muller, notary public in and for the county of San Luis Obispo, all as follows:

EXHIBIT A.

In the Matter of the Verification of the Signatures on the Petition to Amend the Charter of the City of San Luis Obispo.

State of California, }
County of San Luis Obispo } ss.

I, J. G. Driscoll, county clerk, of the county of San Luis Obispo, State of California, do hereby certify:

That I, as such county clerk, am now and at the time herein mentioned, have been in charge of the registration records of the county of San Luis Obispo, State of California.

That I have examined the signatures attached to that said petition of Geo. H. Andrews and others for the submission of said amendments to the charter of the city of San Luis Obispo, filed in the office of the city clerk of said city, on the first day of February, 1933, and have compared and verified the said signatures with the said registration records in my possession,

And I do further certify that from an examination of the said petition and other evidence that 865 persons have signed the said petition and that 763 thereof were duly qualified electors of the said city at the time of signing the same.

And I further certify that the total vote cast in the said city of San Luis Obispo at the last preceding general State election is 4199.

In witness whereof, I have hereunto set my hand and seal of said superior court this fourteenth day of February, 1933.

J. G. DRISCOLL, County Clerk.
By GWENDOLYN MARSHALL,
Deputy Clerk.

Resolution.

EXHIBIT B.

RESOLUTION No. 379 (New Series).

A resolution determining that a petition proposing certain amendments to the charter of the city of San Luis Obispo contains sufficient signatures and submitting said amendments to the electors of said city.

Whereas, there was filed with the City Council of the City of San Luis Obispo, on the 1st day of February, 1933, a petition signed by numerous individuals, proposing certain amendments to the Charter of the City of San Luis Obispo:

And whereas, said petition was referred to Mr. J. G. Driscoll, County Clerk of the County of San Luis Obispo, State of California, for verification of the signatures on said petition:

And whereas, said J. G Driscoll has attached to said petition his certificate showing that said petition is signed by 763 registered electors of the City of San Luis Obispo and that the total vote cast in the City of San Luis Obispo at the last preceding General State Election was 4199.

And whereas, Section 8 of Article XI of the Constitution of the State of California requires any such petition to be signed by fifteen per cent (15%) of the registered electors of the City, and that the percentage required shall be calculated upon the total vote cast in the City at the last preceding General State Election,

Now therefore, be it resolved by the Council of the City of San Luis Obispo that said City Council hereby finds that said petition has a sufficient number of signatures,

And be it further resolved, That the amendments to the Charter of the City of San Luis Obispo, as set forth in said petition, be, and the same are hereby submitted to the electors of the City of San Luis Obispo to be voted upon at the General Municipal Election to be held in the said City on the 3rd day of April, 1933.

The City Clerk of the City of San Luis Obispo is hereby directed to advertise said proposed amendments in the manner and for the time required by law.

Introduced and adopted this 14th day of February, 1933, by the following vote:

Ayes: J. B. Berkemeyer, L. J. Defosset, L. F. Sinsheimer.

Noes: None.

Absent: John Chapek, H. E. Cox.

L. F. SINSHEIMER, Mayor.

Attest: Callie M. John, City Clerk.

EXHIBIT C. Certificate.

PROOF OF PUBLICATION.

State of California, } ss.
County of San Luis Obispo }

Vareene Langenbeck, of this county, being first duly sworn, deposes and says:

That she is the principal clerk of the printer of the Daily Telegram, a newspaper printed and published daily, Sundays and holidays excepted, at San Luis Obispo, in the county of San Luis Obispo, State of California, and that the notice of which a true copy is hereto attached, was first published in its issue dated the seventeenth day of February, 1933, the last publication thereof being in the issue dated the seventeenth day of February, 1933. That said notice was published in regular and entire issue of every number of said newspaper during the period and time of publication aforesaid, that is to say, on the seventeenth day of February, 1933, and that the said notice was published in the said newspaper proper, and not in a supplement thereto.

VAREENE LANGENBECK.

Subscribed and sworn to before me this eighteenth day of February, 1933.

MARGARET YAGER,
Notary Public.

EXHIBIT D.

Notice of proposed amendments to the Charter of the City of San Luis Obispo, California.

Notice is hereby given that copies in pamphlet form of the proposed amendments to the Charter of the City of San Luis Obispo, California, which will be submitted to the electors of said City at the general municipal election to be held on the third day of April, 1933, may be had upon application therefor to the City Clerk of said City at the Office of said City Clerk, in the City Hall of said City.

Dated, February, 17th, 1933.

CALLIE M. JOHN,
City Clerk of the City of San Luis Obispo.

Published each and every day and in all editions, to and including the day of election.

State of California, } ss.
County of San Luis Obispo }

This is to certify that I, A. V. Muller, a Notary Public, in and for the County of San Luis Obispo, State of California, have compared the foregoing instruments, marked "Exhibit A, Exhibit B, Exhibit C, and Exhibit D", for purposes of iden-

tification and find that the same and each of them are a full, true, correct and exact copy of the originals thereof, as found filed in the office of Callie M. John City Clerk of the City of San Luis Obispo, State of California.

In witness thereof I have hereunto set my hand and seal this eighth day of May, 1933.

A. V. MULLER,
Notary Public, In and for the
[SEAL] County of San Luis Obispo.

AND WHEREAS, Proposed amendments to the charter of said city were published and notice was given that said amendments would be submitted to the electors of said city as set forth in the following instrument:

NOTICE OF SUBMISSION OF PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF SAN LUIS OBISPO.

NOTICE IS HEREBY GIVEN that a petition bearing the signatures of a sufficient number of registered electors of the City of San Luis Obispo has been filed with the City Council of said City proposing certain amendments to the charter of the City of San Luis Obispo, which said amendments read as follows:

CHARTER AMENDMENT No. 1

That Section 4 of said Charter be amended to read as follows:

The elective officers.

"Sec. 4. THE ELECTIVE OFFICERS. The elective officers of the city shall be a mayor, a city clerk, four councilmen and five school directors.

"The council shall consist of the mayor and four councilmen, each of whom shall, including the mayor, have the right to vote on all questions coming before the council.

"The board of education shall consist of five school directors, each of whom shall have the right to vote on all questions coming before the board."

CHARTER AMENDMENT No. 2

That subdivision 9 of Section 40 of said Charter be amended to read as follows:

Ordinances and resolutions.

"(9) Every resolution or ordinance which may have been passed by the City Council shall, before it becomes a law or effective as a resolution, be presented to the mayor. If he approve it, he shall sign it; but, if not, he shall return it, with his objections, to the city council by filing the same with the City Clerk, who shall enter such objections upon the minute book of the council; and thereupon the city council at its next regular meeting shall proceed to reconsider such resolution or ordinance, and, if after such reconsideration the council again passes such resolution or ordinance, by yeas and nays, three members of the city council voting therefor, it shall become

a law or become effective, notwithstanding the mayor's objections. If any resolution or ordinance shall not be returned to the City Clerk within ten days after it shall have been presented to him (Sundays excepted) the same shall become a law or become effective in like manner as if he had signed it."

CHARTER AMENDMENT No. 3

That a new section, to be known as Section 56-a be added to said Charter, as follows:

"Sec. 56-a. CLAIMS AGAINST THE CITY. CLERK'S WARRANT. All demands against the city shall be presented to and audited by the city council; and upon the allowance of such demand by the affirmative vote of three members of the council, the City Clerk shall draw a warrant on the Treasury for the same, which warrant shall not require any countersignature, and the same shall specify for what purpose the same is drawn and out of what fund it is to be paid. All provisions of this charter in conflict herewith are hereby repealed." Claims against the city.

AND NOTICE IS FURTHER GIVEN that said proposed amendments will be submitted to the electors of the City of San Luis Obispo at the General Municipal Election to be held in said City on the third day of April, 1933.

By order of the City Council.

Dated, February 17th, 1933.

CALLIE M. JOHN,
City Clerk of the City of San Luis Obispo.

PROOF OF PUBLICATION

State of California, } ss.
County of San Luis Obispo }

VAREENE LANGENBECK of said County, being first duly sworn, deposes and says; That she is the Principal Clerk of the printer of the DAILY TELEGRAM, a newspaper printed and published daily, Sundays and holidays excepted, at San Luis Obispo, in the County of San Luis Obispo, State of California, that the notice of which a true copy is hereto attached, was first published in its issue dated the 17th day of February, 1933, the last publication thereof being in the issue dated the 17th day of February, 1933, that said notice was published in regular and entire issue of every number of said newspaper during the period and time of publication aforesaid, that is to say, on the 17th day of February, 1933, and that the said notice was published in the said newspaper proper, and not in a supplement thereto.

VAREENE LANGENBECK.

Subscribed and Sworn to before me, this 11th day of May, 1933.

[SEAL] MARGARET YAGER,
Notary Public.

184—6410

Certificate

AND WHEREAS, Proof of publication that copies in pamphlet form of the proposed amendments could be had upon application therefor to the city clerk is made as follows:

NOTICE OF PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA.

NOTICE IS HEREBY GIVEN that copies, in pamphlet form, of the proposed amendments to the charter of the City of San Luis Obispo, California, which will be submitted to the electors of said City at the general municipal election to be held on the third day of April, 1933, may be had upon application therefor to the City Clerk of said City, at the office of said City Clerk in the City Hall of said City.

Dated, February 17th, 1933.

CALLIE M. JOHN,
City Clerk of the City of San Luis Obispo.
F 17 to A 3 inc.

PROOF OF PUBLICATION

State of California, }
County of San Luis Obispo } ss.

Vareene Langenbeck of said County, being first duly sworn, deposes and says; That she is the Principal Clerk of the printer of the Daily Telegram, a newspaper printed and published daily, Sundays and holidays excepted, at San Luis Obispo, in the County of San Luis Obispo, State of California, that the notice of which a true copy is hereto attached, was first published in its issue dated the 17th day of February, 1933, the last publication thereof being in the issue dated the third day of April, 1933, that said notice was published in regular and entire issue of every number of said newspaper during the period and time of publication aforesaid, that is to say, on the 17th, 18th, 20th, 21st, 23rd, 24th, 25th, 27th, 28th days of February, and the 1st, 2nd, 3rd, 4th, 6th, 7th, 8th, 9th, 10th, 11th, 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, 22nd, 23rd, 24th, 25th, 27th, 28th, 29th, 30th, 31st days of March, and the 1st and 3rd days of April, 1933, and that the said notice was published in the said newspaper proper, and not in a supplement thereto.

VAREENE LANGENBECK.

Subscribed and sworn to before me, this 11th day of May, 1933.

MARGARET YAGER,
Notary Public.

[SEAL]

AND WHEREAS, Minute Book "H" of the city clerk of said city contains the following in relation to the proposal and adoption of amendments to the charter of said city as certified by A. V. Muller, notary public in and for the county of San Luis Obispo, State of California, all as follows: Certificate.

Minutes of City Clerk. Book H. City of San Luis Obispo.
City Hall, Monday, Feb. 6th, 1933. 7:30 p.m.
City Council met in regular session, Mayor L. F. Sinsheimer presiding.
Present: J. B. Berkemeyer, John Chapek, H. E. Cox, L. J. Defosset
Absent: None.

Petition of Geo. H. Andrews and others requesting that certain amendments to the Charter of the City of San Luis Obispo be submitted to the qualified electors at the General Municipal Election to be held in the City of San Luis Obispo on the 3rd day of April, 1933, was received.

Resolution No. 378 (New Series). A Resolution referring a petition proposing certain amendments to the Charter of the City of San Luis Obispo to the County Clerk for verification was introduced and adopted on the motion of L. J. Defosset, seconded by J. B. Berkemeyer by the following vote:

Ayes: J. B. Berkemeyer, John Chapek, H. E Cox, L. J. Defosset, L. F. Sinsheimer.

Noes: None.

Absent: None.

City Hall, Tuesday, Mar. 14th, 1933.
City Council met in adjourned session, Mayor L. F. Sinsheimer presiding.
Present: J. B. Berkemeyer, John Chapek, H. E. Cox, L. F. Sinsheimer.
Absent: L. J. Defosset.

In re General Municipal Election, April 3rd, 1933. The matter of designating Precinct Polling places, appointment of election officers for the various precincts, etc., was taken up. The City Attorney presented a draft of the Election Proclamation and after discussion in re proposed Charter Amendments it was decided to continue the meeting to Wednesday, Mar. 15th, 1933, for the further discussion of same and the adoption of an Election Proclamation.

On the motion of H. E. Cox, seconded by J. B. Berkemeyer, the meeting adjourned to Wednesday, Mar. 15th, 1933 at 7.30 p.m.

Ayes: J. B. Berkemeyer, John Chapek, H. E. Cox, L. F. Sinsheimer.
Noes: None.
Absent: L. J. Defosset.
City Hall, Wednesday, Mar. 15th, 1933.
City Council met in adjourned session—Vice President of the Council, John Chapek, Presiding.
Present: J. B. Berkemeyer, John Chapek, H. E. Cox.

Certificate.

Absent: L. J. Defosset, Mayor L. F. Sinsheimer.

The matter of further discussion on proposed Charter Amendments to be submitted to the Electors at the General Municipal Election to be held in the City of San Luis Obispo, April 3rd, 1933 and the adoption of the Election Proclamation was continued to Thursday, Mar. 16th, 1933 at 7.30 p.m.

On motion of J. B. Berkemeyer seconded by H. E. Cox the meeting adjourned to Thursday, Mar. 16th, 1933 at 7.30 p.m.

Ayes: J. B. Berkemeyer, John Chapek, H. E. Cox.

Noes: None.

Absent: L. J. Defosset, Mayor L. F. Sinsheimer.

City Hall, Thursday Mar 17th, 1933, 7.30 p.m.

City Council met in adjourned session—Vice President of the Council, John Chapek, presiding.

Present: J. B. Berkemeyer, John Chapek, H. E. Cox, L. J. Defosset.

Absent: Mayor L. F. Sinsheimer.

The matter of further considering proposed Charter Amendments to be submitted to the Electors at the General Municipal Election to be held in the City of San Luis Obispo, April 3rd, 1933, and the adoption of the Election Proclamation was continued.

On motion of L. J. Defosset seconded by J. B. Berkemeyer the meeting adjourned to the call of the Chair.

Ayes: J. B. Berkemeyer, John Chapek, H. E. Cox, L. J. Defosset.

Noes: None.

Absent: Mayor L. F. Sinsheimer.

City Hall Monday Mar. 20th, 1933.

City Council met in regular session—Mayor L. F. Sinsheimer presiding.

Present: J. B. Berkemeyer, John Chapek, H. E. Cox, L. F. Sinsheimer.

Absent: None.

There was discussion relative to certain proposed Charter Amendments. The City Attorney presented and read the Election Proclamation for the General Municipal Election and consolidated Charter Amendment Election to be held in the City of San Luis Obispo on the 3rd day of April 1933, and on motion of H. E. Cox seconded by L. J. Defosset the said Election Proclamation was adopted by the following vote.

Ayes: J. B. Berkemeyer, John Chapek, H. E. Cox, L. J. Defosset, L. F. Sinsheimer.

Noes: None.

Absent: None.

City Hall Monday April 3rd, 1933, 7.30 p.m.

City Council met in regular session—Vice President of the Council John Chapek presiding.

Present: J. B. Berkemeyer, John Chapek, H. E. Cox, L. J. Defosset.

Absent: Mayor L. F. Sinsheimer.

On motion of L. J. Defosset seconded by H. E. Cox the meeting adjourned to Thursday, April 6th, 1933 at 7.30 p.m. for the purpose of canvassing the returns of the General Municipal and consolidated Charter Amendment election held on the 3rd day of April, 1933, and to consider such other business as might come before it. Certificate.

Ayes: J. B. Berkemeyer, John Chapek, H. E. Cox, L. J. Defosset.

Absent: Mayor Sinsheimer.

City Hall, Thursday, Apr. 6th, 1933. 7.30 p.m.

City Council met in adjourned session—Mayor L. F. Sinsheimer, presiding.

Present: J. B. Berkemeyer, John Chapek, L. J. Defosset, L. F. Sinsheimer.

Absent: H. E. Cox.

The Council now proceeded to canvas the returns of the General Municipal and Consolidated Charter Amendment Election held on April 3rd, 1933. Tabulation following shows result of vote cast at such Election and as canvassed by the City Council. The number of votes cast at such election being 2924 within the City of San Luis Obispo and 33 in the consolidated precincts outside the City voting on School Directors only.

Charter	Yes:	286	246	185	240	182	206	239	1584
Amend. No. 1	No :	123	156	95	100	93	72	85	724
Charter	Yes:	286	249	180	224	180	209	254	1582
Amend. No. 2	No :	121	138	94	82	98	69	71	673
Charter	Yes:	280	242	182	222	171	199	236	1532
Amend. No. 3	No :	122	149	96	81	98	75	86	707

Due to the fact that it is impossible to count and canvas absentee vote the matter of completing the canvass was continued to Monday, Apr. 10th, 1933, at 7.30 p.m., on motion of John Chapek, seconded by L. J. Defosset.

City Hall Monday Apr. 10th, 1933. 7.30 p.m.

City Council met in adjourned session—Mayor L. F. Sinsheimer, Presiding.

Present J. B. Berkemeyer, John Chapek, H. E. Cox, L. J. Defosset, L. F. Sinsheimer.

Absent None.

The Council now proceeded to canvass the Absentee Vote for the General Municipal Election of Apr. 3rd, 1933. On motion of L. J. Defosset seconded by H. E. Cox it was ordered that the ballot of Dominique Chandre be cast. Following is the result of the Official Canvass of the 21 Absentee Votes for the respective candidates for the respective offices:

Charter Amendment No. 1	Yes 12 No. 7
Charter Amendment No. 2	Yes 12 No. 7

Certificate.

Charter Amendment No. 3	Yes 10 No. 10

Recapitulation of Canvass of Votes.
Charter Amendment No. 1.

Yes: Vote as previously canvassed	1584	
Absentee vote	12	1596
No : Vote as previously canvassed	724	
Absentee vote	7	731

Charter Amendment No. 2.

Yes: Vote as previously canvassed	1582	
Absentee vote	12	1594
No : Vote as previously canvassed	673	
Absentee vote	7	680

Charter Amendment No. 3.

Yes: Vote as previously canvassed	1532	
Absentee vote	10	1542
No : Vote as previously canvassed	707	
Absentee vote	10	717

It was then moved by L. J. Defosset and seconded by J. B. Berkemeyer and carried that ------, -------, -------, Charter Amendment No. 1, Charter Amendment No. 2 and Charter Amendment No. 3, each having received a majority of all votes cast, were, and of them was declared ratified.

State of California, }
County of San Luis Obispo } ss.

This is to certify that I, A. V. Muller, a Notary Public in and for the County of San Luis Obispo, State of California, have compared the foregoing extracts from the minutes of the City Clerk of the City of San Luis Obispo, as to be found contained in her Minute Book "H", and find that the same and each of them are a full, true, correct and exact copy of said minutes as found in said Volume "H" at the following pages to wit:

425, 426, 431, 432, 434, 436, 437, 439 and 440, and I further certify that the hereinabove contained copies embrace the entire procedure of the Board of City Trustees of the City of San Luis Obispo, as revealed by said Minutes Book of said Clerk of said City of San Luis Obispo, relative to the adoption of Amendments No. 1, No. 2 and No. 3, to the Charter of the City of San Luis Obispo.

[SEAL]

A. V. MULLER,
Notary Public in and for the County of
San Luis Obispo, State of California.

AND WHEREAS, The amendments referred to in the documents hereinbefore set forth were the amendments passed by a majority vote on April 3, 1933, as indicated in said documents and as evidenced by the following telegram:

Western Union
San Luis Obispo, May 13, 1933.

Chris N. Jespersen, Senator,
State Capitol, Sacramento, Calif.

Am mailing affidavit to you stating that the three city charter amendments passed by a large majority vote on April 3, 1933 are the same amendments referred to in my previous certificates as a notary public and which were advertised by our City Council on February 17, 1933, to appear on our ballot on said April 3rd and such was advertised by our city clerk in the Daily Telegram. There were no other amendments at our last election.

A. V. MULLER.

AND WHEREAS, Said proposed amendments have been and are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to said charter herein set forth, as submitted to and ratified by the qualified electors of said city, be and the same are hereby approved as a whole without alteration or amendment for and as amendments to and as part of the charter of said city of San Luis Obispo. Ratification

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CHAPTER 113.

Senate Concurrent Resolution No. 37—Relative to special joint rules for the fiftieth session of the Legislature.

[Filed with Secretary of State May 19, 1933.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following be adopted as a special joint rule of the two Houses of the Legislature for its fiftieth session: Special joint rule

MOTIONS TO RECONSIDER.

1. Unless this rule is suspended by a vote of two-thirds of the members of the House considering a bill, any motion to reconsider a bill must be determined by the House reconsidering such bill on or before May 12, 1933; and be it further Motions to reconsider

Resolved, That the rule herein set forth shall supersede and take precedence over any of the joint rules or of any of the rules of either the Senate or Assembly of the fiftieth session of the Legislature in so far as said rules conflict with the rule herein set forth.

CHAPTER 114.

Senate Concurrent Resolution No. 38.—Relative to the maintenance of the free employment agency in the city of Bakersfield.

[Filed with Secretary of State May 19, 1933.]

Bakersfield free employment agency.

WHEREAS, The city of Bakersfield is an important labor center of the San Joaquin Valley; and

WHEREAS, The Legislature deems it advisable that the Department of Industrial Relations maintain the free employment agency in said city; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it recommends to the Department of Industrial Relations that it maintain the free employment agency in said city under the authority vested in it by an act entitled "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915; and be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to the Director of the Department of Industrial Relations.

CHAPTER 115

Senate Concurrent Resolution No. 39—Relative to special tax studies to be made for the Legislature by the Tax Research Bureau in the office of the State Board of Equalization.

[Filed with Secretary of State May 19, 1933.]

Study of taxation by Tax Research Bureau.

WHEREAS, The Legislature is declaring a recess in its fiftieth regular session until July 17, 1933, in order that there may be submitted to the people meanwhile a measure involving major revision of the tax system of the State, to wit: Senate Constitutional Amendment No. 30, and

WHEREAS, The State of California is confronted with tax problems of unusual complexity, so that regardless of the action taken by the voters with reference to said measure, the Legislature must consider, at the resumption of its session, numerous questions the adequate solution of which will involve detailed study and analysis of various methods of taxation, and

WHEREAS, In pursuance of the provisions of law, a Tax Research Bureau has been established in the office of the State Board of Equalization and has compiled data on various tax matters; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of said Tax Research Bureau be requested to have prepared and available for the Legislature, prior to July 17, 1933, a special report containing detailed information regarding the text of possible sales, excise, income and other forms of tax measures, the yield and economic effect thereof, and other pertinent data with respect thereto, and be it further

Resolved, That said director take all steps necessary to comply with the terms of this resolution, to the end that the Legislature may have the full benefit of the studies of said bureau for its consideration at the reconvening of the current session.

CHAPTER 116.

Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XI thereof a new section to be numbered 7¾, relating to the joint exercise of powers and functions by political subdivisions.

[Filed with Secretary of State May 19, 1933.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 7¾, and to read as follows:

Constitution, Art. XI, Sec. 7¾.

Sec. 7¾. Any two or more political subdivisions, either contiguous or included one within the territorial boundaries of the other, may, in the manner herein set forth, provide for the joint exercise of the powers or functions common to said political subdivisions. The term "political subdivision" as used herein means a county, city and county, or incorporated city of this State, whether operating under general laws or under a freeholders' charter. No political subdivision shall enter any agreement for the joint exercise of powers and functions without the consent of a majority of the electors of such political subdivision for which the joint exercise of powers and functions is proposed voting thereon at an election called for that purpose as hereinafter provided.

Joint exercise of powers and functions by political subdivisions

Any two or more political subdivisions may jointly frame and adopt articles of agreement for the joint exercise of

Constitution, Art XI, Sec. 7½.

powers and functions common to said political subdivisions. Such articles shall be framed by a board composed of five electors from each of such political subdivisions chosen at a general or special election. Only persons who have been electors for five years immediately preceding shall be eligible to such board. An election for such board may be called by two-thirds of the members of the legislative authority of each political subdivision so proposing to enter said agreement for the joint exercise of powers and functions, and shall be so called on presentation of a petition signed by registered electors in each such political subdivision, not less in number than fifteen per cent of the votes cast in such political subdivision for Governor at the last preceding gubernatorial election. Such petition shall be signed and verified in the manner provided in this Constitution for initiative petitions. Candidates for the board in each political subdivision may be nominated by a petition signed by one hundred electors of the subdivision, whose names appear upon the registration record. At such elections, which shall be held separately and simultaneously in each political subdivision proposing to jointly exercise powers and functions, the electors shall vote, first, on the question "Shall a board be elected to frame articles of agreement for the joint exercise of powers and functions by (here insert names of political subdivisions)?" and, secondly, for the members of the board. If the first question receives a majority of the votes cast at such election in each political subdivision, or in any two or more political subdivisions, the electors elected shall organize as a board within ten days after the result of the election is declared, and shall, within the next one hundred twenty days thereafter prepare and propose articles of agreement for the joint exercise of powers and functions by the political subdivisions represented on the board. Said period of one hundred twenty days may be extended by the board with the joint consent of the legislative bodies of the political subdivisions concerned for an additional one hundred twenty days. The board may employ special and expert assistants and incur all necessary expenses in performance of its duties. The compensation of assistants and the expenses of the board shall be paid by the political subdivisions electing members thereto.

The articles of agreement so prepared, when signed by a majority of the members representing each political subdivision concerned, shall be filed with the department in charge of elections in each subdivision. The department shall cause copies of such articles of agreement to be published in pamphlet form and mailed to all registered electors in each such political subdivision not less than thirty days before the date set for the election upon such articles of agreement. The body authorized to call elections in each such political subdivision shall submit the articles of agreement to the electors at a date fixed in such articles of agreement by the board, which

date shall be not less than sixty days from the filing of said articles with said department. Constitution, Art XI, Sec 7½.

The elections shall be held separately and simultaneously in each of the political subdivisions represented on the board. If a majority of the qualified electors of each political subdivision voting thereon or a majority of the qualified electors of any two or more political subdivisions voting thereon vote in favor of such articles of agreement, said articles shall, as soon as the result of the election is declared, constitute and become the organic law of the political subdivisions voting in favor thereof with respect to all matters for which it is competent for such articles to provide as herein specified. Such articles of agreement shall supersede any existing organic law of the political subdivision so entering the agreement and all laws relative to the government of such political subdivisions inconsistent therewith. The courts shall take judicial notice of such articles of agreement.

It shall be competent for any articles of agreement framed and adopted in accordance with the provisions of this section to provide for the joint exercise and performance of any powers or functions common to the several political subdivisions entering the same. The political subdivisions party to said agreement shall provide for defraying the expenses arising therefrom and the articles of agreement may provide that contributions from the treasuries of each subdivision shall be made for the purposes for which the agreement was entered. The method of disbursement of funds shall agree so far as the same is practicable with the method provided by law for disbursement of funds by the several subdivisions party to the agreement. The agreement shall also provide for the disposition or distribution of any property acquired as a result of said agreement in the event the articles of agreement are rescinded or amended in the manner hereinafter specified.

Amendments to the articles of agreement may be proposed (a) by the legislative bodies of each political subdivision party to the agreement by resolutions approved by majority of the members of each such legislative body, or (b) by a petition signed by not less than ten per cent of the registered electors voting in each such political subdivision at the last election for Governor, filed with the department in charge of elections in each subdivision. Such amendments shall be separately and simultaneously submitted to the electors of each constituent political subdivision at the next general State election held not less than sixty days after filing of such resolution or petition or at special elections called by a two-thirds vote of the legislative body of each political subdivision to be held simultaneously on a date not less than sixty days after filing of such resolutions or petitions. Such amendments shall be published and mailed to the electors in the manner provided for publication and mailing of proposed articles of agreement. If a majority of the qualified electors in each political subdivision voting on an amendment shall vote in favor thereof,

such amendment shall become part of the organic law of the political subdivision and the courts shall thereupon take judicial notice thereof. When alternative or conflicting amendments covering the same general purpose are proposed, the departments authorized to call elections in each political subdivision shall have the ballots so printed that the voter may, first, propose his approval or disapproval of the general purpose, and, second, express his preference for any proposed amendment. If a majority of the votes on the first question is negative, all such amendments shall be rejected. If a majority of the votes on the first question is affirmative, the amendment receiving the highest number of affirmative votes shall be ratified, and any others shall be rejected. If there is a conflict between two or more amendments receiving a majority vote at the same election, the amendment receiving the highest affirmative vote shall prevail.

Articles of agreement adopted under the authority of this section may be rescinded in the manner herein provided for the amendment of said articles. If a majority of the electors of each constituent political subdivision shall vote in favor of the proposed recision, the articles of agreement shall be thereby rescinded and each political subdivision shall thereafter be relieved of any obligation thereunder and shall be governed under the general laws in force for the government thereof.

CHAPTER 117.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 14 of Article I thereof, relating to eminent domain.

[Filed with Secretary of State May 19, 1933.]

Constitution, Art. I, Sec. 14.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California that section 14 of Article I of the Constitution of said State be amended to read as follows:

Eminent domain.

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way or lands to be used for reservoir purposes shall be appropriated to the use of any corporation, except a municipal corporation or a county or the State or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation until full compensation therefor be first made in money or ascertained and paid into court for the

owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in any proceeding in eminent domain brought by the State, or a county, or a municipal corporation, or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation, the aforesaid State or municipality or county or public corporation or district aforesaid may take immediate possession and use of any right of way or lands to be used for reservoir purposes. required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

CHAPTER 118.

Assembly Concurrent Resolution No. 57—Approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of June, 1933.

[Filed with Secretary of State July 19, 1933.]

City of Oakland. Charter amendments.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of Cali-

fornia, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California)
County of Alameda } ss.
City of Oakland)

We, the undersigned, Wm. J McCracken, mayor of the city of Oakland, State of California, and W. W. Chappell, city clerk, of said city, do hereby certify and declare as follows:

That the city of Oakland, a municipal corporation in the county of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a freeholders' charter, adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in pursuance of section 8 Article XI of the Constitution of the State of California, on its own motion, the council of the city of Oakland, being the legislative body of said city, by and in pursuance of Resolution No. 1937 C.M.S., passed by the said council on the fifteenth day of May, 1933, and by and in pursuance of Resolution No. 1941 C.M.S., passed by the said council on the eighteenth day of May, 1933, duly submitted to the qualified electors of said city of Oakland certain proposals for the amendment of the charter of said city, to be voted on by said qualified electors at the special municipal election held in said city on the twenty-seventh day of June, 1933, which said proposals were and are in words and figures following, to wit:

That section 91 of the charter of the city of Oakland be amended to read as follows:

Members of police department Compensation.

Section 91. The officers and members of the police department shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to wit:

Chief of Police	$5,400.00
Captain of Inspectors	4,200.00
Captains of Police, each	3,600.00
Lieutenants, each	3,000.00
Inspectors, each	2,760.00
Assistant Inspectors, each	2,640.00
Sergeants, each	2,640.00
Corporals, each	2,580.00
Patrolmen, first year of employment, each	2,160.00
Patrolmen, second year of employment, each	2,280.00
Patrolmen, third year of employment, each	2,400.00

Said compensations shall be paid in equal monthly installments

Police relief and pension fund.

There shall be deducted from each monthly installment of salary due pursuant to the provisions of this section, a sum equal to five per cent of such monthly installment, which sum so deducted shall be retained by the treasurer of the city and forthwith paid by him into the police relief and pension fund. The city shall contribute the balance necessary to maintain said fund pursuant to the provisions of this charter.

No other or further deduction shall be made from the pay of any officer or member of the department for any fund or purpose unless the same is authorized by this charter.

Reduction of compensation

No compensation or salary less than those herein specified shall be paid to any officer or member of the police department; provided, whenever it shall be found by the city council, by ordinance adopted by not less than six affirmative votes, that an economic emergency confronts the Oakland city government due to extraordinary conditions beyond the control of said city government, said council may by said ordinance provide for and effect a reduction of not to exceed ten per cent of the annual salaries fixed by this section and section 96½ of this charter, and the consequent decrease of monthly installments of such annual salaries shall be in direct proportion to such decrease in annual salaries; provided, further, that said reduction shall not affect other than monthly installments paid during the remaining portion of the then current fiscal year, except that such ordinance may be adopted within the month of June of any year to effect such reduction for the ensuing fiscal year or portion thereof. No rank or grade other than those herein specified shall be created in said department.

Vacancies.

When a temporary vacancy is caused in the department in any rank above patrolman by sickness, injury, temporary retirement, leave of absence, vacation, or otherwise, the chief of police may assign an officer or member of the department to the position so vacated from the next lower rank and from the eligible list of the Civil Service Board, if there be such eligible list, to fill said position until such time as the absent officer or member shall return. When any such vacancy is caused in the rank of patrolman the chief of police may assign a person to such vacancy from the eligible list of the Civil Service Board to fill said position until such time as the absent member shall return. Any officer, member or person so assigned to fill such temporary vacancy shall receive the salary attached to the rank to which he may be assigned and any person who was not previously a member of the police department who may receive a temporary assignment as patrolman shall be a member of the department during the time of such assignment.

Chauffeurs ranking.

Persons holding the position of police patrol wagon driver or chauffeur in the police department at the time this amendment to the charter takes effect and who shall then have served

at least ten years in such position shall be ranked as patrolmen and receive the same compensation as the other patrolmen of the department.

That section 96½ of the charter of the city of Oakland be amended to read as follows:

Matrons of city prison.

Section 96½. There shall be employed in the Department of Public Health and Safety such number of matrons and substitute matrons of the city prison as the council shall from time to time prescribe by ordinance, providing, that such number of matrons shall be not less than three and that such number of substitute matrons shall not be less than one. All appointments of matrons and substitute matrons shall be made by the city manager from the eligible list of the Civil Service Board. The compensation of said matrons shall not be less than $1,920 00 per annum each. Such compensation shall be payable in equal monthly installments. The compensation of said substitute matrons shall be at the rate of not less than $1,920.00 per annum each, to be paid only for the time during which said substitute matrons shall actually perform the services of matrons. There shall be deducted from each monthly installment of salary due pursuant to the provisions of this article, a sum equal to five per cent of such monthly installment, which sum so deducted shall be retained by the treasurer of the city and forthwith paid by him into the police relief and pension fund. Said matrons and substitute matrons shall be entitled as if officers or members of the police department to all of the rights, privileges and benefits conferred by sections 92, 92½, 93, 94, 95 and 96 of the charter upon officers or members of the police department. Each of the matrons holding position on January 17, 1919, shall be entitled to have the aggregate time of service rendered by her under all previous appointments added to and included with her time of service under the appointment to be made pursuant hereto in computing her years of service for the purpose of establishing her rights, privileges and benefits under sections 94 and 96. The substitute matron holding position on January 17, 1919, shall be entitled to have the aggregate time of actual service rendered by her under all previous appointments added to and included with her time of actual service under the appointment to be made pursuant hereto in computing her years of actual service for the purpose of establishing her rights, privileges and benefits under sections 94 and 96.

That section 97 of the charter of the city of Oakland be amended to read as follows:

Fire department Positions.

Section 97. The fire department shall consist of the following positions and the respective ranks thereof shall be in the order as in this paragraph enumerated:

(1) Chief of Fire Department.
(2) First Assistant Chief of the Fire Department.
(3) Second Assistant Chief of the Fire Department.
(4) Battalion Chiefs

(5) Superintendent of Engines.
(6) Captains.
(7) Lieutenants.
(8) Engineers.
(9) Chiefs' Operators.
(10) Stokers and Hosemen.

Provided that the city council may create other positions, as the necessity of the city may require.

There shall be not less than the following number of occupants of said positions, to wit: Number of members.

One Chief of the Fire Department.
One First Assistant Chief of the Fire Department.
One Second Assistant Chief of the Fire Department.
Four Battalion Chiefs.
One Superintendent of Engines.
Seven Captains.
Twenty-one Lieutenants.
Twenty-one Engineers.
Six Chiefs' Operators.
Thirteen Stokers and one hundred sixty-two Hosemen.

Provided that the city council may increase the number of occupants of said positions as the necessity of the city may require.

Promotions in the fire department shall be based on ascertained merit, seniority of service and standing upon competitive examination; and in all cases, where practicable, vacancies shall be filled by promotion from among such members of the next lower rank, without further physical examination or agility test, as present themselves for examination for promotion. Appointment to the lowest rank in the department shall be made from those highest on the eligible list. Promotions.

In case the fire department is reduced for any reason, the last member or members appointed shall be the first ones laid off and so on in rotation until the required number is reached. When the department is increased at any time, any member or members previously laid off pursuant to a reduction in the number of members of the department shall be reinstated in the order of their original certification. Reduction or increase of members

The holders of all positions in the fire department are members of the said fire department.

The members of the fire department shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to wit: Compensation

Chief of the Fire Department	$5,400.00
First Assistant Chief of the Fire Department	4,200.00
Second Assistant Chief of the Fire Department	4,200.00
Battalion Chiefs, each	3,600 00
Superintendent of Engines, each	3,900.00
Captains, each	2,820.00
Lieutenants, each	2,670.00

Engineers, each	$2,640.00
Chiefs' Operators, each	2,520.00
Stokers and Hosemen, first year of employment, each	2,160.00
Stokers and Hosemen, second year of employment, each	2,280.00
Stokers and Hosemen, third year of employment, each	2,400.00

Said compensations shall be paid in equal monthly installments.

Firemer's relief and pension fund

There shall be deducted from each monthly installment of salary due pursuant to the provisions of this section, a sum equal to five per cent of such monthly installment, which sum so deducted shall be retained by the treasurer of the city and forthwith paid by him into the firemen's relief and pension fund. The city shall contribute the balance necessary to maintain said fund pursuant to the provisions of this charter.

No other further deduction shall be made from the pay of any member of the department for any fund or purpose, unless the same is authorized by this charter.

Reduction of compensation.

No compensation or salary less than herein specified shall be paid to any member of the department in the ranks above enumerated; provided, whenever it shall be found by the city council, by ordinance adopted by not less than six affirmative votes, that an economic emergency confronts the Oakland city government due to extraordinary conditions beyond the control of said city government, said council may by said ordinance provide for and effect a reduction of not to exceed ten per cent of the annual salaries fixed by this section, and the consequent decrease of monthly installments of such annual salaries shall be in direct proportion to such decrease in annual salaries, provided, further, that said reduction shall not affect other than monthly installments paid during the remaining portion of the then current fiscal year, except that such ordinance may be adopted within the month of June of any year to effect such reduction for the ensuing fiscal year or portion thereof.

Vacancies.

When temporary vacancies are caused in the department in any rank above stoker and hoseman by sickness, injury, temporary retirement, leaves of absence, vacations or otherwise, the chief of the fire department may assign a member of the department to the position so vacated from the next lower rank and from the eligible list of the Civil Service Board, if there be such eligible list, to fill said position until such time as the absent member shall return. When any such vacancy is caused in the rank of stoker and hoseman, the chief of the fire department may assign a person to such vacancy from the eligible list of the Civil Service Board to fill said position until such time as the absent member shall return. Any member or person so assigned to fill such temporary vacancy shall receive the salary attached to the rank to which he may be assigned; and any person who was not previously a member of the fire department, who may receive such a temporary

assignment, shall be a member of the department during the time of such assignment.

All members of the fire department occupying any of the ranks hereinbefore enumerated and who shall be in good standing in the department at the time this amendment to the charter takes effect, shall be retained in their respective positions, except as otherwise in this charter provided. Retained members.

That such proposed amendments were published and advertised in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the charter of the city of Oakland, on the seventeenth day of May, 1933, in the "Oakland Tribune" a daily newspaper of general circulation published in said city of Oakland and the official paper and newspaper of said city, and in each edition thereof, during the day of publication.

That a copy of said proposed amendments was printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said city of Oakland in accordance with the Constitution of the State of California and the charter of the city of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the city clerk of the city of Oakland was published in said "Oakland Tribune" on the eighteenth day of May, 1933, and on each day thereafter until the day fixed for the election hereinafter described, all as required by section 8 of Article XI of the Constitution of the State of California.

That such copy could be had upon application therefor at the office of said city clerk until the day fixed for the election hereinafter described.

That the council of the city of Oakland, the legislative body of said city, by its Resolution No. 1941 C. M. S., passed on the eighteenth day of May, 1933, did order the holding of the special municipal election in said city of Oakland on the twenty-seventh day of June, 1933, said day being at least forty days after the completion of advertising of said proposed amendments in said official paper of said city, and not more than sixty days after the completion of such advertising, and did provide in said resolution, for the submission of the proposed amendments to the charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the twenty-seventh day of June, 1933, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendments to the charter of the city of Oakland hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined and declared, by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of

said city voting thereon had voted for and ratified said proposed amendments to said charter hereinabove set forth.

And we further certify that we have compared the foregoing proposed and ratified amendments to the charter of the city of Oakland with the original proposal submitting the same to the electors of said city at an election held on the twenty-seventh day of June, 1933, and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Oakland to be affixed hereto, this fourteenth day of July, 1933.

W. J. McCRACKEN,
Mayor of the City of Oakland.

[SEAL]

W. W. CHAPPELL,
City Clerk of the City of Oakland.

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Oakland as proposed to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments, to and as part of, the charter of the city of Oakland.

CHAPTER 119.

Senate Concurrent Resolution No. 40—Relative to approving the charter of the city of San Leandro which was submitted to the qualified voters of said city and voted for and ratified by them at an election held on the twelfth day of July, 1933.

[Filed with Secretary of State July 20, 1933.]

City of San Leandro Charter.

WHEREAS, Proceedings have been duly had in and by the city of San Leandro, a municipal corporation in the county of Alameda, State of California, for the preparation, proposal, adoption and ratification of a charter for the government of said city of San Leandro, all set out in the following certificate of the mayor and the city clerk of said city of San Leandro, to wit:

CERTIFICATE OF ADOPTION. Certificate.

State of California,
County of Alameda, } ss.
City of San Leandro.

We, the undersigned, George A. Weldon, mayor of the city of San Leandro, county of Alameda, State of California, and E. F. Hutchings, clerk of said city, do hereby certify and declare as follows:

That said city of San Leandro, in the county of Alameda, State of California, is now, and at all times herein referred to was, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said city of San Leandro is now, and at all times herein mentioned was, duly organized and existing under the general laws of the State of California, as a city of the sixth class;

That on the thirty-first day of March, 1933, pursuant to the provisions of section 8 of Article XI of the Constitution of the State of California, the city council of the said city of San Leandro, which was then the legislative body of said city, did, by a vote of more than two-thirds of all of its members, to wit, by a unanimous vote of all of the members thereof, pass and adopt a resolution calling a special election to be held in said city on the first day of May, 1933, for the purpose of choosing a board of fifteen freeholders to prepare and propose a charter for the government of said city of San Leandro, and gave due notice of said election as required by the provisions of law applicable thereto;

That at said election, held on the first day of May, 1933, a board of fifteen freeholders, all of whom were qualified electors of said city of San Leandro and had been such electors for more than five years next preceding the said election, all of whom were eligible as candidates under said election, and who had been nominated as provided by law, were chosen or elected by the qualified electors of the said city of San Leandro, as such board of freeholders, to prepare and propose a charter for the government of said city; that the names of said freeholders so chosen were as follows:

R. L. Billings	Richard Harrison
Howard Bronstein	H. F. W. Helms
A. P. Brown	M. A. Lopes
J. W. DeCou	Wm. Lucio
Edwin Duck	J. B. Mills
Ferdinand Eber	R. W. Shannon
Roland Esteves	L F. Sterner
W. J. Gannon	

Certifica e. That the returns of said election were canvassed and the result thereof declared by the city council of said city of San Leandro on the eighth day of May, 1933;

That in pursuance of said provisions of said Constitution of the State of California, and within due and legal time pursuant to section 8 of Article XI of the Constitution of the State of California, the said board of freeholders did prepare and propose a charter for the government of said city of San Leandro, which said charter was signed by a majority, to wit, by fourteen of the members of said board of freeholders, and was filed in the office of the city clerk of said city of San Leandro, on the tenth day of May, 1933;

That said board of freeholders did, before said filing, fix and designate on such proposed charter the twelfth day of July, 1933, as the date upon which said charter should be submitted to the electors of said city of San Leandro for ratification by them;

That thereupon the said city council of said city of San Leandro, by resolution, duly called and ordered the holding of a special municipal election to be held in said city of San Leandro, on the twelfth day of July, 1933, and gave notice of the holding of said election as required by law; that at said election there was submitted to the qualified electors of the city of San Leandro, the question whether said proposed charter prepared and filed by said board of freeholders should be ratified and adopted as the charter for the government of the said city of San Leandro;

That within fifteen days after the filing of said charter, said city council caused the same to be published once, to wit, on the twelfth day of May, 1933, in the San Leandro Reporter, the official newspaper of said city of San Leandro, said newspaper being a newspaper of general circulation printed, published, and circulated within said city;

That said city council caused copies of said proposed charter to be printed in convenient pamphlet form, and to be placed in the office of the city clerk of said city for public distribution; that said printing and placing was completed at once, and within fifteen days after the filing of said proposed charter; that beginning on the twelfth day of May, 1933, and continuing until the date fixed as aforesaid for the election upon said charter, said city council advertised a notice that such copies of said charter could be had from the city clerk of said city on application therefor; that said advertisement appeared in a weekly newspaper of general circulation, printed, published, and circulated in said city of San Leandro, namely, in the San Leandro Reporter, as often as said newspaper was issued, from May 12, 1933, to July 7, 1933, both days inclusive;

That said election was duly and regularly held on the twelfth day of July, 1933, and that at said election the majority of the qualified electors voting thereon, voted in favor of said proposed charter, and for the ratification and adoption thereof;

That the city council of the said city of San Leandro at an adjourned regular meeting held in the time, form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined and declared, that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than a majority of the qualified voters of the city of San Leandro voting thereon; San Leandro charter.

That said charter, so prepared, proposed, filed, and ratified, as herein set forth, together with the certificate and signatures of fourteen of the members of the board of fifteen freeholders attached thereto, is in words and figures as follows, to wit:

CHARTER.

Prepared and Proposed for the City of San Leandro
by the Board of Freeholders Elected on the
1st day of May, 1933.

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CITY OF SAN LEANDRO CHARTER

Article I

Name

Name

Section 1. The municipal corporation now existing and known as the "City of San Leandro" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of "CITY OF SAN LEANDRO" and by such name shall have perpetual succession.

Article II

Boundaries

Boundaries

Section 1. The boundaries of the City of San Leandro shall continue as now established until changed as authorized by law.

Article III

Rights and Liabilities

Rights and liabilities.

Section 1. The City of San Leandro shall remain vested with and continue to have, hold, and enjoy all property, rights of property and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Article IV

Powers

Powers

Section 1. The City of San Leandro, by and through its council and other officials, shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the council; and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit; and shall have all powers now granted to cities of the sixth class; and the specification herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers. The city of San Leandro shall have the right and power to make and enforce within its limits such local, police, sanitary, and other laws and regulations in respect to municipal affairs as are not in conflict with general laws, subject only to the restrictions and limitations provided in this charter.

Article V

General provisions relating to Officers

Officers

Section 1. The government of the City of San Leandro shall be vested in:

1. A council of five members.
2. A clerk who shall be ex officio assessor.
3. A treasurer.
4. A city manager who shall be appointed by the council.
5. A city attorney who shall be appointed by the council.
6. A chief of police who shall be appointed by the manager and who shall be ex officio tax and license collector.
7. A judge who shall be appointed by the manager.
8. A board of education composed of five members.

9. A board of library trustees composed of five members who shall be appointed by the council.

10. Such other subordinate officers as in the judgment of the council may be deemed necessary; such subordinate officers to be appointed by the manager.

11. Such other boards and commissions as in the judgment of the council may be deemed proper, such boards and commissions to be appointed by the council.

Eligibility to office.

Section 2. Eligibility to Office. No person shall be eligible to hold the office of councilman in said City of San Leandro, unless he be a resident and elector therein, and shall have resided in said City for one year next preceding the date of his election.

Elections

Section 3. Elections. The members of the council, the clerk, and the treasurer shall be elected by the qualified electors of said City of San Leandro at a general municipal election.

Such a general municipal election shall be held in said City of San Leandro on the second Monday in April in each even-numbered year.

All elections in said City of San Leandro shall be held in accordance with the general election laws of the state, applicable to cities of the sixth class.

Terms of officers.

Section 4. Terms of Officers. Members of the council and the clerk and the treasurer shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, however, that the members of the council, the clerk, and the treasurer who shall be in office at the time this charter is approved by the Legislature shall retain the office to which each was elected and become and be and constitute the council, the clerk, and the treasurer respectively, and that two members of the council shall be elected at the regular municipal election held as herein provided in 1934 and three members thereof and a clerk and treasurer shall be elected at the regular municipal election held as herein provided in 1936 and members of the council shall thereafter be elected in similar rotation each even-numbered year.

All appointive officers and employees shall hold office during the pleasure of the appointing power.

Vacancies in office.

Section 5. Vacancies in office. Any vacancy occurring in any of the elective offices provided for in this charter shall be filled by appointment by the council; but in the event of said council failing to fill such vacancy by appointment within 30 days after vacancy occurs, they must immediately after the expiration of said 30 days cause an election to be held to fill said vacancy; provided, however, that any person appointed or elected to fill such vacancy shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term.

Absence from city.

Section 6. Absence from City. In case a member of the council is absent from the City for the period of 90 days, unless by permission of the council, his office shall by the council be declared vacant, and the same filled as in case of other vacancies.

Compensation

Section 7. Compensation. The members of the council shall receive no compensation whatever.

The salary of the city manager shall be fixed by the council, provided it shall not be less than $3,000 per annum. It shall be payable in monthly installments in arrears.

The clerk and treasurer shall severally receive, at stated times, a compensation, to be fixed by ordinance or resolution by the council, which compensation shall not be increased or diminished after their election, or during their several terms of office.

The compensation of all other officers and employees shall be fixed from time to time by the council.

Oath of office

Section 8. Oath of office. Every officer of said City, before entering upon the duties of the office, shall take and file with the clerk the constitutional oath of office.

Official bonds

Section 9. Official Bonds. The clerk, treasurer, and chief of police shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such City in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this charter ex officio incumbent; such bonds shall be approved by the council. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the Mayor. All of the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided.

The council may require any or all other officers to give bonds when in their judgment the same may be proper. Such bonds when so given shall be subject to the provisions of this section.

Article VI

Legislative Department

Organization, etc., of council.

Section 1. Organization, etc. of Council. The council shall meet on the Monday next succeeding the date of the aforesaid general municipal election; shall take the oath of office; shall choose one of their number president, who shall be known as the mayor; and shall hold regular meetings at least once in each month at such times as they shall fix by ordinance or resolution, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes.

Meetings. Quorum.

Section 2. Meetings. Quorum. At any meeting of the council a majority of the council shall constitute a quorum for

the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance; and in the absence of all of the council from any meeting the clerk may declare the same postponed and adjourned to a stated day and hour, and must thereupon give to each of the councilmen written notice of the time to which the meeting has been adjourned, which notice may be delivered personally to the councilman or may be left at his known residence or place of business at least six hours before the time to which the meeting has been postponed.

Special meetings may be called at any time by the Mayor or by three councilmen by written notice delivered to each member at least three hours before the time specified for the proposed meeting.

All meetings of the council shall be held within the corporate limits of the City of San Leandro at such place as may be designated by ordinance and shall be public.

The mayor shall preside at all meetings of the council, and in his absence the council may appoint a president pro tempore, and in case of the absence of the clerk, the president or president pro tempore shall appoint one of the members of the council clerk pro tempore.

Rules. Section 3. Rules. The council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

Powers. Section 4. Powers. The council of the City of San Leandro shall have power:

a. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

b. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; provided, they shall not have power to sell or convey any portion of any water front.

c. To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

d. To establish, build, and repair bridges; to acquire by purchase or otherwise lands for squares, parks, playgrounds and places within the city, and to improve, equip and maintain the same; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, tunnels, and other public

highways, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways, tunnels, and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payments of the costs and expenses of the whole or any part of such work or improvement. Powers.

e. To acquire property required for the opening and laying out of any street, alley, lane or tunnel from the point where the continuity of such street, alley, lane or tunnel ceases, to the point where such street, alley, lane or tunnel again commences; to lay out and improve said street, alley, lane or tunnel; and to pay the cost and expense incurred in the acquisition of the required property out of the general fund of the city.

f. To construct, establish, and maintain drains and sewers.

g. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires.

h. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city.

i. To levy and collect annually a property tax.

j. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

k. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to acquire and improve public mooring places for water craft; to improve the water front of the city, including the ocean front thereof, and to build and construct breakwaters, jetties and seawalls; to construct and maintain embankments and other works, to protect the city from overflow, and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of the city or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses and life-saving stations.

l. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated outside or inside of said city.

m. To acquire, own, construct, maintain and operate bus lines, street railways, steam railway spur tracks, telephone

Powers

and telegraph lines, gas and other works for light, power and heat; public libraries, museums, gymnasiums, parks, and baths, and to grant franchises for the construction of public utilities as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

n. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

o. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

p. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality.

q. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to regulate the erection, construction, reconstruction, conversion, repair or alteration of any building or buildings, as provided in section 84 of the state housing act; to prevent the erection and maintenance of insecure or unsafe building walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction, or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes and the materials used for piping buildings or other structures for the purpose of supplying the same with water, gas or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

r. To regulate the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the streets, or on or upon buildings, fences, billboards or other structures; or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to prohibit and prevent encroachments upon or obstruction in or to any sidewalks, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

s. To compel the owner, lessee, or occupant of buildings, grounds, or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the buildings or grounds, and on his default, after such notice as the council may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee, or occupant, and by such procedure as the council may prescribe, to make such expense a lien upon such buildings or grounds. Powers.

t. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the council, which subpoenas must be signed by the mayor, and attested by the city clerk and may be served in the same manner as subpoenas are served in civil actions. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpoena, or shall refuse to testify before such council, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the mayor to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

u. To expend such sum as the council shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

v. To accept such contributions of money, each contribution to be at least fifty dollars ($50), as may be tendered them to be held in trust, the income from which to be used for the perpetual care and upkeep of a designated plot or plots in the local city or community cemetery; said contributions to be placed in the city treasury in a fund designated as "the cemetery fund." The council shall appoint the city clerk or any competent resident of the city to administer said fund, the person so appointed to execute an official bond in the amount of a sum prescribed by said council, and to receive annually one dollar for each plot cared for, said expenditure to be made only from the income of said fund Any moneys remaining in said fund after the expenditures for care and upkeep of the

designated plot or plots and the payment to the person administering said fund shall be used in the care and upkeep of the roads, walks or other portions of the cemetery.

If the city should at any time disincorporate, the trust fund shall be turned over to the board of supervisors of the county within which the cemetery is located, in which event said board of supervisors shall act as trustees until such time as they may appoint some suitable organization to take charge of the fund.

w. The council shall have the power to declare what constitutes a nuisance, and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance, and shall have the power by ordinance to make the expense of abatement of nuisance a lien against the property on which a nuisance is maintained, as well as to make such expense a personal obligation against the owner of such property. Said council shall also have power by ordinance to require and provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise; and said council likewise shall have power by ordinance to require or provide for the removal from property, lands, or lots of all weeds, rubbish or other material which may endanger or injure neighboring property or the health or welfare of residents of the vicinity, and to make the cost thereof a lien and charge upon such property, lands, or lots and to make provision for the enforcement of such lien by the sale of such property, lands, or lots or otherwise.

x. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this charter.

y. To prescribe, by ordinances not inconsistent with the provisions of this charter, the additional duties of all officers.

Legislation.

Sec. 5. Legislation. a. Introduction and passage of ordinances. No ordinance and no resolution granting any franchise for any purpose, shall be pased by the council on the day of its introduction, nor within five days thereafter nor at any other than a regular meeting, or an adjourned regular meeting. No resolution or order for the payment of money shall be passed at any other time than a regular meeting, or an adjourned regular meeting. And no such ordinance, resolution, or order shall have any validity or effect unless passed by the votes of at least three councilmen.

Enacting clause of ordinances.

b. Enacting clause of ordinances. The enacting clause of all ordinances shall be as follows: "The city council of the city of San Leandro do ordain as follows": Every ordinance must be signed by the mayor and attested by the clerk and must be published by said city council within two months after its passage at least once in a newspaper of general circulation published and circulated in said city; provided, that in no case shall the price charged for such publication of any ordinance

exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

Penalties.

c. Incarceration in city or county jail for violations of ordinances. The violation of any ordinance of said city shall be deemed a misdemeanor, and may be prosecuted by the authorities of said city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail for such city; or if the council by ordinance shall so prescribe, in the county jail of Alameda county, in which case the expense of such imprisonment shall be a charge in favor of such county and against such city.

Article VII

Powers of President and President pro tem.

Powers of president and president pro tem.

Section 1. In the absence of the president of the council from any meeting of said council, or in the event of his inability to act, a president pro tempore, may be chosen by the council. The president or the president pro tempore shall preside at the meetings of the council, shall sign all warrants drawn on the treasurer, and shall sign all written contracts entered into by said city. The president pro tempore may sign or approve any ordinance with the same force and effect as if signed by the president. The president or president pro tempore shall have power to administer oaths and affirmations, to take affidavits and to testify the same under their hands. The president or president pro tempore shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The president or president pro tempore is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged.

Article VIII

City Manager

Appointment of city manager.

Section 1. Appointment of. The city manager shall be the administrative head of the city government. He shall be appointed by the council and shall hold office during their pleasure. Said manager, if not a resident of the city at the time of his appointment, shall establish his residence in San Leandro within thirty days thereafter.

Powers and duties.

Section 2. Powers and duties. The powers and duties of the city manager shall be as follows:

a. To see that all ordinances are enforced.

b. To appoint, except as otherwise provided herein and by law, all subordinate officials and employees necessary to properly enforce the law, administer the city's business and carry out the resolutions, orders and policies of the city council; provided, however, he shall not create any additional offices

to those now existing without first obtaining permission from the city council

c. To exercise general supervision over all persons, firms, and corporations owning, controlling or operating public utilities within the city, in so far as they may be subject to municipal control, and to see that the provisions of all franchises, permits and special privileges granted by the city are fully observed

d. To supervise the management and improvement of all playgrounds and recreation centers.

e. To act as purchasing agent for all departments of the city except the board of education of the school district in which the city is located; provided, he shall serve in that capacity for said board of education if authorized and requested by them so to do.

f. To examine or cause to be examined, the accounts, records, or conduct of any official of the city other than the members of the city council; provided he shall not incur any expense therefor unless first authorized by the city council.

g To prepare or cause to be prepared, plans, specifications or estimates for public work, when ordered by the city council.

h. To attend all meetings of the council unless absent on city business or on account of sickness.

i. To keep the council advised as to the needs of the city, including such matters as pertain to its future growth and development.

j. To devote his entire time to the interests of the city.

Ex officio member of all boards

Section 3. Ex officio member of all boards. The city manager shall be an ex officio member of the board of library trustees, and all other boards and commissions appointed by the mayor or city council pursuant to law, with a right to participate in all the deliberations and actions thereof by his voice, but without vote.

All officers to cooperate with manager

Section 4. All officers to cooperate with manager. It shall be the duty of all subordinate officials, including the city clerk, city treasurer, and city attorney to cooperate with and assist the city manager in administering the affairs of the city most efficiently, economically and harmoniously, so far as may be consistent with their duties as prescribed by this charter and the general laws of the state.

Budget

Section 5 Manager to prepare budget. It shall be the duty of the city manager to prepare a suggested budget of expenses for each fiscal year.

On or before June first of each year the Chief of Police, Fire Chief, Street Superintendent, Clerk, Attorney, Treasurer, and heads of all other departments of administration shall give the city manager written estimates of the expenses, including salaries, of their respective departments for the next fiscal year, after which the city manager shall prepare a suggested budget showing the amounts necessary to meet the interest and sinking funds for all outstanding indebtedness, the wants and needs of the various departments of the city government,

also in parallel columns the expenditures of said departments for the two fiscal years last past, and his comments thereon. He shall publish the suggested budget or the substance thereof by one insertion in the official newspaper of the city, after which it shall be submitted to the city council, which body shall finally adopt the same as a basis for the next tax levy, after making such amendments, modifications or changes as, in its opinion, are desirable.

Article IX

Clerk

Section 1. It shall be the duty of the clerk to keep a full, true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book, marked "Records of the council." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the board of equalization" He shall also keep a book which shall be marked "City accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book marked "Account of the chief of Police," in which he shall charge the chief of police with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the chief with the delinquent lists returned by him. He shall also keep a book marked "Treasurer's account," in which he shall keep a full account of the transaction of the city with the treasurer. He shall also keep a book marked "Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall keep a book marked "Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy stating the foregoing ordinance is a true and correct copy of an ordinance of the city, and giving the number and title of said ordinance, and stating that the same has been published according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceedings. Such records shall not be filed in any case, but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the council and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The clerk shall also keep a book marked "Demands and warrants," in which he

Clerk.

shall note every demand against the city, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed, and a warrant drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and the levying of the tax thereon, the clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the chief of police a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have the power to administer oaths or affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of the city.

Statement of financial condition.

He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall at the end of every fiscal year make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial conditions of the affairs of the city, which shall be published. He shall perform such other services as this charter and the ordinances of the council shall require.

Article X

Assessor

Assessor.

Section 1. It shall be the duty of the assessor between the first Monday in March and the first day of August in each year, to make out a true list of all taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors, except as the same may be otherwise provided in this charter or by ordinance. Said list shall describe the property assessed, and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the clerk on or before the first Monday of August of each year. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty.

Article XI

Treasurer

Treasurer.

Section 1. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands

as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest on coupon bonds. He shall make quartely settlements with the city clerk. He shall collect all taxes levied by the council if so required by ordinance.

Article XII

Attorney

Attorney.

Section 1. It shall be the duty of the city attorney to appear and represent the city in all actions pending in any court in which the city is a party, or in which it is interested, and he shall also appear and represent the people in all actions prosecuted in any court for the violation of any of the ordinances of said city, or involving the validity of any municipal ordinances or acts of said city, and in all actions or proceedings to which said city may be a party. He shall advise the city authorities and officers in all legal matters pertaining to the business of said city and render such other services in the line of his profession as may be required of him by the council.

Article XIII

Police Department

Police department.

Section 1. The department of police of said city shall be under the direction and control of the chief of police and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend his aid, when required for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized to, execute and return all process issued and directed to him by any legal authority. He shall collect all taxes levied by the council, except as is herein provided, and shall, if practicable, mark the post-office address of each absentee property owner on the assessment roll. He shall, at the expiration of any month, pay to the treasurer all taxes and other funds said city collected by him during said month. He shall, upon the payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the clerk, and shall, upon depositing with the clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all licenses, and collect the same. He shall have charge of the prison and prisoners, and of any

chain gang which may be established by the council. He shall for service of any process receive the same fees as constables, but his fees for services in any criminal action or proceedings upon process from the police court shall not be a charge against the county.

Article XIV

City Court

City court.

Section 1. Establishment of. A city court is hereby established in said city, to be held by the city judge. Such city court shall have jurisdiction, concurrently with the justice's court, of all civil and criminal actions arising within the corporate limits of said city and which might be tried in such justice's court. Except as in this section otherwise provided, the rules of practice and mode of proceedings in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city may be situated, from all judgments of said city court, in like manner and with like effect as in cases of appeals from justices' courts.

City judge.

Section 2. City Judge. The city judge shall be judge of the city court, and shall have the powers and perform the duties of a magistrate.

He may administer and certify oaths of affirmation, and take and certify acknowledgments. A justice of the peace may, at the same time, hold the office of city judge.

Disqualification.

Section 3. Disqualified as judge in certain cases. In all cases in which the city judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is likewise disqualified, or in case of sickness or inability to act, the city judge may call in a justice of the peace, residing in the city to act in his place instead; or if there be no justice of the peace residing in the city, or if all those residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which said city may be situated.

Article XV

School Department

School system

Section 1. School System. The school system of the city of San Leandro shall include kindergartens, primary and grammar schools and such evening schools and other schools of like grade as are established, or may hereafter be established, by the Board of Education of said City, in the whole of the city of San Leandro School District, under the constitution and general school laws of the state of California.

Boundaries.

Section 2. Boundaries. The boundaries of the City of San Leandro School District shall be the boundaries now established for the city of San Leandro, or that may be hereafter established for said City, and including all territory hereto-

fore annexed to said City for school purposes; provided, that nothing herein contained shall be construed as prohibiting, or in any wise affecting the annexation, for school purposes, of additional outside territory of said city of San Leandro School District, in accordance with the general school laws of the state of California.

Board of Education.

Section 3. Board of Education. The government of the city of San Leandro School District shall be vested in a Board of Education composed of five persons, who shall be elected from the district at large by the electorate of the San Leandro School District, at the same time and in the same manner as the municipal officers of said City, and each of said persons shall have been for at least two years immediately next preceding the election, a resident of the district or territory entitled to participate in said election. They shall serve for a term of four years, and until their successors are elected and qualified; provided that their terms shall alternate so that two members or three members, as the case may be, shall be elected every two years; provided further, that the first election for members of the Board of Education shall be held on the second Monday of April, 1934, at which election five members of the Board of Education shall be elected; that the three candidates receiving the highest vote at said first election shall serve for four years, and the next two highest for two years. Thereafter members of the Board of Education shall be elected for four years, unless elected to fill vacancies, in which case they shall be elected for the balance of the unexpired term. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot. Any vacancy in the Board shall be filled by the vote of a majority of the Board until the next general election for municipal officers, when a member shall be elected to fill the unexpired term. In the event that three or more vacancies exist in said Board at one time, then the County Superintendent of Schools shall, by appointment, fill all vacancies therein necessary to give said Board three members qualified to act. Such appointees shall hold office for the same length of time as appointees of the Board.

Powers and duties

Section 4. Power and Duties. The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon and enjoined of Boards of Education in city school districts by the laws of the state of California.

Compensation.

Section 5. Compensation. The members of the Board of Education shall serve without compensation.

Article XVI

Public Library

Public library.

Section 1. The free public library of the City shall be managed under and in accordance with the provisions of the general laws of the state relating to free public libraries.

Board of Library Trustees.

Section 2. Board of Library Trustees. The Board of Library Trustees shall consist of five members, each to serve for three years. Provided, however, that the members of the Board who shall be in office at the time this charter is approved by the Legislature shall retain the office to which each was appointed and be and constitute the Board of Library Trustees until the expiration of the term for each was appointed and until a successor is duly appointed and qualified.

Article XVII

Fiscal Administration

Levy of taxes.

Section 1. Levy of Taxes. The council shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this charter. All taxes shall be collected by the chief of police or treasurer, as may be determined by the council by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this article shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for nonpayment of state taxes.

Equalization of taxes

Section 2. Equalization of Taxes. The council shall meet at their usual place of holding meetings on the second Monday of August of each year, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Notice.

Notice shall be given of the time and place of sitting as such board, or the same may be established by ordinance.

Section 3. Dollar Limit. The amount of the annual tax levy, exclusive of taxes for school purposes, shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed; provided, however, that if the city may hereafter construct embankments, sea walls, or other works to protect the city from overflow, said council may levy and collect annually a property tax which shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the construction and maintenance of embankments, sea walls, or other works to protect the city from overflow and for no other purpose. Dollar limit.

Nothing in this section contained shall be construed to prevent the city having a bonded indebtedness or which may contract a bonded indebtedness, contracted under the laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected. Bonded indebtedness

Section 4. Collection of moneys. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong. Collection of moneys

Section 5. Demands. All demands against the city shall be presented to and audited by the council, in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such demand, the mayor shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid. Demands.

Section 6. Indebtedness not to exceed available funds. The council shall not create, audit, allow or permit to accrue, any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided. When any order or demand is presented to the city clerk, for approval and is not approved for want of funds and the amount of said order or demand does not exceed the income and revenue provided for the year in which the indebtedness was incurred, for which said order or demand was drawn, such city clerk must indorse thereon the words "Not approved for want of funds", with the date of presentation and shall, in attestation thereof, fix his signature thereto; and shall number such indorsement and shall register said order or demand in the records of his office and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum. Such Debt limitation.

order or demand, so registered, as herein provided, shall be paid in the order in which the same are registered.

Article XVIII

Public Works

Right of way.

Section 1. Right of Way. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of rights of way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams, or the improvement of water fronts, or the acquisition or maintenance of public harbors, the council may direct proceedings to be taken under section 1237 and the following sections, to and including section 1263 of the Code of Civil Procedure, to procure the same.

Bridge connecting city with road district

Section 2. Bridge connecting city with road district. Whenever the council shall deem it necessary for the city to construct a bridge connecting the municipal corporation with an adjoining road district and it shall become necessary in constructing such bridge to take or damage private property within or without or within and without the corporate limits of said city, the council of the city may, by resolution, declare the necessity thereof and direct and maintain proceedings for that purpose under the Title VII of Part III of the Code of Civil Procedure.

Public work to be done by contract

Section 3. Public work to be done by contract. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditures required for the same exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in the city, for at least two weeks; such notice shall distinctly and specifically state the work contemplated to be done; provided that the council may reject any and all bids presented and readvertise, in their discretion; provided, further, after rejecting bids, the council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and provided, further, that in case of a great public calamity such as extraordinary fire, flood, storm, epidemic or other disaster, the council may, by resolution passed by vote of four-fifths of all its members declare and determine that

public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency.

Newspaper advertising and printing.

Section 4. Newspaper advertising and printing. The council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices required to be published. The newspaper to which such contract is awarded shall be known and designated as the official newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

The council shall also advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year. Provided, however, that the City Manager may have printed matter of an emergency or unforeseen nature printed as required without complying with the provisions of this paragraph if such emergency or unforeseen printed matter does not exceed the cost of one hundred dollars for any one printing job.

Public contracts.

Section 5. No officer to be interest in any public contract. No officer of such city shall be interested, directly or indirectly, in any contract with the city, or with any of the officers thereof in their official capacity, or in doing any work or furnishing any supplies for the use of the city, or its officers in their official capacity; and any claim for compensation or for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the treasurer. Any wilful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Article XIX

Miscellaneous

Official records.

Section 1. Official Records. All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; provided, the records of the Police Department shall not be subject to such inspection except by permission of the proper Police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other prop-

erties pertaining to their respective offices or departments, in their possession or under their control.

General laws applicable.

Section 2. General Laws Applicable. All general laws of the State applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances hereafter enacted, shall be applicable to the City. The Council may adopt and enforce ordinances which, in relation to municipal affairs, shall control as against the general laws of the State.

Continuing officers and employees.

Section 3. Continuing Officers and Employees. All officers, assistants, and employees in office when this Charter takes effect, shall continue to hold and exercise their respective offices or employment under and subject to the terms and provisions of this Charter until the election or appointment and qualification of their successors in the manner prescribed by this Charter.

Continuing ordinances in force.

Section 4. Continuing Ordinances in Force. All lawful ordinances, resolutions, and regulations in force at the time this Charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

Continuing contracts in force.

Section 5. Continuing contracts in force. All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this charter. All contracts entered into by the city prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder.

Invalidity.

Section 6. Invalidity. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the second or part of a section so held invalid.

When charter effective.

Section 7. When charter effective. This charter shall take effect upon its approval by the Legislature for all purposes except the administration of the affairs of the San Leandro School District; the present trustees of the San Leandro School District shall administer the affairs of the school district until July 1, 1934, at which time this charter shall take effect for all purposes connected with school affairs and the administration of said school affairs shall be assumed by the Board of Education elected as herein provided on the aforesaid first day of July, 1934.

CERTIFICATE

WHEREAS, the city of San Leandro, for many years last past has been and now is a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under authority of the Congress of the United States; and

WHEREAS, on the 1st day of May, 1933, at a general municipal election held on that day in said city, under and in accordance with the provisions of Section 8, Article XI, of the constitution of the state of California, the electors of said city duly choose and elect R. L. Billings, Howard Bronstein, A. P. Brown, J. W. DeCou, Edwin Duck, Ferdinand Eber, Roland Esteves, W. J. Gannon, Richard Harrison, H. F. W. Helms, M. A. Lopes, Wm. Lucio, J. B. Mills, R. W. Shannon, and L. F. Sterner, who were all electors of said city and eligible as candidates under said section, a Board of Fifteen Freeholders to prepare a charter for the government of said city; and Certificate.

WHEREAS, the result of said election was duly declared by the legislative body, to wit, the council of said city, on the 8th day of May, 1933, and the said electors thereafter duly qualified as such Freeholders in accordance with law; and

WHEREAS, in pursuance of the provisions of said Constitution and within the period of one hundred and twenty days after the result of said election was declared the Board of Freeholders has prepared and does now propose the foregoing as and for the charter of said city of San Leandro;

Now, therefore, be it known, voters shall be entitled to vote for or against the Charter

Be it further known, that the said Board of Freeholders hereby requests the legislative body of said city to cause publication of said proposed charter, as provided in Section 8 of Article XI of said Constitution, and fixes Wednesday, July 12, 1933, as the date at which the proposed charter shall be submitted to the qualified electors of the city of San Leandro for their ratification and adoption; and if a majority of the qualified electors of said city, voting at said election, shall ratify said charter, it shall be submitted to the Legislature of the state of California for its approval or rejection:

And, if the Legislature of the state of California approve said Charter, it shall thereupon become the charter and organic law of the city of San Leandro, except as herein provided.

In Witness Whereof, we, the duly elected, qualified, and undersigned Freeholders of the city of San Leandro, county of Alameda, state of California, have hereto set our hands at the city of San Leandro, county of Alameda, state of California, on the 9th day of May, 1933.

R. L BILLINGS, Chairman	FERDINAND EBER
EDWIN DUCK, Secretary	ROLAND ESTEVES
HOWARD BRONSTEIN	R. L. BILLINGS
A. P. BROWN	RICHARD HARRISON
J. W. DE COU	M. A. LOPES
WM. LUCIO	J. B. MILLS
H. F. W. HELMS	R. W SHANNON
EDWIN DUCK	L. F. STERNER

Filed May 10, 1933, 4:45 p.m. E. F. Hutchings, City Clerk

We do hereby further certify and declare that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the city of San Leandro and the city council of said city in the matter of the election of a board of freeholders as contemplated in section 8 of Article XI of the Constitution of the State of California, and in the preparation, proposal, filing, voting upon, and canvassing the returns and declaring the result of said election in the matter of the proposed charter for the government of the city of San Leandro;

That the said charter as herein before set forth is a full, true and correct copy of the charter as prepared and proposed by the said board of freeholders and filed in the office of the city clerk of said city of San Leandro, California, on the tenth day of May, 1933, and that the certificate or proposal of said board of freeholders attached thereto is a full, true and correct copy of said certificate or proposal of the said board of freeholders of said city of San Leandro.

In witness whereof, we have hereunto set our hands and hereunto affixed the seal of the said City of San Leandro, this seventeenth day of July, 1933.

GEORGE A. WELDON
Mayor of the City of San Leandro

E. F. HUTCHINGS
City Clerk of the City of San Leandro

[SEAL]

AND WHEREAS, Said charter has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter as presented to, adopted and ratified by the qualified electors of said city of San Leandro and as hereinabove fully set forth be and the same is hereby approved as a whole as and for the charter of the city of San Leandro, county of Alameda, State of California.

CHAPTER 120.

Senate Concurrent Resolution No. 41—Approving certain amendments to the charter of the city of San Jose, county of Santa Clara, State of California, voted for and ratified by the electors of the city of San Jose at a municipal election held therein on July 17, 1933.

[Filed with Secretary of State July 20, 1933.]

City of San Jose Charter amendments

WHEREAS, The city of San Jose, in the county of Santa Clara, State of California, contains a population of over fifty thousand (50,000) inhabitants, and, ever since the year 1915, has been, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the nineteenth day of April, 1915, and approved by the legislative body of the city of San Jose on the fifteenth day of May, 1915 (Statutes 1915, page 1869); and

WHEREAS, The legislative body of the city of San Jose, namely, the council of said city, pursuant to said section 8 of Article XI of the Constitution of the State of California, by ordinance adopted June 5, 1933, duly proposed to the qualified electors of said city of San Jose eight (8) amendments to the charter of said city, being therein designated as propositions 1, 2, 3, 4, 5, 6, 7 and 8, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the seventeenth day of July, 1933, which date was fixed in said ordinance as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendments were, and each of them was, on the sixth day of June, 1933, duly published in The Evening News, a daily newspaper of general circulation, printed, published and circulated in the city of San Jose, and designated by said council for that purpose; and

WHEREAS, Said proposed amendments were printed in convenient pamphlet form, and from June 6, 1933, to July 17, 1933, both inclusive, a notice was published in said The Evening News, the newspaper aforementioned, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, Such copies could be had upon application therefor at the office of said city clerk until and including the date fixed for the election hereinafter described; and

WHEREAS, Such copies could be had upon application there- was duly adopted on the fifth day of June, 1933, order the holding of a special municipal election in said city of San Jose on the seventeenth day of July, 1933, which date was more than forty (40) days and less than sixty (60) days after

the completion of the publication of said eight (8) proposed amendments, as aforesaid, and which said ordinance was published on the sixth day of June, 1933, in said newspaper, The Evening News; and

WHEREAS, Said special municipal election was duly called and regularly held in said city of San Jose on the seventeenth day of July, 1933, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said eight (8) proposed amendments in The Evening News; and

WHEREAS, Thereafter the council of said city of San Jose did canvass the returns of said special municipal election, and did, on the seventeenth day of July, 1933, duly and regularly declare the result of the canvass of the returns of said election; and

WHEREAS, At said special municipal election held on said seventeenth day of July, 1933, six (6) of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: Charter amendments numbers 2, 3, 4, 5, 6 and 7, and all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the city of San Jose are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows, to wit:

PROPOSITION No. 2.

That Section 64 of Article IX of said Charter be amended, to read as follows:

DISTRIBUTION OF BUDGET ABSTRACT.

Distribution of budget abstract.

64. Upon the receipt of this budget, the Council shall proceed to consider the same. Before final action is taken the City Manager, at the direction of the council, shall cause to be printed for general distribution an abstract of the budget showing the principal items of expenditure, for each department. The council shall then fix a time and place for public hearings.

PROPOSITION No. 3.

That Section 66 of Article IX of said Charter be amended, to read as follows:

TAX LEVY.

Tax levy

66. It shall be the duty of the City Manager to procure, as soon as available each year, a certificate showing the total value of all property assessed for taxation within the limits

of the City. He shall lay the same before the Council prior to the final adoption of the annual budget.

Ordinance.

At the same time that it finally passes the annual budget, the council shall adopt an ordinance setting forth the proper levy in cents and mills upon each one hundred dollars of the assessed valuation of all taxable property within the city necessary, in conjunction with the revenue derived from such other taxes, licenses and other sources of income as may be authorized by law and ordinance, to raise the amounts estimated to be required in the annual budget.

Certification.

The City Clerk shall thereupon certify to the County Auditor, not later than the first day of September of each year, the rate or rates per cent of taxes levied by the Council.

Duties of auditor.

If at any time the city assumes the right to assess property and collect taxes, the council shall levy the rate of taxation upon the valuation of the property in the city as fixed by the assessment roll prepared by the city assessor. The assessment roll shall then be delivered to the city auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll.

PROPOSITION No 4.

That Section 6 of Article II of said Charter be amended, to read as follows:

SALARIES.

Salaries: Council.

6. Each councilman shall receive the sum of $5.00 for each council meeting attended, provided that the total compensation of each councilman shall not exceed $25.00 in any one month. Absence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

PROPOSITION No. 5.

That Section 65a of Article IX of said Charter be amended, to read as follows:

EMERGENCY FUND.

Emergency fund.

65a. The council shall create and maintain a permanent revolving fund to be known as the emergency fund, for the purpose of paying promptly any unexpected or unusual claims against the city. For this purpose the council shall provide that, from the money collected from the annual tax levy, a sufficient sum shall be placed in such fund, so that the accumulated amount in such fund shall equal three cents on each one hundred dollars of the assessed value of said property.

The council shall have power to transfer from the emergency fund to any other fund or funds such sum or sums as may be required for the purpose of maintaining such fund or funds,

as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the emergency fund shall be returned thereto, at the beginning of the next fiscal year.

PROPOSITION NO. 6.

That a new section be added to Article I of said Charter, to be designated as Section 2a, to read as follows:

HOME RULE.

Home rule

2a. The City of San Jose shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise any and all rights, powers, and privileges heretofore or hereafter granted or prescribed by the general laws of the State; provided, also, that where the general laws of the State provide a procedure for the carrying out and enforcement of any rights or powers belonging to the city, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance.

It is the intention of the people of the City of San Jose in adopting this Charter amendment to take advantage of the provisions of the 1914 amendment to Section 6 of Article XI of the Constitution of the State of California, giving cities Home Rule as to municipal affairs.

PROPOSITION NO. 7.

That Section 50 of Article VI of said Charter be amended, to read as follows:

ORDINANCES AND RESOLUTIONS.

Ordinances and resolutions.

50. The council shall act only by ordinance or resolution. The vote upon the passage of all ordinances and resolution shall be by "ayes" and "noes", and entered upon the journal. The affirmative vote of four members shall be necessary to the passage of any ordinance or resolution.

All resolutions and ordinances shall be signed by the president of the council and attested by the city clerk.

In addition to those cases in which an ordinance is required by other provisions of this charter, no action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars, for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions be

observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Enacting clause

The enacting clause of all ordinances shall be: "Be it ordained by the council of the City of San Jose." All ordinances shall be introduced in written or printed form and with the exception of the annual appropriation ordinance, shall contain but one subject which shall be clearly stated in the title. If any subject shall be embraced in an ordinance or resolution which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed.

Amendment.

An ordinance, unless it is declared to be an emergency measure, as provided in Section 47 of this charter, or unless it be adopted pursuant to a law of the State of California, must before final action thereof be passed to print and published in a newspaper of general circulation published in the City of San Jose with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

No ordinance shall be amended unless the whole section to be amended be set forth as amended, and the original section repealed.

State of California,
County of Santa Clara, } ss.
City of San Jose.

We, the undersigned, C. B. Goodwin, city manager of the city of San Jose, State of California, and John J. Lynch, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of the city of San Jose, submitted to the electors of said city at a special municipal election held in said city on July 17, 1933, have been compared by us, and each of us, with the proposed amendments set forth in the ordinances adopted by the council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy therof; and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In testimony whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of San Jose, this seventeenth day of July, 1933.

C. B. GOODWIN,
City Manager of the City of San Jose.

[SEAL]

JOHN J. LYNCH,
City Clerk of the City of San Jose.

Now, therefore, be it

Ratification.

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), that said amendments to the charter of the city of San Jose as proposed to, adopted and ratified by the electors of said city, as hereinbefore fully set forth, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as a part of the charter of the city of San Jose.

CHAPTER 121

Senate Concurrent Resolution No. 42—Approving certain amendments to the charter of the county of Butte, State of California, voted for and ratified by the electors of said county on the twenty-seventh day of June, 1933.

[Filed with Secretary of State July 20, 1933.]

County of Butte: Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the county of Butte, State of California, as set out in the certificate of the chairman and clerk of the board of supervisors of said county, as follows, to wit:

CERTIFICATE

State of California,
County of Butte. } ss.

Certificate of county clerk of the county of Butte, State of California, and chairman of the board of supervisors of the county of Butte, State of California, as to the adoption and ratification of certain amendments to the charter of said county of Butte, submitted to the qualified electors of said county, on the twenty-seventh day of June, 1933.

PREAMBLE

Be it known that:

WHEREAS, The county of Butte, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been, since the twenty-seventh day of January, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the seventh day of November, 1916, and approved by the Legislature of the State of California, on the twenty-

seventh day of January, 1917 (Statutes 1917, page 1791 et seq.); and

Butte charter.

WHEREAS, On the twenty-fourth day of May, 1933, the board of supervisors of said county of Butte, pursuant to the provisions of section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said county certain amendments to the charter of said county by the submission of proposals and alternate proposals for such amendments to said electors at the special State election held June 27, 1933, and at the same time said board duly ordered that said proposals and alternate proposals be submitted to the qualified electors of said county, for ratification or rejection at said State special election, and further duly ordered that said proposals should be forthwith published ten times in the Oroville Mercury Register, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposals, said proposed amendments and alternate proposals herein set forth in full and at length and were and are in the words and figures hereinafter set forth; and

WHEREAS, Thereafter, said proposals were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: May 15th, 16th, 17th, 18th, 19th, 20th, 22d, 23d, 24th, 25th, and as often during said time as said newspaper was regularly published; and said special election at which said proposals were submitted to the vote of the qualified electors of said county, was not less than thirty days nor more than sixty days, after publication of said proposals as aforesaid; and

WHEREAS, Immediately subsequent to said publication, said board of supervisors duly prescribed the form and titles to be printed on the special election ballot to be used at said special election for the submission of said proposals, which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to June 27, 1933, the county clerk duly filed in his office a notice of election, in which, among other things, and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said county at said special election, June 27, 1933; and said clerk caused a copy of said notice to be posted in a prominent place in his office, and on said notice said proposals appeared in form and by the titles described by the board of supervisors and in the form and by the titles said proposals appeared upon said ballot; and

WHEREAS, At said special election said proposals were duly submitted to the vote of the qualified electors of said county, and appeared on the ballot at said election in the following form, to wit:

Proposals

Proposals for Amendments to Butte County Charter.

BUTTE COUNTY CHARTER AMENDMENT NO. 1.

Amending section 3 of Article III of charter of county of Butte, authorizing board of supervisors to fix compensation of all county employees not otherwise fixed by charter and prescribing amounts to be allowed the several county officers for compensation of their deputies and assistants.

BUTTE COUNTY CHARTER AMENDMENT NO. 2.

Amending section 1 of Article IV of charter of county of Butte providing for county officers other than board of supervisors.

BUTTE COUNTY CHARTER AMENDMENT NO. 3.

Adding section 1a to Article IV of charter of county of Butte providing a procedure for appointment of a county manager.

BUTTE COUNTY CHARTER AMENDMENT NO. 4.

Amending section 2 of Article IV of charter of county of Butte consolidating certain offices.

BUTTE COUNTY CHARTER AMENDMENT NO. 5.

Amending section 3 of Article IV of charter of county of Butte providing for the election of certain county officers.

BUTTE COUNTY CHARTER AMENDMENT NO. 6.

Amending section 5 of Article IV of charter of county of Butte relating to terms of elective and appointive county officers.

BUTTE COUNTY CHARTER AMENDMENT NO. 7.

Amending section 6 of Article IV of charter of county of Butte fixing salaries of county and township officers.

BUTTE COUNTY CHARTER AMENDMENT NO. 8.

Adding section 11 to Article IV of charter of county of Butte providing a method for changing, by ordinance, compensation of elective and appointive county officers and amounts allowed for clerks, assistants, deputies or other employees.

BUTTE COUNTY CHARTER AMENDMENT NO. 9.

Adding Article IVa to charter of county of Butte creating a county welfare department.

BUTTE COUNTY CHARTER AMENDMENT NO. 10.

Amending section 1 of Article V of charter of county of Butte relating to judicial townships

Proposals

BUTTE COUNTY CHARTER AMENDMENT NO. 11.

Amending section 2 of Article V of charter of county of Butte relating to election and term of justices of the peace, and appointment of or removal of constables and deputy sheriffs.

BUTTE COUNTY CHARTER AMENDMENT NO. 12.

Amending section 2 of Article VIIa of charter of county of Butte providing for appointment of county librarian.

BUTTE COUNTY CHARTER AMENDMENT NO. 13.

Amending section 4 of Article X of charter of county of Butte relating to appointment, employment and removal of district foreman and assistants to road engineer.

BUTTE COUNTY CHARTER AMENDMENT NO. 14.

Amending section 2 of Article XII of charter of county of Butte to provide that compensation of any elective or appointive county or township officer shall not be increased or decreased during the term for which he was elected or appointed.

BUTTE COUNTY CHARTER AMENDMENT NO. 15.

Repealing section 3 of Article XII of charter of county of Butte, and substituting a new section 3, prohibiting appointive officers or employees serving with compensation from engaging in political activity, contributing or soliciting funds or support on behalf of any elective office; and prohibiting Supervisors from coercing or exacting promises from, officers or candidates.

BUTTE COUNTY CHARTER AMENDMENT NO. 16.

Proposal to amend section 7 of Article IV of charter of county of Butte relating to the number, appointment, removal and/or salaries of assistants, deputies, clerks and stenographers for county officers.

Alternative Proposals for Amendments to Butte County Charter.

Alternative proposals.

ALTERNATIVE PROPOSITION NO. 1.

Amending section 3 of Article III of charter of county of Butte, authorizing board of supervisors to fix compensation of all county employees not otherwise fixed by charter, and prescribing maximum amounts that may be allowed the several county officers for compensation of their deputies and assistants.

ALTERNATIVE PROPOSITION NO. 7.

Amending section 6 of Article IV of charter of county of Butte fixing salaries of elective county officers.

Alternative proposals.

ALTERNATIVE PROPOSITION No. 8.

Adding section 11 to Article IV of charter of county of Butte providing method for changing, by ordinance, the compensation of elective county officers.

ALTERNATIVE PROPOSITION No. 10.

Amending section 1 of Article V of charter of county of Butte relating to judicial townships.

ALTERNATIVE PROPOSITION No. 11.

Amending section 2 of Article V of charter of county of Butte relating to election and term of justices of the peace, and appointment or removal of constables and deputy sheriffs.

And opposite each proposal and alternate proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereof and in addition thereto said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The county clerk of said Butte County mailed a sample ballot or printed copy containing the form and titles of said amendments as above set forth, to each qualified elector within the said county of Butte, at least ten days prior to the said twenty-seventh day of June, 1933, and

WHEREAS, The returns of said special election, held in the county of Butte on the said twenty-seventh day of June, 1933, at which election, said proposals were submitted to the vote of the qualified electors of said county, were made to and canvassed by the board of supervisors of the said county of Butte, and it appearing therefrom and was so declared by the board of supervisors that 2752 votes were cast in favor of said proposed amendment No. 1, and that 2504 votes were cast against said proposed amendment No. 1; that 1418 votes were cast in favor of alternate proposal No. 1. and that 1388 votes were cast against alternate proposal No. 1; and that 2746 votes were cast in favor of said proposed amendment No. 2, and 2738 votes were cast against said proposed amendment No. 2; that 2521 votes were cast in favor of said proposed amendment No. 3, and 3032 votes were cast against said proposed amendment No. 3; that 3382 votes were cast in favor of said proposed amendment No. 4, and 2393 votes were cast against said proposed amendment No. 4; that 2788 votes were cast in favor of said proposed amendment No. 5, and 2533 votes were cast against said proposed amendment No. 5; that 2920 votes were cast in favor of said proposed amendment No. 6, and 2340 votes were cast against said proposed amendment No. 6; that 2507 votes were cast in favor of said proposed amendment No. 7, and 2234 votes were cast against said proposed amendment

No. 7; that 1285 votes were cast in favor of alternate proposal No. 7, and 1304 votes were cast against alternate proposal No. 7; that 2375 votes were cast in favor of said proposed amendment No. 8, and 2352 votes were cast against said proposed amendment No. 8; that 1190 votes were cast in favor of alternate proposal No. 8, and 1383 votes were cast against alternate proposal No. 8; that 2707 votes were cast in favor of said proposed amendment No. 9, and 2752 votes were cast against said proposed amendment No. 9; that 2149 votes were cast in favor of said proposed amendment No. 10, and 2467 votes were cast against said proposed amendment No. 10; that 1123 votes were cast in favor of alternate proposal No. 10, and 1389 votes were cast against alternate proposal No. 10; that 2265 votes were cast in favor of said proposed amendment No. 11, and 2482 votes were cast against said proposed amendment No. 11; that 1223 votes were cast in favor of alternate proposal No. 11, and 1463 votes were cast against alternate proposal No. 11; that 2788 votes were cast in favor of said proposed amendment No. 12, and 2409 votes were cast against said proposed amendment No. 12; that 2598 votes were cast in favor of said proposed amendment No. 13, and 2715 votes were cast against said proposed amendment No. 13; that 2766 votes were cast in favor of said proposed amendment No. 14, and 2438 votes were cast against said proposed amendment No. 14; that 2882 votes were cast in favor of said proposed amendment No. 15, and 2427 votes were cast against said proposed amendment No. 15; that 2572 votes were cast in favor of said proposed amendment No. 16, and 2331 votes were cast against said proposed amendment No. 16; and it appearing therefrom that a majority of the qualified electors of Butte County voting thereon, at such special election, voted in favor of proposed amendment No. 1, and against alternate proposal No. 1, as above set forth; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 2; that a majority of the qualified electors of Butte County voting thereon at such special election, voted against proposed amendment No. 3; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 4; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 5; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 6; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 7, and against alternate proposal No. 7; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 8, and against alternate proposal No. 8; that a majority of the qualified electors of Butte County voting thereon at such special election, voted against proposed amendment No. 9; that a

Certificate.

majority of the qualified electors of Butte County voting thereon at such special election, voted against proposed amendment No. 10, and against alternate proposal No. 10; that a majority of the qualified electors of Butte County voting thereon at such special election, voted against proposed amendment No. 11, and against alternate proposal No. 11; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 12; that a majority of the qualified electors of Butte County voting thereon at such special election, voted against proposed amendment No. 13; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 14; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 15; that a majority of the qualified electors of Butte County voting thereon at such special election, voted in favor of proposed amendment No. 16; and

WHEREAS, The said amendments so ratified by the electors of said Butte County at said special election held on June 27, 1933, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with provisions of section 7½ of Article XI of the Constitution of the State of California; now

Therefore, The undersigned Henry W. White, chairman of the board of supervisors of the county of Butte, State of California, and C. F. Belding, county clerk and ex officio clerk of the board of supervisors of the county of Butte, State of California, authenticating their signatures with the official seal of said board of supervisors, do hereby certify that said amendments to said charter of said county, so ratified, and by the majority of the electors voting thereon at said special State election held on the twenty-seventh day of June, 1933, as submitted to said electors, are in words and figures as follows, and are and shall if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSITION NO. 1.

That section 3 of Article III be amended and as amended to read:

Allowances for deputies' compensation.

Section 3. The Board of Supervisors shall fix the salaries and wages of all employees of the County not otherwise fixed by this Charter, provided:

(a) The County Clerk shall be allowed the sum of $5500.00 per annum for Deputies' salaries and he shall furnish a Clerk for the Board of Supervisors.

(b) The Auditor shall be allowed the sum of $3600.00 per annum for Deputies' and Clerks' salaries.

(c) The Assessor shall be allowed the sum of $2500.00 per annum for Clerks' and $6000.00 per annum for Deputies' salaries.

(d) The Recorder shall be allowed the sum of $3000.00 per annum for Deputies' and Clerks' salaries.

(e) The Treasurer and ex-officio Tax Collector and ex-officio License Collector shall be allowed the sum of $4800.00 per annum for Deputies' and Clerks' salaries.

(f) The Horticultural Commissioner shall be allowed the sum of $3500.00 per annum for Deputies' salaries.

(g) The Road Engineer shall be allowed the sum of $3000.00 per annum for Deputies' salaries.

(h) The County Librarian shall be allowed the sum of $900.00 per annum for Assistants and $2100.00 per annum for Custodians.

(i) The Sheriff and ex-officio Coroner shall be allowed the sum of $1920.00 for an Under Sheriff's salary and $900.00 per annum for a Jailor, and $900.00 per annum for a Watchman for the County Jail and $750.00 per annum for a Matron of the County Jail.

(j) The Superintendent of Schools shall be allowed the sum of $1200.00 per annum for an office Deputy.

(k) The District Attorney and ex-officio Public Administrator shall be allowed the sum of $1200.00 per annum for the Assistant's salary.

(l) The Welfare and ex-officio Probation Officer shall be allowed the sum of $1200.00 per annum for an Assistant's salary.

PROPOSITION NO. 2.

That Section 1 of Article IV be amended and as amended to read:

Section 1. County Officers, other than members of the Board of Supervisors shall be: A sheriff, a County Clerk, a Treasurer, a Recorder, a Tax Collector, a License Collector, a Public Administrator, a Coroner, a Surveyor, a District Attorney, an Auditor, an Assessor, a Superintendent of Schools, a Horticultural Commissioner, a Welfare Officer, a Probation Officer, a Health Officer, a County Physician, a Road Engineer, a County Librarian, and other such officers as are now or may hereafter be provided for by the Constitution, by general law or by this Charter. *County officers.*

PROPOSITION NO. 4.

That Section 2 of Article IV be amended and as amended to read:

Section 2. The following offices are hereby consolidated: *Consolidation of offices.*

(a) The District Attorney shall be ex-officio Public Administrator;

(b) The Sheriff shall be ex-officio Coroner;

(c) The Treasurer shall be ex-officio Tax Collector and ex-officio License Collector;

(d) The Surveyor shall be ex-officio Road Engineer;

(e) The Welfare Officer shall be ex-officio Probation Officer;

(f) The Health Officer shall be ex-officio County Physician.

PROPOSITION No. 5.

That Section 3 of Article IV be amended and as amended to read:

Elective officers.

Section 3. All county officers except the Welfare Officer, Probation Officer, the Horticultural Commissioner, the Health Officer, the County Physician, the County Librarian, the Road Engineer and Surveyor, and such other officers as are now or hereafter may be appointive by the Constitution, General Law or this Charter, shall be elected in the manner provided by law.

PROPOSITION No. 6.

That Section 5 of Article IV be amended and as amended to read:

Appointive officers.

Section 5. The appointive County officers shall not be appointed for a term exceeding four years, and the term of each elective County officer shall be four years, beginning at noon on the first Monday after the first day of January succeeding his election, and until such time as his successor shall be elected and shall qualify, except as otherwise provided in this Charter.

PROPOSITION No. 7.

That Section 6 of Article IV be amended and as amended to read:

Annual salaries.

Section 6. The annual salary of County officers shall be as follows, payable monthly, on the first Monday in each month, until changed as in this Charter provided.

(a) Members of the Board of Supervisors, Twelve Hundred Dollars per annum each;

(b) The Sheriff and ex-officio Coroner, Three Thousand Dollars per annum;

(c) The County Clerk, Three Thousand Dollars per annum;

(d) The District Attorney and ex-officio Public Administrator Thirty-six Hundred Dollars per annum;

(e) The Assessor, Three Thousand Dollars per annum;

(f) The Auditor, Twenty-four Hundred Dollars per annum;

(g) The Recorder, Twenty-four Hundred Dollars per annum;

(h) The Treasurer and ex-officio Tax Collector and ex-officio License Collector, Three Thousand Dollars per annum;

(i) The Horticultural Commissioner, Eighteen Hundred Dollars per annum;

(j) The Welfare and ex-officio Probation Officer, Eighteen Hundred Dollars per annum, Six Hundred Dollars of which shall be for his services as Probation Officer;

(k) The Surveyor and ex-officio Road Engineer, Twenty-four Hundred Dollars per annum;

(l) The Superintendent of Schools, Twenty-four Hundred Dollars per annum;

(m) The County Librarian, Sixteen Hundred Twenty Dollars per annum;

(n) Justices of the Peace, not over Eighteen Hundred Dollars per annum;

(o) Constables, not over Fifteen Hundred Dollars per annum;

(p) The Health Officer and ex-officio County Physician, Eighteen Hundred Dollars per annum.

PROPOSITION No. 8.

That Section 11 be added to Article IV and that the Section read:

Change of compensation.

Section 11. The compensation of elective and appointive County officers whose salary has been stated in Section 6 of Article IV and the amounts allowed the officers for Clerks, Assistants, Deputies, or other employees stated in Section 3 of Article III or any of them may be increased or decreased in pursuance of an ordinance submitted to the electors by the Board of Supervisors as provided by law, or in pursuance of an ordinance proposed by electors as provided by law. No such ordinance by petition shall be filed with the County Clerk less than forty days nor more than ninety days before the next succeeding state primary election. Upon the adoption of such ordinance duly had or the submission of such petition to the Board of Supervisors as required by law, the petition or ordinance, or both, without alteration, shall be submitted in the manner provided by law by said Board of Supervisors to a vote of the electors at the next succeeding state primary election. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the County and be considered adopted upon the date that the vote is canvassed and declared by the Board of Supervisors to go into effect ten days thereafter, provided, however, the compensation of the elective officers shall not be increased or diminished after the election of such officer or during his term of office.

PROPOSITION No. 12.

That Section 2 of Article VII-a be amended and as amended to read:

Librarian.

Section 2 The County Librarian shall be appointed by the Board of Supervisors.

PROPOSITION No. 14.

That Section 2 of Article XII be amended and as amended to read:

Change of compensation

Section 2. The compensation of any elective and appointive County or Township officer shall not be increased or decreased during the term for which he was elected or appointed.

PROPOSITION No. 15.

That Section 3 of Article XII be repealed and that there be substituted therefor a new Section to read as follows:

Politica activitie, prohibited

Section 3. Appointive officers or employees serving with compensation under this Charter are prohibited from engaging in any political activity for, or contributing or soliciting funds or support for or in behalf of any elective office. Such activity shall constitute a just cause for removal by the Board of Supervisors And no member or members of the Board of Supervisors shall directly or indirectly coerce or attempt to coerce the head of any county department or other county officer appointed or confirmed by the Board of Supervisors in the performance of the duties of his office, or attempt to exact promises from any candidate for any such office relative to any appointment or removal of any County officer or employee.

That as Proposition No. 16, section 7 of Article IV be amended and as amended to read:

Assistants, deputies, etc.

Section 7. The offices of such assistants, deputies, clerks, and stenographers as are necessary are hereby created. The incumbents shall be appointed and be subject to removal by and at the will of the county officers whom they are to assist. The number of such offices or the salaries of such assistants, deputies, clerks, and stenographers may be increased or decreased by the Board of Supervisors at such times as it may be to the best interests of the County, and such salaries shall be paid to them at the same time, in the same manner, and out of the same fund as the salaries of the county officers are paid, except as in this Charter otherwise provided.

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true.

And, for and on behalf of said county of Butte, we, being hereinbefore duly authorized, do hereby require the Legislature of the State of California to approve said amendments to said charter as ratified by the electors of the county of Butte as a whole and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and affixed the official seal of the said board of supervisors of Butte County, State of California, this fourteenth day of July, 1933.

HENRY W. WHITE
Chairman of the Board of Supervisors of
Butte County, State of California.

Attest:

C. F. BELDING
County Clerk and ex-officio Clerk of
[SEAL] the Board of Supervisors of Butte
County, State of California

WHEREAS, Said proposed amendments, so ratified as hereinbefore set forth, have been and now are duly passed and submitted to the Legislature of the State of California for

approval or rejection, without power of alteration, in accordance with section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each House voting therefor and concurring therein, That said amendments to the charter of the county of Butte, as proposed to and adopted and ratified by the electors of said county and as hereinbefore fully set forth, be and the same are hereby approved, as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said county of Butte.

CHAPTER 122.

Assembly Concurrent Resolution No. 55—Approving one certain amendment to the charter of the city of Berkeley in the county of Alameda, State of California, voted for and ratified by the electors of said city at a special election held therein on the twenty-seventh day of June, 1933.

[Filed with Secretary of State July 21, 1933.]

City of Berkeley Charter amendment.

WHEREAS, The city of Berkeley, in the county of Alameda, State of California, contains a population of over fifty thousand inhabitants, and has been ever since the first day of July, 1909, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the thirtieth day of January, 1909, and approved by the Legislature of the State of California, on the fourth day of March, 1909 (Statutes of 1909, page 1208); and

WHEREAS, The legislative authority of said city, namely, the council thereof, duly proposed to the qualified electors of the city of Berkeley, one certain amendment to the charter of said city by the submission of said proposal, entitled as follows, to wit:

BERKELEY PROPOSITION No. 1

Charter amendment describing and setting forth a proposal of the qualified electors of the city of Berkeley, county of Alameda, State of California, to amend the charter of said city by amending subdivision 29 of section 49 of Article IX of the charter of the city of Berkeley, which Amendment will make it lawful to sell certain enumerated liquors in the city of Berkeley.

WHEREAS, Said proposal above mentioned containing said proposed amendment to said charter was, in accordance with the provisions of section eight of article eleven of the Consti-

Berkeley charter.

tution of the State of California, published for one day after its passage in the "Berkeley Daily Gazette" a daily newspaper of general circulation published in said city of Berkeley and in each edition thereof during the day of publication; and

WHEREAS, Copies of said proposal containing said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point and mailed to each of the qualified electors of the city of Berkeley, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said "Berkeley Daily Gazette" that such copies could be had upon application therefor at the office of the city clerk; and

WHEREAS, Such copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, The legislative body of said city by its Resolution No. 19453–N. S. adopted on the sixteenth day of May, 1933, did order the holding of a special municipal election in said city of Berkeley on the twenty-seventh day of June, 1933, said day being not less than forty and not more than sixty, days after the completion of the advertising as required by law in the "Berkeley Daily Gazette," and did provide in said resolution for the submission of the proposed charter amendment to the qualified electors of said city for their ratification at said election; and

WHEREAS, The legislative body of said city by its Resolution No. 19458–N. S. adopted on the twenty-third day of May, 1933, consolidated the said special municipal election with the special State election held on the twenty-seventh day of June, 1933; and

WHEREAS, Said election was duly called and held on said twenty-seventh day of June, 1933, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to said charter; and

WHEREAS, The returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found and determined and declared by the proper officers thereunto duly and properly authorized that a majority of the qualified electors of said city voting thereon had voted for and ratified the said proposed amendment to said charter: and

WHEREAS, Said amendment to the charter so ratified by a majority of the qualified electors of said city voting at said election is in words and figures following, to wit:

BERKELEY PROPOSITION No. 1.

CHARTER AMENDMENT.

Describing and setting forth a proposal of the qualified electors of the city of Berkeley, county of Alameda, State of

California, to amend the charter of said city by amending subdivision 29 of section 49 of Article IX of the charter of the city of Berkeley, which amendment will make it lawful to sell certain enumerated liquors in the city of Berkeley.

That subdivision 29 of section 49 of Article IX of the charter of the city of Berkeley be amended to read as follows:

LICENSING BUSINESSES.

(29) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; provided, however, that the council shall have no power to license the sale of any spirituous, malt, vinous or alcoholic liquors; and every person who, within the boundaries of the city of Berkeley, sells, barters, gives away or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor; provided, further, however, that the foregoing proviso shall not apply to any beer, ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing not more than three and two-tenths (3 2) per centum of alcohol by weight, which is fit for beverage purposes. Nothing in this section shall prevent the council from regulating the sale of any liquors by a regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of any liquors for chemical, mechanical or scientific purposes.

License of businesses

Liquor licenses.

City of Berkeley,
County of Alameda, } ss.
State of California.

This is to certify that we, Edward N. Ament, mayor of the city of Berkeley, and Florence E. Turner, city clerk of said city, have compared the foregoing proposed and ratified amendment to the charter of the city of Berkeley with the original proposal, submitting the same to the electors of the said city at a special election held on Tuesday, the twenty-seventh day of June, 1933, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Berkeley, this eleventh day of July, 1933.

EDWARD N. AMENT,
[SEAL] Mayor of the city of Berkeley.

FLORENCE E. TURNER,
City clerk of the city of Berkeley.

WHEREAS, The said proposed amendment is now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight, article eleven of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each House voting therefor and concurring therein, That said amendment to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to, and as a part of the charter of the said city of Berkeley.

CHAPTER 123.

Assembly Concurrent Resolution No. 56—Approving certain amendments to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of June, 1933.

[Filed with Secretary of State July 21, 1933.]

City of Alameda Charter amendments.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor pro tempore and city clerk of said city, as follows, to wit:

State of California, }
County of Alameda, } ss.
City of Alameda. }

We, the undersigned, James N. Eschen, mayor pro tempore of the city of Alameda, and D. Elmer Dyer, city clerk of said city, do hereby certify and declare as follows:

That the city of Alameda, a municipal corporation in the county of Alameda, State of California, is now and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has ever since the twenty-fifth day of January, 1917, and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of section 8, of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the ninth day of January, 1917, and approved by the Legislature of the State of California by a concurrent resolution approved by the Legislature of the State of California on the twenty-fifth day of January, 1917 (Statutes 1917, page 1752).

Alameda city charter.

That pursuant to and in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the council of the city of Alameda, being the legislative body thereof, duly and regularly submitted certain proposals for the amendment of the charter of said city to be voted on by the qualified electors of said city at a special municipal election called and held for that purpose in said city on the twenty-seventh day of June, 1933, which said proposals were designated as Proposition No. 1, Proposition No. 2, Proposition No. 3, Proposition No. 4, Proposition No. 5, Proposition No. 6, Proposition No. 7, Proposition No. 8, Proposition No. 9, Proposition No. 10, Proposition No. 11, Proposition No. 12, Proposition No. 13, Proposition No. 14, Proposition No. 15, Proposition No. 16, Proposition No. 17, Proposition No. 18, Proposition No. 19, Proposition No. 20, Proposition No. 21, Proposition No. 22, Proposition No. 23, and Proposition No. 24, respectively.

That said proposed charter amendments were published and advertised in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on the fifteenth day of May, 1933, in the Alameda Times-Star, a daily newspaper of general circulation published in said city of Alameda and the official newspaper of said city, and in each edition thereof during the day of said publication.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors of said city of Alameda, and an advertisement that copies thereof could be had upon application therefor at the office of the city clerk of the city of Alameda was published in said Alameda Times-Star, a daily newspaper of general circulation in said city, on the seventeenth day of May, 1933, and on each day thereafter until the day fixed for said special municipal election, all as required by section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendments could be had upon application therefor at the office of said city clerk until the day fixed for the said special municipal election.

That the council of the city of Alameda, the legislative body of said city, by its Resolution No. 1757, did order the holding of a special municipal election in said city of Alameda on the twenty-seventh day of June, 1933, said day being at least forty days after the completion of the advertising of the proposed charter amendments in said official newspaper of said city and not more than sixty days after the completion of said advertising, and did provide in said resolution for the submission of the proposed amendments to the charter of said city to the qualified electors of said city for their ratification at such special municipal election; and said city council of said city and the board of supervisors of the county of Alameda did, in the manner provided by law, order said special municipal election consolidated with the special State election to be

held in said city on said twenty-seventh day of June, 1933; in the said resolution calling the said special municipal election, the city council of said city of Alameda did authorize the board of supervisors of the county of Alameda to canvass the returns of said special municipal election.

That thereafter said special municipal election and said special State election were duly and regularly held and the board of supervisors of said county of Alameda did, in the manner provided by law, duly and regularly canvass the returns of said election and did on the fifth day of July, 1933, duly certify to the council of said city of Alameda the result of the canvass of said returns at said special municipal election, and the council of said city did, by Resolution No. 1774 adopted July 0, 1933, duly declare the result of said special municipal election as determined from the canvass of the returns thereof.

That the council of said city of Alameda did by said Resolution No. 1774 declare that the proposed amendments to the charter of the city of Alameda being Propositions Nos. 1 to 12 and 14 to 24 inclusive, and each and every one of them, were ratified by a majority of the qualified electors of said city voting thereon, and that one proposed amendment, Proposition No. 13, received less than a majority of the votes of the qualified electors voting thereon and was not ratified.

That said amendments to the charter so ratified by the qualified electors of the city of Alameda, at said special municipal election, are in words and figures as follows, to wit:

PROPOSITION No. 1.

That Section 3, Article II of the Charter of the City of Alameda be amended to read as follows:

Quorum.

Sec. 3. Quorum. Three members of the Council shall constitute a quorum, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as the council may prescribe. Absence from four consecutive regular meetings, unless excused by the Council, shall operate to vacate the seat of any member so absent.

PROPOSITION No. 2.

That Section 6, Article II of the Charter of the City of Alameda be amended to read as follows:

Council meetings

Sec. 6. Council Meetings. The Council shall meet at eight o'clock p.m. on the third Tuesday of the month next succeeding the month in which the general municipal election is held, and shall hold regular meetings twice in each month and at such other times as it shall fix by ordinance. It shall not convene at any place other than its regular place of meeting. Its meetings shall be public. Special meetings may be called by the mayor or by three councilmen by serving the members personally with written notices, or leaving the same at places

designated by the respective members at least three hours before the time of the proposed meeting.

PROPOSITION No. 3.

That Section 20, Article II of the Charter of the City of Alameda be amended to read as follows:

Sec. 20. Vacancies in the Council. Any vacancy in the City Council, from whatever cause arising, except as otherwise provided in the chapter of this Charter relating to Recall, shall be filled by the City Council, provided, however, that any person appointed to fill such vacancy shall hold office only until the next general municipal election, at which time a successor shall be elected to serve for the remainder of the unexpired term. Vacancies in the council.

If, for any reason the seats of a majority of the council shall become vacant, the City Clerk shall call a special election to fill the vacancies for the unexpired portions of the terms. Such election shall be conducted as nearly as possible as herein provided for general municipal elections. In such an event the City Clerk shall have full powers to appoint all election officials, including a canvassing board consisting of three electors, and to do and perform all acts required in connection with said election.

PROPOSITION No. 4.

That there be added to Chapter III, of Article IV of the Charter of the City of Alameda a new section to be known as Section 16-a, same to read as follows:

Sec. 16-a. At any time after the first day of September and not later than the third Tuesday in September of each year, the Council shall determine the rate of city taxes to be levied and collected upon the property assessed for taxation within the limits of the city, on the basis of the valuation thereof as shown by the assessment roll in the office of the city assessor; such rate, after allowing one and one-half per cent (1½%) of the assessed valuation for delinquencies, must be sufficient to raise the necessary revenue for the City of Alameda for the current fiscal year; provided, however, the same for general revenue purposes shall not exceed the limit of taxation provided for in this Charter, and the provisions of law in relation to the same. In fixing such rate the council shall fix the same by designating the number of cents levied on each one hundred dollars ($100.00) of assessed valuation of taxable property, specifying the portion of the whole, which shall belong to any particular fund of the city, and designating also the portion thereof appropriated for each special purpose or special bonded indebtedness of the city. Having determined on the whole rate to be levied, the Council shall then levy the tax to provide for raising the necessary revenue of the city for the current fiscal year. Levy of taxes

PROPOSITION No. 5.

City manager.

That Section 1, Article VII of the Charter of the City of Alameda be amended to read as follows:

Sec. 1. The council shall appoint a City Manager. He need not be a resident of the State of California at the time of his appointment. His salary shall be fixed by the city council and shall not thereafter be reduced except by the affirmative vote of four members thereof; nor in any event shall said salary be less than Three Thousand Dollars per annum. He shall hold office until removed by the affirmative vote of four members of the council.

PROPOSITION No. 6.

Hearing of charges.

That Section 10, Article VII of the Charter of the City of Alameda be amended to read as follows:

Sec. 10. Any charge brought against a member of the police department or fire department, who has been in the service of the city for five years, shall be heard by the City Manager, and he shall determine the punishment or penalty to be given in the case. In the event of a dismissal, but not otherwise, the discharged person shall have the right to appeal from the order of dismissal to the police and fire board of appeals, which board is hereby established. Said board shall consist of the mayor and two electors of the city, who shall serve without compensation, and be appointed by the council, said appointment being for a term of two years. No state, county or city official shall be eligible for appointment. In the case of the first two appointed hereunder, lots shall be drawn for a one year term and a two year term, and thereafter one member shall be appointed each year. A majority vote shall control. The board may adopt its own rules of procedure.

Appeal.

An appeal to such board shall be taken by the filing of a written notice of appeal, duly signed by such discharged person and stating the grounds upon which such appeal is taken. Such notice shall be filed with the City Manager and a copy thereof served upon said board within thirty days from the date of the order of dismissal. If such notice is not filed and served within such time, the order of dismissal shall become final. Upon the filing of any such appeal the board shall set a day for the hearing thereof. The charges against appellant shall be tried anew by said board and a decision of the board shall be rendered within three months from the date such appeal is taken.

PROPOSITION No. 7.

That Section 2, Article X of the Charter of the City of Alameda be amended to read as follows:

Board of public utilities

Sec. 2. The Board shall consist of five members. The City Manager shall be, ex-officio, a member of said board. The

other four members shall be appointed by the Mayor with the approval and consent of the City Council. At least one of such appointees shall be a registered civil, mechanical or electrical engineer.

The four appointive members shall each hold office for a term of four years and until the appointment and qualification of a successor. Such terms shall begin on the first day of May and shall alternate so that the term of one member shall expire on the thirtieth day of April of each year. Any vacancy occurring prior to the expiration of a term shall be filled by appointment, made as hereinabove provided, and such appointee shall serve for the unexpired term.

The members of the Board of Public Utilities in office at the time this section, as amended, shall become effective, shall remain in office until the expiration of the term for which they were respectively appointed and until their successors are appointed and qualify.

When this section shall become effective there shall be appointed two additional members on said Board, one of whom shall be appointed for a term ending on April 30, 1934, and one for a term ending on April 30, 1936.

PROPOSITION No. 8.

That Section 3, Article X of the Charter of the City of Alameda be amended to read as follows:

Same—Organization and meetings

Sec. 3. The board shall organize annually at its first regular meeting in May by electing a president and vice-president, and appointing a secretary. Three shall constitute a quorum. They shall hold a regular meeting on the evening of the second Wednesday of each month at eight o'clock in the office of the Department of Public Utilities, and shall hold such other meetings as they shall determine.

PROPOSITION No. 9.

That Section 4, Article X of the Charter of the City of Alameda be amended to read as follows:

Utility funds.

Sec. 4. The city treasurer shall keep the fund of each utility separate. Any surplus to the limit of fifteen per cent of the book value of any utility may be invested by direction of the board in bonds of the City of Alameda, or in state, county or municipal bonds of this state, or may be transferred to the general fund of the city by resolution of the board of public utilities. Copy of such resolution shall be transmitted immediately after its adoption by the board to the city council. Said fund so transferred by such resolution shall thereupon become part of the general fund of the City of Alameda.

PROPOSITION No. 10.

That Subdivision 2 of Section 6, Article X of the Charter of the City of Alameda be amended to read as follows:

Materials and supplies.

Two. To buy and sell materials and supplies incidental to the operation of each utility within the limitations as hereinafter stated.

PROPOSITION No. 11.

That Section 8, Article X of the Charter of the City of Alameda be amended to read as follows:

Deposits and demands.

Sec. 8. All money collected shall be deposited with the treasurer as soon as practicable. Demands on any fund shall be signed by the president and secretary of the board. In the event that the president be temporarily absent or unable to perform his official duties, the vice-president shall sign such demands.

PROPOSITION No. 12.

That Section 9, Article X of the Charter of the City of Alameda be amended to read as follows:

Approval of contracts.

Sec. 9. The board of public utilities shall not incur any expenditure, or enter into any contract for services or for the sale or purchase of any property of whatsoever nature involving a sum in excess of Three Thousand Dollars without the approval of the city council, except as otherwise provided in sections 10 and 11 of this article.

Awards.

Purchases or contracts other than insurance exceeding one thousand dollars in amount shall be advertised by the board and shall be awarded to the lowest responsible bidder, unless all bids are rejected.

Contracts for the sale of equipment or other property, except as herein otherwise provided, exceeding one thousand dollars in value shall be advertised by the board and shall be awarded to the highest responsible bidder, unless all bids are rejected.

PROPOSITION No. 14.

That there be added to Article X of the Charter of the City of Alameda a section to be known as Section 12, to read as follows:

Compensation.

Sec. 12. The members of the Board of Public Utilities shall serve without compensation.

PROPOSITION No. 15.

That Section 1 and Section 3, Chapter I, Article XI of the Charter of the City of Alameda be amended to read as follows:

Elections.

Sec. 1. General municipal elections shall be held on the first Tuesday after the first Monday in November of each even numbered year. The first election under this Charter shall be held on Tuesday, November 6, 1934.

Terms of elective officers

Sec. 3. Terms of Elective Officers. Elective officers shall hold office for a period of four years from and after eight o'clock p.m., of the third Monday of December following the day of election and until their successors are elected and qualified; provided, however, that the officers elected at the general

municipal election held in November in the years 1934 and 1936 for the full terms ending on the third Monday in December in the years 1938 and 1940, respectively, shall not take office until the third Monday in April following their election.

The elective officers of the City in office at the time this section as amended shall become effective, shall remain in office until the expiration of the term for which they were respectively elected and until their successors are elected and qualified.

PROPOSITION No. 16.

That Section 17, Chapter I, Article XI of the Charter of the City of Alameda be amended to read as follows:

Publicity of qualifications.

Sec. 17. Publicity of qualifications. At least thirty days before the day of election each candidate must deliver, at his own cost, to the City Clerk a verified statement with printed copies thereof equal to the number of qualified electors. Each copy shall be printed on white paper four inches wide by nine inches long, and shall have the candidate's photo-engraving printed thereon, followed by his name, the office for which he is a candidate, and a statement as to his residence, place of birth, present occupation, whether or not he has been convicted of a felony or a misdemeanor involving moral turpitude, and what public office he has held, and whether he is a taxpayer in the City of Alameda. He may give such other information regarding his experience and qualifications as might enable the electors to estimate his fitness to fill the office. Such statement shall also contain the names of not more than twenty residents of the City of Alameda to whom he refers. One copy of such statement shall be mailed to each qualified elector with the sample ballot.

Disqualification.

Any material misstatement of facts required herein shall disqualify a candidate from holding any office in this city.

PROPOSITION No. 17.

That Chapter II, Article XI of the Charter of the City of Alameda be amended to read as follows:

CHAPTER II.

RECALL.

Recall.

Sec. 1. Recall. The holder of any elective office of this city may be removed or recalled from office at any time by the electors; provided he has held his office at least six months and no recall petition has been filed against him within a like period. The provisions of this chapter are intended to apply to officials now in office, as well as to those hereafter elected. The procedure to effect such recall shall be as hereinafter set forth.

Filing of notice of intention.

Sec. 2. Filing of Notice of Intention. Recall proceedings shall be instituted by the filing with the City Clerk of a Notice

of Intention to circulate a petition for recall. Such notice of intention shall be signed by three or more qualified electors of the city and shall state the name and office of the officer sought to be recalled and shall further contain a general statement, not exceeding three hundred words in length, setting forth the grounds on which the recall of such officer is sought.

Said statement, and the answer thereto hereinafter provided for, shall be intended solely for the information of the electors and no defect in the form or substance thereof shall in any manner affect the validity of any such recall proceedings. Every person whose name is signed to such petition must state his or her address therein. Each person signing such petition must acknowledge his signature before an officer authorized to take acknowledgments in this state, and the certificate of acknowledgment of such officer shall be attached to said notice or endorsed thereon.

Upon receipt and filing of said notice the City Clerk shall endorse thereon the date of such filing.

Service of notice.

Sec. 3. Service of Notice. Within seven days from and after the filing of the notice of intention provided for in the next preceding section, a true copy of said notice shall be personally served on the officer sought to be recalled, or mailed to such officer, by registered mail, by depositing the same in the United States post office in this city, in a sealed envelope, with postage prepaid, addressed to such officer at his last known address in the city. If made by mail, service shall be deemed complete at the time of the deposit of the copy of said notice in the United States post office.

Affidavit.

The affidavit of the party making such service shall be filed forthwith with the City Clerk. Said affidavit shall designate the date when, the place where, and the manner in which service was made.

Answer.

Sec. 4. Answer. Within fourteen days after the filing of the notice of intention, the officer sought to be recalled may file with the City Clerk an answer in which he may set forth in a general statement not exceeding three hundred words, such officer's answer to the general statement contained in the notice of intention, or any other justification of his course in office.

Such answer must be signed and acknowledged by the officer sought to be recalled before an officer authorized to take acknowledgments and the certificate of acknowledgment of such officer shall be attached to said answer or endorsed thereon.

Upon receipt and filing of said answer the city clerk shall endorse thereon the date of such filing. If such answer is not offered for filing within the time herein specified or if such answer does not conform to the requirements herein set forth, the city clerk shall refuse to file the same.

Petition for recall: Contents.

Sec. 5. Petition for Recall. Contents. A petition demanding the recall of an elective officer of the city shall be addressed to the council of the City of Alameda and shall state the name

and office of the officer sought to be recalled and shall contain a copy of the original notice of intention filed with the city clerk, and a copy of the answer, if any, filed by the officer sought to be recalled. If said officer has not filed any answer within the time herein limited, then said petition must so state.

A petition demanding the recall of an elective officer of the city shall be filed with the City Clerk.

Such petition shall be signed by qualified electors of the city equal in number to at least twenty-five per centum (25%) of the total number of persons voting at the general municipal election next preceding the filing of such petition.

The signatures to the petition need not all be appended to any one paper. Any petition for recall may consist of several separate sections and each such separate section may consist of several sheets of paper attached together; provided, however, that each such separate section shall contain a full and accurate copy of the title and text of the petition.

Signatures.

Sec. 6. Signatures. Each signer of a recall petition shall sign his or her name in ink or indelible pencil and shall add to such signature his occupation and place of residence, giving street and number, where such street or number or either exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each signer shall also add the date of signing opposite his or her name.

Verification of signatures

Sec. 7. Verification of Signatures. There shall be attached to each petition, and to each separate section thereof, an affidavit made by a qualified elector of the city and sworn to before an officer competent to administer oaths, stating that the affiant solicited signatures to that particular section and saw written the signatures appearing thereon; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereonto subscribed and of a qualified elector of the city.

Circulation of petition

Sec. 8. Circulation of Petition. The petition demanding the recall of the officer named in said notice may not be circulated among the qualified electors of the city for the purpose of obtaining signatures thereon until the expiration of fifteen days after the filing of said notice of intention with the city clerk.

Withdrawal of signatures.

Sec. 9. Withdrawal of Signatures. Any signer of a petition for recall may file with the city clerk a verified revocation of his signature. If said revocation is filed with the city clerk before the petition is certified to by him, he shall cancel such signature.

Filing of petitions

Sec. 10. Filing of Petitions. Within forty-five days from the date of filing of the notice of intention provided for in section 2 hereof, all sections comprising any recall petition must be filed with the city clerk. The clerk shall endorse on such petitions the date of filing and the name of the person or persons requesting the filing of the same. Thereafter all such

sections shall together be deemed and considered as one petition.

Examination of petition. Certificate

Sec. 11. Examination of Petition. Certificate. Within ten days from the expiration of time limit set forth in section 10 hereof, the city clerk shall examine and from the records of registration ascertain and finally determine whether or not said petition is signed by the requisite number of qualified electors and shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination.

Supplemental petitions

Sec. 12. Supplemental Petitions. If, by the clerk's certificate, the petition is shown to be insufficient, the same may be supplemented by filing with the city clerk, within fifteen days from the date of such certificate, additional and supplemental petitions, duplicates of and identical with the original petition, as to the text of the petition, but containing additional signatures. The city clerk shall endorse on such petitions the date of filing and the name of the person or persons requesting the filing of same.

Within ten days from the expiration of the time limit as set forth in this section, the city clerk shall make like examination of the supplemental petitions as of the original petition and shall attach his certificate thereto, properly dated, showing the result of such examination.

Insufficiency of petition

Sec. 13. Insufficiency of Petition. If the clerk's certificate shall show that all the valid signatures on said petition, including those contained in the supplemental petitions, are still insufficient, no further action shall be taken thereon; but the petition shall remain on file as a public record. The failure to secure sufficient signatures on such petition shall be without prejudice to the institution of new proceedings for recall.

Clerical assistants.

Sec. 14. Clerical Assistants. If required by the city clerk, the city council shall authorize the clerk to employ in addition to the persons regularly employed by him in his office such persons as may be necessary for the examination of said petition and supplemental petition and shall provide for the compensation to be paid such persons.

Election.

Sec. 15. Election. If the petition, either as originally filed or as supplemented, shall be found to be sufficient, the clerk shall submit the same to the city council together with his certificate thereto attached, at the next regular meeting of said council after the date of his certificate of such sufficiency. The council shall forthwith cause a special election to be held within not less than thirty-five nor more than forty-five days after the date of the order calling such election, to determine whether the electors will recall such officer. One election shall be sufficient for the recall of one or more officials. Should a regular municipal election occur not more than sixty days nor less than thirty-five days from the time of the receipt of the petition by the council from the clerk, the council shall provide for the submission of the question of such recall at such regular election. At any such regular election, when the question of the recall of an officer is submitted, the ballots for

the recording of the vote on the question of such recall must be separate from any other ballots used in such election.

Form of ballot

Sec. 16. Form of Ballot. The ballots at such recall election shall conform to the following requirements:

There shall be printed thereon the following question:

"Shall (name of person against whom the recall petition was filed) be removed from the office of the (title of the office) by recall?" Following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the elector shall indicate by stamping a cross (X) his vote for or against such recall. In case more than one person is sought to be recalled at the same election, the question of recall shall be reprinted for each person separately.

Sample ballot

Sec. 17. Sample Ballot. The city clerk shall cause to be printed and mailed to each elector of the city at least ten days prior to any recall election, a sample of the ballot to be used at such election.

Canvass of votes.

Sec. 18. Canvass of Votes. The votes shall be canvassed on Monday next succeeding the day of said election, and if it appears that a majority of those voting at said election voted "Yes" and in favor of the recall of any incumbent from office, such incumbent or incumbents shall be deemed removed from office and a vacancy or vacancies, as the case may be, shall be deemed to exist therein.

Pendency of recall proceedings.

Sec. 19. Pendency of Recall Proceedings. Proceedings for recall of any officer shall be deemed pending from the date of the filing of the notice of intention to circulate a petition for the recall of such officer.

Manner of filling vacancies.

Sec. 20. Manner of Filling Vacancies. In the event that the recall should prevail or in the event that any officer should resign while proceedings for his recall are pending, the vacancy or vacancies caused by such recall or resignation shall forthwith be filled by the City Council by appointment. Any person so appointed shall hold office, subject to the contingency hereinafter provided for, until the next general municipal election, at which time a person shall be elected to serve for the remainder of the unexpired term; provided, however, that in the event that a special election be called and held pursuant to the provisions contained in the next succeeding section, then any such appointee shall hold office only until the date on which such special election shall occur, at which time his tenure of office shall terminate.

Petition for special election

Sec. 21. Petition for Special Election. Within thirty days from the date of any appointment made by the city council pursuant to and in accordance with the provisions of Section 20 hereof, a petition may be filed with the city clerk requesting that a special election be held for the purpose of electing an incumbent or incumbents for any such office, to serve in the place of the person or persons so appointed and for the balance of the unexpired term of the officer or officers recalled or resigned.

Such petition shall be addressed to the city council and shall state the office or offices sought to be filled by special election and the name of the person or persons whose tenure of office is sought to be terminated.

Such petition shall be signed by qualified electors of the city equal in number to at least forty per centum (40%) of the total number of persons who voted at the next preceding municipal election.

Any petition may consist of several separate sections and each such section may consist of several sheets of paper attached together; provided, however that each such separate section shall contain a full and accurate copy of the title and text of the petition.

The signatures on such petition shall be affixed and the several sections thereof verified in the same manner as provided for recall petitions in sections 6 and 7 hereof.

Within fifteen days from the expiration of said thirty day period, if any such petition be filed, the city clerk shall examine and from the records of registration determine whether or not said petition is signed by the requisite number of qualified electors and shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination.

Should the petition be found to be sufficient, the city clerk shall submit the same, together with his certificate of such sufficiency, to the city council at its next regular meeting occurring after the date of his certification. Thereupon the city council shall forthwith call a special election to be held not less than thirty-five nor more than forty days after the date of the order calling such election. Any person elected to an office at such special election shall serve for the balance of the unexpired term of the officer who previously held said office and who resigned or was recalled.

Nothing herein contained shall bar an appointee of the council from becoming a candidate at such election.

Special commission.

Sec. 22. Special Commission. In the event that a majority of the city council shall be recalled at one and the same election then and in that case the city clerk shall forthwith call and conduct a special election to fill such vacancies, which election shall be held not less than thirty-five nor more than forty-five days after the date of the clerk's order calling such election. In such an event the city clerk shall have full power to appoint all election officials and to do and perform all acts required in connection with said election. The city clerk shall name three disinterested electors who shall act as a canvassing board to canvass the returns of said election and who shall declare the result thereof. Before entering upon his duties, each member of the canvassing board shall take the constitutional oath of office. If a regular municipal election should occur not more than sixty days nor less than forty days from the date of canvassing the votes aforesaid, the clerk shall provide for the filling of the vacancies at such regular municipal election.

Sec. 23. All recall elections and all special elections to fill any vacancy created by recall or by resignation pending recall proceedings shall be conducted, as near as may be, as in this charter provided for general municipal elections. Conduct of elections

Sec. 24. A person who has been recalled from office, or who has resigned while proceedings for his recall were pending, shall not be a candidate and his name must not appear on the ballot as a candidate for the same office, at any election at which the vacancy caused by his recall or resignation will be filled. Candidates

Sec. 25. Interpretation. This chapter shall be liberally construed to promote the objects thereof, and no error, omission or irregularity not affecting the substantial rights of any citizen or public official shall ever be held to invalidate any proceedings taken hereunder where the requirements of this chapter have been substantially complied with. Interpretation

PROPOSITION No. 18.

That Section 6, Article XIII of the Charter of the City of Alameda be amended to read as follows:

Sec. 6. The Mayor shall have power to fill vacancies on all boards or commissions, except in such cases as this charter specifically provides for appointment to be made by the City Council or other authority; provided, however, that any such appointment made by the Mayor shall not become effective for any purpose until and unless the same be ratified and confirmed by the City Council. Any such appointee shall hold office until the appointment and qualification of a successor. Vacancies.

PROPOSITION No. 19.

That Section 20, Article XIII of the Charter of the City of Alameda be amended to read as follows:

Sec. 20. Unless otherwise provided by this charter, any officer or board authorized to appoint any deputy, clerk, assistant or employee, shall have the right to remove the person so appointed. Members or appointees on all boards or commissions created or provided for by this charter may be removed by the affirmative vote of four members of the City Council, anything in this charter to the contrary notwithstanding. Removal of appointees.

PROPOSITION No. 20.

That there be added to Article XIII of the Charter of the City of Alameda a section to be known as Section 32, to read as follows:

Sec. 32. When entering into any contract for labor or hiring any labor for public contract work, preference shall be given to local contractors, mechanics, artisans or other laborers of any class, who shall have actually resided in the City of Alameda for a period of six months preceding the date of their engagement to perform labor, quality and price of work being equal. Contract preference.

PROPOSITION No. 21.

That there be added to Article XIII of the Charter of the City of Alameda, a section to be known as Section 33, to read as follows:

Vacancies

Sec. 33. Vacancies. A vacancy in any elective office, from whatever cause arising, except as otherwise provided in the chapter on Recall, shall be filled by the City Council. Provided, however, that any person appointed to fill such vacancy shall hold office only until the next general municipal election, at which time a successor shall be elected to serve for the unexpired term.

In case of the failure of the city council to appoint a successor within a period of seventy days from the date any such vacancy shall occur, the city council must thereupon call a special election to fill such vacancy and shall cause such election to be held not less than forty days nor more than forty-five days from the date of expiration of such seventy day period; provided, however, that in case a general municipal election shall take place not more than sixty days nor less than forty days from the date of expiration of such seventy day period, the council shall provide for filling the vacancy at such general election.

Election.

PROPOSITION No. 22.

That there be added to Article XIII of the Charter of the City of Alameda a section to be known as Section 34, to read as follows:

"Four-fifths vote" defined.

Sec. 34. The expressions "four-fifths vote of the whole council" or, "four-fifths of the council" or, "four-fifths of all the members," occurring in this Charter, shall be interpreted as requiring the affirmative vote of four members of the council.

PROPOSITION No. 23.

That Section 1, Chapter I, of Article V of the Charter of the City of Alameda be amended to read as follows:

Board of Education.

Sec. 1. Board of Education. The control of the school department shall be vested in a Board of Education which shall consist of five members, each of whom shall hold office for a term of five years, and until the appointment and qualification of a successor. Such terms shall begin on the first day of May and shall alternate so that the term of one member shall end on the 30th day of April of each year. The members of the Board of Education who shall be in office at the time this charter shall take effect shall remain in office until the expiration of their respective terms. Thereupon and thereafter the vacancies occurring by expiration of the terms of the incumbents shall be filled by appointment made by the Mayor with the approval and consent of the City Council. Any vacancy occurring prior to the expiration of a term shall be filled by appointment, made as hereinabove provided, and such

appointee shall serve for the unexpired term. Members of the Board of Education shall serve without compensation.

PROPOSITION No 24.

That Section 9, Chapter II, of Article V of the Charter of the City of Alameda be amended to read as follows:

Free library trustees.

Sec. 9. Free Library Trustees. The Alameda Free Library shall be under the control of a board of five trustees who shall receive no compensation. The members of the board who shall be in office at the time this charter shall take effect shall remain in office until the expiration of their respective terms. Thereupon and thereafter the vacancies occurring by expiration of the terms of the incumbents shall be filled by appointment made by the Mayor with the approval and consent of the City Council. Such terms shall begin on the first day of May and shall alternate so that the term of one trustee shall end on the thirtieth day of April of each year. Any vacancy occurring prior to the expiration of a term shall be filled by appointment made as hereinabove provided, and such appointee shall serve for the unexpired term.

And we further certify that we have compared the foregoing amendments with the original proposals submitting the same to the qualified electors of said city and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Alameda to be affixed hereto this twelfth day of July, 1933.

JAMES N. ESCHEN,
Mayor pro tempore of the City of Alameda.

[SEAL]

D. ELMER DYER,
City Clerk of the City of Alameda.

AND WHEREAS, Said proposed charter amendments have been and are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to said charter herein set forth, as submitted to and ratified by the qualified electors of said city, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said city of Alameda.

CHAPTER 124.

Assembly Concurrent Resolution No. 58—Approving certain amendments to the charter of the city of Petaluma, county of Sonoma, State of California, voted for and ratified by the electors of the said city of Petaluma at a general municipal election held therein on the thirteenth day of June, 1933.

[Filed with Secretary of State July 21, 1933.]

City of Petaluma. Charter amendment.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Petaluma, a municipal corporation in the county of Sonoma, State of California, as set out in the certificate of the mayor and city clerk of the said city of Petaluma, as follows, to wit:

CERTIFICATE

State of California,} ss.
County of Sonoma,}

We, the undersigned, W. J. Farrell, mayor and ex officio presiding officer of the city council of the city of Petaluma, county of Sonoma, State of California, and Gladys V. Roberts, city clerk of said city, do hereby certify and declare as follows:

That the city of Petaluma is a municipal corporation in the county of Sonoma, State of California; that said city now is and at all times herein mentioned was a city containing a population of more than eight thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized and existing and acting under a freeholders charter, adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose in said city on the thirtieth day of August, 1910, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the seventh day of March, 1911 (Statutes 1911, page 1799).

That in pursuance of section 8 of Article XI of the Constitution of the State of California, on its own motion, the council of the said city of Petaluma, being the legislative body of said city, by and in pursuance of a certain ordinance passed by the said city council on the first day of May, 1933, duly submitted to the qualified electors of said city of Petaluma, a certain proposal for the amendment of the charter of said city, to be voted on by said qualified electors at the general municipal election to be held in said city on the thirteenth day of June, 1933, which said proposal was and is in words and figures following, to wit:

Shall Article III of the charter of the city of Petaluma be amended by adding a new section to said Article III to be numbered 72 and providing as follows:

Section 72. The city of Petaluma shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the State. Powers of city

That said such proposed amendment was published and advertised in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California and the charter of the city of Petaluma, in the Petaluma Argus-Courier, a daily newspaper of general circulation published in said city of Petaluma, and the official publication of said city.

That copies of said proposed amendment were printed in convenient pamphlet form, and, until the date fixed for the election hereinafter described, and as required by said section 8 of Article XI of the said Constitution, a notice was published in said Petaluma Argus-Courier that such copies could be had upon application therefor at the office of the city clerk of the city of Petaluma;

That such copies in convenient pamphlet form could be had upon application therefor at the office of said city clerk until the date fixed for the election hereinafter described.

That in accordance with the provisions of the charter of the city of Petaluma and of said Constitution, and an ordinance of the city council of said city, calling said election, there was held in the city of Petaluma on the thirteenth day of June, 1933, a general municipal election, and at said election held pursuant to said ordinance, said proposed charter amendment was submitted to the qualified electors of said city for ratification and adoption at said election, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification and adoption of and did ratify and adopt said proposed amendment to the charter of said city hereinabove set out.

That the result of said election was by said city council duly and regularly canvassed and certified to at the time and in the manner provided by law, and it was duly found, determined and declared by the said city council of said city that a majority of the qualified electors of said city voting thereon had voted and ratified and adopted said proposed amendment.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct, and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Petaluma to be affixed hereto this sixth day of July, 1933.

W. J. FARRELL,
Mayor and Ex Officio Presiding Officer of the City Council of the City of Petaluma.

[SEAL] GLADYS V. ROBERTS,
City Clerk of the City of Petaluma.

WHEREAS, said proposed amendments, so ratified as hereinbefore set forth, have been and now are duly passed and submitted to the Legislature of the State of California for approval or rejection, without power of alteration, in accordance with section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Ratification.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Petaluma, as proposed to and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said city of Petaluma.

CHAPTER 125.

Senate Joint Resolution No. 31—Relative to accepting amendments to permit from the government of the United States for the construction of approach roads over certain rights of way leading to the Golden Gate Bridge in the Presidio of San Francisco Military Reservation, and relating to the retrocession by the Congress of the United States of jurisdiction over said rights of way as relocated.

[Filed with Secretary of State July 24, 1933.]

Retrocession of Federal jurisdiction over Golden Gate bridge ends, etc. Acceptance of amendments.

WHEREAS, On February 13, 1931, the Secretary of War pursuant to authority in him vested by section 6 of the act of Congress approved July 5, 1884 (23 Stat. 104), granted to the Golden Gate Bridge and Highway District a right of way for the extension, maintenance and operation of a State road across the Presidio of San Francisco Military Reservation, California, and across the Fort Baker Military Reservation, including space for toll booths and facilities for regulating traffic, and also the right to erect, operate and maintain the ends of the Golden Gate Bridge with cable anchorages, upon the said military reservations; and

WHEREAS, Said grant has been accepted by the Golden Gate Bridge and Highway District and also by the Legislature of the State of California under the terms of Senate Joint Resolution No. 11, of the forty-ninth session of the Legislature of the State of California; and Golden Gate Bridge.

WHEREAS, The said permit and grant were amended by amendments dated April 1, 1931, and May 1, 1933, which said two amendments have been accepted by the Golden Gate Bridge and Highway District, and approved and accepted by joint resolutions of the Legislature of the State of California; and

WHEREAS, On the twenty-first day of July, 1933, the Secretary of War did grant to the Golden Gate Bridge and Highway District a further modification of said permit as amended, and being a modification of the right of way theretofore granted under the original permit across the Presidio of San Francisco Military Reservation, which said amendment and modification of the date last mentioned is hereby expressly referred to; and

WHEREAS, It was in said last named modification and amendment expressly provided that the amendments and modifications therein contained should not become effective and the original permit of February 13, 1931, should remain unchanged thereby, unless and until the said Golden Gate Bridge and Highway District should have accepted said amendment, and unless and until the State of California should have, with respect to said amendment, taken the same formal action which it was required to take with respect to the original permit, and which is set forth in paragraph 11 and subparagraphs 11a, 11b and 11c of that instrument, as a condition precedent to the taking effect thereof; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That said modification and amendment dated the twenty-first day of July, 1933, to said permit dated February 13, 1931, as amended by amendments dated April 1, 1931, and May 1, 1933, granted by the Secretary of War to the Golden Gate Bridge and Highway District, be and the same hereby is, together with each, all, every and singular the terms, conditions, limitations, reservations and requirements therein contained, accepted by and on behalf of the State of California; and be it

Further resolved, That the State of California does hereby make application to the Congress of the United States for a retrocession of jurisdiction over the rights of way as relocated and amended by said modification dated the twenty-first day of July, 1933, in lieu of and superseding the application for retrocession of jurisdiction over the right of way heretofore granted across the Presidio of San Francisco Military Reservation in the original permit of February 13, 1931, in case said relocation of the right of way is finally granted to the Golden Gate Bridge and Highway District; and be it

Further resolved, That the State of California will, in case such retrocession of jurisdiction is granted by Congress, accept such retrocession of jurisdiction, and will assume the responsibility for managing, controlling, policing, and regulating traffic hereon, all subject to the following limitations and to such other limitations as Congress may prescribe:

(a) That nothing in said permit contained shall be construed to give to the State of California or any of its agents, authority at any time to regulate traffic of military personnel or vehicles upon the said bridge or roads. All traffic upon said roads and upon said bridge shall be free from any tolls, charges or any form of obstruction by State or other agencies, against military and naval personnel and their dependents, civilians of the army and navy traveling on government business under military authority, and government traffic.

(b) That whenever in the judgment of the Secretary of War or his authorized representative any emergency exists which justifies it, he may assume exclusive control and management of said bridge and roads and may then in his discretion prohibit, limit or regulate traffic thereon.

(c) That nothing in said permit contained shall be construed to confer upon the State courts the right to try persons subject to military law for crimes or offenses committed on said roads, or upon said bridge within the boundaries of the respective military reservations involved, but the courts of the United States or military tribunals as now or hereafter provided by law, shall retain exclusive jurisdiction to try such persons for such offenses.

Be it further resolved, That the State of California does hereby agree to make such relocated right of way in the Presidio of San Francisco Military Reservation in said amended permit described a part of the system of public highways of the State; and be it

Further resolved, That copies of this resolution be transmitted to the President of the United States, to the Secretary of War, to each house of Congress, and to the Senators and Representatives in Congress of the State of California.

CHAPTER 126.

Senate Joint Resolution No. 33—Relative to memorializing the President of the United States to modify or relax the Federal regulations concerning the export and price of gold.

[Filed with Secretary of State July 26, 1933.]

Memorializing President to relax regulations concerning gold

WHEREAS, Due to existing economic conditions, there are thousands of our citizens who have become destitute through no fault of their own and who are attempting to make a livelihood through gold mining along the streams and rivers in the State of California and other western States, thereby

maintaining their independence and avoiding the necessity of seeking the aid of charity; and

WHEREAS, Other citizens of this country have made large investments in gold mining enterprises of various kinds throughout the United States, thereby giving employment to great numbers of men and purchasing great quantities of commodities of various kinds for such mining enterprises; and

WHEREAS, The United States Government has heretofore fixed the price of gold at $20.67 per ounce and has prohibited the exporting of gold; and

WHEREAS, The price of gold at the present time on the world market is $30 per ounce, or thereabouts; and

WHEREAS, As is well known, the price of food and commodities in general is increasing thereby causing the production of gold to become more expensive and thereby lessening the production of gold in the United States; and

WHEREAS, It is generally admitted that it is to the economic advantage of the United States to produce a large supply of gold; therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes and petitions the President of the United States to relax or modify existing Federal laws and regulations so that gold may be exported from the United States and sold in the world market, or that regulations be promulgated so that the United States Government will purchase all gold so mined at the prevailing world price instead of at the fixed price of $20.67 per ounce; and be it further

Resolved, That the Secretary of the Senate of the State of California be and he is hereby directed forthwith to transmit a copy of this joint resolution to the President of the United States.

CHAPTER 127.

Senate Joint Resolution No. 34—Relative to construction of All American Canal in the Imperial and Coachella valleys under National Industrial Recovery Act.

[Filed with Secretary of State July 26, 1933.]

Construction of All American Canal

WHEREAS, The construction of the All American Canal in the Imperial and Coachella valleys by the Federal government is authorized by the terms of the Boulder Canyon Project Act, and

WHEREAS, The early construction of the All American Canal is necessary to the agricultural and economic stability of a large section of the State, and

WHEREAS, The construction of the All American Canal will immediately employ large numbers of men and will constitute

a work of lasting economic and social importance; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the President of the United States and the Federal Emergency Administrator of Public Works under the National Industrial Recovery Act, be and they are hereby memorialized and earnestly requested to include the construction of the All American Canal in the Imperial and Coachella valleys in the list of public Federal works for immediate construction; and be it further

Resolved, That the Chief Clerk of the Senate be hereby directed to telegraph copies of this resolution to the President of the United States and to the Federal Emergency Administrator of Public Works under the National Industrial Recovery Act.

CHAPTER 128.

Senate Joint Resolution No. 32—Relating to the protection of the McCloud River.

[Filed with Secretary of State July 26, 1933.]

Control of mud flow on the McCloud River.

WHEREAS, The flow of glacial detritus and mud from Mount Shasta is seriously impairing the use of certain rivers in the northern part of the State of California; and

WHEREAS, This debris originates exclusively in the Shasta National Forest and flows into the McCloud River, which has long been recognized as the best salmon propagating stream in the drainage area emptying through the Golden Gate; and

WHEREAS, It would seem only reasonable that the mud flow so originating should be controlled by means, in part at least, of Federal assistance, since the cause of the trouble originates entirely by reason of lack of erosion control in said Shasta National Forest; and

WHEREAS, The Federal government has established a salmon hatchery, and the United States fishery headquarters at Baird, on the McCloud River, which has been in operation for about forty-five years, and the use of which is threatened with destruction by reason of said mud flow; and

WHEREAS, The government of the United States has additionally reserved all public land on and contiguous to the McCloud River as power reserves, and its use for hydropower generation will be injuriously affected by the movement of sand, mud, and other debris; and

WHEREAS, The mud flow carries in suspension into the main channel of the Sacramento River where it is proving detrimental when diverted to the valley lands for irrigation purposes, and is injurious to government reclamation projects, existing or planned for the future, and the pollution furthermore affects the water injuriously for domestic uses; and

WHEREAS, Under the provisions of the National Industrial Recovery Act the President of the United States is authorized and empowered to construct, finance or aid in the construction or financing of any public works project included in a Federal public works program; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urgently petitions that the President include the control of the mud flow on the McCloud River in said Federal program of public work, or otherwise, under the National Industrial Recovery Act extend assistance to the State of California in a project designed to secure such control; and be it further

Resolved, That the Secretary of the Senate is directed to send copies of this resolution to the President of the United States and to the senators and representatives in Congress of the State of California.

CHAPTER 129.

Assembly Concurrent Resolution No. 59—Relative to adjournment.

[Filed with Secretary of State July 26, 1933.]

Adjournment.

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the fiftieth session of the Legislature of the State of California shall adjourn sine die at four o'clock p.m., July 26, 1933.

CHAPTER 130.

Assembly Concurrent Resolution No. 60—Relative to protection to blind persons.

[Filed with Secretary of State July 26, 1933.]

Protection to blind persons

WHEREAS, There is an ever-increasing number of Nations, States and counties seeking some means of preventing accidents and safeguarding the welfare of blind people upon the roads and highways and in the public places; and

WHEREAS, Many communities in our State have adopted a white cane as a warning insignia to protect the lives of blind carriers; and

WHEREAS, The county of Los Angeles has recently adopted an ordinance protecting persons carrying such canes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the people of this State and the motoring public in particular, be requested to exercise especial caution and extend courtesy to all persons carrying said white canes, and to secure to said persons the exclusive right to carry said canes.

CHAPTER 131.

Assembly Concurrent Resolution No. 62—Relating to the students of the Pacific Coast Band and Orchestra Camp.

[Filed with Secretary of State July 26, 1933.]

Pacific Coast Band and Orchestra Camp.

WHEREAS, Major Earl Dillon, director of the Pacific Coast Band and Orchestra Camp at Camp Sierra, California, was given the official commission by the Honorable James Rolph, Jr., Governor of California, to represent the State of California on California Day at the Century of Progress Exposition in Chicago with a high school band, chorus and orchestra; and

WHEREAS, This said commission has been capably executed, bringing much favorable comment and publicity to the State of California; and

WHEREAS, The said students of the Pacific Coast Band and Orchestra Camp, thirty-four in number, spent four weeks of intensive training at their own expense, to bring themselves to a state of perfection which reflected honor upon the State of California, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the compliments and appreciation of the Legislature of California be extended to these students of the Pacific Coast Band and Orchestra Camp and that a copy of this resolution suitably engrossed be sent their director, Major Earl Dillon.

CHAPTER 132.

Assembly Concurrent Resolution No. 63—Approving one certain amendment to the charter of the city of Pomona, in the county of Los Angeles, State of California, voted for and ratified by the electors of the said city at a special election held therein on the nineteenth day of July, 1933.

[Filed with Secretary of State July 26, 1933.]

City of Pomona Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of one amendment hereinafter set forth to the charter of the city of Pomona, a municipal corporation, in the county of Los Angeles, State of California, as set out in the certificate of the mayor of the city of Pomona, and city clerk of said city as follows, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF POMONA, AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE NINETEENTH DAY OF JULY, 1933, OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF POMONA, STATE OF CALIFORNIA.

State of California)
County of Los Angeles } ss.
City of Pomona)

We, the undersigned, Chauncey C. Perrin, mayor of the city of Pomona, State of California, and H. A. Leigh, city clerk of said city, do hereby certify as follows:

That the city of Pomona, a municipal corporation of the county of Los Angeles, State of California, now is, and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the tenth day of March, 1911, and now is organized and acting under a freeholders charter adopted under and by virtue of section 8, of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the third day of November, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the tenth day of March, 1911 (Stats. 1911, page 1913).

That in accordance with the provisions of section 8, of Article XI of the Constitution of the State of California, on its own motion, the council of the city of Pomona, being a legislative body thereof, duly and regularly submitted to the qualified electors of said city of Pomona, a certain proposal to amend the charter of said city, to be voted on by the qualified electors at a special election called and held for that purpose in said city on the nineteenth day of July, 1933, which said proposed amendment in words and figures is as follows, to wit:

AMENDMENT.

That Article XV, sections 89 and 90 of said charter be repealed. Said Article XV, sections 89 and 90, being in words and figures as follows, to wit:

"Article XV.

Alcoholic Liquors.

Sale of alcoholic liquors prohibited.

Section 89. No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tippling house, dram shop, cellar, saloon, bar, bar room, sample room, or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; provided, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggist of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the Council.

Penalty

Sec. 90. Any person violating section 89 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than

Pomona, charter

one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court in which such conviction is had."

The question or proposition of amending the said charter by repealing said article and sections of said city charter did appear upon the ballot in the following language:

"Shall Article XV of the Charter of the City of Pomona, prohibiting the maintenance within the corporate limits of Pomona, of any tippling house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors are sold or given away, and providing a penalty for the violation thereof, be repealed?"

That said proposed amendment was on the ninth day of June, 1933, published and advertised in accordance with section 8, Article XI of the Constitution of the State of California, in the Pomona Progress Bulletin, a daily newspaper of general circulation published in said city, and the official newspaper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and until the day fixed for the election hereinafter described, viz, from June 9, 1933, to July 19, 1933, both inclusive, and as required by law, a notice was advertised and published in said Pomona Progress Bulletin that such copies could be had upon application therefor at the office of the city clerk of the city of Pomona.

That copies of said proposed amendment were printed in type not less than ten point in convenient pamphlet form and could be had upon application therefor at the office of the city clerk of said city until the date fixed for the election hereinafter described.

That in accordance with the provisions of the charter of the city of Pomona, and ordinance No. 702 adopted by the council of said city, at its meeting of June 7, 1933, approved by the mayor on June 7, 1933, and published in the Pomona Progress Bulletin, there was held in said city of Pomona on the nineteenth day of July, 1933, a special municipal election which day was not less than forty, nor more than sixty days after the completion of the publication and advertisement of the proposed amendment aforesaid, in the Pomona Progress Bulletin.

That pursuant to said charter and ordinance, the said proposed charter amendment was submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to said charter by the repeal of said Article XV thereof as hereinbefore set out.

That the results of said election were duly and regularly canvassed and certified to; that it was duly found, determined and declared by the proper officers of said city that a majority of the qualified electors of said city voting thereon had voted for and had ratified the proposed amendment.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Pomona to be affixed hereto this twenty-fourth day of July, 1933.

CHAUNCEY C. PERRIN,
Mayor of the City of Pomona.

[SEAL]

H. A. LEIGH,
City Clerk of the City of Pomona.

AND WHEREAS, The said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration, in accordance with section 8 of Article XI of the Constitution of the State of California, now therefore be it

Ratification

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each House voting therefor and concurring therein, That said amendment to the charter of the city of Pomona as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration for and as an amendment to and as a part of the charter of said city of Pomona.

CHAPTER 133.

Assembly Concurrent Resolution No. 65—Providing for the appointment of a committee to investigate desired changes in the manner of holding sessions of the Legislature.

[Filed with Secretary of State July 26, 1933.]

Committee to investigate desired changes in holding of legislative session.

WHEREAS, It is the opinion of many that the present bifurcated session of the Legislature is unsatisfactory and is not adapted to present conditions; and

WHEREAS, It is the desire of this Legislature that certain details be placed before them in order that they may acquaint themselves with the facts prior to inaugurating any change; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That a committee consisting of

three members of the Assembly appointed by the Speaker of the Assembly and two members of the Senate appointed by the President of the Senate, be constituted for the purpose of investigating the advantages and disadvantages of the present bifurcated session and of making such recommendations for the change in the manner of holding sessions of the Legislature as the said committee shall deem necessary; and be it further

Resolved, That said committee is hereby authorized to hold public hearings at any place in the State of California at which hearings the people shall have an opportunity to present their views to the committee; and be it further

Resolved, That said committee is authorized and empowered to do any and all things necessary to make a full and complete investigation of and report upon the matters herein referred to.

CHAPTER 134.

Assembly Joint Resolution No. 37—Relative to Federal loans on agricultural lands within the State of California.

[Filed with Secretary of State July 26, 1933.]

Federal loans on agricultural lands in special assessment districts.

WHEREAS, The Federal Emergency Farm Mortgage Act of 1933 was enacted for the purpose of aiding the owners of agricultural land who are in grave financial difficulties by reason of the current economic crisis; and

WHEREAS, Administrative restrictions have been placed upon the granting of loans upon lands lying within certain areas subject to special assessments by reason of the financial condition of the districts levying the same, and

WHEREAS, Other restrictions have been promulgated relating to the soil, water and food conditions which operate to discriminate against valuable agricultural lands in the State of California; and

WHEREAS, Approximately seventy-five per cent of the most valuable and productive agricultural lands in this State lie within areas which are subject to the foregoing administrative restrictions upon the granting of Federal loans; and

WHEREAS, It is essential to the welfare of the people of this State that the financial aid made available through the Emergency Farm Mortgage Act of 1933 be immediately extended to California agriculturists with property within the areas subject to the foregoing administrative restrictions; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the President of the United States and the United States Farm Credit Administration to cause to be removed those restrictions against the granting of Federal

loans on lands within special assessment and other valuable areas in this State; and be it further

Resolved, That the removal of such restrictions is essential if the great benefits arising under the Emergency Farm Mortgage Act of 1933 are to redound to the benefit of owners of seventy-five per cent of the most valuable and productive agricultural lands of this State; and be it further

Resolved, That duly authenticated copies of this resolution be respectfully transmitted to the President of the United States, to the Governor of the United States Farm Credit Administration, to the Senators and Representatives of the State of California in Congress.

CHAPTER 135.

Assembly Joint Resolution No. 38—Relative to Federal land bank loans and land bank commissioner's loans.

[Filed with Secretary of State July 26, 1933.]

Federal land bank and land bank commissioner's loans on land of minors

WHEREAS, It appears that under the existing statutes and rulings it is impossible for any Federal land bank loan or any land bank commissioner's loan to be made upon any property owned by a minor or in which a minor has any interest; and

WHEREAS, In those cases where such loans are most needed and are most desirable the property involved is often owned in whole or in part by a minor; now, therefore, be it

Resolved by the Assembly and Senate, jointly, That the Legislature of the State of California respectfully urges the President of the United States and the officials of the Federal government in charge of the granting of Federal land bank loans and land bank commissioner's loans that such loans be made available to property owned in whole or in part by minors; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States and to the officials in charge of the making of such loans.